



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation on
25th April 2006

Content Sheet

<u>Item</u>	<u>Page</u>	<u>App No</u>	<u>Site</u>	<u>Proposal</u>	<u>Recommendation</u>	<u>Committee Decision</u>
1	3	05/2428/FL/W3	140, Wallows Lane, Walsall, West Midlands, Ws1 4lz	Side & Rear Extension For Conversion Of Dwelling To Small Care Home.	Refuse Permission	
2	9	06/0126/OL/W1	Site R/O Heston And Granby, Stafford Road, Wednesbury, Walsall, West Midlands	OUTLINE Erection of 18 apartments and 51 houses including access.	S106 Agreement and Grant Permission Subject to Conditions	
3	22	06/0328/FL/W2	48, Lichfield Road, Walsall, West Midlands, Ws4 2dj	RETROSPECTIV E: Conversion of existing dwelling to 4 No flats.	Grant Permission subject to conditions	
4	28	06/0227/FL/W1	Manor Hospital, Moat Road, Walsall, West Midlands	Variation of Condition 1 of BC58026P to allow a further three years for the submission of details	Grant Permission Subject to Conditions and no New Material Objections	
5	40	06/0355/FL/W7	Atlas Works, Sandwell Street, Walsall, West Midlands, Ws1 3sd	An Amendment to Previous Approval 05/1736/FL/W7 For Erection of 24 flats/apartments.	S106 Agreement and Grant Permission Subject to Conditions	
6	51	05/2057/FL/E4	132 - 136, & THE REAR OF 138-140b, CHESTER ROAD, STREETLY	Erection Of 6 Houses	Delegate Determination to Officers	

			,WALSALL,WEST MIDLANDS			
7	61	06/0064/FL/W3	12,13 And 14,High Street,Walsall,Wes t Midlands,Ws1 1qw	Re-build fire damaged frontage to High Street. Ground floor retail (A1 & A3) with 13 no. 1 & 2 bed apartments over.	S106 Agreement and Grant Permission Subject to Conditions	
		06/0065/LB/W3	12,13 And 14,High Street,Walsall,Wes t Midlands,Ws1 1qw	LISTED BUILDING CONSENT: Re- build fire damaged frontage to High Street. Ground floor retail (A1 & A3) with 13 no. 1 & 2 bed apartments over	Grant Listed Building Consent	
		05/2005/LB/W3	12,13 And 14,High Street,Walsall,Wes t Midlands,Ws1 1qw	Remove front fascade of No. 13 and 14 and shell of No. 12 as all these walls are unstable.	Grant Listed Building Consent	
8	74	06/0298/FL/W7	76-84,Glebe Street,Walsall,Wes t Midlands,Ws1 3nx	Conversion of existing two storey textile manufacturing unit to 3 storey 11 no. residential apartments (1 & 2 bed)	S106 Agreement and Grant Permission Subject to Conditions	
9	82	06/0218/OL/E3	Land Adjacent Local Centre,Turnberry Road,Walsall,West Midlands	Outline: Residential development of 5 flats	Grant Permission subject to conditions	



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor O'Hare.

Application Number: 05/2428/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Mr Peter Costigan

Agent: Mr Peter Costigan

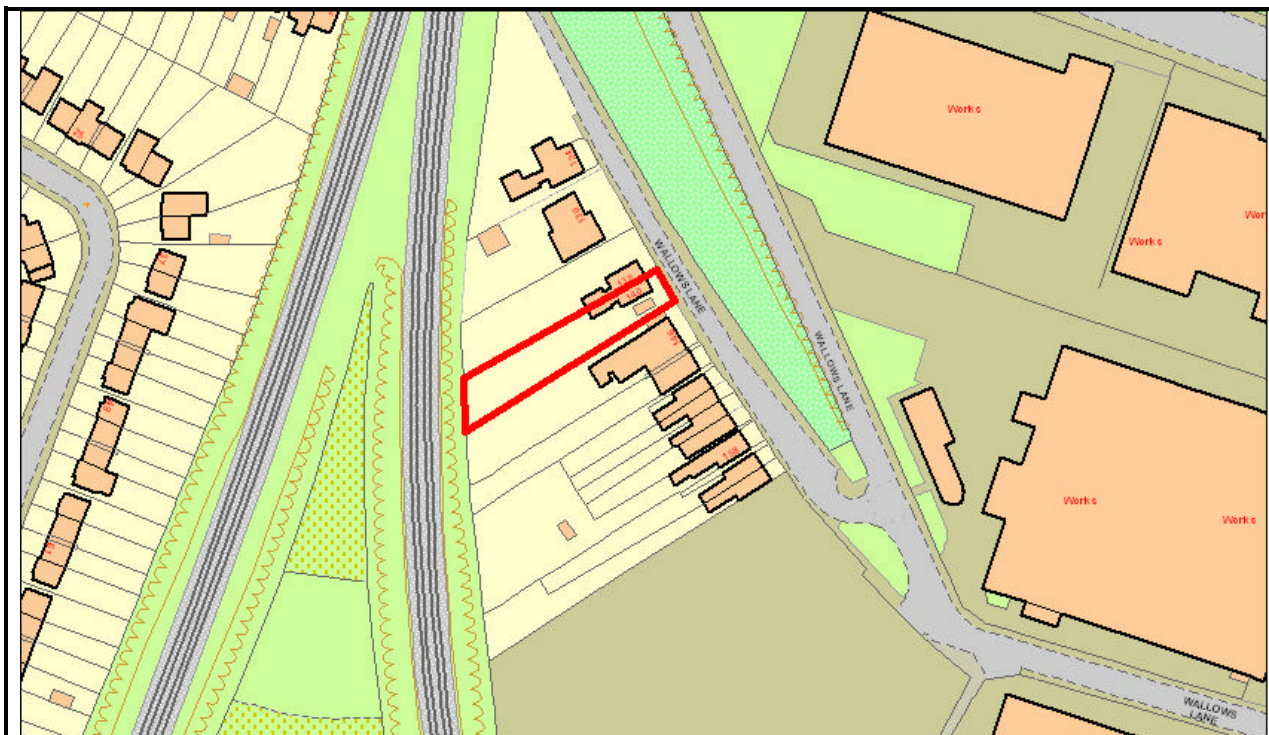
Proposal: Side & Rear Extension For
Conversion Of Dwelling To Small Care Home.

Location: 140,WALLOWS
LANE,WALSALL,WEST
MIDLANDS,WS1 4LZ

Ward: Palfrey

Expired: 06 February 2006

Recommendation Summary: Refuse Permission



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application relates to a semi-detached two bedroom house. This part of Wallows Lane is a cul-de-sac although it has no formal turning head and very limited space in which to manoeuvre a vehicle. Wallows Lane is variable in width, being approximately 4 metres wide in front of the site. It has only one footpath. There are double yellow lines on the opposite side of the road and some of the houses do not have off-street parking. The application indicates that two residents parking permits are available to the applicant.

This part of Wallows Lane is residential in character, with terraced houses predominating. The property immediately to the south of the site has a domestic appearance, although it has a large extension which has been in commercial use.

The application proposes the extension and conversion of 140 Wallows Lane to form a care home for people aged between 18 to 65 with learning disabilities.

The extensions consist of a hallway and a part two storey, part single storey extension at the side of the property. The ground floor is 16.7m in length. The second storey, approximately 25 metres square projects approximately 2m beyond the existing first floor of the building. The extension would be set back 6m from the front of the house.

The proposed extension would be slightly wider than the original house, leaving a gap of 0.590m between the building and the side boundary with no.146 Wallows Lane.

The proposal would provide four bedrooms with en-suite facilities; lounge/dining room; kitchen; two further bath/shower rooms; office; sensory room and utility.

Two parking spaces (one behind the other) would be provided on the front of the property. The plans indicate that the applicant has two parking permits for use in Wallows Lane. Refuse storage would also be provided on the frontage.

The applicant has made the following comments in support of the application:

- This will be a family home for between one and four people, offering a safe and informal atmosphere and enabling them to pursue a normal and fulfilled life.
- installing UPVC windows and rendering the property will be in keeping with the character and appearance of the area.
- Sound proof materials will be used to limit noise
- The front garden will be landscaped upon completion of the extension.

Relevant Planning History

05/1147/FL/W3 Side and rear extension (similar to current proposal) to existing dwelling for conversion to care home. Refused 28.7.05 for:

- Failure to provide satisfactory parking and manoeuvring
- Overdevelopment of the site resulting in unsatisfactory parking, access to the front door and rear of the property, lack of landscaping and refuse bins on the frontage of the site.
- Additional noise and activity to detriment of amenity
- Appearance of alterations/extensions detrimental to visual amenity

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

Development Plan.

