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2	1	08/0898/LB	HIGHGATE BREWERY, SANDYMO UNT ROAD, WALSALL, WS1 3AP	Listed Building Consent: Proposed demolition of redundant boiler house and replacement with bottling plant and tank room building.	Grant Listed Building Consent
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4	24	08/0326/OL	LAND AT THOMAS STREET & BIRCHILLS STREET, BIRCHILLS, W ALSALL, WS2 8NE	Outline residential development (with access and scale taken into account) for houses and flats with associated works (northern site only).	Grant Subject to conditions

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8	101	08/0874/FL	PREMIER INN/BENTLEY GREEN, BENTLEY GREEN, BENTLEY ROAD NORTH, WALSALL, WS2 0WB	Proposed 20 bedroom extension to existing 40 bedroom Budget Hotel, rearrangement of car parking and landscaping and ancillary works	Grant Subject to conditions
9	109	08/1007/FL	SITE OF FORMER NEPTUNE P.H., BILSTON LANE, WILLENHALL, WV13 2LF.	Removal of condition 11 of 05/1566/OL/W3 which required the installation of sprinklers	Grant
10	113	08/0677/FL	THE WOODLANDS CENTRE,BLOXWICH ROAD NORTH,WALSALL,WV 12 5ND	New access road & car parking on Bloxwich Road North frontage of The Woodlands Centre.	Refuse



ITEM NO: 1 AND 2

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: Significant community
interest

Application Number: 08/0901/FL
Application Type: Full application
Applicant: Highgate Brewery Limited
Proposal: Proposed demolition of
redundant boiler house and
replacement with bottling plant and
tankroom building.

Ward: St. Matthews

Recommendation Summary: Grant Subject to conditions

Case Officer: Marilyn Kowalski
Telephone Number: 01922 652492
Agent: Jesson Sewell & Swadkins
Location: HIGHGATE
BREWERY, SANDYMOUNT
ROAD, WALSALL, WS1 3AP

Expired: 28/07/2008

REASON FOR BRINGING TO COMMITTEE: Significant community
interest

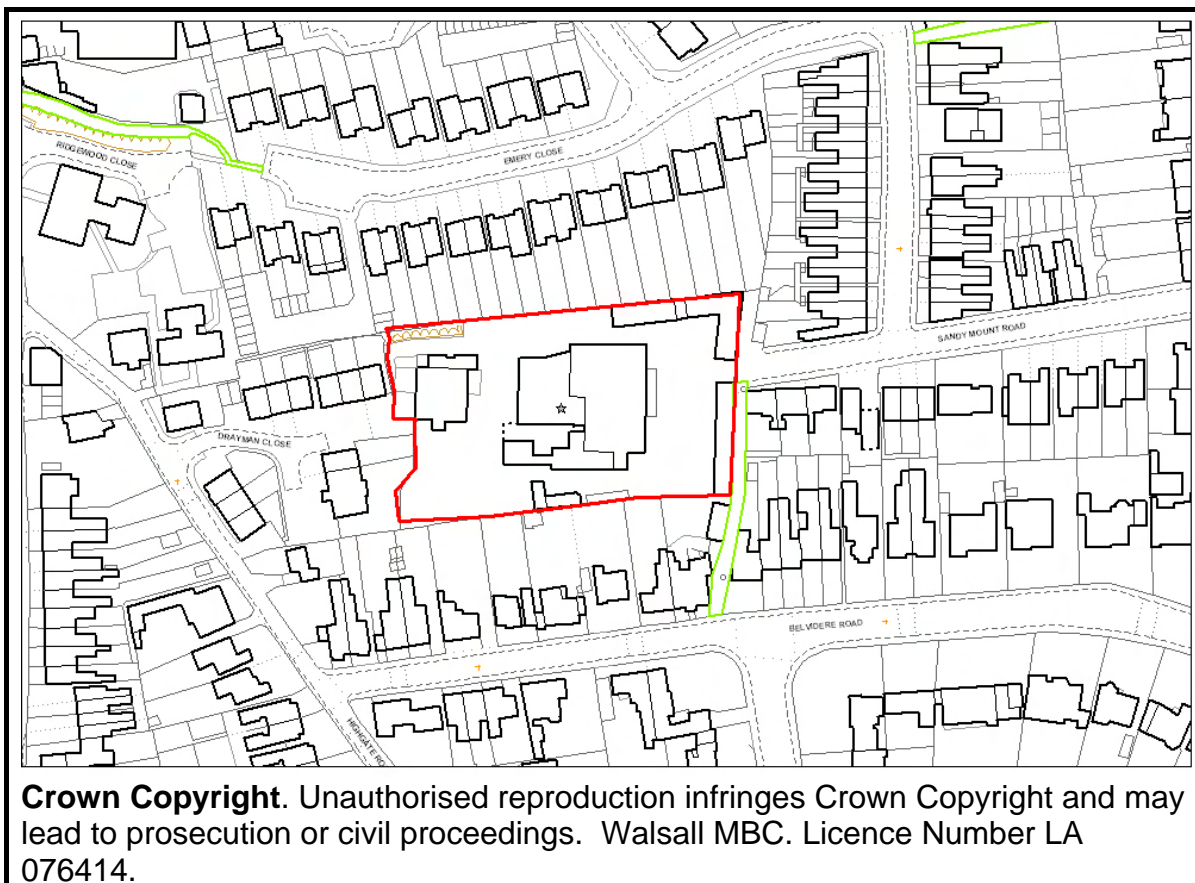
Application Number: 08/0898/LB
Application Type: Listed Building
Consent to Demolish (D)
Applicant: Highgate Brewery Limited
Proposal: Listed Building Consent:
Proposed demolition of redundant
boiler house and replacement with
bottling plant and tank room building.

Ward: St. Matthews

Recommendation Summary: Grant Listed Building Consent

Case Officer: Marilyn Kowalski
Telephone Number: 01922 652492
Agent: Jesson Sewell & Swadkins
Location: HIGHGATE
BREWERY, SANDYMOUNT
ROAD, WALSALL, WS1 3AP

Expired: 28/07/2008



Current Status

The application was deferred by committee on 7th October 2008 to address:-

- a) bat survey and wildlife issues and whether plant/machinery would impact on bats foraging;
- b) the production rate of the bottling plant;
- c) noise levels
- d) the design of the building and its context within a Conservation Area.

These are addressed in the report.

Application and Site Details

This is a joint report dealing with the planning application and the listed building consent.

The single-storey building in question is on the south-west corner of the main building complex. The proposed building replaces an existing building of the same floor area at this point,.

The proposed building will be 11.5 to 14 metres from the rear boundary of houses in Belvidere Road. Following your deferral, amended plans have been received which show the elevations to be redesigned. The building is still flat

roofed, but the profiled metal cladding which was proposed to be attached to the top third of the elevations has now been removed. The Conservation officer has no objections to the revised proposals.

The present building is a redundant boiler house. The proposed building is to hold bottling equipment and beer production machinery / tank room.

There is no change in access to the site.

In response to the Committee's deferral, the applicant has confirmed that the production rate of the bottling plant is 2,000 per hour and the necessity for the facility is to underpin the Brewery's future business.

Members also asked for more information on noise levels. The applicant has commissioned a noise report which sets out:-

- the bottling plant will operate between 0800 and 1600
- assessment covers to BS4142:1997 and World Health Organisation guidelines, survey work, and information from plant manufacturers
- WHO guidelines contain criteria that sound levels on outdoor living areas should not exceed 55 dB(L_{aeq}), and at night, on the outside of a building, 45dB(L_{aeq}) to allow people to sleep with the bedroom windows open
- 4 measurement positions were used including one in the rear of one of the dwellings
- In the yard the lowest background measurements are 43.8 to 48.7 measurements in the rear of Draymans Close show the lowest ambient level to be 49.7 and the lowest background measurement to be 42.3
 - plant will emit noise levels of 82 to 85 dB(A) and to avoid increasing ambient levels around the site, can only produce a noise level on the boundary of 51 dB(A) so the building must reduce emissions by 19 dB(A) to achieve this
 - in the r/o Draymans Close, WHO figures need a further reduction to 22dB(A)
 - the proposed construction of the walls can readily meet these reductions
 - ceiling construction must be as specified in report to achieve these levels
 - also, windows must meet a defined specification
 - doors should achieve a reduction of Rw30dB (the consultants advise that Rw38 would be better, but very expensive, and the "*... 2 to 3 dB further reduction will be imperceptible.*")
 - doors should remain closed during bottling runs
 - BS4142 based assessments of the proposed specification indicate that complaints are marginal to unlikely
 - The consultants believe there will be no significant impact on environmental noise levels

Relevant Planning History

There have been a number of applications on this site, including the new grain silo, but they are not directly relevant, other than creating the setting for the proposal.

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

GP2, 3.6, and ENV32 seek to create good design, and protect historic sites and buildings (as do 3.13, 3.14, ENV26, ENV27 and ENV28).

The application site is within the Highgate Conservation Area. The Highgate Brewery Building is also a Grade II listed building.

Designing Walsall

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;

DBW3 – all new development must be designed to respect and enhance local identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

Regional Spatial Strategy and National Policy

Seek to promote the economy while protecting the environment.

PPG15 'Planning and the Historic Environment' Paragraphs 3.12 - 3.19, 3.30 – 3.34

Consultations

Transportation – No Objection subject to a condition requiring 10% of parking for Disabled users. Twenty parking spaces are currently provided therefore two of these should be demarcated for disabled parking. The proposal will use the existing footprint on the site, with no changes to the access and general arrangements. Therefore it is considered that the development will not have a significant impact on the highway network.

Regeneration – Built Environment - Conservation – The proposal covers the demolition of an ancillary building poor both in the appearance and design as well as condition. The new building comprises metal sheeting which will match the existing silo and the brick of the adjacent building. The footprint and

height of the structure should not exceed that of the existing building and therefore should not have a negative effect upon the character or the appearance. Overall, satisfied that the proposal is an enhancement over the original building.

It is disappointing that the roof lines on the amended plan cannot be sloping, though the adjacent structures are flat roofed, therefore no objections.

Environmental Health –no adverse comments.

Have looked at the noise impact assessment survey - there are four areas which cover the potential for noise to impact upon nearby residents.

1. Hours of operation
2. Roof construction.
3. Wall construction.
4. Shutter door construction and insulation.

The hours of operation do not seem excessive for a business of this kind in this location.

The report identifies types of construction for the roof and walls which would not allow the transmission of sound to a level whereby complaints might be expected.

The report suggests door construction which would minimise sound transmission such that complaints would not ordinarily be expected. However, the assessment makes it clear that the doors must remain closed throughout the bottling operation.

Provided the recommendations are adhered to, the assessment protects the residents' quality of life.

Developers should be asked to confirm that they are adhering to the report.

The type of shutter door should be approved by the Council and we should require the shutter doors to be completely closed during the bottling operation.

There is the possibility of additional transportation noise and disruption caused by bringing the bottles to the site, and their times of delivery.

Pollution Control – Scientific Team – no objection – specific conditions recommended.

Pollution Control – Contaminated Land Team – no objection subject to conditions (operating hours and noise levels)

Rights of Way team – no objections.

Building Control – no objection, Note for Applicant requested (on demolitions).

Regeneration – Arboricultural officer – no objection.

Public Participation Responses

In relation to the original form of the application, eleven letters / e-mails have been received from residents in Belvidere Road, Highgate Road, Drayman

Close and Emery Close (the roads bordering the site) raising the following issues:-

- noise from bottling plant will destroy peace and quiet of the area
- all previous permissions have added to the noise and nuisance affecting residents
- roller shutter doors will face houses allowing noise to escape from the building
- proposed extended opening hours will aggravate nuisance
- brewery have not consulted neighbours, simply interested in overriding neighbours well being
- adverse visual impact
- construction noise and disruption is unwelcome
- existing plant (e.g. chiller) causes noise problems
- loss of value of houses

Six additional letters commenting on the noise survey which was added to the application have been received making the following comments:-

- a) bottling plants are noisy.
- b) The shutter doors are the weak point and should remain closed during the operation of the bottling plant. Who is going to make sure that this happens, concerned with the assessment and doubts as to whether the doors can be closed at appropriate times *Suggested condition 3 states that "doors must remain closed during bottling operations". This condition also states what times the bottling operations would be allowed to take place. If the application is approved, and the conditions are not complied with, there is a Council enforcement team which has the power to enforce the conditions,. Any change to the approved hours would need a new planning application. There would be new consultations and residents would be given the opportunity to comment on such.*
- c) Noise from fork lift trucks;
- d) The report is not impartial as it has been commissioned by the Brewery *(the report has been assessed by the Pollution control officer and Environmental Health);*
- e) The Brewery should set up a facility like this on an industrial estate not within a residential area.
- f) The Brewery have gone some way to meet noise concerns; Not clear when the new build will be constructed and the times of the work *(a condition restricting this is suggested);*
- g) The often opening and closing of the roller doors during the working day will cause noise;

- h) queries about operating times 8.00 - 4.00 pm is acceptable Monday - Friday only
- i) Would any change to the hours of operation have to go to committee again?
- j) The peace and quiet of the neighbourhood needs to be upheld, concerns about Saturday Morning operating. The conditions recommended operating hours of 0700 to 1900. The Environmental Noise Impact Assessment Report states hours of operation 0800 to 1600 and noise assessment was done during these times. Environmental Health state no adverse comments 0800 to 1600. So why 0700 to 1900? *Suggested Condition 3 has been amended from 07.00 to 08.00 to allow bottling operations between the hours of 08.00 to 19.00 weekdays and 08.00 to 13.00 Saturdays.*
- j) Residents feelings and quality of life has not been considered
- k) bottling plants are noisy. *Condition 5 recommends mitigation measures to ensure that noise levels associated with bottling operations shall not exceed maximum limits. These can be enforced*
- l) There is no recommendation that the windows must be kept shut as much noise can come out of open windows as doors? *Suggested Condition 3 has been amended to include the windows to be kept shut as well.*
- m) Do not object to minor noise disturbance during the standard working day 08.00 to 17.00 seems reasonable. Do object to disturbance on a Saturday morning. *See comments at (i) above.*
- n) Highgate Brewery have held no consultations with neighbours and don't appear to be bothered about the detriment this could have on residents lives. The brewery were happy to sell land to build Drayman Close, now they seem happy for residents to suffer the noise from a bottling plant.

Neighbours have been re-consulted on the amendments, no representations have been made at the date of writing this report.

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

Determining Issues

- ecology
- appearance / implications for Listed Building
- noise

- highway issues

Observations

Ecology

Following your resolution about the need for more information on bats, the applicants met on site with the Council's ecologist.

His conclusions are:-

1. May 2009 which is the earliest a bat emergence or dawn survey could be undertaken
2. As a bat ecologist of some experience and as a holder of a Natural England licence I am in a good position to provide specialist advice on this group of species.
3. The existing building is a single storey brick building with a curved corrugated iron roof supported by a timber frame. I had a careful look and do not believe it to be capable of being used by bats for the following reasons:
 - There is little or no cover for roosting bats. The roof is lightweight and almost all is entirely visible from the inside of the building. The wall construction is 9" solid brickwork and well pointed with few cracks or crevices. The few cracks present around the doors in the west-facing wall do not give access to a central cavity. There are a few cracks between the windows and the brick walls but these could be checked for bats and none were found.
 - There was no evidence of bats. The inside of the building was relatively clean and used for storage. It was painted with light coloured walls. Any bat droppings/ insect wings/ dead bats etc would have been easily visible. No bat droppings were visible on window sills, inside or out, or on the outside of the building.
 - The temperature regime is probably unsuitable. The building is south-facing, and if there were suitable roosting places, may be a suitable location for a summer roost. Summer roosts often take advantage of warm south-facing buildings when bats are most active. Hibernation sites require high humidity and steady but low temperatures. There were crevices in the inside of the building at the base of the south-facing external walls which could possibly be used by hibernating bats. However, the building is probably too warm for hibernating bats as a large boiler which operates 24 hours a day is sited within the building.
4. The site is surrounded by mature trees and the reports of flying bats are credible. However, these bats could be roosting in many of the buildings within the neighbourhood.
5. With the sound insulation measures proposed, I do not believe there will be any adverse impacts on foraging or commuting bats.
6. If the Council requests a bat survey, the conclusions will certainly be the same as those reached by me and I do not feel that any useful

purpose will be served in requesting such a report. I agree that the Development Control Committee raised a legitimate issue because of credible reports of bat activity and because the proposals required the demolition of an existing building. However, a brief but careful inspection demonstrated that the building was unsuitable for bats and therefore I consider a survey to be unnecessary.

7. I do not see any need to impose conditions relating to the demolition of the building or the need to building in bat roosting opportunities.

It will be apparent that this is not a key issue in the determination of this applicaiotn.

Appearance / implications for Listed Building

The application site is within the Highgate Conservation Area. The Highgate Brewery Building is also a Grade II listed building. The new extension will be attached to another ancillary building. Both are in the curtilage of the Listed Building and therefore included in the listing.

The conservation officer supports the demolition of the redundant boiler house, as the building is in poor repair, has little historic or architectural merit and is detracting from the Conservation Area as a whole. The building does not serve any useful practical purpose at present (nor likely to in the future) and does not contribute to the operations of the brewery.

The site overall has a range of differently aged buildings, each adapted and built to meet the changing needs of the brewery over time. The new building will be single storey and will not exceed the footprint or height of the present building, and this is supported in design terms. The windows and the roller shutter are to be constructed in metal as stated within the Design and Access Statement. As for the pedestrian access doors the material is not stated, though this should be either painted timber or metal (aluminium) to match the rest, a condition is suggested .

The main contrast in design terms will be the roof design, which was originally proposed as mono-pitched as opposed to the existing barrel shaped. This has been amended to flat roof in order to incorporated sound mitigation measures as recommended in the environmental noise impact assessment. The conservation officer does not object to this as it will be a modern contrast to the main principal listed building. The proposal is therefore in compliance with policies.

Noise

The application makes no statement about general operating hours for the whole brewery, other than recording those currently being worked. There are no planning restrictions in the hours the hours it may operate. The noise assessment for the bottling plant sets out hours for that activity.

Environmental Health have assessed the application in terms of noise implications and the affect these could have on residents adjoining the site, and their conclusions are set out above. They are satisfied that the hours of operation are acceptable and can be controlled via condition.

The noise report identifies types of construction to control noise and avoid complaints from residents. As part of this, the doors must remain closed throughout the bottling operation. The residents should therefore be protected.

Pollution Control have also suggested conditions regarding hours restrictions on loading and unloading and noise levels.

Highway issues

Transportation have requested a condition, should the application be approved, requiring that 10% of parking should be made available for Disabled users. A total of 20 parking spaces have been provided, two of these should be for the disabled. As there are no changes to the access and general arrangements it is considered that the development will not have a significant impact on the highway network. The scheme is therefore satisfactory in term of transportation issues.

Summary of reasons for granting planning permission

The proposals have been considered in relation to the aims and objectives of the Development Plan (March 2005) and other relevant policies and government guidance. The objectors concerns have been addressed in the report. The representations from the public and consultees have been weighed. It is considered that the appearance of the building is satisfactory in relation to the site of the proposal, that issues of noise from the operation will not have an adverse effect on adjoining properties, and that there are no adverse effects from highway or ecological issues.

The application meets the requirements of policies 2.1, 2.2, GP1, GP2, 3.1, 3.6, 3.16, GP3, 8.8, GP7, 3.7, ENV14, ENV19, ENV24, ENV33, H3, H9, H10, 7.36, 7.51, T7, T12, T13, LC9 of Walsall Unitary Development Plan 2005.

Recommendation: Grant Subject to conditions

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

Reason: Pursuant to the requirements of Section 921 of the Town and Country Planning Act, 1990.

2. The external surfaces of the development hereby permitted shall match those used in the existing building, in colour and finish, before the

development is brought into use (metal sheeting to match the silo, bricks to match the attached ancillary building, including the brick plinth), and shall thereafter be retained as such. Windows and doors shall be of painted wood or metal. Roller shutters shall be powder coated in green to match the silo. Rainwater foods and gutters shall be painted aluminium.

Reason: To ensure the satisfactory appearance of the development.

3. Bottling operations shall not take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise shall only take place between the hours of 08.00 to 19.00 weekdays, and 08.00 to 13.00 Saturdays. Doors and windows must remain closed during bottling operations.

(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).*

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

4. No loading or unloading activities shall take place in respect of the permitted operations outside of the permitted operating hours.

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

5. Mitigation measures shall be employed to ensure that noise levels associated with bottling operations shall not exceed:

a Continuous Equivalent Noise Level **$LA_{eq(1hour)}$ 50 dB** together with **$LA_{max, F}$ 65 dB** and an Octave Band Noise Rating **NR45** between the hours of **07.00 and 19.00** at 1 metre from the façade of any occupied residential premises and at a microphone height above ground level of not less than 1.2m.

Notwithstanding the above specific criteria, noise levels generated by the bottling plant shall not exceed a rated level of 5dB above background level at any time as determined in accordance with British Standard BS 4142: 1997 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" or its successor.

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

~ Prior to demolition a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement produced detailing actions and time scale to be taken to prevent localised contamination.

Reason: To ensure the satisfactory development of the site.

Following demolition and removal of the building a validation report shall be provided to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building.

Reason: To ensure the satisfactory development of the site.

8. Before the development hereby permitted is brought into use, 10% of parking on the site shall be demarcated for disabled parking to the satisfaction of the Local Planning Authority. Twenty parking spaces are currently provided therefore this equates to two spaces.

Reason: In the interests of highway safety.

9. No construction, demolition or engineering works (including land reclamation, stabilisation preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday and otherwise such works shall only take place between the hours of 07:00hr to 18:00hr weekdays and 08:00hr to 16:00hr Saturday, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason : To safeguard the amenities of the occupants in the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, 3.13, 3.14, ENV26, ENV27, ENV28 and ENV32 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. 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.

Note for Applicant.

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

Recommendation: Grant Listed Building Consent

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

Reason: Pursuant to the requirements of Section 921 of the Town and Country Planning Act, 1990.

2. The external surfaces of the development hereby permitted shall match those used in the existing building, in colour and finish, before the development is brought into use (metal sheeting to match the silo, bricks to match the attached ancillary building, including the brick plinth), and shall thereafter be retained as such. Windows and doors shall be of painted wood or metal. Roller shutters shall be powder coated in green to match the silo. Rainwater foods and gutters shall be painted aluminium.

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.

Summary of reasons for granting planning permission

The proposals have been considered in relation to the aims and objectives of the Development Plan (March 2005) and other relevant policies and government guidance. The objectors concerns have been addressed in the report. The representations from the public and consultees have been weighed. It is considered that the appearance of the building is satisfactory in relation to the site of the proposal, that issues of noise from the operation will not have an adverse effect on adjoining properties, and that there are no adverse effects from highway or ecological issues.

The application meets the requirements of policies 2.1, 2.2, GP1, GP2, 3.1, 3.6, 3.16, GP3, 8.8, GP7, 3.7, ENV14, ENV19, ENV24, ENV33, H3, H9, H10, 7.36, 7.51, T7, T12, T13, LC9 of Walsall Unitary Development Plan 2005.

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

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ITEM NO: 3.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

**REASON FOR BRINGING TO COMMITTEE: Major Application –
negotiations continuing to resolve issue**

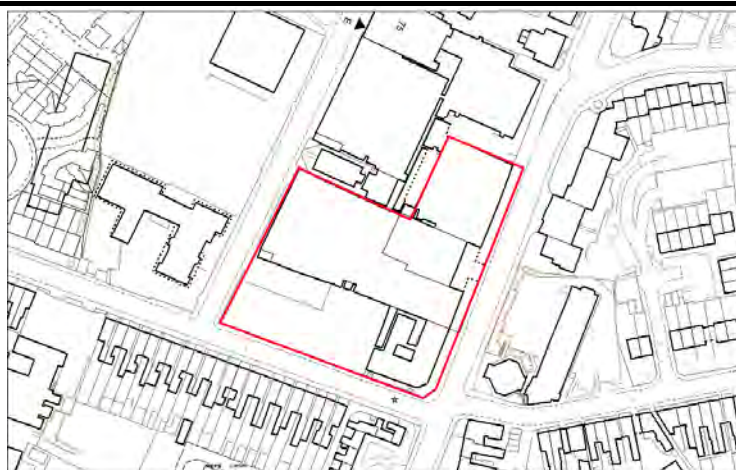
Application Number: 08/1339/FL
Application Type: Full application
Applicant: Bromford Housing Group
Proposal: Proposed residential development of 38 new build houses and 10 maisonettes including the conversion of exchange house and former offices on Wednesbury Road. Replacement car parking for remaining factory and parking, landscaping and associated works for the proposed dwellings and demolition of existing industrial buildings (resubmission and amendment to 07/2253/FL/W7)

Ward: St. Matthews

Recommendation Summary: Refuse

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Agent: Kendrick Homes Ltd
Location: LAND AT
WEDNESBURY ROAD AND
TASKER STREET, WALSALL, WS1
3QT

Expired: 01/12/2008



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Application and Site Details

The application is an amendment to application 07/2253/FL/W7 which was approved by committee on 1st April 2008 subject to the completion of a Section 106 agreement and associated planning conditions. Due to the changing economic climate, the supply of flats in the town centre and the changing requirements of the Housing Association, the approved scheme is not viable and this amended scheme has been submitted with a greater number of houses.

The application site comprises about half of the Walsall Lithographic factory, their car park and the Government Office buildings, and the Motorway Tyres fitting centre, all between Wednesbury Road, Tasker Street and Midland Road. The site frontage on Wednesbury Road is within the Bradford Street Conservation Area and on the opposite site of Tasker Street are the Henry Boys Almshouses' which are Grade II Listed and date from c.1887.

Tasker Street is predominantly residential with a strong terrace of residential properties opposite the site. Other residential development is under construction or approved nearby.

There are a number of commercial uses on Midland Road including the Probation Centre, Pattison House (offices) and the Particular Baptist Chapel and Hall. Wednesbury Road also has a number of commercial properties in the vicinity of the site, together with houses and flats.

The previous scheme comprised 47 dwellings, 28 new houses, with 7 houses and 12 flats in converted buildings. The previous application proposed 67 car parking spaces solely for residential use (143%) and 55 car parking spaces for the remaining industrial use of the Walsall Lithographic factory.

The current scheme proposes 38 houses and 10 maisonettes. The former Lithographic factory which was to be converted as part of the previous scheme has proven to be incapable of conversion and will therefore be demolished. A full structural survey is submitted in support of this position.

Relevant Planning History

Application site

07/2253/FL/W7 - Proposed residential development granted 2008

Wednesbury Road (Exchange House) (within the site)

06/1125/FL/W5 - Change of Use from B1 (Offices) to D1 (Non residential and training centre) - Granted 2006

Wednesbury Road (Walsall Lithographic Offices) (within the site)

04/1283/FL/W7 - Change of use back to B2 general industrial use – Granted 2004

BC57590P/C - Change of use to martial arts/fitness – Granted 2001

BC52886P/C – External Alterations – Conservation Area Consent – 1998

Wednesbury Road (Former Motorway Tyres) (within the site)

03/1261/FL/W3 - Change of use to general industrial B2 (print works in connection with surrounding buildings) – Granted – 2003

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

Unitary Development Plan

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 Env10 seeks to ensure that proposals take account of pollution, including air quality, noise and smell, for example, and also to ensure that proposals do not have an unacceptable adverse effect on nearby land users and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

Policy Env14 specifically encourages the development of previously developed land. Policy Env28 seeks to preserve and enhance Conservation Areas. 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.

The Urban Open Space Supplementary Planning Document (SPD) (April 2006), Education SPD (February 2007), Healthcare SPD (January 2007) and Walsall Design Guide SPD (January 2008) are all relevant.

Regional Spatial Strategy for the West Midlands (RSS11)

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

There is no need for this application to be considered under the Conformity Protocol. 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 and UR3 seek to regenerate urban areas and in particular centres; whilst Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations.

Policies QE1, QE2, QE3, QE4 and QE5 seek to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space. Policy EN2 seeks to conserve energy.

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

National policy

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. In paragraph 13 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.

Paragraph 10 of PPS3 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.

PPG13, promotes development in 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

PPG15 (Planning and the Historic Environment), PPS23 (Planning and Pollution Control) and PPG24 (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 and noise issues.

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

Transportation – No objection subject to a bin storage area being included for properties fronting Wednesbury Road.

Pollution Control (contaminated land team) – No objection subject to conditions

Pollution Control (scientific team) – no objection subject to conditions.

Conservation – No objection subject to conditions and appropriate materials being used. Welcomes the retention of Exchange House.

Environment Agency – Object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks posed to ground water can be safely managed. We recommend that planning permission should be refused on this basis.

Fire Service – No objection – A sprinkler system for 2nd floor maisonettes of Block 8-13 in accordance with BS 9251 will be required.

Green Space – Seek £97,439 in accordance with the Council's Adopted Supplementary Planning Document.

Healthcare - Seek £53,417.70 in accordance with the Council's Adopted Supplementary Planning Document.

Walsall Children Services - Serco – Seek £181,556.80 towards Secondary School provision in accordance with the Council's Adopted Supplementary Planning Document as per 07/2253/FL/W7.

Housing Strategy – Note that the applicant is a Registered Social Landlord and will therefore provide a higher level of affordable housing than required by the SPD.

Natural England – No objection

British Waterways – No objection

National Grid – No objection – risk is negligible

WM Police – The development should meet Secured by Design aspirations and we seek £9,392.68 as part of the Section 106 Agreement towards policing. They point to PPS1, and UDP policies GP7, and 2.32 as justification for a levy of this sort through Section 106 arrangements.

Building Control (Safety) – No objection subject to a note for applicant.

Centro – No objection. Although below Government thresholds, the scheme would benefit from a travel plan.

English Heritage – No objection

Wolverhampton Council – no objection.

Representations

None

Determining Issues

- Principle of development
- Design and layout and changes from 07/2253/FL/W7
- Impact on neighbouring commercial users.
- Impact of neighbouring commercial uses on the future residents
- Car parking provision
- Comments of Police
- Affordable Housing provision, Education, Open Space, Public Art and Healthcare contributions.

Observations

Principle of development

The principle of residential development on the site was established by Committee in the acceptance of the previous application. The area around Tasker Street and Midland Road has been the subject of several recent permissions in relation to a shift in the use of the area to residential. This is a

continuation of that process and this was accepted on the previous application on the site. Much of the application site is currently a large car park and the proposals are an improvement.

The site and area are not allocated for employment purposes and as such residential use is considered an appropriate alternative. This is compatible with policy and other developments in the area.

Design and layout and changes from 07/2253/FL/W7

The site partially lies within the Bradford Street Conservation Area. The proposal considers a mixture of conversion of two present buildings which date from the inter-war period and which contribute positively to the setting of the conservation area. The other part is that of the new build, which falls mainly outside the conservation area. Despite falling outside, any development must consider the setting of the adjacent conservation area and its character, as well as taking account of the Henry Boys Almshouses opposite which are Grade II listed.

The former Walsall Lithographic Company Art Deco building (fronting Midland Road) dates from the 1930s and is to be demolished. Whilst this is a pity, it is stated within the structural survey that this building is not capable of conversion. The building, due to its historic and architectural (Art Deco) interest, must be subject to a Building Recording assessment as stated within the recommended conditions. The demolition of the garage is supported as detracting to the character and setting of the conservation area.

The proposed design and layout generally mirror the previous approved scheme. This is not as cohesive and well planned as the surrounding area and the buildings lack the design detail that is rich in the surrounding area (particularly on Tasker Street). Whilst, the proposals preserve the character of the area they do not enhance the area. However, given the richness of the buildings opposite on Tasker Street. Officers consider that the proposals are generally acceptable in design and layout.

Part of the Wednesbury Road frontage has been radically revised. Two houses and a block of 6 flats are set back into the site, at right angles to the road. As a result, they create a complex, recessive, frontage, and secluded areas. Some of the dwelling also overlook the rears of the adjoining houses. This part of the scheme will look odd on the frontage, will have poor security because of its seclusion and will adversely affect the adjoining proposed dwellings. The scheme is recommended for refusal for this reason. Officers are seeking to resolve this problem, and the recommendation may evolve before the meeting.

Environment Agency comments

The Environment Agency did not comment on the previous application (07/2253/FL/W7). Since the previous approval the Agency have been given the additional role of considering ground contamination in line with guidance

contained in PPS23. It is noted however, that the Agency is not a statutory consultee on this subject and unlike on flood risk cannot direct refusal.

It is also noted that the Council's own Pollution Control Contaminated Land Team raise no objection in this regard and suggest conditions to deal with any contamination. It is considered that this is a more reasonable and practical way forward. Therefore in this instance, Officers agree with Pollution Control officers and consider that the use of conditions would be appropriate.

Impact on neighbouring commercial users

The proposals have been designed to allow for the existing commercial neighbours to continue to operate and not be adversely affected by the proposals. The commercial access for the factory is unaffected by the proposals and staff access would still be allowed. A majority of the residential properties are set away and separated from the commercial aspect of the proposals.

The proposed car parking for the Lithographic factory also demonstrates this commitment to minimising the impact on neighbouring commercial operators.

Impact of neighbouring commercial uses on the future residents

It is noted that Pollution Control Officers raise no objection to the proposals subject to satisfactory noise mitigation being installed. An acoustic fence is proposed on the boundary to the factory and generally residential gardens are separated.

The existing silos would be relocated to allow for the creation of the private access road however this would not create significant issues in terms of maintenance or noise and disturbance in the view of Officers.

The position of the existing substation is also noted, however the views of Pollution Control Officers are noted. Overall given the noise mitigation methods proposed, the separation

Car parking provision

The proposals include a level of car parking that would be considered appropriate when considered against the availability of public transport to the site and the proximity of the site to the town centre. The proposals include 55 spaces for the remaining Lithographic factory elements, however at night and at times when the factory is not using the car parking spaces (e.g. the weekends), the spaces could be used by residents of the development however a security gate will provide security onto this area. The car park as existing appears to be underutilised and therefore its redevelopment and reduction in size is not of concern to officers. In addition should the car parking become surplus to the requirements of the neighbouring factory users the area could be redeveloped for further housing, to allow for better use of the area.

Overall, it is considered that the level of car parking is appropriate in this instance.

Comments of Police

Their response to the application (and by implication to other future applications) is that:-

- Effective policing is essential for the community
- There is a need to consider the impact of a scheme on policing and crime
- Policing requirements should be integrated with education planning etc
- The RSS states Development Plans should promote high quality environments including community safety
- UDP policy GP7 promotes community safety and “ ... might involve the use of commuted payments ... “
- Population increases are out of step with police funding locally and nationally) so additional policing costs are incurred before the payments are made
- Section 106 arrangements could bridge the gap
- They seek £195.68 per dwelling total £9,392.64

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

Affordable Housing provision, Education, Open Space, Public Art and Healthcare contributions.

The applicant is a Registered Social Landlord and therefore all of the development will be offered for affordable housing (as opposed to 50% as part of application 07/2253/FL/W7). The amount of affordable housing to be provided however is dependent on Housing Corporation funding. In seeking this funding, the applicant cannot include Affordable Housing in a Section 106 agreement and therefore the recommendation is to deal with this issue through planning condition (as has been done on other sites recently). Officers consider that this is robust and defensible and a reasonable approach to securing affordable housing. The precise mix and tenure will be agreed with officers with the tenure will be directed towards social rent rather than shared equity housing as required by the Adopted Supplementary Planning Document.

With regard to the remaining contributions, the applicant submitted a viability appraisal to the District Valuer Service for assessment under 07/2253/FL/W7 when the applicant offered £35,000 to Education and £35,000 to Open Space

contributions. The District Valuer Service considered that delivering 50% affordable housing and the Section 106 contributions would reduce the profit margin to make the scheme very marginal and probably too risky to the developer. The conclusions of the District Valuers Service supported the level offered by the applicant.

Due to the increased amount of affordable housing, revised tenure and changing market it is not proposed to offer any Section 106 contribution with this proposal. Officers remain of the view that the delivery of affordable housing is of significant benefit and that the viability would be compromised by the introduction of further contributions.

However, no section 106 agreement is in place, and this therefore features in the refusal reasons.

Recommendation: Refuse

1. The development proposes a group of dwellings which do not front to Wednesbury Road. This group are set back into the site, at right angles to the road. As a result, they create a complex, recessive, frontage, and secluded areas. Some of the dwellings also overlook the rears of the adjoining houses. This part of the scheme will look odd on the frontage, will have poor security because of its seclusion and will adversely affect the adjoining proposed dwellings, contrary to the policies of the adopted Unitary Development Plan. There is also no bin storage facility for these dwellings.

2. The development has not made arrangements or the provision of education, affordable housing, healthcare open space or percent for art arrangements as required by the Unitary Development Plan and the associated Supplementary Planning Documents.



ITEM NO: 4.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 08/0326/OL

Application Type: Outline

Application

Applicant: Dawkins Development
Ltd

Proposal: Outline residential
development (with access and scale
taken into account) for houses and
flats with associated works
(northern site only).

Ward: Birchills Leamore

Recommendation Summary: Grant Subject to conditions

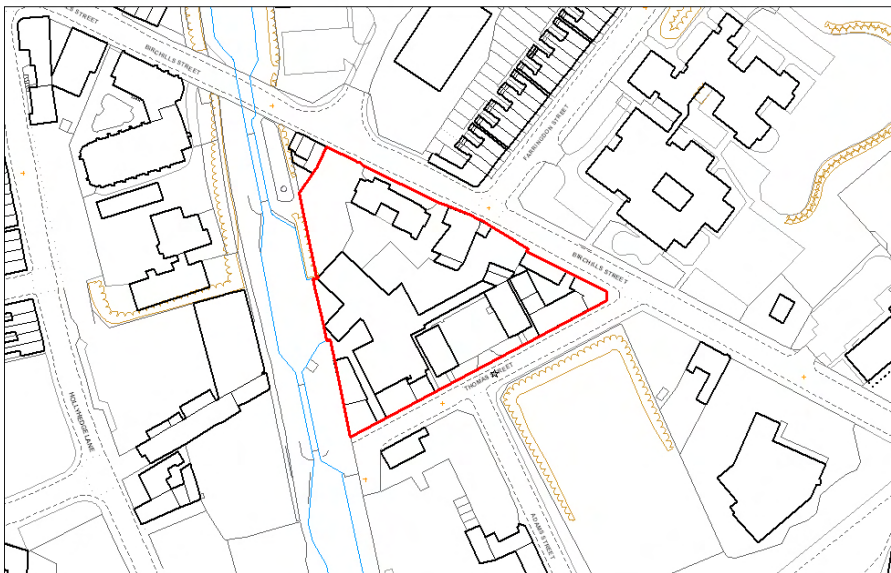
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: I D Architects (Midlands) Ltd

Location: LAND AT THOMAS
STREET & BIRCHILLS
STREET, BIRCHILLS, WALSALL, WS2
8NE

Expired: 04/07/2008



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Status

The application was due to be presented to the Development Control Committee on 7th October 2008. It was deferred from the plans list following receipt of a letter from the applicant deleting the number of dwellings from the application. Amended plans have now been received to give effect to this deletion, and the report below assesses the present situation.

Application and Site Details

The application is in outline, with only access being taken into account at this stage.

The site is a triangular parcel of land bounded by Thomas Street to the south, the Walsall Canal to the west and Birchills Street to the north east. Access is to be from Birchills Street.

A companion application was intended, for further land to the south, down to Blue Lane West. It has not proceeded, but some of the supporting documents in the present application were common to both, and some of the conclusions reached reflect this.

Various documents have been submitted with the application including:-

Design and access Statement

This includes an assessment of the site in physical, social and economic terms, evaluates the constraints and opportunities and discusses the design objectives.

Landscape Planning Statement

This gives the historical context to the site, a visual appraisal, discusses how the proposal has evolved as part of the regeneration plan for canal side developments in Walsall and discusses how the landscape proposals will aim to enhance the site. It discusses how roof gardens will be part of the eventual scheme.

Report on Environmental Noise Levels

This concludes that through the use of various mitigation measures it is possible to meet the desired design criteria and provide an acceptable level of amenity for future residents.

Air Quality Assessment

The development lies within an Air Quality Management Area for nitrogen dioxide, and concentrations of this pollutant are currently above the annual mean statutory objective at locations close to Wolverhampton Road, though not on the site. The effect on local air quality from additional road traffic will be negligible. Dust raising activities during construction can be minimised through the effective implementation of mitigation measures and industrial

processes identified within one kilometre of the development are unlikely to affect air quality in the vicinity of the site.

Transport Assessment and Travel Plan

The Transport Assessment and Travel Plan were undertaken to cover both the north and south sites feeding from Thomas Street onto Birchills Street. It concludes that 200 units can be accommodated without raising issues which cannot be resolved.

Flood risk assessment

This concludes that there is no risk of flooding of, or from, the site.