Policies GP2 and 3.6 require all development to make a positive contribution to the environment.

ENV32 requires development to take account of its context and surroundings.

Policy H5 promotes the provision of housing for people with special needs

Policy H10 requires the design of residential development to create a high quality living environment.

Consultations

Transportation: Object. Proposal would introduce additional traffic into a narrow residential road with inadequate turning facilities. Parking provision may be inadequate for this type of home; similar proposals have been refused by Committee due to lack of parking. Residents parking permits would not be available for staff/visitors.

Environmental Health: No objections. Kitchen/bathroom would need to be re-arranged, but this has been agreed with the architect.

Social Services:

i) Children's Services. (These comments were received prior to the applicant confirming the age of the intended occupiers of the home)

The applicant has not provided an intended statement of purpose for the home. The plans indicate that the resident group may have disabilities. Should the proposal be for a children's home then four parking spaces would be inadequate for disabled parking, staff, management and visitors. The internal arrangement of the home would require changes.

The Government is encouraging local authorities to place young people as close to their home address as possible. Independent home providers would have to be registered by CSCI and are advised to consult with health, education, social services and the local community.

ii) Learning Disability Service. - object.

The applicant needs to define the nature of care to be provided. A care home would need to be registered by CSCI.

The application describes the service as being for 'adults with mild learning disabilities, who need support in some aspects of daily living'. The Joint Strategy for People with a Learning Disability in Walsall indicates that the service pathway is more likely to be Supported Living (Tenancies) or Adult Placements rather than residential care. The application does not define the nature of the support to be provided or the method of providing support. Based on the information received the Learning Disability Service could not support the application. There is a need for support and homes for people with a learning disability as valued members of the community and the Learning Disability

Service would be happy to discuss with the developer the scope and need of services in the town.

Commission for Social Care Inspection: No objections. Internal alterations are required to provide a shower for downstairs front bedroom.

Police: No objections.

Fire Service: No objections.

Network Rail: No objections.

Representations

The occupiers of 138 Wallows Lane, which is semi-detached with the application site, object to the application on the following grounds:

- These proposals do not overcome the original reasons for refusal
- Regardless of what is done to the plans, the property is in the wrong location. A care home is more suitable in a detached property with wide access and sufficient parking. The corridor on the side of the property makes the parking too narrow.
- Both of the writers' children have special needs. One son has hearing difficulties and is very sensitive to loud noise. Both sons have breathing difficulties which would be worsened by having a building site next door.

The occupier of 146 Wallows Lane supports the proposal.

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

Determining Issues

- Parking/highway safety
- Amenity

Observations

The nature of homes, of all sorts, are being increasingly closely examined. As a result, responses are addressing more issues and this is reflected in the current report which, properly, addresses more issues than were raised in relation to the last application on the site.

Parking/highway safety.

The applicant has not discussed with Social Services the precise nature and services to be offered by this home. To some extent it is difficult therefore to be precise about the parking requirements of such a home.

The parking standards set out in the development plan relate to elderly persons care homes. Evidence is emerging that these standards may not be appropriate to all types of care homes.

Applications for children's homes and sheltered accommodation for people with learning disabilities have been refused elsewhere in the borough for lack of parking.

As a base standard, an elderly persons home of this size would require two parking spaces. Although two car parking spaces are shown, these would be in tandem, which would mean that the spaces could not be used independently. This arrangement is not ideal in a business use and would encourage manoeuvring in the road. It could encourage visitors to park on the road since they would not wish to block staff leaving the premises. There is insufficient space on the site frontage for a better arrangement to be achieved without detriment to pedestrian safety and the appearance of the frontage.

The applicant has indicated that he has two parking permits for Wallows Lane. However if this application is approved, the applicant would not live at the premises and these permits would not be available. Parking without a permit should not be encouraged. These permits do not entitle occupiers to park in particular parts of the road so that parking from the home could be displaced to the road in front of other properties.

The parking standards for elderly persons care homes require the provision of an ambulance turning space. This requirement is a result of care homes usually catering for the frail elderly and has the benefit that some service vehicles can also park and turn within the site. Use as a care home for people with disabilities may also generate the need for an ambulance from time to time (for which parking on the road may be acceptable) or the provision of a minibus, depending upon the nature of their disabilities.

No parking space is designated for such a vehicle and it would probably occupy one of the car parking spaces intended for staff/visitors.

Amenity.

Care homes are considered appropriate to residential areas in principle. The type of property chosen for this use is critical to the effect on the amenities of neighbours.

The conversion of semi-detached dwellings to care homes has the potential to adversely affect the amenity of neighbours due to the proximity which small dwellings usually have to one another and the resulting greater impact which any noise or activity from a care home would have on the amenity of neighbours. In this instance the application proposes the insulation of the party wall but, even if this was successful in suppressing internal noise the additional external activity arising from staff shift work, extra visitors such as social workers and relatives would cause a potential problem.

The proposed extension to the property would not affect the property immediately to the south, no.146 Wallows Lane, due to the length of the extension to this property.

The proposed alterations and extension to no.140 Wallows Lane would however be detrimental to its appearance and the character and visual amenity of the area. The eaves and ridge of the first floor extension would be at a much lower level than the main house and the front door would be relocated to the extension which would emphasise the extension at the expense of the original house. This creates the appearance of an overdeveloped site. There would be a very narrow access from the front of the property to the rear garden and as a result the dustbins would have to be kept on the front of the property in permanent view.

The internal layout of the existing house does not easily lend itself to conversion to a care home and the amount of alteration and extension required to provide care home accommodation to approved standards has resulted in the front door being relocated to the extension. The application proposes rendering the existing and proposed building to avoid the necessity and expense of matching the brickwork. It is also proposed to use UPVC windows throughout.

This effect would be out of keeping with the majority of the street which is predominantly brick buildings which have been modernised with care. Where UPVC windows have been used they are based upon the original sash design rather than the multipaned windows proposed.

The applicant considers that rendering the house would be in keeping with the character of the area. The property immediately adjacent to the south has been rendered and a few houses have been painted. The majority retain their original brickwork. Rendering the property to match the property to the south, which has been altered in the style of the 1970's would emphasise both properties and their mismatch.

Recommendation: Refuse Permission

1. The proposal fails to provide satisfactory parking for vehicles within the site, in that the spaces shown could not be accessed independently, which would lead to vehicles reversing onto the highway to the detriment of highway safety, or parking on street in an area where parking is restricted to residents only and in which some properties do not have off-street parking. The approval of this application would be contrary to policy GP2 of Walsall's adopted Unitary Development Plan.

2. The proposal constitutes an overdevelopment of the site in that the proposed use requires the size and siting of an extension which occupies the majority of the width of the site frontage. This results in an unsatisfactory parking layout, inadequate pedestrian access to the rear of the property and the siting of refuse bins on the frontage. The proposal also fails to make proposals for the treatment of the remainder of the frontage. The approval of this application would be detrimental to the functioning of the site and the visual amenity of the area and as such would be contrary to policies GP2, 3.6, ENV32 and H10 of Walsall's adopted Unitary Development Plan.

3. The proposed use would occupy a semi-detached property which would require significant enlargement to provide the accommodation required. The use would introduce additional noise and activity in proximity to neighbours to the detriment of the amenity of the area. Although the application includes proposals for the treatment of the party wall it is not considered that this would entirely overcome these concerns. The approval of this application would be contrary to policies GP2, 3.6, ENV32 and H10 of Walsall's adopted Unitary Development Plan.