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

2.1 And 2.2 define the overall strategy of the plan. The aims of sustainable development, urban regeneration, & environmental improvement are identified GP1...principles of sustainable development

GP2, 3.1, 3.6 and 3.16 seek to improve the environment and achieve schemes that do not have an unacceptable adverse impact on the environment

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by development. These may include transport infrastructure, open space, drainage works, affordable housing, education facilities, health care facilities and other forms of social and community infrastructure

GP7 designing out crime

3.7 seeks to protect from noise, pollution and other environmental problems.

ENV14 encourage the development of previously developed land

ENV32 seeks to prevent poorly designed proposals

ENV33 Good landscape design to be integral part of design

H3 - use of previously developed land for housing, flexibility in standards.

Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

H10 Layout, Design and Dwelling Mix

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

7.51 Walking and cycling need to be encouraged as an alternative to the car for short journeys. Easy walking/ cycling distance will depend on local

circumstances the maximum will normally be regarded as 1000 metres.

T7 and T13 Car Parking standards

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

LC9 Canals - Encouragement to provision of canal side facilities and environmental improvements to enhance the attractiveness and recreational potential of the canal network. Development alongside canals should positively relate to the opportunity presented by the waterway, achieve high standards of design and be sensitively integrated with the canal.

The main site is adjacent to the Walsall Locks Conservation Area and SLINC the far north of the site area is within the Conservation Area; there are policies in protection of the environment and the history of the Borough.

The site also lies within the Walsall Regeneration Company "Canal Communities" regeneration area, though there are no specific UDP policies on this issue.

Designing Walsall SPD

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

DBW1 - Sustainability, new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DBW2 - Safe and welcoming places. All new development must contribute towards creating places that feel safe, secure and welcoming for everyone

DBW3 - all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 - new development must seek to ensure it creates places with attractive environmental quality

DBW10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development
Open Space SPD

Healthcare SPD

A contribution will be necessary but the calculation depends on the number of bedrooms and this information is not known at this stage

Education SPD

A contribution will be necessary but the calculation depends on the number of bedrooms and this information is not known at this stage

Affordable Homes SPD

25% affordable is required

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Walsall Locks Conservation Area Appraisal and Management Plan (2005)

It is important that the canal's character and landscape is considered as required by the Walsall Locks Conservation Area Appraisal and Management Plan.

Regional Spatial Strategy for the West Midlands

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

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

There is no need for this application to be considered under the Conformity Protocol.

National Policy

PPS1 promotes sustainability and good design.

PPS 3 (Housing) promotes use of previously developed land for housing... flexibility in the application of standards to achieve development, housing to meet the needs of the whole community, create sustainable patterns of development, more efficient use of land, promote good design and reduce car dependence.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

Other related documents are PPG25 Development and Flood Risk, 'By Design' the companion to PPG3, Urban Design Compendium, Safer Places, The Planning System and Crime Prevention and By Design - Urban Design in the Planning System: Towards Better Practice.

Consultations

Transportation – No objection as layout has now been removed from the proposal and is to be treated as a reserved matter. 100% parking is supported in this sustainable location on the edge of the town centre. Bin lorry turning manoeuvres shall take place within the confines of the site. A waste management strategy will be required as part of the reserved matters submission. A travel plan will also be required for the development. There are currently ongoing discussions to signalise the Birchills Street/Blue Lane West Junction. Walsall Council will require a contribution for the upgrade of the junction for those developments that will impact on the junction.

Pollution Control – Scientific Team No objection, subject to conditions Noise currently associated with AGS Alloys is unlikely to present an insurmountable barrier to development and could be resolved by mitigation measures involving design, layout and engineered solutions (e.g. barriers and enhanced glazing/ventilation). The scheme locates sensitive receptors in an area of potentially poor air quality should AGS (a non-ferrous foundry opposite the site, on Thomas Street) remain in situ. Best practise is that a robust air quality assessment should be conducted prior to outline permission. In this case, an air quality assessment to inform the design and layout of the development and take account of emissions of the foundry should be required, by condition, to determine any constraints which may be necessary.

Pollution Control – Contaminated Land Team - Support the development subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the works/factories. Conditions to address these concerns have been provided.

Built Environment Team (Conservation and Urban Design) *(These relate to the original submission, comments on amendments awaited. These are not expected to be significantly different)* – No objection subject to conditions. The overall principle of development on this site and use of contemporary architecture is acceptable. Further consideration should be given to exploring traditional patterns of development fronting Birchills Street. The acceptability of the layout and building form cannot be fully assessed yet. Apartments should be discouraged given the overly high numbers coming forward in Walsall town centre. Careful consideration must be given to designing the roof gardens to ensure safety and security is balanced with aesthetic quality. The Golden Lion PH on Birchills Street should be protected from demolition. Any reserved matters development will be eligible for Section 106 contributions towards public art payable at £350 per dwelling.

British Waterways *(These relate to the original submission, comments on amendments awaited. These are not expected to be significantly different)* – No objections subject to the imposition of suitably worded conditions

regarding the positive treatment of the waterway. The scheme is exciting in terms of residential quality in the Birchills area. The key to the development is the upgrading and incorporation of the waterway into this urban design concept. The concept designs which are illustrated with this outline application and the proposed linkages through to the Smiths Flour Mill site are commended. Vehicles and road ways should not form a barrier between the residences and the amenity of the waterway.

A S106 agreement should be in place which will ensure new canalside residential developments and landscaping proposals will include the improvement of the tow path for pedestrians and cyclists as an integral part of the scheme. The development could contribute to the overall enhancement of the canal environment in this area, for example, through provision of a suitable lighting scheme in the vicinity, and towpath surface enhancements. An access way to the locks for a crane would need to be provided though the site.

A pedestrian/cycle route and an area of open space should be provided given the likely increase in footfall in this area as a result of the development. It is noted that many of the canal improvements are for illustrative purposes only. It is therefore imperative that section 106 agreements are in place to secure contributions to the agreement which will add value to the regeneration of the area which will affect the quality of the development. The necessary estates agreements will be required for any works/access to/on British Waterways' property both during construction and, in terms of the access, for the duration of the use. The third party works team at British Waterways will need to be involved at the detailed design, preparation and the construction phases of this development.

Strategic Housing *(These relate to the original submission, comments on amendments awaited. These are not expected to be significantly different)* - Houses are needed in this location so the mix is supported. 25% affordable housing will be required on site, this should be 75% social rent and 25% shared ownership. No apartments are required for the affordable housing, it should be all houses.

Drainage – No surface water to be discharged into the canal, check with Severn Trent regarding the capacity of the existing sewers in the area and Environment Agency.

Police Architectural Liaison Officer *(These relate to the original submission, comments on amendments awaited. These are not expected to be significantly different)* – supported with reservations. The design and access statement demonstrates a good approach to physical security and most of the Secured by Design principles. However there are major concerns over the pedestrian route that runs through the heart of the development. It is considered it to be unnecessary and contrary to SBD specifications. The layout of the development is too permeable, and its current design would create opportunities for crime by allowing casual intrusion into the site. Whilst can see that the site will have

good natural surveillance, this should not be overly relied on, and believe that people with criminal intent can easily enter the site with little or no chance of being challenged - even if observed by residents. Fail to see how a public footpath that runs through a housing estate such as this will provide the residents with a sense of defensible space, and disagree with the statement in the design and access statement that *'There are no unnecessary paths which could be used to gain access and escape'*. Discounting the impact this layout could have on crime, believe that this proposed walkway creates a fundamentally inappropriate environment where an unhealthy and dangerous mix of vehicles and pedestrians will occur. In its current form, do not feel that the site would achieve the Secured By Design award, and the layout in particular needs to be altered to provide a safe environment for residents and visitors. Understand the desire to provide links to the canal, but this must not be at the detriment of community safety and crime reduction.

Public Rights of Way – No objections.

Walsall Children's Services - Serco – This is an outline application therefore no detail is available to accurately calculate the contribution. Based on current figures a contribution will be required towards both primary and secondary education.

Inland Waterways Association (*These relate to the original submission, comments on amendments awaited. These are not expected to be significantly different*) – No objection in terms of access to and from the highway but concerns about height, lack of attention to the Conservation Area and overshadowing of the canal ecology.

Centro – No objection. The site is within the minimum standards for accessibility for public transport. It will not affect the 5W's Metro alignment. The council should consider whether to require a financial contribution towards the implementation of future transport initiatives. The site is well served by public transport. There are a number of bus services that link the site to surrounding town centres. The developer should develop a residential travel plan and promote sustainable travel to and from the site.

Fire Service - satisfactory.

Public Participation Responses

I have received 9 letters of objection on the following grounds:-

- Will have a direct effect on business and livelihood;
- Alternative property will need to be found to relocate the business this would be expensive;
- Currently employ local staff who would find relocation difficult;
- Bath Street Boxes has been here for over 30 years;
- the plans are misleading as they do not show AGS Alloys;

The operations of AGS Alloys would be threatened by the proposal;
The emissions from AGS Alloys need to be taken into account.

Determining Issues

The applicant welcomes the opportunity to work with British Waterways to create improvements to the towpath. The Police Architectural Liaison Officer supports the application with reservations about points of access and linkages through to canal, this concern can be addressed at detailed design stage, as it conflicts with British Waterways

Conservation issues,
Transportation,
Crime reduction,
Pollution Control Issues,
Design,
Eco issues,
Housing mix,
Landscaping
Concerns of nearby businesses
Obligations

Observations

Conservation Issues

The site lies adjacent to, and partly within, the Walsall Locks Conservation Area (CA) The Golden Lion pub (unlisted locally or nationally) is outlined for demolition as part of the proposal, though this will require separate Conservation Area Consent. The Conservation Officer opposes demolition in terms of its character and presence in the street scene and how it shows the evolution of the overall site. The building is from the inter-war period, which is unusual and rare in this vicinity which mainly dates from the Victorian period. It features a distinctive 'stepped' gable which is of interest. A condition is proposed which requires the retention of the pub so far as it is practicably possible and viable.

The applicant comments that the Golden Lion cannot be retained in a comprehensive redevelopment, and has little status in the planning system, and that the design & layout need to interact with streets and canal". Both need to be resolved at detail stage when it will go through the Council's Development Team.

The character of the area is mixed in terms of different uses, as well as buildings dating from different periods. Detailed design should address this issue, though innovative design solutions will be needed due to the shape of the site. It is also surrounded by more formal and cohesive Victorian development, including a church and vicarage over the canal to the north-

west, as well as other terraced housing to the east. The Flour Mills development lies just to the south.

It is felt that traditional forms of development should be pursued at the appropriate stage, so that the development fronts onto and interacts with the streets which form the historic street pattern. It is also important that the canal's character and landscape is considered as required by the Walsall Locks Conservation Area Appraisal and Management Plan.

Transportation comments

Since layout has been removed from the proposal the highway authority does not object to the development in principle.

A Waste Management strategy would be required as part of a reserved matters application to ensure that residents can reach a bin collection point within a reasonable distance, and meet Walsall Waste Management guidance. A condition has been suggested to achieve this and the submission of a residential travel plan.

The signalisation of the Birchills Street/Blue Lane West Junction will require a contribution from the developer for the upgrade of the improvements to junctions affected by the proposed development within the area. This will need to be dealt with through a S106 agreement. The developer has verbally agreed to this.

Crime reduction

The Police Architectural Liaison Officer had concerns about the pedestrian route that ran through the heart of the development on the illustrative layout plan. He felt that it would make the layout too permeable which could lead to anti social behaviour. However, this has now been removed from scheme. The developer has stated that the application is in outline only. He has said that close attention will be given to creating a balance between reducing site permeability and allowing access to the canalside at the reserved matters stage.

Pollution Control Issues

The Scientific Team have raised issues about noise currently associated with AGS Alloys, however, they consider that this is unlikely to present an insurmountable barrier to development. At the reserved matters stage it is possible to resolve concerns by mitigation measures involving design, layout and engineered solutions (e.g. barriers and enhanced glazing/ventilation).

Should AGS remain in situ, residential properties (sensitive receptors) will be in close proximity to an area of potentially poor air quality. Pollution Control Scientific team contend that a comprehensive air quality assessment incorporating AGS must be conducted prior to outline permission being granted. In the event that AGS vacate their current premises, and without compromise on that, the current air quality assessment could be accepted. If

AGS do not relocate, a revised air quality assessment to inform the design and layout of the development at the reserved matters stage, and take account of emissions of the foundry will be required to determine any constraints which may be necessary. Conditions have been suggested which will cover either eventuality.

Design

The developer states that the aim of the scheme is to create a landmark development within the wider canalside corridor scheme. The spaces are intended to be categorised by design, materials and landscaping into public, private or shared. The intention of the scheme is to create

- a sense of place;
- create a safe and secure environment;
- provide a series of secondary routes within the site;
- provide active frontages to the canal, Thomas Street and Birchills Street;
- open access to the canal as a valuable community amenity;
- provide feature buildings and
- define public and private space in a legible hierarchy.

In principle these aims are welcomed, and will be explored further at the reserved Matters stage.

Eco issues

The developer has stated that the building structure and cladding will be designed to enable selection through eco-rating consideration exploring embodied energy,

recyclable and replaceable components.

Buildings are stated to be sited separated enough to enable sunlight to penetrate to all dwellings and orientated to maximise their benefit from solar gain.

The proposal also embodies the environmentally responsible use of rainwater and grey water.

Material selection would be based on local vernacular and the ability to be recycled.

The developer is looking to incorporate sustainable source control techniques for surface water disposal (SUDS principles).

The buildings would be designed to achieve a Code for Sustainable Homes rating Level 3 and this would affect all aspects including energy efficiency, construction materials, water usage, drainage and long term sustainability.

The approach is welcomed.

Housing mix

It has been stated by the developer that 100% of the units would be affordable of mixed tenures to be managed by a Housing Association. The developer intends to present his Reserved Matters scheme to the development team

prior to submission and he has stated that this collaborative process should ensure that the emergence of dwelling numbers and mix will be appropriate for the local urban context and the acknowledged proximity to public transport and services. This indicates a reasonably high density is achievable on the site, but clearly not in the same order as originally envisaged at 129 dwellings per hectare.

Landscaping.

Although this is not to be taken into account at this stage it is anticipated that a well designed urban landscape setting will be created

Concerns of nearby businesses

Nearby businesses have raised concerns about the affect of the proposal on their business and livelihood. The regeneration aspirations for the town are outlined in the Walsall Regeneration Company document "A Prospectus for Growth". The scheme is considered to comply with the overall principle of residential development in this area and the site is part of the "canal communities" strategy. Alternative sites within the borough will become available as the strategic regeneration framework for Walsall progresses.

Obligations

Should the application be approved there would be a need for a S106 Agreement at the reserved matters stage. The contributions would be likely to be for:-

- Public Art

- British Waterways

- Affordable housing (although the whole scheme is affordable a minimum amount of 25% should be required in case the site changes hands and is not to be developed by a Housing Association).

- Education

- Healthcare

- Open Space

- The signalisation of the Birchills Street/Blue Lane West highway junction.

Summary of reasons for granting planning permission

The proposals have been considered in line with the aims and objectives of the Development Plan (March 2005) and other relevant policies and government guidance. The objectors concerns regarding the effect on business and livelihood and the perceived threat to AGS Alloys have been addressed in the report. It is considered that conservation, transportation, crime reduction, pollution control, design, eco, housing mix, and landscaping issues will be satisfactorily addressed at the reserved matters stage. S106 contributions in line with Supplementary Planning Guidance will be sought at reserved matters stage.

The application meets the requirements of policies 2.1, 2.2, GP1, GP2, 3.1, 3.6, 3.16, GP3, 8.8, GP7, 3.7, ENV14, ENV19, ENV24, ENV33, H3, H9, H10,

7.36, 7.51, T7, T12, T13, LC9 of Walsall Unitary Development Plan 2005.

Recommendation: Grant subject to conditions

1. Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years beginning with the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2..The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the Reserved Matters application, or the last Reserved Matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. This development shall not commence until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The appearance of the development
- b) The landscaping of the development
- c) The layout of the development
- d) The scale of the development

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995.

3. No built 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 satisfactory appearance of the development.

4. No development shall commence on site until details of the disposal of both surface and foul water drainage, to include a scheme for the provision and implementation of a surface water run-off limitation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance 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.

5. 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 buildings, 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.

6. No development shall be carried out until details of the capacity and location of communal bin and recycling stores for the apartments, hereby approved, have been submitted to and approved in writing by the Local Planning Authority the bins shall be conveniently sited and accessible to Walsall Council refuse operators

Reason: In the interests of highway safety.

7. Prior to the first dwelling being occupied, a Residential 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

8. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

- (a) grassed areas shall be maintained in a tidy condition and any areas

that fail to establish shall be reinstated;

- (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.

10. No 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 only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of the amenity of nearby occupiers

(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)*

11. Unless otherwise agreed in writing by the Local Planning Authority, development shall not begin until parking for site operatives has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development.

Reason; To prevent indiscriminate parking in the interest of highway safety.

13. Prior to 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.

Note 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.

Reason: To ensure the satisfactory development of the site.

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

Note for applicant

a) *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.*

Reason: To ensure the satisfactory development of the site.

15. 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: To ensure the satisfactory development of the site.

16. No built development shall commence until a scheme of mitigation measures in respect of internal and external noise which takes in to account layout, sound insulation, and design criteria has received written agreement on behalf of Walsall Metropolitan Borough Council. This scheme shall be fully implemented prior to any occupancy of the development.

Reason: To safeguard the amenities of the occupants.

17. The development shall not commence until an air quality assessment has been undertaken to the written satisfaction of Walsall Metropolitan Borough Council. This shall account for road traffic, industrial and commercial sources of air pollution within a 250 metres radius of the development site. Occupancy of the development shall not commence until it is established to the satisfaction of the Council that current and future national air quality objectives will met, and there will otherwise be no adverse effects due to air pollution.

Reason: To safeguard the amenities of the occupants.

18. So far as is practicably possible and viable, the Reserved Matters submission will include a scheme which retains the Golden Lion pub on Birchills Street.

Reason: The building is of local significance in terms of its contribution to the street scene.

19. No development shall be commenced until a protocol has been submitted to and approved in writing by the Local Planning Authority to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site. (This may involve the use of a wheel wash, road sweepers, etc.)

Reason : To safeguard the amenity of the area.

20. No built 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.

21. No ground fires shall be permitted on the development site for the purposes of waste disposal.

Reason: To safeguard the amenity of the area.

22. No development shall be carried out until details of external lighting to car parking areas has been submitted to and approved in writing by the Local Authority. Installation of lighting on the site shall accord with the recommendations issued by the Institution of Lighting Engineers for the reduction of light pollution.

Reason: To control light pollution, and the safety of users of roads etc around the site.

23. There shall be no more than 25 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate contributions towards - education facilities in the area and affordable housing on the site, or a contribution towards affordable housing off site

Reason : To ensure that the health and educational and housing needs of the potential occupiers of a large development on the site are met.

24. There shall be no more than 30 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate contributions towards health facilities in the area

Reason : To ensure that the health needs of the potential occupiers of a large development on the site are met.

25. There shall be no more than 10 dwellings built on the application site, unless the applicant has entered into a Section 106 Agreement to provide off site open space provision in accordance with policy LC1 And 8.3 of the Unitary Development Plan and Urban Open Space Supplementary Planning Document adopted April, 2006.

Reason : To ensure adequate amenity space provision for the potential occupiers of the development.

14. Prior to the first dwelling being occupied, a Residential 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; 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 and to promote sustainable modes of transport.

15. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to seeking to achieve a minimum of 3 stars standard as amplified by the Code for Sustainable Homes (December 2006) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policy ENV40 of Walsall's Unitary Development Plan, Policy CC1, EN1 and EN2 of RSS11 and PPS1 in terms of sustainable development and use of natural resources.

16. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container or recycling containers as shown on the approved details.