4. The proposed alterations and extension would be detrimental to the character and appearance of the existing building through the relocation of the front door and the height and width of the extension in relation to the main building; the rendering of the building and use of UPVC windows and doors. The proposals would be detrimental to the visual amenity of the streetscene and inappropriate to a building of this age. The approval of this application would be contrary to policies GP2, 3.6, ENV32 and H10 of Walsall's adopted Unitary Development Plan.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 06/0126/OL/W1

Case Officer: Bob Scrivens

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Woodford Land Ltd

Agent: Boughton Butler LLP

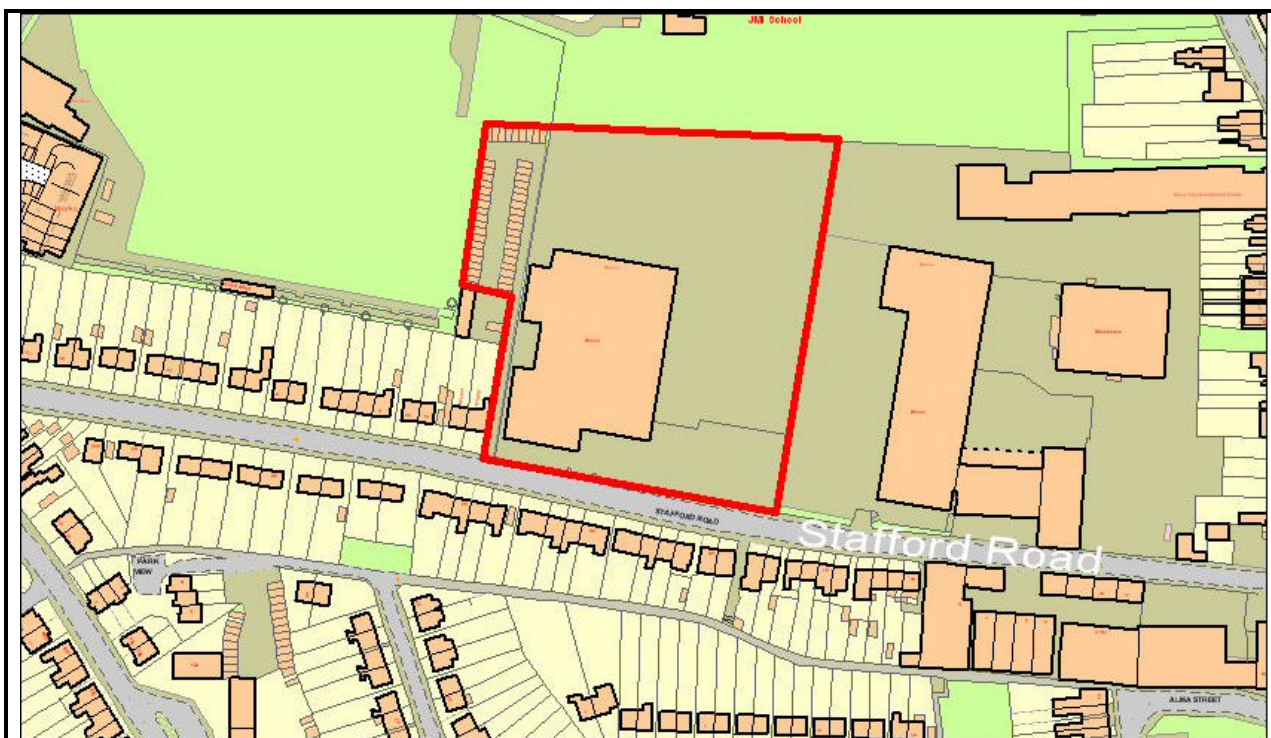
Proposal: OUTLINE Erection of 18
apartments and 51 houses including access.

Location: SITE R/O HESTON AND
GRANBY, STAFFORD
ROAD, WEDNESBURY, WALSALL, WEST
MIDLANDS

Ward: Darlaston South

Expired: 17 May 2006

Recommendation Summary: S106 Agreement and Grant Permission Subject to Conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The scheme is for 69 dwellings (the number has been amended since the original submission).

The application is in outline, with all matters reserved except means of access. The site is a vacant factory, and associated land. To the north, the site abuts the rear of Rough Hay school. To the west, the boundary is the rear of Darlaston Community Centre, and the houses on Stafford Road. East of the site are factories, and there are houses opposite, on the south.

The illustrative layout shows:-

- an access point roughly central on the frontage (and this is proposed for approval)
- limited use of an existing access drive on the western edge of the site (there are rights for the adjoining house to use this drive, and it is shown as access to rear gardens of new houses)
- the 18 flats are shown on the road frontage - they are 2.5 storeys in height
- the houses front the site roads and are 2, 2.5 and 3 storeys
- parking for the flats meets the standard of 1.5 spaces per flat
- parking for the houses also meets the Council's standards.

Density is 49 dph.

The developers have advised that they aim to remediate the site even before Reserved Matters submissions are made. To that extent they have submitted much information on this aspect of the scheme, and this needs to be reflected in the terms of the permission, conditions etc, as necessary.

Relevant Planning History

Most of the site was the Etchells factory. There have been a number of industrial permissions, some implemented, some not. They are of no direct significance for the proposed development.

Change of use of the rear of Heston and Granby to industry was refused in 1999 (BC54242P) as being unclear in its physical implications, having an adverse effect on the area, and poor access. An appeal was dismissed.

Residential development of the garage court rear at the rear of Heston and Granby was refused in 2004 (03/2293) for poor access, out of character with the area as backland development, and proximity to the factory (on what is now the application site).

There have been enforcement cases in relation to the garage court for various activities (builder's yard etc). As all activity has ceased, these are of marginal relevance.

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

Regional Spatial Strategy

This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses,, to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment.

Unitary Development Plan

Policy GP2 states that the Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations that will be taken into account in the assessment.

Policy 3.6 seeks improvements to the environment.

Policy ENV14 encouragement of the reclamation and development of derelict and previously developed land.

ENV32 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

Policy JP7 controls the conversion of employment sites to other uses.

Policy 6.3 - housing should be in locations that have good accessibility and are well related to local facilities, such as town, district and local centres.

Policy H3 states that the Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

Policy H4 seeks the provision of affordable housing.

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

Policy H10 states that residential developments should create a high quality living environment, well - integrated with surrounding land uses and local character.

Policy 8.8 states that residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

The Council now has supplementary documents on affordable housing, and Residential Design Standards.

National Policy

PPS1 stresses design and sustainability as key issues.

PPG3 on housing promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments and affordable homes. Aims to achieve more efficient use of land

and to increase the density of development above that generally achieved to date, it is also stated in paragraph 56 that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

PPG 13 on transport, promotes sustainable patterns of development, which reduce the need for travel, especially by car.

Consultations

Transportation - no objection to access. Illustrative plan has deficiencies that will need to be corrected. Scheme should include a minimum visibility splay of 2.4 metres by 90 metres.

Pollution Control - no objection subject to:-

The Developer has submitted two reports on remediation / contamination. Provided all steps are taken as in the reports the land can be remediated to be suitable for residential development. The developer will need to submit details that confirm contamination has been remediated. The developer must also confirm whether ground gas protection measures are to be incorporated into the properties.

The developer will also need to confirm that all properties will achieve a level of acoustic performance that complies with BS 8233 - good requirement for bedrooms and reasonable all other rooms.

Conditions have also been recommended to protect nearby residents that may be affected by activities during the demolition, engineering and construction phase of the re-development

Environmental Health - concerned

- site adjoins bowling green (Darlaston Community Association) with floodlights - used April to October to 2200 - possibility of nuisance
- may also be noise and nuisance from football, tennis etc.

Regeneration - Natural Environment - objection - bat study is not complete (taken during hibernation period).

Education - level of surplus spaces in local secondary schools is below 10% - a contribution is required for this purpose.

Housing - site should provide affordable housing (usual 25%) - shared ownership is appropriate.

Environment Agency - no objection on flood risk issue, subject to condition - ground study being examined - response to come.

Fire Service - no objections provided access is available from street frontage to flats (*a Note for Applicant is recommended to define this, but it is an issue for the Reserved Matters submission*).

Police - no objections subject to

- scheme should avoid creating security hazards such as separated parking, and secluded areas.
- The alleyway adjacent the existing houses will be a security risk.
- There should be railings or similar on the front of the flats, gates on rear alleys, and similar controls on movement.

Centro - no objection.

Housing Services - no objection

Central Networks - have installations nearby and offer advice on safe practise. **Energis** - not affected.

National Grid - no objection.

Representations

Eight occupiers have written raising a range of concerns as set out below.

- sewers may not be fit for purpose
- road humps will cause vibration problems when large construction lorries use the street
- there is inadequate parking on the site (houses opposite site do not all have off-road parking)
- on-street parking would adversely affect buses and commercial vehicles (serving factories in area)
- 3 or 4 storey flats would block light to houses opposite
- 3 or 4 storey flats will overlook houses opposite
- 3 or 4 storey flats will spoil character of area

Some of the letters express support for the concept of the development, as well as identifying issues listed above.

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

Determining Issues

- principle
- building heights
- access
- concerns of residents
- bats
- levels / reclamation
- trees
- access at side of adjoining house
- playing field lights

Observations

Principle

Residential use is acceptable in principle in policy terms, as recognised in policies JP7(d) and H3.

The density of the proposal is not excessive.

There are a number of issues of detailed design on the illustrative plan which are not suitable for a detailed approval, but the site is large enough to address these issues at detailed design stage. These are not an impediment to the grant of an outline permission.

Building heights

Residents have expressed concerns about the height of the flats (this was not clear initially). I would not oppose three storey flats in this situation. The street is fairly wide, and three storeys is commonplace in such situations.

In any event, the applicant has now confirmed the flats will be 2.5 storeys.

Some residents are concerned about 3 storey houses. However, the three storey houses, on the illustrative layout, are 16 metres from the boundary of the nearest house, and 23 metres from the nearest house (corner to corner).

Access

The location is comparable to the access for the present industrial use. There is nothing inherent in this scheme that raises highways issues.

Concerns of residents

I have identified those as sub-headings below.

Sewers

The developers have confirmed that they do not yet know which sewers are to be used for the development (there are none immediately adjacent to the site)

Severn Trent do not wish to receive specific consultations. They select any applications they wish to become involved in and notify the Council (members will be familiar with this sort of call-in process). There has been no notification, and hence it can be concluded there is no drainage capacity issue.

The sewers available are in Crawford Avenue to the north, or at the rear of the houses in Stafford Road, opposite the site.

Road humps

The issue here is the temporary effect of the construction. This is unavoidable, if the site is not to remain derelict. As a temporary effect, I do not regard it as a reason to refuse the application.

Parking

The illustrative scheme shows compliance with the Council standards. While some of the car spaces are poorly located in relation to individual houses, as this is only illustrative material, no difficulty is anticipated in resolving these at detailed stage.

Bats

The submitted information was surveyed during a hibernation season. Regeneration are concerned that this is inadequate. However, the submitted study acknowledges its limitations, while concluding that the likelihood of bats being present is low.

In the circumstances a precautionary condition to require further study is an appropriate response.

Levels / reclamation

The north and west boundaries of the site are markedly higher than the adjoining land. The developers propose, as part of the remediation, to reduce the levels so that an embankment of bout 2 to 2.5 metres would be along these boundaries (mostly this is a reduction, but in the northwest corner, levels would be raised by the whole amount.

Such changes would not impact on neighbours, and can be agreed.

Reclamation studies have been submitted and are satisfactory.

Trees

A tree study has been submitted. The conclusion that nothing on the site requires preservation is accepted.

Access at side of adjoining house

This is a long, narrow access which previously served a garage court. It has to remain as access to the rear of the adjoining, existing house (legal rights) and is proposed to remain for this reason. It is also proposed, on the illustrative plans, to provide a pedestrian entrance to the rear gardens of some of the houses. The Police are concerned at security. A condition is recommended to require the provision of suitable gates.

Playing field lights

The lights are about 80 metres from the rear corner of the site. They are required to be turned off after 2200 (though they can be used on any day of the year).

In this relationship, it is possible that there could be a nuisance, as identified by Environmental Health, but this is not likely to be a major issue for residents who would be choosing to occupy these dwellings in full knowledge of the existing lighting.

Conclusion

The application is recommended for approval subject to the signing of a section 106 agreement providing for affordable housing within the development and a contribution to the needs of secondary schools in the area.

The process of negotiating such an agreement includes consideration of proposed conditions, so the decision will reflect the conditions set out below, but not necessarily the precise wording.

Recommendation: S106 Agreement and Grant Permission Subject to Conditions

1. Application for approval of the Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than:

- i) 5 years from the date of decision.
- ii) 2 years from the approval of the Reserved Matters or in

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

2. The built development authorised by this permission shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The siting of the buildings;
- b) The design of the buildings;
- c) The external appearance
- d) The landscaping of the site

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

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

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

4. No demolition or tree felling shall take place until a study identifying whether there are bats present on the site has been submitted to and approved in writing by the Local Planning Authority. If the study shows the presence of bats, the study will include a scheme for mitigating the effects of the demolition on the bats, and the demolition shall be carried out in accordance with the approved scheme.

Reason: To ensure the welfare of a protected species.

5. No remediation works shall be carried out until a resurvey for the presence of badgers has been carried out to ascertain whether badgers have arrived on the site subsequent to the submitted survey, as recommended by the submitted report.

Reason: To ensure the welfare of a protected species.

6. The submitted details of the remediation of the site are approved subject to the following:-

A) Prior to the commencement of remediation, the developer will submit, for the written approval of the Local Planning Authority:-

1. Confirmation of the intentions with regard to underground water storage tanks and any contaminants identified in this area.
2. Confirmation of the size of capillary and biotic break layer, together with confirmation that imported material is to be free of contaminants.
3. Confirmation of precautions to be implemented to protect properties from ground gas

B) During construction, the developer will keep records/logs of progress towards remediating the site, addressing the following issues:-

1. that the hotspots of contamination surrounding WWS02, WWS04, GRTP11, WTP06, WTP111, WTP112, GRBH11, and GRBH07 are delineated, excavated and sent for off-site disposal or treatment;
2. that the results from additional soil validations/investigations made as part of the remediation works are recorded and any results that are above Soil Guidance Values or other limits used by the consultants are submitted for the approval of the Local Planning Authority, together with proposals for remediation of those results, before that work is undertaken. The approved details will be implemented and completed concurrently with the remediation of the rest of the site.
3. in the event that monitoring or additional investigations identify more widespread pollutants than identified in the submitted remediation documents, a Detailed Qualitative Risk Assessment (DQRA) will be carried out and submitted for the written approval of the Local Planning Authority, together with proposals for remediation of those results, before that work is undertaken. The approved details will be implemented and completed concurrently with the remediation of the rest of the site.

Reason: To ensure the satisfactory remediation of the site.

7. As part of the Reserved Matters submission, the applicant will either:-

a) confirm that the dwellings will achieve the good levels of acoustic performance in bedrooms and the reasonable levels in living rooms set out in BS8233 (1999).

or

b) where this is not possible and an acoustic scheme is required to meet the requirements of BS 8233:1999, then details shall be submitted. The approved details under this part of this condition shall be implemented before occupation of the dwelling requiring the work, and shall be thereafter retained, and in working order if appropriate.

Note for applicant

The scheme required under part (b) of this condition shall have regard to the advice and guidance contained in BS8233 1999: 'Sound insulation and noise reduction for buildings - Code of practice' to achieve a good criteria of indoor ambient $L_{Aeq, T}$ noise level for bedrooms (with individual noise events not exceeding 45 dB L_{Amax}) and reasonable level for living rooms. The approved scheme shall be completed prior to occupation of any dwelling. 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).

Reason: To ensure a satisfactory environment for the occupiers of the dwellings.

8. The Reserved Matters submission will include details of secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority, the agreed scheme shall be implemented before the development hereby permitted is brought into use, and thereafter retained.

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

9. The Reserved Matters submission will include details of drainage of the site, including off-site works as necessary.

Reason: To ensure the satisfactory drainage of the site.

10. The Reserved Matters submission will include details of what measures are being taken to incorporate sustainable urban drainage systems in the development, and the approved details shall be implemented before the dwelling they relate to is occupied, and thereafter retained , in working condition as appropriate.

Reason: To promote the use of such drainage systems.

11. The flats and dwellings fronting Stafford Road shall not exceed 3 storeys.

Reason: To ensure a satisfactory visual relationship to the street scene and the dwellings in the area.

12. 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, a visibility splay at the access to the site of a minimum 2.4 metres by 90 metres, and a means of securing the accessway on the western edge of the site. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

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

Reason : To ensure the satisfactory appearance of the development.

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

Reason : To ensure the satisfactory appearance of the development.

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

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

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

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

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

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

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

Reason: To safeguard the amenity of the area.

19. During construction, facilities shall be provided to prevent any recycled, processed, or re-processed waste materials (including liquids) entering onto public footpaths, the public highway or other premises beyond the curtilage of the development site, including

watercourses, drains and sewers, unless by discharge consent issued by the relevant agency.

Reason To control potential pollution.

20. There shall be no ground fires on the development site for the purpose of waste disposal, during the remediation and construction of the development.

Reason To control potential pollution.

21. Within one month of completion of the remediation works approved under this permission, the developer shall submit a validation statement that confirms the remediation works have been carried out and that remaining levels of contaminants in soils are at acceptable levels.

Reason: To ensure the satisfactory development of the site

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

Reason: To ensure the satisfactory functioning of the development.

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

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

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

NOTES FOR APPLICANT

- A. Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination, or other constraints.
- B. In cases where the question of stability or contamination has been a material consideration resolution of these issues does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the granting of

planning permission does not give a warranty of support or stability or of freedom from contamination.