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

NOTES FOR APPLICANT

A. British Waterways have been consulted on this application and your attention is drawn to the attached reply.

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



ITEM NO: 5.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 08/1537/FL
Application Type: Full application

Case Officer: Paul Hinton
Telephone Number: 01922
652420

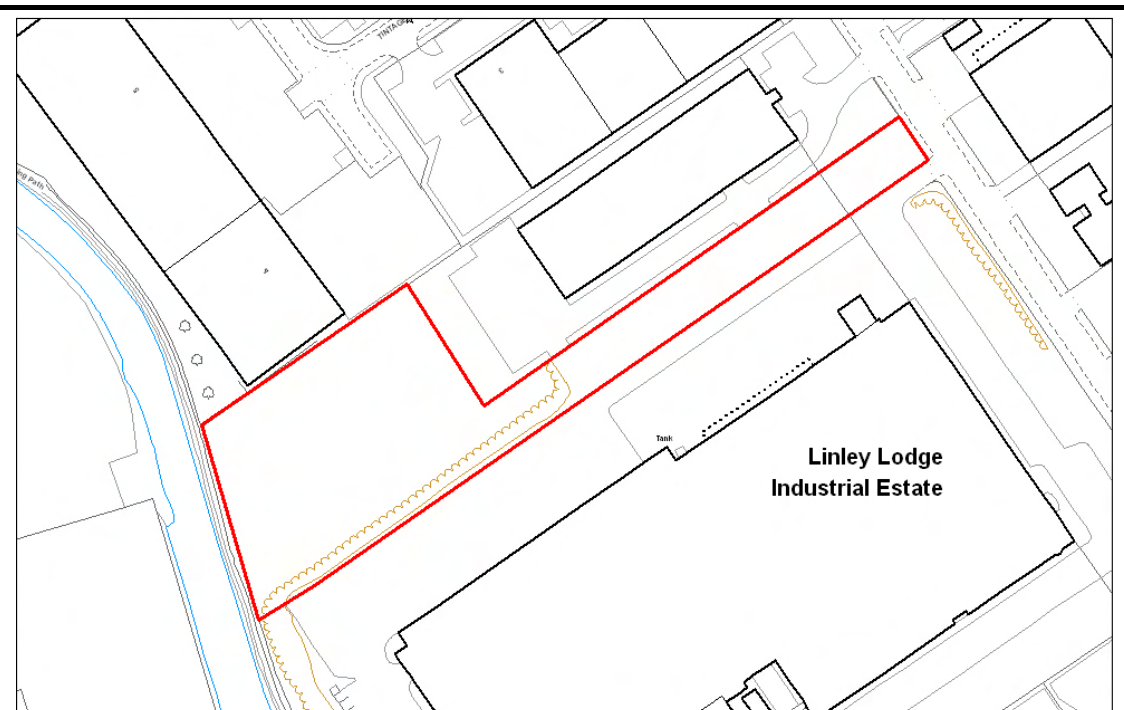
Applicant: Mr Affy Qadeer
Proposal: Erection of new industrial
units (B2 use)

Agent: Mr Derek Saunders
Location: REAR OF LINLEY
LODGE WORKS INDUSTRIAL
ESTATE, WESTGATE,
ALDRIDGE

Ward: Rushall-Shelfield

Expired: 25/12/2008

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



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LA 076414.

Application and Site Details

This application seeks planning permission for industrial development providing around 2210m² of gross floorspace for four General Industrial Units within Class B2 of the Use Classes Order and follows a planning refusal last year on highway grounds for four B1c Light Industrial Units.

The 6940m² site lies within the heart of Linley Lodge Industrial Estate and would be set back along its own access 173m from Westgate. The site is surrounded by various shaped and designed industrial buildings to the north, east and south, with industrial uses also to the west across the Daw End Branch Canal.

The proposed building incorporates a pitched roof of 7.5m, however this is disguised by parapet walls to conceal the pitch roof so that the horizontal emphasis and vertical banding can be emphasised to ensure the building would blend in with the character of the area.

The footprint would measure 34.5m long by 53m wide and would accommodate four units within the same building, each having a mezzanine floor proposed for offices. Each unit would have a high rise roller shutter door.

Thirty-six car parking spaces, 8 of which would be disabled spaces would be provided within the site along with parking and manoeuvring areas for HGV's. Eight cycle racks would be provided with two parking bays for pantechnicians and three taxi waiting areas. The site would be accessed from Westgate, with security gates provided 31m from Westgate.

The site is an unkept vacant piece of land hidden behind the existing industrial units, there are a number of trees across the site, particularly to the rear boundary shared with the canal. Twenty-two trees are proposed to be removed to accommodate the building, parking area and adequate visibility splays.

There is scope for landscaping to the rear of site where there is a shared boundary with the canal towpath. The applicants have stated that the existing well developed landscaping to the rear will be enhanced.

Relevant Planning History

07/1731/FL/E6 - Property at rear of Linley Lodge Industrial Estate, Westgate, Walsall. Refused 28/9/2007 for the following reason:

The proposal fails to provide enough parking spaces to adequately serve the proposed development. The application proposes 36 parking spaces, where under policy T13 of Walsall Unitary Development Plan 72 spaces would be required. The application fails to demonstrate that the roller shutter doors of each unit are accessible to pantechnicians and articulated vehicles. As such the proposed development would be

contrary to policies GP2, T7 and T13 of Walsall Unitary Development Plan and Planning Policy Guidance Note 13.

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

Unitary Development Plan

GP1: Encourages sustainable development, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

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

GP3: planning obligations will be used, as appropriate, to secure the provision of any on or off site infrastructure, facilities, services or mitigating measures made necessary by a development.

GP4 and ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

GP7: Development is expected to design out crime, through maximising surveillance of public areas and the need to maintain good urban design.

ENV17, ENV18, 3.64: encourages new planting as part of landscape design and seeks to protect existing vegetation.

ENV22: Development needs to demonstrate no adverse impact on species protected by European law.

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

ENV24: New development should maintain the integrity of wildlife corridors.

ENV32, ENV33, 3.113, 3.114 & 3.115: Encourage good design and layout as an integral part of urban design and good landscape design.

3.16: Development is considered in relation to its setting.

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

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

ENV35: The design of commercial premises should be appropriate to their setting.

ENV40: Seeks conservation and protection of all water resources.

JP5: Core Employment Areas will be safeguarded for core employment uses.

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated features.

7.5, 7.52 and 7.36, PPG13: parking policies should be used to promote sustainable transport choices and reduce the reliance on the car by improving public transport.

T1-T7: Advises on accessibility standards for bus, rail and road networks, car parking and provision for walking and cycling.

T13: Use Class B2 – 1 car park space per 50m² up to 250m², then 1 space for every additional 100m² of gross floorspace. 1 bike locker for every 10 car parking spaces, taxi facilities.

Supplementary Planning Document “Designing Walsall” (February 2008)

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies eight key urban design principles for consideration including sustainability, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability. . Local Character Guidance is also included, plus Public Art Guidelines.

Conserving Walsall’s Natural Environment SPD - advises on the information requirements and survey standards for protected species to accompany planning applications.

National Policy

PPS1 Delivering Sustainable Development: Emphasises the need to reject poor design and the need for sustainable development.

PPG4 Industrial and Commercial Development & Small Firms: Seeks to take account of the locational demands of business.

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

PPS23 Planning and Pollution Control: Seeks to control the effects of pollution.

PPS24 Planning and Noise: Seeks to minimise the adverse impact of noise.

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.

Consultations

Transportation – no objection subject to the use of recommended conditions. The parking requirement for the proposed development should be 32 parking spaces in accordance with UDP standards. The actual parking provision provided is 36. The proposed level is considered acceptable in view of the sites sustainable location, and transport links.

Pollution Control (Scientific Team) – no objection to this proposal with the proviso that measures are put in place to address noise issues arising. Conditions have been recommended.

Pollution Control (Contaminated Land) – no objection subject to the use of conditions requiring the investigation of ground contamination and ground gas issues.

Strategic Policy – no objection.

Natural Environment – no objection subject to the provision of a landscape scheme to provide wildlife habitat and to enhance the canal as a wildlife corridor.

Environment Agency – no objection subject to the use of a recommended condition.

Environmental Health – no objection.

Landscape – no objection subject to the use of a condition to secure a detailed landscape plan.

Trees – no objection as long as the recommendations and guidelines as detailed in the arboricultural report and tree protection plan are adhered to.

British Waterways – no objection subject to the use of recommended conditions in regards to landscape management plan, surface run off, and the method of handling, storage and disposal of waste generated from the development.

Inland Waterways – no objection subject to the use of a condition prohibiting the landscaped area at the rear for outside storage.

Fire Services – no objection.

Public Participation Responses

None received.

Determining Issues

- Principle of development
- Whether the scheme overcomes previous reasons for refusal in respect of:
Car parking, manoeuvring and access arrangements
- Impact on the visual amenities of the area and on the canal corridor.
- Risk of pollution to controlled waters
- Provision of public art

Observations

Principle of development

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes B1(b), B1(c), B2 and B8. As the proposals are to construct units to be used for B2 General Industrial Use the principle of development is considered acceptable and

accords with UDP policy JP5. The increase in investment and employment provision is welcomed.

Car parking, manoeuvring and access arrangements

The only changes from the previous refusal and this application is the proposal now being for general industrial (B2) rather than light industrial (B1c) use and a revised car parking layout.

The previous application was refused as the proposed light industrial units would have resulted in a short fall of parking provision. General industrial uses require fewer parking spaces than light industrial uses as set out in UDP policy T13. The proposal includes 36 car parking spaces (8 of which are disabled) 8 secure bicycle stands, taxi waiting areas and two parking bays for pantechinicans. This provision meets the policy requirement.

The previous application was also refused as it was not demonstrated that the roller shutter doors of each unit would be accessible to pantechinicans and articulated vehicles. The application has been supported by a tracking diagram showing access to the roller shutter doors by commercial vehicles. Transportation do not object to the application subject to the use of recommended conditions. Therefore it is considered that the application overcomes the previous reason for refusal.

Impact on the visual amenities of the area and on the canal corridor.

The site is characterised by commercial development, with mainly flat roofed buildings between 6 and 10m in height. The building proposed is of a modern industrial design with clean lines and a simple form which would not appear out of place in this industrial context. The canal forms a natural boundary separating the industrial area. The building would be 20m at its closest point to the canal towpath, with the landscape screen proposed to be enhanced, which could be secured by condition. The horizontal cladding to the rear elevation would not be out of context and this would be softened by the landscape buffer.

The building would be set back from the streetscene and viewed in the context of the existing industrial units, the design and use of materials would be satisfactory in this location.

British Waterways have requested a condition about the handling, storage and disposal of waste generated by the construction and operations of the development to be carried out in accordance with the relevant legislation and regulatory requirements to ensure no contamination of the waterway. This condition is not recommended as it would be for the relevant regulatory bodies to enforce and not the planning authority in this instance. British Waterways also raise concern about trees overhanging or sited close to the canal which have the potential to obstruct the canal if they were to fall. Their concern is appreciated however the overhang onto British Waterways land or the risk of branches falling is an issue between the relevant landowners and

not a reason to require a landscape management plan. Any such condition would not be valid under the tests of Circular 11/1995.

The area at the rear of the site is proposed to be landscaped, which would need to demonstrate how the strip along the canal frontage is landscaped to provide wildlife habitat and to enhance the canal as a wildlife corridor. Information on the management of this area is also required. This can be achieved as part of a landscape condition.

Impact upon residential amenity

Residential properties along Chatsworth Crescent are 200m from the application site. Pollution Control do not object to the application on grounds of noise and disturbance to these properties subject to satisfactory noise mitigation measures being implemented within the development. An appropriate condition has been recommended alongside other safeguarding conditions which would address the potential for noise disturbance.

Provision of public art

UDP Policy ENV34 requires provision of public art and policy DW9 of Designing Walsall SPD identifies qualifying development and the scale of contributions required. A financial contribution of £10,634.26 would be required in accordance with DW9. The applicant has agreed to this which can be secured by a Section 106 agreement. In accordance with the SPD, the agreement would require 8% of the contribution to be payable on completion of the Section 106 agreement.

Summary of reasons for granting planning permission

The proposal would bring forward a vacant piece of land within a core employment area for a core employment use. It has been demonstrated that it would have an appropriate relationship with the canal by enhancing the existing landscaped boundary with the proposed building by virtue of its size and appearance appropriately integrating into its setting. The proposal provides an appropriate number of car parking spaces to serve the development, with adequate manoeuvring space and access. It is therefore considered that the proposed development of four B2 industrial units is acceptable. Consultations and all material considerations have been considered and addressed in the report or addressed through safeguarding conditions; therefore a balanced recommendation is put forward. Accordingly the proposal meets the requirements of the Unitary Development Plan policies GP1, 3.6 GP2, GP3, GP4, ENV14, ENV17, ENV18, 3.16, 3.64, ENV23, ENV24, ENV32, ENV33, ENV34, ENV35, JP5, LC9, T13 and Supplementary Planning Document Designing Walsall.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. No development shall be carried out until a schedule of facing materials to be used in the external walls, roofs, windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until a detailed landscaping scheme for the site (including any necessary phasing of implementation) has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall provide a wildlife habitat with the canal frontage and should be supported by a long-term management plan for this area. The approved scheme and management plan shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority. The area shall be maintained as agreed in the approved management plan.

Reason: To ensure the satisfactory appearance of the development and in the interests of nature conservation.

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

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

Reason: To ensure the satisfactory appearance of the development.

6. No development shall commence until details for a secure covered and illuminated bicycle store(s) has been submitted to and approved in writing by the Local Planning Authority. The bicycle store shall be built in accordance with the approved details and retained thereafter.

Reason: To encourage sustainable travel choices.

7. No development shall commence until details and colour of the access gates have been submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of visual amenity.

8. No development shall commence 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 in accordance 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.

9. No development shall commence until details confirming measures used to ensure that the development shall be constructed to meet Building for Life 12 points out of 20 and BREEAM standards, or equivalent relating to energy efficiency / CO₂, water efficiency, surface water management, site waste management and use of materials, has been submitted to and approved in writing by the Local Planning Authority.

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

10. 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.

Reason: To safeguard the amenities of the occupants of the building.

Note for applicant

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.

11. 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.

Reason: To safeguard the amenities of the occupants of the building.

Note for applicant

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.

12. 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: To safeguard the amenities of the occupants of the building.

13. No development shall take place until suitable noise mitigation measures to protect internal and external areas of the residential development north of the site have been submitted to and agreed in writing with by the Local Planning Authority, and the development shall not be occupied until such measures have been fully completed.

Notes for applicant

With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and

World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;*
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00.*

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

*Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;
Minerals Policy Statement 2: Controlling and Mitigating the
Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of
Environmental Noise". British Standard BS 7445-1: 2003 - Description
and measurement of environmental noise - Part 1: Guide to Quantities
and Procedures;
British Standard BS 7445-2: 1991 - Description and measurement of
environmental noise - Part 1: Guide to the acquisition of data pertinent
to land use
British Standard BS 7445-3: 1991 - Description and measurement of
environmental noise - Part 3: Guide to application to noise limits.
British Standard BS 4142: 1997 – Method for Rating industrial noise
affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995*

This

is not an exhaustive list.

Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level.

Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

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

14. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in tarmacadam, or other impervious material to be agreed in writing by the Local Planning Authority and appropriately drained. The parking spaces shall have been clearly marked out and used for no other purpose. The parking areas shall not be allocated to individual units unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to ensure the satisfactory functioning of the development.

15. There shall be no additional mezzanine floors other than those approved by this permission without the submission and approval of a separate planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site and in the interests of highway safety.

16. No materials, goods or refuse shall be stored or deposited in the open on any part of the site.

Reason: To ensure the satisfactory appearance of the development

17. The development hereby approved shall at no time be subdivided to form separate unit(s) other than that those approved unless otherwise agreed by the submission and approval of a separate planning application.

Reason: To define the permission and for the Local Planning Authority to retain effective control over the development.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or subsequent amendments thereto, the development hereby approved shall not be used for Class B1 purposes without the prior approval in writing of the Local Planning Authority.

Reason: To ensure an appropriate level of parking provision is maintained in accordance with the Unitary Development Plan.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: For the protection of Controlled Waters.

20. The approved tree protection measures detailed in the Arboricultural Impact Assessment by Arbtech Consulting Ltd and Tree Protection Plan TTP-01 received by the Local Planning Authority on 24th September 2008 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, as laid out in British Standard 5837:2005

Reason: To safeguard the retained trees on the site.

21. No surface or underground water run-off into the canal shall be permitted.

Reason: Given the proposed use for B2 purposes the escape of pollutants into the waterway from runoff must be prevented.

22. No development shall commence until a revised plan showing the details of a visibility splay to serve the proposed development of 2.4m x 43m. Nothing shall be planted, erected or allowed to grow within the splayed area described above, over a height of 600mm that would obstruct intervisibility

Reason: In the interest of highway safety.

23. No development shall commence until a revised plan has been submitted to and approved in writing by the Local Planning Authority showing details of a revised parking layout to include motor cycle parking. Each bay shall be 2.0m x 0.8m, with a security bar at the front of each bay.

Reason: To encourage alternative modes of transport.

24. The vehicular access shall be constructed to a specification to be submitted to and approved in writing by the Local Planning Authority, and any works shall meet all statutory requirements. The access road will need to be properly consolidated surfaced and drained to accommodate commercial vehicle movements. Any drainage shall be accommodated within the site.

Reason: To define the permission.

25. All plant, machinery and equipment associated with the development shall be contained within the structure of the buildings or acoustically designed enclosures or at suitable locations approved in writing by the Local Planning Authority and thereafter maintained in accordance with that approval.

Reason: To safeguard the amenities of the adjacent occupiers.

Note for applicant

British Waterways

The applicant/developer is advised to contact Mr Des Harris, Senior Third Party Works Engineer on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal wall at this location.

Transportation

In regards to condition 23 (motorcycle bays) four bays can be provided from conversion of existing parking allocation. The disabled parking provision submitted with the original planning application shows eight spaces, this may be reduced to four to provide flexibility to the frontages of the units.



ITEM NO: 6.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/1299/FL
Application Type: Full application

Case Officer: Alison Deakin
Telephone Number: 01922
652487

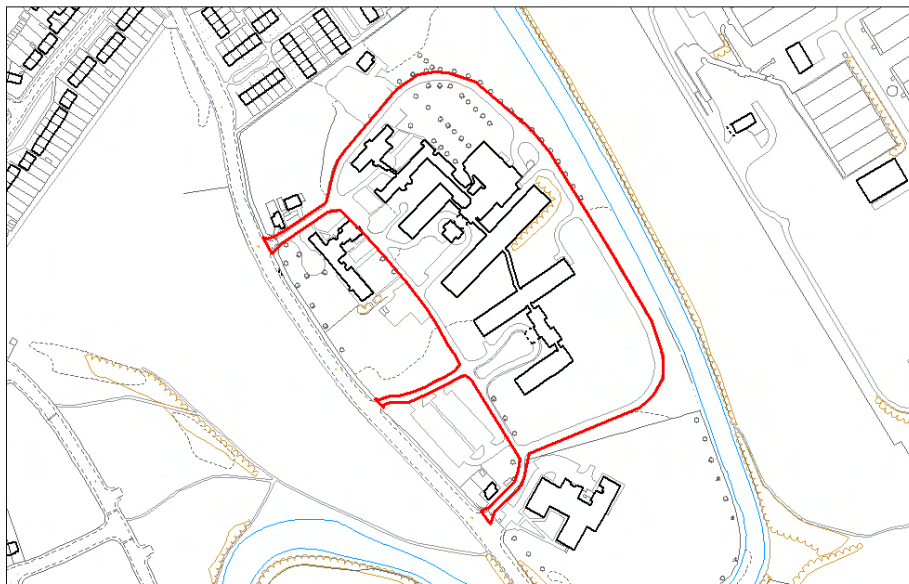
Applicant: Mr Nick Clark
Proposal: New build palliative care
centre, accommodation to include 12
inpatient beds, day care centre, therapy
and counselling services along with
associated ancillary services and
staff/admin facilities. External
landscaping and provision of 37 no.
parking spaces

Agent: Mr Tom Gaskell
Location: GOSCOTE HOSPITAL
SITE, GOSCOTE
LANE, WALSALL, WS3 1SJ

Ward: Blakenall

Expired: 21/11/2008

Recommendation Summary: Grant Subject to conditions



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LA 076414.

Application and Site Details

The application seeks full permission for new palliative care accommodation to include 12 inpatient beds, day care centre, therapy and counselling and 37 parking spaces. The proposals form phase two of redevelopment of the site for healthcare purposes (phase one for a dementia care unit was granted permission earlier in the year and lies immediately south of the current application site).

The site is allocated as a Major Developed Site within the Green Belt on the eastern side of Goscote Lane and comprises a group of hospital buildings in a mature landscaped setting enclosed by security fencing. The existing buildings occupy the central part of the site and comprise a mix of old and modern generally single storey buildings.

There are two separate access points along Goscote Lane plus one further unused access.

The Wyrley & Essington Canal adjoins the eastern boundary of the site, an adult training centre adjoins the southern boundary, residential properties adjoin the northern boundary and there is open space on the opposite side of Goscote Lane to the west. There is a Tree Preservation Order in the north-west corner of the site.