- C. The Fire Service have specific requirements for access to the flats, and this should be reflected in the Reserved Matters submission.
- D. The Police, and Central Networks have been consulted on this application, and their comments are attached.
- E. The layout of the houses should reflect the advice in the submission on the noise environment of the site, particularly the need for gable walls to face the adjoining industrial units and noise control boundary treatment.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies H3, H4, 3.6, 6.3, 6.5, 7.8, T13 and Residential Design Standards of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/0328/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Mr Ubhi

Agent: Mr Ubhi

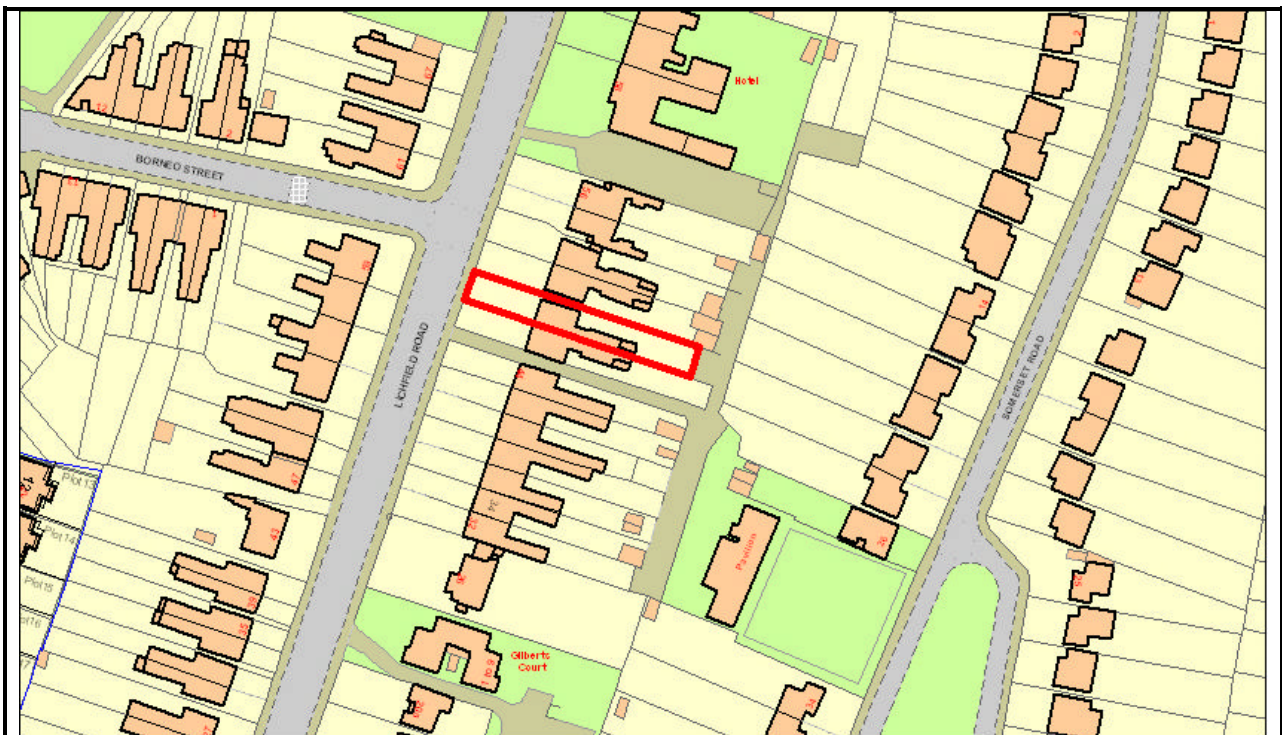
Proposal: RETROSPECTIVE: Conversion of existing dwelling to 4 No flats.

Location: 48, LICHFIELD ROAD, WALSALL, WEST MIDLANDS, WS4 2DJ

Ward: St. Matthews

Expired: 25 April 2006

Recommendation Summary: Grant Permission subject to conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is a retrospective application for a change of use to 4 flats.

Four parking spaces are indicated in the rear garden area on the deposited plans. These are accessed via a vehicle access way between nos 44 and 46 Lichfield Road.

Relevant Planning History

BC35893P Change of use to residential home for people with learning difficulties (no. 48)
Grant Subject to Conditions 22/6/92

BC56247P Change of use to home for people over 50 yrs of age with learning difficulties with parking at rear of No 46 & 48 Lichfield Road and raising of part of roof at No 46. Grant Subject to Conditions 11/1/99

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

Unitary Development Plan

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

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

Policy GP7 considers Community Safety implications of development proposals. This identifies that such proposals should have regard for the objective of designing out crime through measures including:

ENV32: Design and Development Proposals.

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

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

Policy T13 - car parking standards: flats with individual parking spaces - 2 spaces per unit; flats with communal parking - 1.5 spaces per unit.

Residential Development Standards:

Standards for Residential Developments (B) Space around Dwellings: this should provide adequate private amenity space and an acceptable level of privacy and daylight

National Policy (PPG/PPS)

Planning Policy Statement 1 advises that good design should contribute positively to making places better for people.

Planning Policy Guidance Note 3: Housing; Aims to achieve more efficient use of land without compromising the quality of the environment. However new development must be informed by the wider context.

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

Planning Out Crime circular 5/94

Safer Places - The Planning System and Crime Prevention.

Consultations

Transportation - No Transportation objections to the proposal. The use generates a parking requirement of up to 6 spaces. The existing use as a four (or more) bedroom house would generate a maximum requirement for three spaces. The plans show 4 car parking spaces. Given the location, on a main bus route and within walking distance of the town centre and local facilities, this is considered acceptable. However, the layout of the spaces is not acceptable and I would suggest a better arrangement can be achieved, possibility in a parallel arrangement. A condition should be imposed on any approval requiring an amended car parking layout to be submitted. The access is via a narrow track, some 3.2 metres wide and approximately 65 metres long, only capable of one-way traffic and there are no passing places. Vehicle to vehicle visibility at the junction of the track with Lichfield Road is at the minimum and vehicle to pedestrian visibility is sub-standard, due to adjacent garden walls, which are not in control of the applicant. In normal circumstances, this access would be deemed unsuitable for the use and the Highway Authority would object to the proposal. However, the track already provides rear access for some 14 properties and the car park of a bowling club. The intensification of use as a result of this proposal has to be assessed against the existing level of usage. Additionally, permission was granted previously for a care home for people of 50 with parking in the rear garden of the property (this was joint with number 46). Consequently, I suggest that it would be very difficult to sustain any refusal on highway grounds arising from use of the intensification of the use of the track or lack of parking should the applicant appeal, which, given the retrospective nature of the application, is likely.

Pollution Control - No objections.

Environmental Health - No adverse comments

Arboricultural Officer - No objection but suggest suitable tree protection for the TPO trees at the front of the property.

Housing Standards Officer - No adverse comments

Fire Officer - A fire appliance is required to gain access to within 45 metres of all flats and leave in a forward gear. Having viewed photograph of the premises the access for fire appliances may be compliant with part B5 of Building Regulations.

Representations

I have received 6 letters of objection (one of which encloses a petition containing 42 signatures) Comments as follows:-

- a) There is a discrepancy between the Estate Agent's board which specifies 'up to 5 flats' and the application; (*any permission will be conditioned to a maximum of 4 flats*)
- b) Increased noise - Good quality sound proofing needs to be installed;
- c) increased traffic/ parking at the rear, which is already congested, causing danger and inconvenience, to road users due to poor visibility at exit and other obstructions, fear of blockages, danger to children
- g) track should be resurfaced;
flats would change the character of the residential environment;
- j) increase in minor vandalism leads to security risk; and absentee landlords lead to misuse of property;
- k) flagrant violation of planning law;
- l) devaluation of historic property;
- m) increased fire risk
- o) loss of privacy;

All letters can be viewed on publication of this report.

Determining Issues

- amenity of neighbouring residents,
- car parking and any highway impacts.
- Other matters

Amenity of neighbouring residents

Planning permission has been granted in 1999 for the change of use of this property and the house next door (no. 46) into a care home with parking for 5 cars at the rear. Prior to that, permission was granted for the use of no. 48 as a residential care home. The use of no. 48 as flats must therefore be viewed in this context. The change in character that the previous permissions would bring about has thus already been accepted, albeit the permissions do not appear to have been implemented.

The application has not given rise to objections by Environmental Health, in terms of noise and disturbance. Pollution Control have not raised any objection to the application.