The site is owned by Walsall Teaching Primary Care Trust and only two buildings remain in operation, which are Waldoc out of hours medical services and the Catering Production Unit (CPU). Residential care is no longer provided on site, however, operations continue 24 hours per day.

The proposal is for a predominantly single storey square building with a central landscaped courtyard and new parking area.

The proposed floorspace is 2500m² to provide a wide range of services related to the palliative care accommodation. The inpatient unit will operate 24 hours and the day therapy and administration will operate from 08.30 – 21.30 hours daily and there will be approximately 80 employees.

The proposed building is approximately 50m X 50m with a central courtyard of 23m X 17m and a 17m wing projecting towards the rear. The building is predominantly single storey with a first floor office accommodation incorporated in the northern elevation only and would have standing seam aluminium monopitch roofs varying between 8.6m and 9.5m in overall height. The elevations comprise a combination of facing brick, render, timber boarding, coloured curtain wall glazing and coloured timber doors.

The main entrance to the building will be off the internal circulatory road within the hospital site at the front corner of the building but there will also be ambulance access to the day care centre to the north side, service access at

the rear and a separate access for funeral directors also at the rear. The current Waldoc premises are to be demolished and a new car park located in this position.

The site contains a number of mature trees which are not protected by any Tree Preservation Order and the proposals would result in the removal of some to allow for the building and rear service access to be constructed.

The site area is 0.96 hectares.

Relevant Planning History

06/2190/ND/E11 – Request for a screening opinion as to whether an Environmental Impact Assessment is required for proposed health care development – Environmental Impact Assessment not required as the proposals are not likely to have a significant effect on the environment given the scale of existing and previous uses on the site.

07/1694/OL/E11 - Outline: Demolition of existing hospital buildings and redevelopment to provide new health and social care buildings to include Dementia and Palliative Care Units together with access, associated hard and soft landscaping – Granted Subject to Conditions 2/11/07.

07/2085/FL/E11 – 40 no. Dementia Care Apartments, Communal Facilities, Day Treatment and Day Care Centres, Parking and associated landscaping – Granted Subject to Conditions 17/01/08.

08/0020/FL – Section 73 Application to Delete Condition 12 of Planning Approval 07/1694/OL/E11 which requires closure of the southern access and re-opening the central access to the site - Granted 21/02/08

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

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

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

GP7: Development is expected to design out crime and maintain good urban design.

3.16: Development will be considered 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.

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

3.3, ENV2, ENV3 & ENV4: Allow limited infilling or redevelopment of major existing developed sites in accordance with policy ENV4.

ENV14: The Council encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible.

ENV17 & ENV18: Planting will be promoted and seeks to protect woodlands, trees and hedgerows.

ENV23 & ENV24: Development needs to demonstrate no adverse impact on species protected by European law and generally conserves natural elements.

ENV32: Poorly designed development will not be permitted.

ENV33, 3.113, 3.114 & 3.115: Encourage good landscape and architectural design.

ENV34: Requires provision of public art.

ENV39 & ENV40: The Council will encourage proposals for the development of renewable energy resources and for efficient use of energy and resources.

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

T12: Encourages access by public transport.

LC9: Development alongside and near to canals should positively relate to, achieve high standards of design, and be sensitively integrated with the canal.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

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

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

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

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DBW 10 – new development should make a positive contribution to creating a sustainable environment.

Natural Environment SPD

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

Protection is proposed for protected animals, plants etc.

Regional Spatial Strategy for the West Midlands (RSS 11)

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 next phases of review are underway.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal.

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.

Policies QE1, QE2, QE3, QE4 and QE5 seek to improve the quality of the environment whilst preserving quality and historic buildings and locations. 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.

There is no need for this application to be considered under the Conformity Protocol.

National Policy

PPS1– promotes sustainable and inclusive patterns of urban and rural development.

PPG2 Green Belts – Seeks to protect against inappropriate development.

Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate development.

Essentially development should have no greater impact than the existing development on the openness and purpose of the Green Belt, not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings.

PPS9 Biodiversity & Geological Conservation – seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

PPS10 Planning for Sustainable Waste Management – Aims to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

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

Consultations

Transportation – No objections subject to conditions relating to access, car parking, cycle facilities and provision of a travel plan.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No objections subject to conditions requiring site investigation.

Strategic Policy – No objections in principle. The design and access statement shows the changed footprint. On the information available, the increased size doesn't significantly increase the harm to the Green Belt.

Building Control – No objections.

Conservation – No objections subject to a photographic survey of original buildings.

Landscape – A detailed landscape scheme has been requested.

Arboricultural Officer – No objections subject to conditions.

Ecology – Awaiting comments.

Urban Design – No objections. The proposals for public art are considered acceptable in principle.

Natural England – No objections.

Fire Service – No objections.

Environment Agency – No objections subject to conditions requiring details of surface water drainage.

Inland Waterways Association – No objections.

British Waterways – No objections.

Public Participation Responses

None.

Determining Issues

- Principle of development
- Design and layout
- Impact on the Green Belt
- Access and parking arrangements
- Landscaping and trees
- Ecology
- Public Art

Observations

Principle of development

The principle of redevelopment of the whole of the former Goscote Hospital site for health and social care purposes was established through the outline consent granted in November 2007.

The hospital site is identified within policy ENV4 of the UDP as a Major Developed Site in the Green Belt where redevelopment may be permitted provided it would have no greater impact on the purposes of the Green Belt than the existing development, the height of the existing buildings would not be exceeded and the area to be covered by buildings would not occupy a larger area of the site than the aggregate ground floor area of the existing buildings, unless this would achieve a reduction in height which would benefit visual amenity.

Condition 24 of the outline consent limits the size of the Palliative Care buildings to 2000m² predominantly single storey with 500m² at first floor level unless the Local Planning Authority agrees to any variation. The current proposals include an increase in the floor area to 2500m² with 575m² at first floor level but this has been offset by demolition of the existing Waldoc buildings which were originally shown to be retained. The overall footprint of buildings on site is considered to have no greater impact upon the openness of the Green Belt. The height restriction of 10m imposed on the outline consent is maintained as the new buildings are 9.5m maximum.

The proposals comply with policy ENV4 and the principle of development is appropriate.

Design and layout

The proposed building would be situated within the existing loop access road within the main hospital site and would allow access and parking to be provided at the north end of the building.

The design of the building provides a focus to the main entrance by increased roof height, overhanging canopy, coloured curtain wall glazing and projection of the building. The incorporation of angled projecting full height windows to the proposed inpatient rooms also provides variation and animation to the front and side elevations of the building helping to break up its scale.

Monopitch roofs will allow sunlight into the internal courtyard, provide variation to break up the mass of the building and respect the height limits set by the outline consent.

The modern design fits in with that of the adjacent dementia care unit which is also of modern design and the use of a mix of facing materials (contrasting brickwork, render and wooden cladding and glazed curtain walling) and variation in the roof design provides interest and breaks up the scale and massing of the overall building. The landscaped areas would be supplemented to provide an attractive outlook and continue the rural setting within the Green Belt. The design of the building and use of materials is appropriate.

Impact on the Green Belt

The outline consent included a supporting visual impact assessment which concluded that the most negative effects of the development would occur during construction but that once complete, short range views of the hospital site from the canal and Goscote Lane would improve and wider range views across the Green Belt would not change.

The proposed buildings are positioned on a similar footprint to that indicated in the Masterplan. The floor space of the new building is slightly increased but the existing Waldoc building is to be demolished.

The new building is more sympathetic to the Green Belt than the existing.

Access and parking arrangements

Access to the site is via the existing vehicle access points off Goscote Lane and operates as a one-way circulatory system throughout the entire Goscote Hospital site. The building fronts the internal loop road off this access. Drop off zones for ambulances and other visitors are located at the front and side of the building with provision of 37 car parking spaces, including 10 disabled parking bays. A separate service yard is located at the rear of the building which also gives access to the Mortuary and refuse area.

Policy T13 of the UDP specifies parking standards for hospitals and for health centres. The proposed uses at the site are a combination of both and with 37 car parking spaces to be provided including disabled parking provision, plus ambulance/taxi drop off areas and separate access to the service areas and Mortuary. The proposed building is similar to that presented at outline application stage where the Transport Assessment stated the proposals would have no material impact on the local highway network which Transportation agreed with at that time. The level of car parking provided exceeds that required under UDP policy T13 and therefore parking and access arrangements are considered acceptable.

The vehicle tracking within the service yard may not be large enough to accommodate the Council's Waste Management Refuse vehicles hence a revised plan is required to demonstrate the larger vehicle but this can be achieved without causing further impact upon the Green Belt. Details of cycle parking are required hence a condition is recommended.

There are clear pedestrian routes around the perimeter of the building and an internal circulation space providing clear segregated pedestrian access to all parts of the site.

A Travel Plan is required in accordance with the earlier outline consent to encourage sustainable patterns of development.

Landscaping and trees

A detailed landscaping scheme aiming to use native plant species to encourage biodiversity and including a sensory garden for the internal courtyard is in preparation. Any comments will be reported in supplementary papers.

The proposal seeks to remove trees at the rear of the site to accommodate the new service access. However, the Arboricultural officer is satisfied that replacement planting can be accommodated on site to mitigate for this loss.

Ecology

The proposals do not affect the identified badger setts in the northern corner of the application site as the proposed buildings are located on the existing developed part of the site.

There may be a potential impact upon the local bat populations through loss of the existing buildings and mature trees. A condition is recommended to address this issue.

Public Art

Policy DW9 of Designing Walsall SPD builds on policy ENV34 of the UDP and requires provision of public art for qualifying development, including where non-residential floor space 1,000m² and above is proposed. The applicant has provided information regarding provision of public art at the site explaining that this will be developed following a community consultation process. The Primary Care Trust is working with Walsall Creative Development Team and Arts into Health Team to develop this process. Although the applicants cannot confirm exactly what form the public art will take (as this will develop as part of the community consultation) they confirm that it is likely to cost more than required by policy DW9 (confirmed £40k budget as opposed to the required £7,500) and they are applying for a grant from the Arts Council. The art work is likely to include a sacred space stained glass window, central courtyard public art piece and landscape features in the grounds (e.g. follies, gazebo and scented garden).

On the basis that the applicant is intending to develop a scheme to provide public art on site a condition is recommended to ensure that this is implemented.

Summary of Reasons for Granting Permission

The principle of development of the site for health and social care purposes has been established in granting outline consent. The proposed buildings are larger than indicated on the outline consent but will displace the floor space occupied by the present Waldoc building which is to be demolished. The proposals therefore still accord with the Green Belt policies.

The scale and design of the buildings have no greater impact on the character and openness of the Green Belt than the original buildings as the new building is predominantly single storey and where a two storey element is incorporated this does not exceed the height of existing buildings. The modern design is in keeping with that approved for the adjacent Dementia Unit and is acceptable.

The access arrangements accord with the provisions of the outline consent and the proposals include a new car park adjacent the building within the existing developed part of the site, disabled parking, ambulance and taxi drop off zones and separate servicing areas. Conditions are recommended to address the need for cycle parking and vehicle tracking for a 3 axle vehicle within the service yard.

For the above reasons the proposals are considered to comply with policies GP1, GP2, GP4, GP7, 3.3, 3.16, 3.21, ENV1, ENV2, ENV3, ENV4, ENV14, ENV17, ENV18, 3.64, ENV23, ENV24, ENV32, ENV33, 3.113, 3.114, 3.115, ENV34, T7, T13 and LC9 of Walsall Unitary Development Plan, Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment and the Regional Spatial Strategy for the West Midlands (RSS).

Recommendation: Grant Subject to conditions

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

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

2. This development shall not be carried out other than in conformity with the following approved plans and documents: -

- Site Location Plan (drawing P001B) received 22/08/08
- Site Plan as Proposed (drawing P003) received 06/08/08

- Site Layout Plan (drawing P004) received 06/08/08
- Ground Floor Plan (drawing P010) received 06/08/08
- First Floor Plan (drawing P011) received 06/08/08
- Roof Plan (drawing P012) received 06/08/08
- North East and South East Elevations (drawing P020) received 06/08/08
- North West and South West Elevations (drawing P021) received 06/08/08
- Sections A-A, B-B, C-C (drawing P030) received 06/08/08
- Site Plan as Existing (drawing P002) received 06/08/08
- Design & Access Statement prepared by ADP dated 24 July 2008 received 06/08/08

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

3. Development shall not begin until details of a scheme for the provision of public art, to meet the needs of the development in accordance with Unitary Development Plan policies GP3 and ENV34 and Policy DW9 of the Designing Walsall Supplementary Planning Document, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall then be carried out in accordance with the approved details.

Reason: To ensure the appropriate level of infrastructure is secured to meet policy in Supplementary Planning Document Designing Walsall.

4. No built 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.

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

5. 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.

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

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard

standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

7. Prior to the commencement of the built development detailed replacement planting proposals to mitigate for the loss of the existing trees and details of tree protection to be implemented prior to demolition and construction in accordance with BS: 5837 2005 shall be submitted to and agreed in writing by the Local Planning authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: To ensure the protection of the retained trees on site.

8. No built development shall commence on site until details of a landscaping scheme to include the species and size of replacement tree planting are submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which 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.

9. 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 in accordance with these approved details.

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

10. External lighting shall be provided on the site prior to first occupation of the building hereby approved in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The lighting shall be retained in the accordance with approved details unless the Local Planning Authority agrees in writing to any variation.

Reason: To safeguard the visual amenities of the area.

11. The demolition of the buildings should be supervised by a person suitably licensed, qualified and experienced in bat ecology and legislation. The person shall instruct personnel involved in the demolition of the building and be available to supervise the demolition of those parts of the building most likely to contain bats. In the event that bats are discovered, a person suitably licensed, qualified and experienced in bat ecology and legislation shall be available immediately to liaise with Natural England and take steps to ensure the necessary remedial steps to comply with the law.

Reason: In the interests of protecting any bats on site.

12. Prior to 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 as soon as they become available.

Reason: To ensure the satisfactory development of the site.

13. Prior to 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.

Reason: To ensure the satisfactory development of the site.

14. 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: To ensure the satisfactory development of the site.

15. 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 only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

16. Within six months of the date of this approval, a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority that also encompasses the draft travel plan required under condition 11 of planning approval 07/2085/FL/11 for the Dementia Care facilities and future phases of the hospital redevelopment. The plan shall promote sustainable methods of travel for trips to and from the site by visitors and staff.

Reason: In the interests of highway safety and to promote sustainable travel alternatives.

17. Prior to the commencement of the development a revised layout plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating an Autotrack swept path analysis for a 3-axle, 9.3m long refuse vehicle turning area within the service yard. The proposals shall then be implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To ensure the satisfactory development of the site.

18. Prior to the commencement of the built development full details showing provision for covered, secure and illuminated cycle storage facility, located in a suitable position near to the main entrance, or integrally within the building shall be submitted to and agreed in writing by the Local Planning Authority and then implemented and maintained in accordance with the agreed details throughout the life of the development.

Reason: In the interests of highway safety and to promote sustainable travel alternatives.

19. Prior to the proposed development coming into use all car parking areas, drop off points and manoeuvring areas shown on the approved plan shall be fully consolidated surfaced and drained and the car parking bays fully demarcated on the ground. The development shall be maintained in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory development of the site and maintain suitable parking.

Note for applicant

The applicant/developer is advised to contact the British Waterway's third party works engineer Des Harris on 01827 252038, in order to ensure that any necessary consents are obtained and that the works comply with British Waterways "Code of Practice for Works affecting British Waterways".

Note for Applicant

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.

Note for Applicant

Planning permission does not absolve the applicant from complying with other relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV B of Circular 06/2005.

Note for applicant in respect of condition 12

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.

Note for applicant in respect of condition 13

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 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0163/OL
Application Type: Outline Application

Case Officer: Andrew Thompson
Telephone Number: 01922
652403

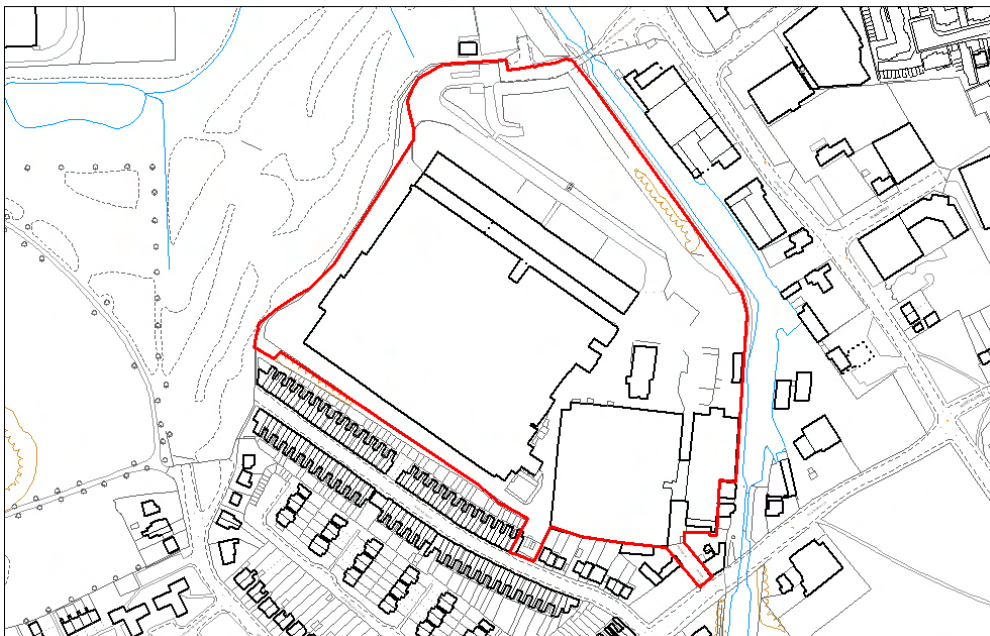
Applicant: Caparo Industries PLC
Proposal: Outline Application for
residential development of up to 310
dwellings (access and scale to be
considered)

Agent: John Williams
Location: LAND AT FORMER
CAPARO WORKS, BETWEEN
THE WYRELY AND ESSINGTON
CANAL, MINER STREET, GREEN
STREET AND OLD BIRCHILLS,
OLD BIRCHILLS, WALSALL

Ward: Birchills Leamore

Expired: 08/05/2008

Recommendation Summary: Grant Subject to Conditions Subject to
Referral to Government Office



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Current Status

The application was deferred from committee on 1st April 2008 to agree the scope of the education and highway contributions. Following a series of negotiations and submissions by the applicant, it has now been agreed that the developer contributes towards the improvement of Green Lane/Old Birchills and Hospital Street in a proportional manner and that the level of education contribution be delayed until the reserved matters submission when the precise mix and number of dwellings is known.

The application site has also now been cleared as the former factory buildings were unsafe and a target for anti-social behaviour.

Application and Site Details

The application site comprises the land formerly occupied by Caparo Industries and Barton Aluminium and is bordered by Miner Street to the southwest, the Wyrley and Essington Canal to the east and northeast and Reedswood Park and Golf Course to the north and northwest. To the southeast of the site is located a public house and the former lock museum and Top Lock Cottage.

The site is accessed principally from Green Street. Also located on Green Street are MGW which is a small car repairs employer. The Caparo Industries southern car park (fronting onto Old Birchills) is not included in the application site. Rayboulds Bridge is the principal access point for Barton Aluminium. This is an adopted public highway and is currently used as a two way access point for Barton Aluminium, the Golf Course and Caparo Industries existing northern car park.

The site (when it was the former factory) has a pedestrian entrance from Miner Street. Miner Street is a terrace of Victorian houses with a strong design character and built form. On the opposite side of the canal are further employment uses including Metafin Ltd and a boatyard.

The application site is designated as Core Employment Land within the Unitary Development Plan (UDP). Much of the canal, which bends around the site, is designated as a Conservation Area with the locks being listed. In addition the former lock museum, Top Lock Cottage and Rayboulds Bridge are also Grade II Listed buildings. In addition a small portion of the south eastern corner of the site is designated as a Limestone Consideration Zone.

The application is in outline with scale and access to be considered, with layout, landscaping and external appearance not to be considered at this stage. The application proposes a development of up to 310 dwellings on the application site of 6.67 hectares, which equates to a density of 46.4dph.

The illustrative material submitted show 10% 1 bed flats, 30% 2 bed flats, and the rest as a mix of 1 to 6 bed houses (60%). In addition the application is supported by an illustrative landscape scheme which shows next to Top Lock

Cottage and fronting the canal (within the Limestone Consideration Zone) as a landscaped area and 'Urban Park'.