The level of impact is considered acceptable.

Car parking and any highway impacts

The permission for nos. 46 and 48 for change of use to a home for people over 50 yrs of age with learning difficulties which was granted in 1999 provided parking for 5 cars in the rear garden area of both properties. The access to this area was via the access road which would serve this proposal. The applicant has a right to use this access road. The principle of the use of the access for that development at that time was accepted.

The parking requirement for flats with communal parking is 1.5 spaces per unit. Four parking spaces are provided, this equals 1 space per unit. As the site is located on a bus route (a bus

stop is just outside the side) and is within easy walking distance of the town centre, it is felt that 1 space per unit is acceptable. The car parking layout submitted with the application would involve a long reversing manoeuvre down the narrow access way as currently laid out. However, the highway engineer has stated that two spaces in tandem along either side of the garden would be more acceptable and would involve a shorter and safer reversing manoeuvre. I have therefore suggested a condition requiring a revised parking layout.

Other matters

The arboricultural officer has requested measures to protect the trees which are within a TPO at the front of the site. As the application does not affect these trees I have not suggested such a condition.

Recommendation: Grant Permission subject to conditions

1. This permission grants consent for conversion into no more than 4 flats.

Reason: To safeguard the amenities of the occupiers of adjoining premises and because the site is not necessarily suitable for additional flats.

2. Within 1 month of the date of this permission details showing how a fire appliance will gain access to within 15 metres of all flats and leave in a forward gear, shall be submitted to and approved in writing by the Local Planning Authority or other such details to be submitted which ensure compliance with fire safety regulations.

Reason: To ensure that the site meets Fire Safety Regulations.

3. Notwithstanding the parking scheme shown on the 1:500 scale plan submitted with this application, within 1 month of the date of this permission a revised parking layout and associated boundary treatment, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out and the car parking spaces laid out and thereafter retained and used for no other purpose within 1 month of the approval of the scheme.

Reason: In the interests of highway safety and to protect the amenities of adjoining residents.

NOTE FOR APPLICANT: An amended parking layout, to be submitted under the requirements of condition 3 above, could accommodate 4 car parking spaces laid out 2 in tandem, along either side of the rear garden.

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 and proposals of the development plan, in particular policies 2.4, GP5, ENV32 and T8 of Walsall's Unitary

Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 06/0227/FL/W1

Case Officer: Bob Scrivens

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Manor Hospital

Agent: Manor Hospital

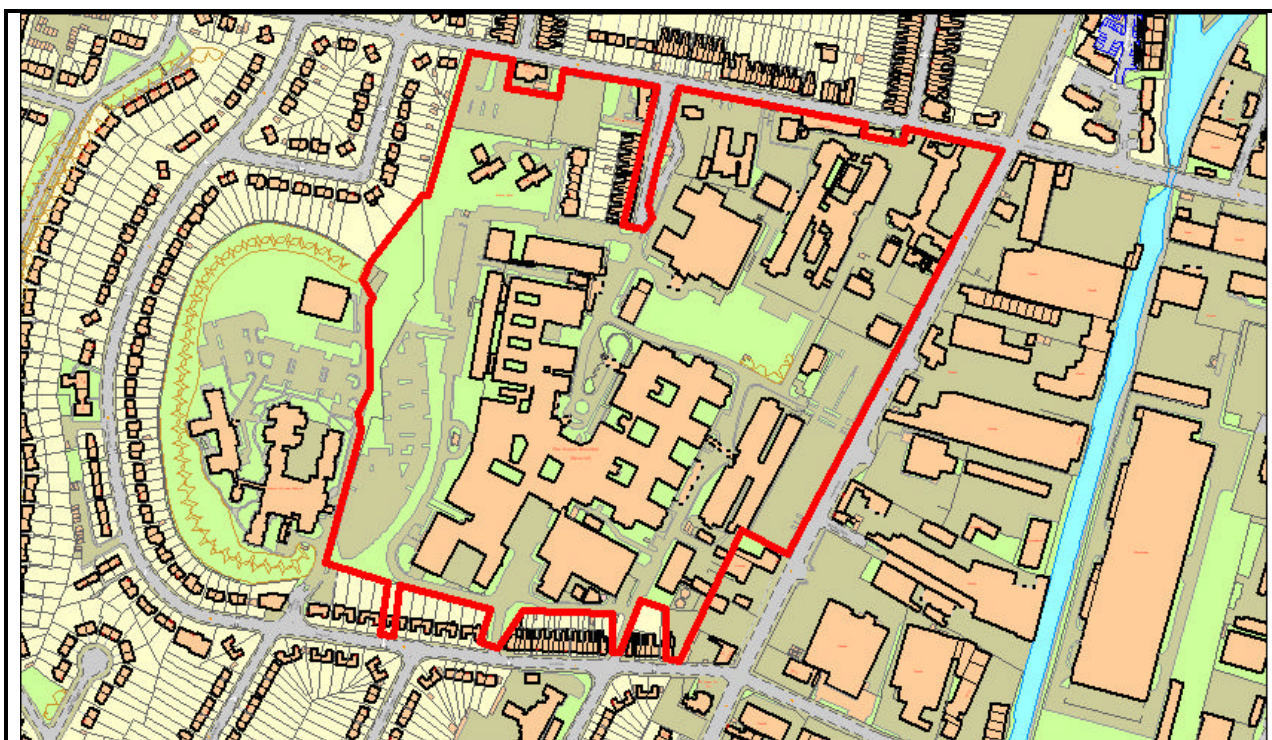
Proposal: Variation of Condition 1 of BC58026P to allow a further three years for the submission of details

Location: MANOR HOSPITAL, MOAT ROAD, WALSALL, WEST MIDLANDS

Ward: Pleck

Expired: 12 May 2006

Recommendation Summary: Grant Permission Subject to Conditions and no New Material Objections



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

Outline permission was given in 2003 for substantial extensions to the hospital. Work has proceeded on the submission of Reserved Matters, but has proceeded slowly, as a result of the complexities of the PFI bid system.

This application is to extend the period for the submission of Reserved Matters, to allow more time for the preparation of the Reserved Matters.

This is required to be treated as a new application, tested against modern policies etc.

The original application related to:-

1. demolition of a range of buildings
2. erection of a range of replacement buildings
3. new traffic light controlled access to the site from Pleck Road
4. 400 visitor car parking spaces
5. rationalisation of on-site circulation and parking

among other things, though these are concepts rather than specific proposals, consistent with its status as an outline application / permission.

The scheme was to be phased to reflect internal changes / organisations / needs. The application included a Master Plan and a Circulation, Parking and Access Plan, and a Transport Assessment.

Relevant Planning History

At various times, there have been proposals for widespread redevelopment. These have resulted in a range of new buildings.

The previous outline permission, which this seeks to vary (BC58026P) was for a range of works to massively improve the hospital.

The current application seeks to allow this process to continue. This major development is part of the Outline Business Plan for the hospital site.

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

Regional Spatial Strategy

This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses, to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment.

It also seeks to manage car parks to control the adverse effects on the highway network at peak periods.

Unitary Development Plan

2.1 the overall strategy for the UDP seeks sustainability, urban regeneration and social inclusion

2.2, GP2, 3.6, ENV32, ENV33 promote the creation of high quality environment

GP1, GP2 seek to locate proposals where they are accessible and minimise the need to travel, it also seeks to make efficient use of community facilities to minimise the need for additional infrastructure

GP3 supports the use of section 106 agreements for developments

ENV22 on protected species

ENV25, ENV26 ENV27, ENV28 on archaeology (study and protects as necessary), Listed Buildings and the local list of buildings

7.3 on the need for Transport Assessment on proposals

7.4, T12 on promoting accessibility

T7, T13 on parking, provision, amount and design

8.1, 8.7 seek to safeguard and enhance health facilities

National Policy

PPS1 emphasises the importance of design, sustainability, and inclusive development.

PPG13 seeks to promote sustainable travel accessibility, and reducing the need to travel. It seeks maximum parking standards, guided by the developers needs. Car parking charges should be used to encourage alternative modes of travel.

Consultations

Transportation - no objections.

Pollution Control - no objection subject to conditions to be included.

Environmental Health - no observations.

Technical Services - no public footpaths affected.

English Heritage - no site specific comments - application should be determined in accordance with national and local policy and views of Conservation officers.

Landscape Design - no objections to outline.

Black Country Archaeologist - no objection subject to a condition (area of interest is the north west corner of the site where there was the site of Walsall Manor House. If this area is affected by the proposals it would be useful to have an archaeological condition.