The principal access from Green Street, emergency access across Rayboulds Bridge, an improved pedestrian link to Miner Street, and a pedestrian link down the embankment to the canal are included in the application proposals.

In addition the proposals show an illustrative landscaping scheme which includes the improvement of the embankment to the canal, a landscaped area around Top Lock Cottage and the former lock museum.

The application is supported by the following information:

- Planning Policy Statement;
- Design and Access Statement;
- Ground investigation reports;
- A Transport Assessment;
- Noise and air quality assessments;
- A cultural heritage assessment;
- An ecological assessment;
- A flood risk assessment;
- A report on pre-application consultation carried out by the applicant;
- A revised screening opinion;
- A sustainability report – in relation to the Code for Sustainable Homes; and
- Indicative plans for a scheme based on 301 dwellings

Council policy seeks community involvement and the application records that the scheme has been presented to the Council's Development Team twice, Midlands Architecture for the Designed Environment (M.A.D.E.) and their design review process and in addition to the Walsall Regeneration Company's Regeneration Framework Committee and the local Project Reference Group for the Birchills area. In addition a more formal pre-application community event was held in 2007.

Relevant Planning History

Application site

06/0397/ND/W7 – Screening Opinion for an Environmental Impact Assessment for the demolition of existing buildings and erection of 300 residential dwellings. EIA not required – March 2006

Top Lock Cottage

07/1381/FL/W6 – Change of use from residential use to educational use.
Granted – September 2007

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

Considering the size, scale and variety of the application site a significant proportion of National, Regional and Local Planning Policy is relevant. It is not

possible to achieve concise and full evaluation of each policy and therefore below is a summary of the main issues and points raised by Policy. Further detail can be found in the specific Policy references.

Adopted UDP

The overall aim of the UDP is to regenerate and change the direction of Walsall Town Centre into a vibrant and economically successful town centre. The policies encourage offices in appropriate locations.

The Adopted UDP allocated land within the application site, under policy JP5 as Core Employment Land. The need to secure appropriately designed solutions, high quality environments, preserving and enhancing the historic environment, and ensure that the developments are comprehensive in manner. The need to consider appropriate measures for flooding, highway improvement, and car parking are also considered.

Policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV14, ENV18, ENV21, ENV23, ENV24, ENV26, ENV27, ENV28, ENV29, ENV32, ENV33, ENV34, ENV39, ENV40, JP5, H1, H3, H4, H9, H10, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11 and T13 of Walsall Unitary Development Plan (March 2005). These address regeneration, design, environment, employment and transportation issues.

Black Country Joint Core Strategy – The Core Strategy has completed its Preferred Options consultation, further consultation is anticipated in Spring 2009. The site is designated within the Strategy as part of Regeneration Corridor 7 (RC7) for strategic housing.

Supplementary Planning Documents (SPDs) are also relevant are Designing Walsall SPD, Healthcare SPD, Affordable Housing SPD, Urban Open Space SPD and Education SPD.

Regional Spatial Strategy

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.

- a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and meeting at least the levels of housing provision identified in Policy CF3 table 1;

b) to raise income levels raising demand and household incomes (average earnings, GDP per head and reducing unemployment) to the UK average by 2033;

c) to create an inclusive and cohesive society within the Black Country removing barriers to opportunity and changing the socio economic mix by increasing the proportion of social grades A and B to match the national profile by 2033 or earlier; and

d) to transform the Black Country environment by protecting and enhancing the sub-region's environmental and heritage assets and biodiversity and implementing the Black Country as Urban Park concept.

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, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. 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.

There is no need for this application to be considered under the Conformity Protocol.

National Planning Policy

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

PPS3 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.

Circulars 07/99 (Departures) and 05/2005 (Planning Obligations) are of relevance the latter with regard to the appropriate level of planning contributions that will be sought. The former requires the referral of this application to the Government Office for the West Midlands (GOWM).

Consultations

Transportation – No objection. It is noted that from a Transportation perspective no agreement or otherwise in respect of the indicative residential layout should be inferred or assumed. Grontmij drawing number P461600/06/001 rev 2, received on 28th March and the arrangements shown on the drawing are acceptable in principle, subject to safety audit and detail design. The visibility improvements required for the Caparo scheme should be implemented effectively as phase one of the larger scheme and must not prejudice access arrangements to the Sydenham playing fields site and should be implemented prior to commencement of construction on the site. The developer will be required to contribute proportionally to the cost of

additional off-site highway improvements that may be necessary to mitigate against the impacts of this and other identified residential developments in the area. This requirement should be included in a section 106 agreement.

Pollution Control (Scientific Team) – Objects on the grounds that further information on air quality is required.

Pollution Control (Contaminated Land Team) – No objection subject to conditions.

Environment Agency – No objection subject to conditions

Walsall Regeneration Company – Fully support the application

Fire Service – No objection subject to details.

Education - We base our contribution requests on whether there are sufficient surplus places in local primary and secondary schools. If the level of surplus places is below 10% for either phase, we ask for a contribution. In this case the level of surplus places is below 10% in both the primary and secondary sectors. We would therefore look for a contribution towards provision for both phases. Based on current prices, we would look for a contribution of £965,591.20.

Conservation – No objection subject to more information at detailed stage. This site is adjacent to four listed buildings and a Conservation Area, although it does not contain any designated historic sites. There are two principle matters relating to the adjacent listed structures which require clarification.

The first is the proposed use of Rayboulds Bridge. While this falls outside the red line I am presuming that there will be some level of access over it, into the site. If so details should be provided to show what level of traffic will be allowed over it and if this would be greater than the current level of traffic. The bridge should be used for pedestrian and cycle access only and if required, for emergency vehicle access.

The second is the setting of the two listed buildings adjacent to the canal, the Former Boatmans Rest and the Toll House. There is a limestone mine consideration zone around these in which no development is proposed. The indicative landscape details suggest that these buildings will be essentially screened from the site by trees planted in the proposed Urban Park. This is a lost opportunity to enhance the setting of these buildings, either with carefully designed new development or with landscaping. Furthermore the proposed layout does not appear to give any surveillance of the buildings which could leave them vulnerable.

Open Space – Seek £701 per bedroom of the development in accordance with the adopted SPD which based on the indicative scheme will be £569,913. On site works will need to be taken into consideration

Healthcare – Seek £384.30 per bedroom of the development in accordance with the adopted SPD which based on the indicative layout will be £312,435.90

Housing Strategy – seek the equivalent of 25% shared equity. This would be in accordance with the current Adopted Supplementary Planning Document (SPD) but also allow for social rent to be provided on site in accordance with the emerging SPD and housing needs study. The mix should include all types of units but no one bedroom flats should be offered for affordable housing.

British Waterways – No objection but would like to be consulted in the Reserved Matters submission and would like to progress a Section 106 contribution towards the canal towpath and improvement to the access point on the bridge.

Inland Waterways Association – No objection to the layout or scale of development based on landscaping to the proposed scheme being brought forward by the reserved matters submission. Object to the proposed steps to the canal and the impact on the wall on the boundary of the site.

Drainage – No objection subject to no surface water to be discharged into the canal from this site.

National Grid – no objection – risk is negligible.

Centro – No objection in principle subject to the provision of a Green Travel Plan. The applicant should be encouraged to aid the delivery of the 5W Metro scheme.

Natural Environment Team – No objection however the Ecological Appraisal accompanying the application is dated 18th April 2005. It can be regarded therefore as out of date. Elements of the appraisal should be repeated, particularly the protected species assessments which should include survey work, particularly for badgers and bats. The desk top study should be repeated, as should the Phase 1 Habitat Survey. Landscaping proposals may need to be revised in the light of this further survey work.

Birmingham & Black Country Wildlife Trust - the Ecological Appraisal accompanying the application is dated 18th April 2005. It can be regarded therefore as out of date. Elements of the appraisal should be repeated, particularly the protected species assessments which should include survey work, particularly for badgers and bats. The desk top study should be

repeated, as should the Phase 1 Habitat Survey. Landscaping proposals may need to be revised in the light of this further survey work.

An additional condition is proposed requiring a further updated Ecological Survey to be submitted as part of the Reserved Matters and the recommendations of the study be carried forward into the scheme design.

Representations

Birchills PRG

- The number of proposed apartments/flats. Walsall already has a high number of apartments and flats and there are concerns that the market may become oversaturated and stagnant if any more are developed in this area.
- The proposed improvements to the canal as part of works on the site. It is understood that the towpath will be improved, but proposals for the waterway itself are unclear. Any improvements to the waterway itself should be undertaken in consultation with local fishermen as they are frequent users of the waterway.
- We request that we are presented with an outline plan of British Waterways' intentions for this and the surrounding waterways. It is suggested that British Waterways form part of the steering group in the future.
- The nearby Metafin site. We would want to see steps taken to ensure that the Metafin site and the residential development can coexist and therefore avoid the unexpected closure of industry through air and noise concerns.
- The relationship between the Caparo site and the Reedswood site. It is felt that this needs to be investigated further in terms of accessibility. One possible option could be to omit layout from the outline planning application, therefore including it as a part of the reserved matters application.
- Raybould's Bridge. It is requested that the results of a more thorough investigation into the possibility of using Raybould's Bridge as a point of access, and the potential for improvements to the bridge, are presented at the next PRG meeting.
- The security of Reedswood Park. Having an open park contravenes the general notion of securing open spaces to prevent against vandalism, anti-social behaviour, etc. Therefore we would like to see security measures investigated in further detail, for example the introduction of a CCTV system.
- Open Space S106 contribution, and the exact distribution of this money. We would very strongly advocate that these monies are put into our community pot to be managed by the Birchills PRG for community-led improvements to the open space in the area. We would also like to see a similar approach through the Birchills PRG to S106 contributions in respect of education and

health developments, as discussed at length with appropriate senior Council officers.

- Policing of the Caparo site once it is developed. There is widespread feeling that there are not enough police available to this area at the moment and additional residential development in this area will stretch police resources further. We would therefore like to know what plans the police authority has to police the site should it be redeveloped for residential use.

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

Determining Issues

- Planning Policy context
- The proposed layout (as submitted showing 301 units)
- The proposed scale of development
- Access and transportation issues
- Relationship to neighbouring uses
- Comments received to the application
- Relationship to the canal
- Future reserved matters
- Section 106 Agreement

Observations

Planning Policy context

The site is designated as Core Employment within the Adopted Unitary Development Plan, however also plays a pivotal role in the development of the Walsall Regeneration Company's "Canalside Communities" concept which aims to improve and regeneration areas next to canal with a focus on high quality design and sustainability.

The site has been investigated for regeneration since December 2004, the emphasis of the site has been the ongoing relationship to residential properties on Miner Street, relationships to listed properties and structures, the canalside conservation area and the poor state of repair in relation to the existing properties on the site.

In addition the strategic position in relation to the town centre, open space and public transport has also been considered.

The Council is now required to carry out and publish in its Annual Monitoring Report an annual review of its housing land supply to ensure a five-year supply of deliverable sites. Walsall has more than enough land to satisfy this requirement and is likely to have a five-year supply until 2016. In approving the Walsall Local Development Scheme, GOWM has accepted this position. Consequently, Walsall has no need for more housing land in the short term.

Planning Policy Statement 3: Housing (PPS 3) came fully into force on 1 April 2007 says in paragraph 60. that to “ensure that there is a continuous five year supply of deliverable sites available for housing, Local Planning Authorities should monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process, ...”.

At April 2007 Walsall has more than enough land available to meet the 5-year supply requirement in PPS 3, even when measured against the most ambitious option being considered for the RSS Phase Two Revision. However the issue, in this case, is more complex.

In purely numeric terms Walsall has no need for more land for house building in the short term. Walsall is therefore in a strong position to resist unwanted residential developments and to encourage high quality development that creates or enhances a distinctive character and supports a sense of local pride and civic identity (see PPS 3 paragraph 16).

A range of regeneration initiatives is being pursued, which involves some residential development. A Design Guide SPD is in preparation and this will help to judge and improve the design quality of new developments. The Government wants more homes to be built and it wants good design, affordability and sustainability, including in relation to climate change.

UDP policy JP5 rejects housing on Core Employment Land on the basis that it is a non employment use, and the need could be satisfied elsewhere. However given the site constraints (namely the mine shafts, neighbouring residential occupiers, restricted access opportunities, and neighbouring listed buildings and structures) the site has been identified as part of housing land requirements as an “other known site” within the Council’s monitoring figures for a period of time. The site is being progressed for housing development in the recently published Joint Core Strategy.

The applicant has submitted a detailed planning statement with the application. Officers agree with its conclusions and broadly its assessment of the planning policy assessment. It is therefore considered that the principle with regard to the loss of employment land is accepted by the Council.

The proposed layout (as submitted showing 301 units)

Whilst indicative at this stage, the layout has been designed in consultation with Officers over a number of years and is broadly supported. The layout includes the opportunity to develop links to the development proposals at Reedswood Golf Course, currently at public consultation, as well as building a sense of place and character that would be positive in terms of urban design criteria.

The scheme has been designed to link and reflect the existing properties on Miner Street, provide a link to the canal from Miner Street with a focus on walking and other non-vehicular movements.

The central corridor of the development will provide a pleasant environment for meeting and a central core of the development which will lead off to several character areas.

Overall the use of the embankment and creating a sense of place is welcomed. Slight changes to the garages on plots 143 and 144 would be required in order to develop linkages to Reedswood Golf Course.

The applicant has submitted the application of up to 310 units and requests flexibility in the housing numbers and development density. Whilst Officers are keen to support the negotiated layout and provide flexibility in development density, which could potentially increase the number of houses on the site, this raises issues in relation to approving a layout which may change.

Therefore it is proposed to add an informative supporting the principles of the layout shown on the submitted scheme but also require layout to be approved once the development density is approved.

Therefore officers recommend that layout is not approved at this stage but the layout submitted is broadly supported as the correct approach in developing the site and making most efficient use of the site.

The proposed scale of development

The scale of the development is broadly related to the storey heights shown on the application submission. This shows 2-storey development next to Miner Street, which will allow for the housing next to this boundary to be reflective of the changes in levels between these properties and Miner Street.

The area of 2-2.5 storey development will be located by the proposed development of Reedswood Golf Course. This will allow for large houses to be built on this boundary and allow for good links to Reedswood Park at a scale that will not be overbearing or dominant. This will also allow for the development to stand alone.

The main central element running through the site from the entrance to Rayboulds Bridge will be 2.5 to 3 storeys in height giving a central focus and a positive location feature to the development.

The use of the canal frontage as 3 to 4 storey development will create a positive feature along the canal, as one of the most aspirational parts of the development. It will allow for the new buildings to retain an industrial style and design building on the character of the area. The proposals will also add a focal point to the bend in the canal.

Overall the scale of development proposed is acceptable.

Access and transportation issues

The site allows for access and turning and manoeuvring within the site. Internal garages and garages associated with the houses are not part of this application (as external appearance has not formed part of the submission) however it is clear from the Design and Access Statement and Transportation Assessment that the proposals will seek to offer on average 200% car parking for each house and approximately 150% on average for apartments. Overall this level of parking will be acceptable to officers.

The Transportation Assessment has been prepared in full consultation with Transportation Officers.

Offsite highways works are needed in a S106 and this is proposed. Conditions proposed relate to the construction and maintenance costs of offsite highways works, the completion of an acceptable travel plan, the submission of details relating to parking, access for the Council's bin lorry, cycle storage and areas to be offered for adoption.

Relationship to neighbouring uses

Whilst the concerns and objections from Pollution Control Officers are noted in relation to the Metafin works on the opposite side of the canal, mitigation methods and a satisfactory assessment as part of the reserved matters submission has been conditioned. The precise details of properties to the canal frontage are not defined by this permission and this will need to be an assessment carried out on the detailed submission at Reserved Matters stage.

It is considered that the proposals will not have a negative impact on industrial and commercial properties opposite and will allow them to continue to operate. Noise mitigation requirements have also been included as part of the conditions.

Future reserved matters

As previously stated the layout is broadly supported and will need to build on the layout submitted which is broadly accepted as the correct approach.

The landscape scheme for the site must reflect the value of the canal as a wildlife corridor and must therefore have an ecological dimension.

External appearance should build on the industrial heritage and use a mix of contemporary and traditional architecture to build character areas and linkages through the site. The attention to detail in the elevation in this regard will be essential in the success of the detailed submission.

The applicants have commented that to achieve a 3 star CSH rating, we are advised by developers and English Partnerships (ref the Code Cost review prepared by Cyril Sweett for EP) will add some £3k to £4k to the cost to achieving an Eco Homes Very Good rating. This will therefore add in the region of £930k to £1.24m to the build costs of the scheme.

The additional costs associated with ground conditions and CSH will be reflected in the price which developers are prepared to pay for the land. When these items are taken together with other S106 costs and the general downturn in the housing market, which has seen land prices fall, the effect is to squeeze the value of this site to a level where commercial viability is at risk. The additional costs resulted in Barratt Homes being unable to proceed at the agreed Price and my client will now have to remarket the site. We do therefore need to make sure that the planning permission attracts the right level of offers. They also comment, there are no policies within the Council's UDP or the RSS, which require development to achieve a Code 3 Standard. And therefore request that condition 20 be deleted.

Officers note that Eco Homes is no longer used for new developments and has been superseded by the Code of Sustainable Homes (CSH). In addition Officers highlighted the CSH at the last Development Team – January 2007 albeit initial advice was towards 5 star standard:

In determining planning applications Paragraphs 38-45 of the recently published Planning Policy Statement (PPS) 1 Supplement on Climate Change are relevant.

Paragraph 39 is the main guidance in this regard. "In the interim period before the development plan is updated to reflect the policies in this PPS, planning authorities should ensure proposed development is consistent with the policies in this PPS and avoid placing requirements on applicants that are inconsistent. Where proposals are inconsistent with the Key Planning Objectives set out in this PPS, consideration should be given to how proposals could be amended to make them acceptable or, where this is not practicable, to whether planning permission should be refused."

Paragraphs 41 and 42 also state that Design and Access Statements should obtain from applicants the information necessary to show how their proposed development will contribute to the Key Planning Objectives set out in this PPS and relevant RSS and any DPD policies. The Design and Access Statement does not do this. I also note that RSS11 has been revised with Policy CC1 in addition to policies EN1 and EN2. In addition there is the West Midlands Climate Change Action Plan published by the West Midlands Regional Assembly WMRA and the Government Office for the West Midlands (GOWM) in December 2007 in anticipation of the new PPS1 supplement. In addition the more general policy backgrounds of ENV39 and ENV40 of the UDP are relevant.

It is therefore there is sufficient Development Plan Policies, Government support and documented evidence to back up this condition. In addition at appeal the condition has been added by Inspectors in support of your Officers recommendations.

It is also noted that it will be a statutory requirement (through Building Regs) that all new houses will need to be 3star by 2010 rising to zero carbon (5 stars) by 2016. As planning permission is extant for three years (i.e. in this instance to 2011) and given the timescale that it will take to build the project, it is considered that it is entirely reasonable to seek that all new houses constructed are built to a 3star standard. It is the applicant's responsibility to demonstrate fully how they are achieving this. Experience of dealing with other developers and being at recent meetings with the RTPI and House Builders Federation (HBF), indicated that all parties and major developers were reportedly signed up to this matter and supposedly had already factored into the build programme for developers, many are already looking at 4 stars and above.

It is also noted that "The Code for Sustainable Homes: Setting the standard in sustainability for new homes" (Feb 2008) makes it mandatory for all social housing to be Code 3 (from April 2008) and all houses sold or completed to complete a certificate of eco-compliance, failure to do so will result in a nil-rating.

The Certificate will be seen as a Mark of Quality. To quote the above document: "In this era, with a more environmentally-conscious public, aware of the urgent need to limit their effects on climate change, there is a growing appetite amongst consumers for more sustainable products and services. With greater demand for homes that offer reduced environmental impact, lower running costs and features that enhance health and well-being, there is an increased need for home builders to demonstrate their capacity in sustainable home building, and to market the sustainability of their homes to homebuyers. The Code offers a tool for home builders to demonstrate the sustainability performance of their homes, and to differentiate themselves from their competitors."

In addition, the applicants raised questions about conditions 28 & 29 (as they were presented to you in April 2008), they question the lawfulness of these two conditions, which could have future implications for the access arrangements agreed as part of the outline planning permission and request that these two conditions are either removed or re-written as advisory notes.

With regard to Conditions 28 (which originally required vehicualr AND pedestriahn movements to link to Reedswood Golf Course) and 29 (requiring an assessment of use of Rayboulds Bridge Road as an access to the site) the applicant's design and access statement currently states: That emergency access only will be from Raybould's Bridge. Links are essential to delivering Reedswood Golf Course as vehicle and pedestrian links will be progressed in the joint TA which is currently being prepared. The Canalside Communities Project now embedded in the Preferred Options Joint Core Strategy (RC7) needs to be delivered in a comprehensive manner and the Caparo development cannot be delivered in isolation from the development of Reedswood Golf Course and Sydenham Playing Fields. Officers are

concerned that the removal of the conditions would create a ransom situation and compromise the delivery of future developments identified above and the aims of the Canalside Communities project and the Preferred Options Core Strategy. However the requirement for vehicular links in what was condition 28 and all of what was condition 29 have been moved to Note A. Condition 28 will remain to promote pedestrian links.

Section 106 Agreement

As the application is in outline, the broad scope of the Section 106 agreement is to be defined now with the precise amounts to be confirmed as part of the reserved matters.

- In relation to Education, the precise figure is not to be agreed as the precise mix and layout has yet to be approved.

- Affordable Housing, the equivalent of 25% shared equity. This would be in accordance with the current Supplementary Planning Document (SPD) but also allow for social rent to be provided on site in accordance with the emerging SPD. Housing strategy officers support this provision.

- Open Space contributions would be sought at £701 per bedroom. On site works to the canalside embankment, landscaped area around Top Lock Cottage and the former Lock Museum and canal towpath improvements would be discounted from the total amount. The canal towpath works would need to meet the requirements and standard of British Waterways.

- Healthcare – £384.30 per bedroom would be sought in accordance with the adopted Supplementary Planning Document.

- Public Art – the scheme will include on site public art which will be developed in partnership with the Creative Design Team, precise details and locations will be development as part of the reserved matters submission.

- Transportation improvements to Old Birchills and Green Street junction would be funded by the development in addition to a contribution of 44% of the total cost of works to improve the Old Birchills/Green Lane/Hospital Street junction.

- Green Travel Plan – walking and cycle initiatives and bus passes for future residents in addition to a welcome pack being provided for future occupants. The Travel Plan document will be developed in co-ordination with Council Officers and Centro.

Any reductions in the Section 106 contributions from the above level will need to be justified in a viability assessment and submitted to the District Valuers Service for independent assessment at Reserved Matters Stage. The costs of the independent assessment will need to be met by the applicant.

Conclusion

Overall the proposals are considered to be acceptable and should be supported. Should committee resolve to support the scheme will need to be submitted to the Government Office as a Departure from the Development Plan.

Reasons for approval

The proposals have been considered with the aims and objectives of the Development Plan (as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004). These are Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

The redevelopment of the Caparo works is a significant project as part of the Canalside Communities project as defined by the Walsall Regeneration Company and Policy RC7 of the Black Country Joint Core Strategy Preferred Options consultation document.

It is noted that the proposals are in outline and that the layout plan and other detailed plans are indicative do not form part of the permission. The scale of the development, with regard to the storey heights proposed are agreed at this stage. The proposals have been reviewed by Midlands Architecture for the Designed Environment and the Council's Urban Design Officers working in partnership and the layout is broadly acceptable.

An appropriate level of car parking has been discussed and developed as well as promoting sustainable travel initiatives (including walking, cycling and public transport) whilst not compromising the deliverability and availability of existing operators in the area and future developments.

The proposed conditions also seek to have appropriate regard for ecological issues, sustainable use of natural resources, ground conditions, flooding and the heritage of the area, in particular the area around the Top Lock Cottage (a Grade II listed building) and the Walsall Locks Conservation Area.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. 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, ENV14, ENV18, ENV21, ENV23, ENV24, ENV26, ENV27, ENV28, ENV29, ENV32, ENV33, ENV34, ENV39, ENV40, JP5, H1, H3, H4, H9, H10, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11 and T13 of Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA3, PA4, PA5, PA6, PA10, PA11, UR1, UR3, UR4, QE1, QE2, QE3, QE4, QE5, QE7, EN1, EN2, T1, T2, T3, T4, T5, T7, T8, T9, CF1, CF4, and CF6 of the Regional Spatial Strategy for the West Midlands (RSS11); Adopted Supplementary

Planning Documents including Designing Walsall SPD, Affordable Housing SPD, on balance, having taken into account all material planning considerations, the proposal is acceptable.

The application is referred to the Government Office for the West Midlands due to the application site being allocated as employment land in the Walsall Unitary Development Plan (March 2005).

Recommendation: Grant Subject to Conditions Subject to Referral to Government Office

1. Application for approval of the first Reserved Matters shall be made within 3 years of the date of this decision. Development must be begun not later than 3 years from the date of approval of the Reserved Matters permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. This development of each parcel of land shall not be commenced until details of the following, hereafter named “the Reserved Matters”, have been submitted to and approved by the Local Planning Authority:-

- a) Layout of the site
- b) The external appearance of the building(s)
- c) The landscaping of the site

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

3. As part of the Reserved Matters submission, a Residential Travel Plan Framework shall be submitted to and approved in writing by the Local Planning Authority. The Framework shall be developed in partnership with this Council's Travel Wise co-ordinator and included in as part of a S106 Legal Agreement. 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 and associated infrastructure; and
- c) Walking initiatives.

Prior to the first dwelling being occupied on the development hereby approved, the full Residential 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. The approved measures shall be implemented in accordance with the details written in the approved Travel Plan. A review of the approved Travel Plan shall be submitted to, and agreed in writing by, the Local Planning Authority in accordance with the approved Travel Plan. 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 and to promote sustainable modes of transport.

4. Unless otherwise agreed in writing by the Local Planning Authority, before work commences on the area next to the Former Boatmans Rest and the Toll House, the canalside frontage and land adjacent to Rayboulds Bridge, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artefacts or documentation meriting preservation:

- * Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);
- * Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).
- * Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

Reason: To secure an adequate record of the site's archaeology.

5. 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.

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

6. 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 (identified under survey work of Condition 5) and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

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

7. Agreed remedial measures under Conditions 5 and 6 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 ensure satisfactory development of the application site.

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

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

9. Before work commences on site details of measures to control water run off from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

Reason: To protect the water environment.

10. For the duration of the reclamation of the site, and the construction period, the accesses to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

Reason: To prevent mud being deposited on the public highway.

11. 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 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from service vehicle areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To protect the water environment.

13. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until drainage details, incorporating:-
- a) sustainable drainage principles
 - b) an assessment of the hydrological and hydrogeological context of the development
 - c) the provision and implementation of a surface water run-off limitation and on site attenuation as appropriate, and a programme for implementation and completion

have been submitted to and approved in writing by the Local Planning Authority and in consultation with the Environment Agency and British Waterways. The scheme shall be implemented and completed in accordance with the approved details.

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

14. Before the development is brought into use, the accessways 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.

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

15. 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

16. Prior to the occupation of the buildings hereby approved, the location of communal satellite dishes to serve the apartment units shall be submitted to and agreed by the Local Planning Authority.

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.

17. Prior to the commencement of development 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.

18. Unless otherwise agreed in writing by the Local Planning Authority in consultation with British Waterways, at all times, when construction is not underway, there will be unrestricted pedestrian access to the canal towpath.

Reason: To secure public access, in the interests of promoting improvements to the environment of the town centre.

19. As part of the Reserved Matters submission, details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to seeking to achieve a minimum of 3 stars standard as amplified by the Code for Sustainable Homes (December 2006) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, Policy CC1, EN1 and EN2 of RSS11 and PPS1 in terms of sustainable development and use of natural resources.

20. All hand-held pneumatic machinery used in respect of demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels.

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

21. All plant and machinery in use shall be maintained and silenced in accordance with the manufacturer's and/or supplier's instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design, and wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

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

22. No operations or activities incorporating explosive blasting, drop-balling or thermic/thermal lances shall be undertaken.

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

23. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

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

24. No development shall take place until suitable noise mitigation measures identified by survey work in Condition 24 of this permission to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

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

25. As part of the Reserved Matters submission details of bin stores and cycle stores shall be detailed. The stores shall be implemented in accordance with the approved details.

Reason: In order to ensure satisfactory functioning of the development.

26. As part of the Reserved Matters submission the scheme shall progress a minimum gross development density of 40 dwellings per hectare.

Reason: In order to make efficient use of brownfield land.

27. As part of the Reserved Matters submission the scheme shall progress links to Reedswood Golf Course for pedestrian and cycle movement.

Reason: In order to ensure that this development and neighbouring potential developments are delivered in a comprehensive manner and good quality design and links to Reedswood Park are maintained and delivered and to ensure that the neighbouring highways network is not adversely affected.

28. As part of the Reserved Matters a plan showing the areas to be offered for highways adoption shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show details of refuse and re-cycling storage areas for those properties that front the road and do not have rear access should also be provided to demonstrate that residents' bins will not obstruct the footway or visibility splays. The applicant shall also submit tracking details to show access for the Council's bin lorry. Should the Council's refuse vehicle be required to access roads and/or parking areas that

are not being offered for adoption, the applicant will be required to indemnify the Council against damage caused to the road by the vehicle prior to the first occupation of any dwelling. The areas shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the satisfactory appearance of the development and to ensure the satisfactory functioning of the development.

29. As part of the reserved matters submission highways improvements to Old Birchills detailed in the submitted Transport Assessment shall be detailed and submitted to the Council. The approved scheme shall be implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

30. As part of the reserved matters submission a phasing plan for development shall be submitted and agreed with the Local Planning Authority.

Reason: In order to ensure that the development is delivered in a satisfactory manner.

31. As part of the Reserved Matters submission a detailed air quality and odour assessment shall be submitted to and agreed in writing with the Local Planning Authority. The scope of the assessment shall assess the odour and air quality from neighbouring industrial processes at various heights. Any mitigation methods or requirements shall be implemented in accordance with the agreed recommendations within the air quality assessment.

Reason: In order to ensure the satisfactory amenity of neighbouring residential occupiers.

32. Prior to the commencement of development approved by this development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses.
 - potential contaminants associated with those uses.
 - a conceptual model of the site indicating sources, pathways and receptors.

- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on subsection 1 (above) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

3. The site investigation results and the detailed risk assessment (in subsection 2.) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in subsection 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent the pollution to 'controlled waters'.

33. As part of the Reserved Matters submission a full Ecological Survey shall be carried out. Recommendations contained in the survey for the protection of protected species shall be incorporated, wherever practicable, into the design of the proposals.

Reason: In order to preserve and enhance the natural environment and safeguard any protected species.

NOTE FOR APPLICANT:

A) The layout submitted as part of the outline approval is broadly acceptable if a scheme of 301 units is progressed at Reserved Matters stage. The principal improvements required are

- The area of Plots 143 and 144 in relation to the illustrative layout to improve connectivity of the site to future proposals for Reedswood Golf Course,
- Demonstration that the details of the proposals are acceptable to the highways authority,
- The development should consider links to Reedswood Golf Course for vehicular movement
- Notwithstanding the access approved, as part of the Reserved Matters submission the proposals shall consider the scope for using access from Rayboulds Bridge as a one-way access point (into the site).

B) 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.

C) 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.

D) There are a number of large projects in the town centre, each with areas of new public realm. The Council and Walsall Regeneration Company are working on a strategic framework for public realm works and this should be used to guide the details of landscaping and surface materials.

E) Building works may not be undertaken, and a public highway may not be closed in the absence of the appropriate consent, which must be obtained through the Local Highway Authority. Those consents may require a public local inquiry if there are objections.

F) You are advised that although this permission has been granted you must also respect any ownership rights or other legal agreements including rights of way.

G) You are advised to refer to the agreement under Section 106 of the Town and Country Planning Act 1990 which was completed in conjunction with the development.

H) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

I) 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).

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

K) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191, Fax. 0181 694 0099.

L) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

M) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

N) The applicant/developer is advised to contact Des Harris British Waterways third party works engineer in order to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

O) 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.

P) For the avoidance of doubt, no water should be discharged into the canal without first obtaining written consent from British Waterways.

Q) For the purpose of this condition instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS 7482: 1991 'Instrumentation for the measurement of vibration exposure of human beings' where applicable or any superseding standard, and shall have a linear performance frequency range of not less than 1Hz to 80 Hz.

'Vibration sensitive' premises shall be taken to include, inter alia: any premises used as an occupied dwelling, hospital or similar institution, schools

or other educational premises (when in use), places of worship (when in use), hotels and similar facilities.

R) With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hours})}$, of 45 dB between the hours 07.00 to 23.00

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England; 2005 British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise"; British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use; British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits; British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988; Calculation of Railway Noise, 1995. This is not an exhaustive list.

Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of

changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

S) There has been the invasion of Japanese Knotweed on the site. The eradication of such species is not simple, therefore we wish to inform the applicant of the correct procedure to completely eradicate this invasive species, the information can be found at:

<http://www.environment-agency.gov.uk/subjects/conservation/840870/840941/?referrer=/subjects/conservation/>

T) It would be beneficial for the highways works to Green Street/Old Birchills as shown on Grontmij drawing number P461600/06/001 rev 2 to be implemented prior to the commencement of development.



ITEM NO: 8.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: Application requiring delicate judgement

Application Number: 08/0874/FL
Application Type: Full application

Applicant: Whitbread Group Plc
Proposal: Proposed 20 bedroom extension to existing 40 bedroom Budget Hotel, rearrangement of car parking and landscaping and ancillary works

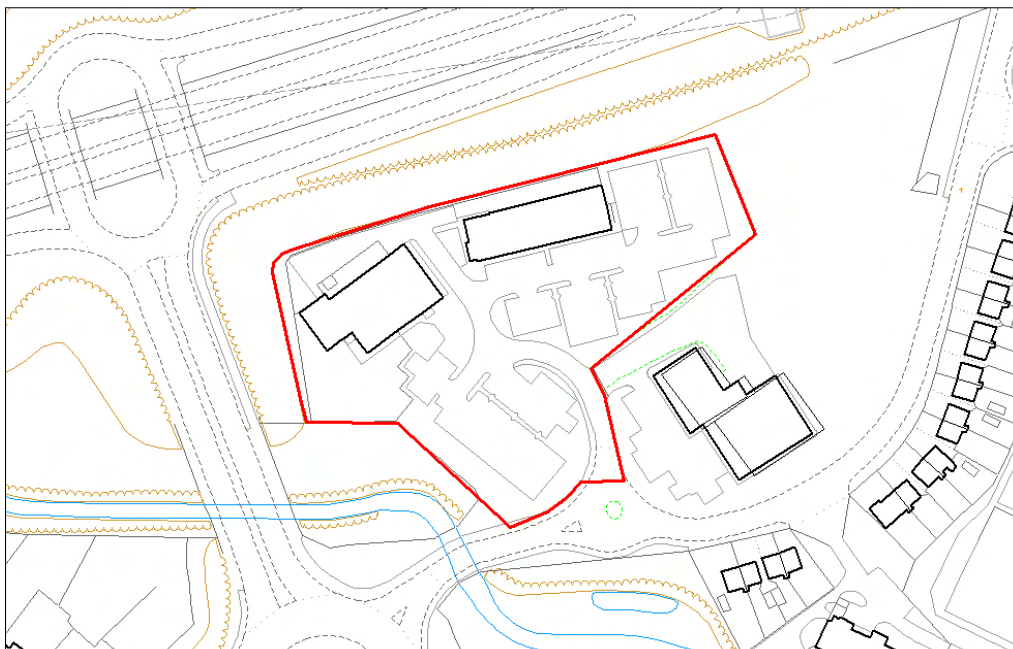
Ward: Bentley & Darlaston North

Recommendation Summary: Grant Subject to conditions

Case Officer: Andrew Thompson
Telephone Number: 01922 652403

Agent: Cliff Walsingham & Co
Location: PREMIER INN/BENTLEY GREEN, BENTLEY GREEN, BENTLEY ROAD NORTH, WALSALL, WS2 0WB

Expired: 18/08/2008



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Application and Site Details

The application site is an existing 40-bedroom hotel next to the Black Country Route. The proposals are to extend the premises by 20 rooms to the east of the existing building in a design to match the existing hotel building.

As a result of the extension to the hotel, the proposals would result in the loss of approximately 26 car parking spaces from the site.

The proposals are near several Sites of Local Importance for Nature Conservation (SLINCs) and are considered out of centre for the purposes of town centre planning policy.

The application is supported by a sequential test statement, habitat assessment and river corridor survey. The sequential test statement states that there are no sequentially preferable sites in town centres and highlights that the proposals are an extension to an existing hotel premises.

The proposals are within the Darlaston Strategic Development Area (DSDA) which is an area identified for employment led regeneration.

Relevant Planning History

04/2063/F/W2 – Identical extension for additional hotel accommodation – Refused on sequential grounds.

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

Adopted Unitary Development Plan

Policy S1V defines hotels as a town centre use, S2 defines the centres, and Policy S7 considers developments in an edge of centre and out-of centre and the need to assess these against sequential test objectives.

Policy Env32 seeks high quality design. T13 seeks an appropriate level of car parking. Env21 – Seeks to safeguard SLINCs, Env23 – Nature Conservation and Development, and Env24 – Wildlife corridors.

Designing Walsall, the Council's Supplementary Planning Document (SPD) on design is relevant. The Natural Environment SPD is also relevant.

Regional Spatial Strategy

Policies UR1A, UR3, PA1, PA10 and QE3 seek to deliver urban regeneration, specific to the Black Country, delivering prosperity for all and high quality design. Policy PA10 deals specifically with tourism and culture.

National Planning 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 24 hour environments will promote alternative modes of transport. The guidance also seeks to ensure that the requirements of climate change are addressed.

The Good Practice Guide for Tourism and PPS6 touch on locational issues. They are covered more fully in the arguments in the Observations section.

PPG13 guides that the reliance on the private car 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 – No objection subject to conditions

Pollution Control Scientific Team – No objection – suggest consult environmental health

Strategic Policy Team – Recommend that the application should be refused on the grounds that they consider the hotel investment proposed should be accommodated within a scheme for development within or on the edge of Walsall Town Centre. It is therefore contrary to Walsall UDP Policy GP1 and S7 and PPS6.

Natural Environment Team – No objection subject to a condition

Fire Service – Satisfactory

Building Control – No objection subject to a note for applicant being included relating to demolition.

Environmental Health – No objection

Public Participation Responses

1 letter of objection received, commenting on too much traffic in the area, noise impact, impact on ability to sell property and loss of views.

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

Determining Issues

- Planning Policy and sequential test (changes since the previous refusal)
- Impact on car parking/traffic
- Design considerations

- Other comments raised by public participation response

Observations

Planning Policy and sequential test (changes since the previous refusal)

Paragraph 3.4 of PPS 6 indicates that in the context of development control local planning authorities should require applicants to demonstrate:

- a) the need for development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for the development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

In addition paragraph 3.15 indicates that in applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:

- the scale of their development;
- the format of their development;
- car parking provision; and
- the scope for disaggregation

It is also noted that the Good Practice Guide for Tourism (GPGT) has replaced Planning Policy Guidance Note on Tourism and of particular relevance is Annex A of the document that moderate-sized extensions to an existing hotel including the addition of bedroom accommodation, can help to ensure the future viability of such businesses. This may satisfy a local need, by fully utilising the potential of the site but without any disproportionate increase in scale. In such cases, careful consideration should be given to ensure that the size of the extension proposed is not disproportionate for the location concerned.

The GPGT also recognises budget hotels, motels and travel lodges, which is the function that this hotel performs, and advises that these facilities cater more for car-born travellers, often for a single overnight stay – e.g. business travellers en-route to a destination. In such cases, the preference of developers will be for sites on major traffic routes outside of the centre of large towns or tourist centres. Locations, for example on a ring road or on a major route out of the town centre, will usually be the most appropriate locations if a town centre location is not suitable, available or viable.

In this regard, and unlike the previous refusal, the application is supported by a sequential test statement. This is accurate in terms of its policy assessment but in terms of the assessment of other sites has several errors, principally relating to suitability of the Waterfront and Gigaport proposals.

With regard to Waterfront, the sequential test does not mention the progress made on delivery of planning permissions. Officers understand that progress

is being made on the provision of a hotel on the Waterfront which will be larger and more significant than the proposals here and therefore normally preferable from a sequential point of view. However, delivery is not anticipated within the current plan period (which ends in 2011) and having regard to the current climate and therefore in terms of availability in the short term the Waterfront is not sequentially preferable.

The Gigaport proposals, as members will be aware, are indicative and therefore it could be some time before the hotel element of the proposals become definitive. The hotel element was not within the first phases of development. Therefore this site is currently not considered to be available or viable for the purposes of this application.