Representations

None.

The period for comment has not expired in a few cases, and this is reflected in the recommendation.

Determining Issues

- Principle
- Accessibility / highway issues
- Sustainability
- Functioning of the site
- Listed building
- Bats

Observations

Principle

Procedurally, this is required to be treated as a new application, tested against modern policies etc. Since the date of the last application there have been changes in the sort of issues that are relevant, and this is a wider ranging report as a result.

The report begins from the proposition that an improved hospital is a desirable outcome. The existence of the old permission is also relevant (as it can be argued that only changes in policy etc since that date are significant for the new decision).

As a result, there have been evolutionary changes in the recommended conditions

The applicants have sought 3 years further time to submit the details. Three years would be an acceptable period of time, weighed against the risk of prejudicing any policy issues.

In similar vein, the existing permission included approval of siting and means of access. The developing Reserved Matters are likely to require more flexibility, so I have revised the list of Reserved Matters to reflect this.

The existing permission was subject to a section 106 agreement to secure road works. With the passage of time, and an improved understanding of modern trends in conditions, it is now apparent that the effect of the section 106 agreement can be achieved by the use of a condition, and this approach is embodied in the recommendation.

Accessibility / Highway issues

PPG13 advocates selecting a site for a new hospital having regard to the access issues. In this case, a large investment has been made in the present site. Despite the fact that is not on the edge of the town centre, and is therefore theoretically less accessible than other locations, there is no realistic prospect of moving this hospital.

Steps have been taken, such as creating new bus routes, and this has helped improve accessibility.

I propose a condition requiring a Green Travel Plan, to further support this issue.

The proposed Metro route through the town runs along Pleck Road. The precise location and arrangements are not finalised. However, I am aware that Centro and the hospital trust are co-operating on the design issues, and there is no issue over this.

A specific accessibility feature that has been explored is the creation of a good pedestrian link to the town centre from the Hospital. This would build on the ideas being put together to

improve the Waterfront area. There is scope to use the canal towpath, and create a new footbridge link across the canal onto a parcel of land in the occupation of the Hospital Trust. However, that may have cost implications for the PFI bid. There is therefore a recommendation to include a condition requiring measures to improve pedestrian links, leaving open the question of where or what.

In relation to highways, the original scheme made a number of propositions. Over time, the precise arrangements are changing, but they will not be made clear until the PFI process (for the scheme to proceed) has been finalised.

Car parking spaces to meet the defined needs of staff and visitors are envisaged and this is welcomed. The expectation is that staff and visitor parking would be split. The Pleck Road frontage would provide the main visitor parking. Staff parking would be mainly along the western end of the site behind the existing outpatients department and also along the Moat Road frontage.

The scheme is generally supported.

The hospital lacks any clear form or pattern regarding access and circulation with numerous access points and circulation patterns currently operating. The number of access points will be reduced and the type of users limited for each access point. Except for the visitors parking, access into the hospital for vehicles would be controlled.

The existing main access into the site from Wilbraham Road would be retained, but would give access to Accident and Emergency and the car parking in the north of the site (likely to become staff parking on the reorganised site). The existing access from Ida Road would be retained but would be secondary (as existing), giving access to some of the servicing areas and an alternative route to the staff car parks.

A new traffic light controlled access off Pleck Road, mid way between Pleck Road / Moat Road and Pleck Road / Ida Road (which is also a traffic signal controlled junction), would be constructed. This would give direct access to the main visitor's car park. The existing car park access on Pleck Road would be closed. It is this which features in the old section 106 agreement.

Sustainability

There is growing interest in sustainable features such as green roofs & sustainable urban drainage systems.

There are restrictions on such things as green roofs adjoining wards / theatres, due to insects / pollen etc., but the inclusion of green roof technology should be explored further, both for attractive views over otherwise uninspiring flat roofs and also for sustainable drainage and wildlife habitat reasons.

Other sustainable urban drainage issues should be addressed by considering recycling rain run off for landscape irrigation/grey water usage.

A condition is recommended.

Functioning of the site

The design of the hospital buildings is complex. Integrating them with the access to the site, and the surrounding area adds further complexity.

These are primarily matters for the Reserved Matters, though some judgements need to be made now, particularly the highway access.

Listed building

There is a Listed Building on the Pleck Road frontage (outside the application site as it has been sold by the hospital). It is known as the board of Guardians building.

At this stage (an outline permission) it is hard to make specific comments about the impact of the scheme, but at present the immediate surroundings of this building are visually poor. A well designed building having proper regard to the Listed Building would improve the position.

Bats

At the time of the last application, this was not a major issue. Members will be familiar with the much higher profile for protected species as a whole, and for bats in particular. No bat study was done on the last application, and none has been submitted now.

It seems appropriate, given the existing outline permission, not to delay the 'renewal'. A condition is recommended requiring a bat study, and appropriate mitigation activity, if bats are found to be present. It is considered this is the appropriate response to the situation.

Conclusion

It is apparent that none of the issues which are explored above are at odds with granting a permission. I have set out in the text the changes to the conditions and terms of the permission which I have embodied in the recommended conditions.

Recommendation: Grant Permission Subject to Conditions and no New Material Objections

1. Application for approval of the Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than:

- i) 2 years from the approval of the Reserved Matters or in the case of approval on different dates the approval of the last reserved matter.

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

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

- a) The siting of the building(s);
- b) The design of the building(s);
- c) The external appearance
- d) The means of access to the building(s),
- e) The landscaping of the site

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

3. The Reserved Matters submission will be accompanied by full details of:

- site dimensions;
- existing and proposed levels of the site;
- all existing and proposed underground services;
- levels of floors, footpaths, roads and landscaped areas;
- any retaining structures required to ensure stability of the development or adjoining land.

Reason: To ensure the proper design of the Reserved Matters and subsequent development of the site.

4. The Reserved Matters submission will include a green transport plan for this development. The plan shall be approved by the Local Planning Authority and shall identify a package of proposed measures, including a programme of implementation, consistent with the aim of reducing reliance on the car for travel to this site.

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

5. The Reserved Matters submission will include a scheme of works for the improvement of the pedestrian links to the town centre, including off-site works, unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented and completed before the development hereby permitted is brought into use.

Reason: To promote the use of walking as a means of access to the site.

6. The Reserved Matters submission will include a study identifying whether there are bats present on the site. If the study shows the presence of bats, the Reserved Matters submission will include a scheme for mitigating the effects of the development on the bats, and the development shall be implemented in accordance with the approved scheme.

Reason: To ensure the welfare of a protected species.

7. A) The Reserved Matters submission will include a scheme of archaeological work. The scheme will provide for:-

- i) an archaeological assessment of the site; (see Notes for Applicant on this issue)
- ii) the 'preservation by record' of any significant features and / or buildings identified by the evaluation which can not be preserved within the development; (see Notes for Applicant on this issue)
- iii) a watching brief during all demolition work and sub-surface operations carried out as part of the development, unless otherwise agreed in writing by the Local Planning Authority;
- iv) the salvage recording of significant finds, features or deposits identified during the watching brief;
- v) the timing of preservation by record work;
- vi) any phasing of the work.

B) The archaeological assessment will be carried out in accordance with the archaeological scheme approved under Part (A) of this condition. Copies of all documents, drawing

photographs and other material produced as part of the archaeological assessment of the site will be deposited with the Local Planning Authority prior to any construction excavation on the site.

C) In the event that salvage recording under part (A)(iv) of this condition is necessary, the finds, features and / or deposits shall not be destroyed until details of their salvage, relocation, or suitable disposal have been agreed by the Local Planning Authority.

D) Preservation by record work will be carried out in accordance with the timetable agreed under part (A)(v) of this condition.

E) Single copies of the reports or other documents or plans resulting from any 'preservation by record' will be submitted to the Local Planning Authority, not later than the opening of the first retail unit.

Reason: The site is in an area of archaeological interest, and an appropriate study etc. is necessary to safeguard the historic significance of any finds.

8. The Reserved Matters submission will include details of:-

- the traffic generation of the site,
- the number and distribution of vehicles entering the site at peak periods
- the design of the entrances to the site and any necessary junction works on the public highway to accommodate the proposed vehicle movements
- a timetable for the implementation of the works.

The approved works will be carried out in accordance with the agreed details.

Reason: To ensure the proper design of access to the site and any necessary junction works.