Officers agree other town centre sites, are not available, viable or suitable at this time, in comparison to the 20 bedroom hotel proposals. However, this does not rule out larger and more comprehensive hotel schemes being promoted and achieved.

In addition to the advancements in Planning Policy and town centre applications, recognising out of centre hotels and the role that these play in the economic structure, the proposals could also add viability to the future regeneration under the Darlaston Strategic Development Area and act as a facility for the business community.

Overall the proposals are acceptable in sequential planning policy terms.

Impact on car parking/traffic

The application looks to reduce the existing car parking provision by 26 spaces, however Transportation consider that the 75 remaining spaces (including 2 additional disabled spaces) together with the motorcycle and cycle facilities (to be demonstrated) are acceptable in this instance.

Design considerations

The design matches the existing and adds landscaping. Whilst not inspiring the proposals are an appropriate scale and design taking into account the existing building.

Other comments raised by public participation response

The comments of the concerned neighbour are noted however the issues raised are not considered material. The nearest residential property is approximately 110m from the proposals. The building is the same height as the existing building, the traffic impact would not be materially significant and the noise impact would not be significant in this instance in comparison to the existing use. Overall the objections are noted but are not significant concerns to warrant a refusal.

Conclusion

Overall the proposals represent an extension to an existing hotel which would allow for an existing facility to expand and develop its operations and maintain its presence in the Borough. The design and layout of the proposals are acceptable.

Reason for Approval

The proposals have been considered with the aims and objectives of the Development Plan (as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004). These are Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

The proposals have taken into account the sequential test policy issues and the location of the hotel as an out of centre location. In addition the proposals have taken into account the environmental and nature conservation requirements, the impact on neighbouring residential properties and the design and layout of the proposals.

The proposals have also taken into account the impact of traffic and the loss of car parking spaces.

All the issues are acceptable in the view of the Local Planning Authority.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular policies GP1, GP2, GP3, GP7, T7, T13, ENV10, ENV14, ENV21, ENV23, ENV24, ENV32, ENV33, S1, S2, S3, S6 and S7 of Walsall Unitary Development Plan (March 2005) and Policies PA10, UR1A, 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.

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. This development shall be surface-treated to match the existing building before the development is brought into use.

Reason: To ensure the satisfactory appearance of the development.

3. As detailed in the Habitat Survey and Corridor Survey submitted in support of this application, a landscape and habitat management plan for improvement of the area of scrub and grassland bordering the River Tame in the south west corner of the site, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in accordance with the agreed details and to a timetable agreed with the Local Planning Authority as part of the management plan.

Reason: In order to preserve and enhance the natural environment.

4.a) Prior to 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 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 ensure satisfactory development of the application site.

5. Prior to the commencement of development a revised plan shall be submitted to and agreed in writing by the Local Planning Authority detailing the provision for motorcycle parking. Unless otherwise agreed in writing each bay shall be 2.0m x 0.8m, with a security bar at each bay. The development shall be implemented in accordance with the approved details.

Reason: In order to provide for all highway users.

6. Prior to the commencement of development a revised plan shall be submitted to and agreed in writing by the Local Planning Authority detailing the provision for cycle storage. This facility shall be covered,

secure and illuminated and situated as near as possible to the main entrance.

Reason: In order to promote cycling for leisure and alternative modes of sustainable transport for staff and visitors.

7. 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.

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



ITEM NO: 9.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: The application proposes the removal of a condition which was imposed by Members.

Application Number: 08/1007/FL
Application Type: Full application

Case Officer: Mrs J Scrivens
Telephone Number: 01922
652436

Applicant:

Agent: Mr Andrew Wotton

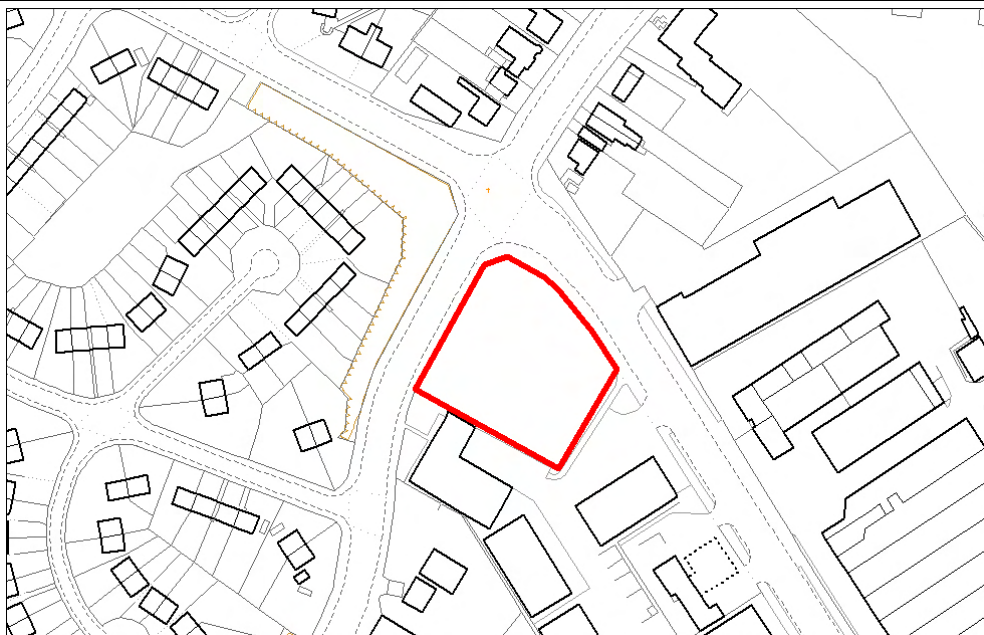
Proposal: Removal of condition 11 of
05/1566/OL/W3 which required the
installation of sprinklers

Location: SITE OF FORMER
NEPTUNE P.H., BILSTON LANE,
WILLENHALL, WV13 2LF.

Ward: Willenhall South

Expired: 08/10/2008

Recommendation Summary: Grant



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Current Status

The determination of this application was deferred by Members on 16.9.08 to enable Government Office West Midlands to be consulted on the use of conditions to secure sprinklers.

Application and Site Details

This application proposes the removal of condition 11 of 05/1566/OL/W3 which required the installation of sprinklers.

That permission proposed the erection of a four storey block of 43 flats with underground car parking at the junction of Bilston Lane and Owen Road, Willenhall. The flats are under construction.

The applicant has provided a letter from Pegasus Planning Group in support of the application. This advises that Circular 11/95 confirms that conditions should only be imposed where, among other things they are necessary and reasonable in relation both to planning and the development to be permitted. Paragraphs 15-18 advise that in considering whether a condition is necessary authorities should ask themselves whether planning permission would have been refused if the requirements of the condition were not imposed. Pegasus Planning considers the condition unnecessary as it duplicates other controls e.g. Building Regulations.

The applicant states that to install sprinklers would cost in excess of £35,000.

The Building Inspectors who assessed the Building Regulations application for the development have confirmed that it was not necessary to install a sprinkler system to satisfy the requirements of the Building Regulations.

Relevant Planning History

05/1566/OL/W3 Outline: Demolition of Neptune Public House and erection of 43 no. 1 and 2 bed flats, underground parking and associated vehicle access. Granted subject to conditions 18.10.06

07/0151/FL/W3 Reserved matters to 05/0151/FL/W3. Approved 27.4.07

Relevant Planning Policy Summary

None applicable

Consultations

Fire Service: No objection. The previous application had been passed as satisfactory on the 3.4.07. If the design of the development has not changed then the satisfactory comment made at the time must still apply.

Government Office for the West Midlands: Advises that ‘ You will be aware of the advice set out in Circular 11/95 that conditions should be necessary and reasonable and relevant both to planning and to the development to be permitted. Where a building is new or being altered it would usually be sufficient to rely on the building regulations to ensure that it complies with the appropriate requirements for health, safety, energy conservation and accessibility rather than apply planning conditions to any planning permission. Whether or not the building regulations require sprinklers the key test would be whether a planning condition is necessary and reasonable as mentioned above. But it would be the responsibility of the local planning authority in conjunction with the building control authority to consider these issues in any particular case.’

Representations

None

Determining Issue

- Fire safety

Observations

Fire Safety

The Fire Service comments on the outline application indicated that Fire Service access was satisfactory, but that means of escape could be an issue at the Building Regulations stage.

Notwithstanding officers advice members chose to add this condition, requiring sprinklers, to the list of recommended conditions. No specific reason was set out in the minutes, but your committee, in general terms, had been seeking to promote the use of sprinklers, and this may have been the justification for the condition.

The layout of the flats submitted in the reserved matters application was considered to be satisfactory by the Fire Service.

They have no objection to the removal of the condition as part of the current application.

The advice from Government Office is that planning conditions should not seek to duplicate other legislation; although ‘whether or not the building regulations require sprinklers the key test would be whether a planning condition is necessary and reasonable..... but it would be the responsibility of the local planning authority in conjunction with the building control authority to consider these issues in any particular case’.

There are occasions where conditions can be imposed to overcome objections to development which cannot otherwise be resolved. For example, a condition could be imposed requiring the installation of sprinklers in a proposed dwelling which would be too far from a highway to be within reach of a fire service vehicle, but this would always be guided by the response of the Fire Service.

In the current case there has been no objection from the Fire Service. The installation of sprinklers was not necessary to meet the requirements of the Building Regulations.

However well intentioned your desire to promote sprinklers, if the relevant expert does not support their retention, your Committee should not persist in an unjustified requirement.

The installation of sprinklers will be an additional expense for the applicant in a time of economic uncertainty. The building work has now reached the stage where the installation of sprinklers would be appropriate. Building Control advises that sprinklers can be installed retrospectively but that this is a more difficult and costly exercise than installing them at the appropriate stage.

Conclusion

The removal of the condition is recommended.

Summary of reasons for granting planning permission

The removal of condition 11 of 05/1566/OL/W3 would have no adverse effect on the safety of the future occupiers of the building. The installation of sprinklers is not considered necessary by the Fire Service or under Building Regulations and there are no exceptional circumstances which would make it necessary to retain this condition.

Recommendation: Grant

NOTE FOR APPLICANT: This decision relates only to condition 11 of 05/1566/OL/W3. The other conditions of 05/1566/OL/W3 remain in force.



ITEM NO: 10.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Nov 2008

REASON FOR BRINGING TO COMMITTEE: Called in by Councillors I.
and D. Shires

Application Number: 08/0677/FL
Application Type: Full application
Applicant: H W CAMPION

Case Officer: Mrs J Scrivens
Telephone Number: 01922 652436
Agent: FAREBROTHER &
PARTNERS

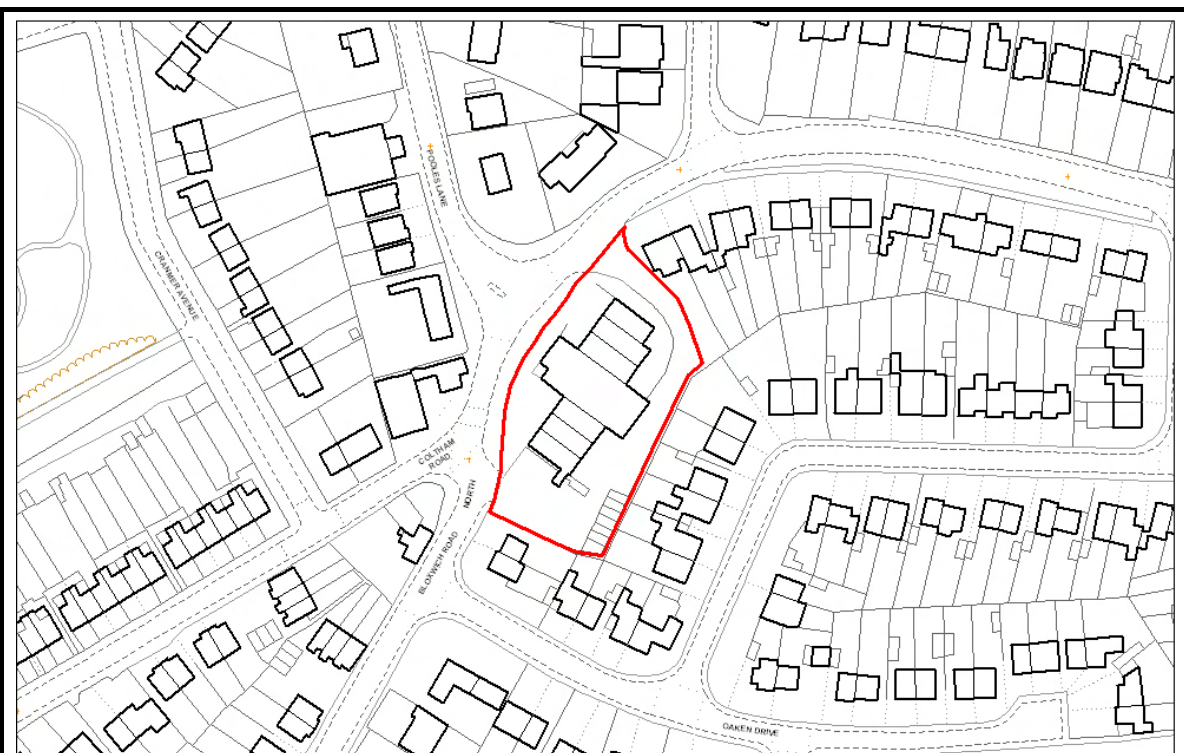
Proposal: New access road & car
parking on Bloxwich Road North
frontage of The Woodlands Centre.

Location: THE WOODLANDS
CENTRE, BLOXWICH ROAD
NORTH, WALSALL, WV12 5ND

Ward: Short Heath

Expired: 03/07/2008

Recommendation Summary: Refuse



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Application and Site Details

This application proposes the creation of a new access road and car parking on the frontage of a parade of shops in Bloxwich Road North, Willenhall. The frontage is currently a pedestrian area. Vehicular access and egress is at either end of the row of shops, from Bloxwich Road North, and runs to the rear of the shops where it also provides servicing and access to a row of garages. Parking is available on both sides of the shops for shoppers and the occupiers of the flats above the shops. The site is surrounded by housing on three sides and there are shops and houses opposite.

The Design and Access Statement indicates that the proposal 'will enhance the elevation of the retail development by replacing existing poor quality paving to make it more visually attractive to improve the street scene and provide easier access to the public in a pedestrian friendly manner'.

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 www.walsall.gov.uk/planning).

Unitary Development Plan (UDP)

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

GP6 supports the needs of disabled people.

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

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

S5 defines the Woodlands Centre as a local centre at which the existing convenience shopping function should be retained and if possible enhanced, although the buildings may be redeveloped.

7.4, 7.8 and T1 support ease of movement and accessibility for pedestrians.

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

maximum car parking standards and account should be taken of the location of development in relation to local facilities and public transport.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.” Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

Consultations

Transportation : Object to the proposal in relation to vehicle parking, vehicle manoeuvring, pedestrian movement and pedestrian safety. In particular:

- seven of the twelve parking bays do not meet national standards for parking bay size; one motorcycle bay is too short
- there is insufficient carriageway width on the new service road for vehicles, including those in the disabled parking spaces, to parallel and echelon park and leave the site in a safe manner
- there is insufficient pedestrian walkway to serve the shopping area, including insufficient provision to cater for disabled users with wheelchairs or the visually impaired . This could cause inconvenience and encourage pedestrians onto the carriageway or between parked vehicles
- the introduction of a one way access with parking on the frontage of the site will

increase traffic onto the site. At the most southerly access onto Bloxwich Road

North it will create conflict with vehicles entering the existing access/service road. The applicant has failed to demonstrate how the traffic movement will be

managed between the existing access road, the proposed access road and the

effect that this will have on Bloxwich Road North and the junctions of Coltham

Road and Pooles Lane. Due to the restrictive width of the one way system and

vehicles manoeuvring on the front of the site there is a concern of vehicles backing up to the excess point, causing standing traffic on Wood Lane/ Bloxwich Road North.

- the signs at the exit of the service road are too close to the carriageway

Fire Service: No objection

Access and Disability Officer: Objects to the proposal. The development should adhere to Inclusive Mobility, the guide to best practice on access to the pedestrian and transport infrastructure. Accessible parking spaces will be required; some parking spaces are of insufficient size and bollards need to be 1000mm high. Provision for pedestrians should be continued along the existing footway of Bloxwich Road North.

Public Participation Responses

Two letters have been received. They refer to

- The safety of pedestrians. The Woodlands Centre has always had convenient and safe access for pedestrians across its frontage. The proposal is a potential hazard which is against the trend for pedestrianised shopping centres.

- Pedestrians will walk directly to the shops cutting across the access road

- The plans make no reference to the existing vehicular access to the rear of the shops

- There is no provision for parent and child or disabled parking, both of which require wider bays

- Segregation between pedestrians and traffic is limited, drivers and passengers

will alight either onto the pavement or onto the access road, obstructing pedestrians or alighting into the path of traffic . This is of particular concern

- when the passengers are children
- There is insufficient space in front of the main unit for wheelchairs and pushchairs
- The steep cambers around the exit could present a hazard in frosty weather
- The safety of drivers should be taken into account

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

Determining Issues

Highway safety
Amenity and environment
Sustainability

Observations

Highway safety

The proposed access and parking are unsatisfactory in design for several reasons outlined in the Transportation comments. Latest government guidance 'Manual for Streets 2007', when looking at a design for movement patterns, recommends that the design of a scheme should show an emphasis on encouraging good pedestrian movement. The proposal has not created this.

The creation of the access road and car park would reduce the amount of space available to pedestrians to below the minimum recommended by national guidance. This would prejudice the safety of shoppers.

The introduction of additional parking at this local centre would be likely to encourage local trips by car to the site and increasing congestion. Given the deficiencies of the scheme, this would be likely to compromise the safe movement of traffic and people both on the site and on the adjacent public highway.

Amenity and environment

The proposal would introduce cars onto the frontage of the site as well as immediately adjacent to the neighbours. There would be little effect on the amenity of neighbours surrounding the site who would be separated from the noise/activity by the building. The occupiers of the flats above the shops will already be affected to some extent by traffic on Bloxwich Road North and the additional parking should not make a significant difference to them.

The frontage of this shopping centre is wholly hardsurfaced and not particularly attractive for this reason. Although the proposal would replace the surfacing and proposes two planting boxes this is insufficient to improve the appearance of the centre.

The addition of a road and car parking on the frontage of the shops would be out of keeping with the original design of the centre, in which the car was subservient to pedestrian space. It would occupy most of the frontage and reduce the space for pedestrians by a considerable amount. This would detract both from the appearance and the character of the centre and that of the surrounding area.

Sustainability

The proposal is intended to increase the attractiveness of the shopping centre to car borne customers. The centre already has some parking and there is no evidence to suggest that this is insufficient for shoppers.

The Woodlands Centre is a local shopping centre which is intended to cater for its immediate neighbourhood. The reduction in the space for pedestrians on the frontage and the need for them to navigate traffic on the forecourt is likely to reduce the attractiveness of the centre for shoppers on foot and encourage them to use their cars for local shopping rather than walk. Alternatively once in their cars they might choose to go further afield to shop, resulting in the decline of this local facility.

Conclusion

The approval of this application would be detrimental to highway safety, since it fails to provide satisfactory access and parking. It would result in a development which would detract from the functioning and appearance of the Woodlands Centre and thus its attractiveness to shoppers.

Recommendation: Refuse

1. The proposed development fails to provide satisfactory access and parking. It fails to take account of the needs of disabled people and other shoppers. The introduction of additional parking would increase congestion and given the efficiencies of the scheme would prejudice the safety of pedestrians and vehicles within the site and on the adjacent highway. The approval of this application would be contrary to policies GP2, GP6, 7.4 7.8, T1, T7 and T13 of Walsall's Unitary Development Plan and policies DW2, DW5 and DW9 of Designing Walsall SPD.
2. The proposed development would introduce a road and car parking onto the frontage of the shopping centre which would be out of keeping with its original design. The development would be detrimental to the character, appearance and setting of the building and could not provide sufficient landscaping to offset this effect. The approval of this application would be detrimental to the character and visual amenity of the area and contrary to policies GP2, 2.2, 3.6, 3.7, 3.16 and ENV32 of Walsall's Unitary Development Plan and policies DW2, DW5 and DW9 of Designing Walsall SPD.
3. The proposed development would encourage the use of cars for shopping by providing additional parking and by reducing the space available for

pedestrians which would reduce the attractiveness of this local centre for shoppers on foot. The approval of this application would potentially prejudice the future of this shopping centre. The approval of this application would be contrary to policy S5 of Walsall's Unitary Development Plan.