9. The Reserved Matters submission will be accompanied by full details of the materials to be used to surface proposed accessways, vehicle parking and manoeuvring areas. The areas shall be constructed in the approved materials before the development is brought into use, and shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

10. The Reserved Matters submission will be accompanied by a Flood Risk Assessment appropriate to the scale and nature of the development. The risk associated with the development and proposals to mitigate any increase in flood risk shall be included in the assessment. The construction of the development shall be in accordance with the recommendations of the assessment. Thereafter mitigation measures shall be maintained in working order, as appropriate.

Reason: To avoid the increased risk of flooding elsewhere, in line with Planning Policy Guidance 25: Development and Flood Risk.

11. The Reserved Matters submission will be accompanied by details of measures to improve the sustainability of the development, such as the use of sustainable urban drainage systems, green roofs, or other appropriate technology.

Reason: To enhance the sustainability of the development.

12. Prior to any development on the site

- (a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]
- (b) the approved survey and investigation shall be undertaken in accordance with the approved details
- (c) the results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.
- (d) The approved measures shall be implemented in accordance with the approved timetable.

NOTE FOR APPLICANT

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

Reason: To ensure the satisfactory development of the site.

13. 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.

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

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

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

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

16. A) No construction, demolition or engineering works (including land reclamation, 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 0700 to 1800 weekdays and 0800 to 1300 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 operated on the site outside of these permitted hours.

B) A schedule of works to include the phasing of the proposed construction and demolition activities at the proposed development shall be submitted for the written approval of the Local Planning Authority prior to commencement of development. This document shall include details of the methods to be employed to prevent or minimise emissions of dust, noise and vibration from development or demolition activities. The approved works shall be complied with at all times during construction.

Reason.

To safeguard the amenity of surrounding residents.

17. Before work commences on site, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artifacts 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.

18. (A) No part of this development will be commenced until details of proposed litter and refuse facilities for that part of the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities will be installed before that part of the development is brought into use, and will be thereafter retained as approved.

(B) No materials, goods or refuse will be stored or deposited in the open on any part of the site other than in a refuse container as approved under part (A) of this condition.

Reason: To safeguard the amenity of the area, and to ensure the satisfactory functioning of the development.

19. For the duration of the construction works, access from any part of the development site to the public highway, will include wheel washing equipment (or such other arrangements as may be agreed in writing by the Local Planning Authority) to prevent mud and other material being deposited on the public highway.

Reason: To prevent the deposit of mud on the highway.

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

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

Reason: To ensure the satisfactory appearance of the development.

21. No external lighting will be installed on the site at any time until details have been approved by the Local Planning Authority and the lighting will implemented in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution, and thereafter retained as approved.

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

22. No external public address or music equipment shall be installed or used in the premises or in the open without details being submitted to and approved in writing by the Local Planning Authority .

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

NOTES FOR APPLICANT

In relation to condition 7:-

- 1. The Local Planning Authority would prefer to see worthwhile archaeological finds, features or deposits retained in situ. If this is not practicable for any reason, preservation by record is an appropriate, though less effective method of protecting the archaeological value of the find, feature or deposit.
- 2. The preservation by record of all standing structures to be demolished should be to Royal Commission Level 3.
- 3. Part (e) of the condition requires a single copy of the reports etc to be supplied to the Local Planning Authority. The Authority invites the developer to supply further copies to deposited with the Council's Local History Centre, and the Sites and Monuments Record unit of the West Midlands Joint Data Team.
- 4. The Local Planning Authority would expect the archaeological assessment of the site to include a desk top assessment, a site survey, selected trial trenching, remote sensing or pits as appropriate.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, GP1, GP2, 8.1, and 8.2 of Walsall's Unitary

Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 06/0355/FL/W7

Case Officer: Andrew White

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Mr N Morison

Agent: CT Planning

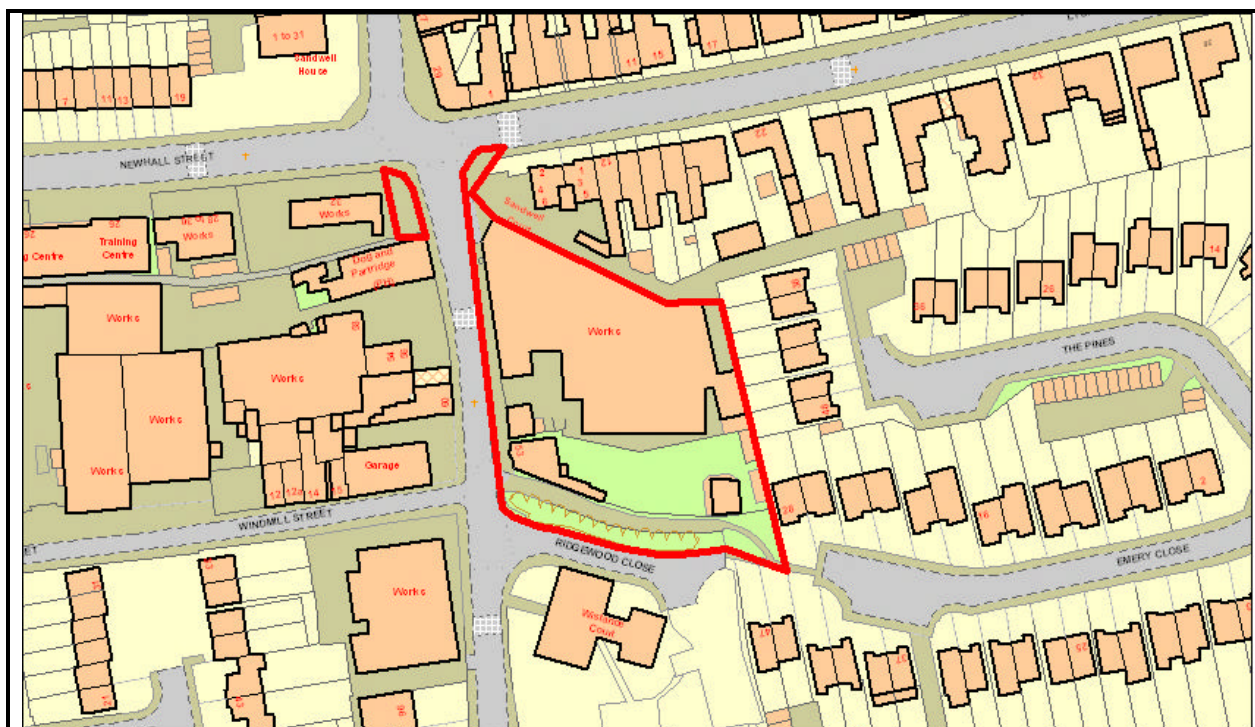
Proposal: An Amendment to Previous Approval 05/1736/FL/W7 For Erection of 24 flats/apartments.

Location: ATLAS
WORKS, SANDWELL
STREET, WALSALL, WEST
MIDLANDS, WS1 3SD

Ward: St. Matthews

Expired: 19 June 2006

Recommendation Summary: S106 Agreement and Grant Permission Subject to Conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The proposal before you is for an amendment to a previously approved application 05/1736/FL/W7 for the demolition of existing industrial premises and the erection of 24 residential units arranged in two blocks. The proposed three and a half storey Block B would provide two 1 bedroom apartments, to include lounge/dining room, separate kitchen, bathroom and study. Block B also includes four 2 bed duplex apartments occupying two and half floors and providing lounge/dining, kitchen and WC on the first floor, with bedroom, bathroom and study on the second floor and bedroom, en-suite and walk in wardrobe.

The L-shaped Block A arranged over 3 and a half to 4 and a half storey's and would provide nine 2 bedroom apartments to include lounge/dining, kitchen, bathroom and study. Block B also provides six 2 bed duplex apartments occupying two and half floors and providing lounge/dining, kitchen and WC on the first floor, with bedroom, bathroom and study on the second floor with bedroom, en-suite and walk in wardrobe on the third floor. Block A also includes three 1 bedroom apartments that include lounge/dining room, kitchen, bathroom, study and bedroom. Block B includes a lift to access the four and half storey corner element of the proposal.

The proposed scheme would be of a traditional brick and tile roof to reflect neighbouring properties, both in scale, massing, design and materials. The site area is 3,502 square metres creating a density of 68 units per hectare. The development also provides 35 off road parking spaces which is the equivalent of 145% provision. The proposal includes cycle storage.

The current site is occupied with a mix of Victorian style 2 and 3-storey buildings and single storey industrial sheds. The existing buildings occupy the majority of the site, extending to the boundary of the site with the exception of Ridgewood Close edge.

To the north of the application site, fronting Lysways Street there is a mix of 2 and 3 storey tall Victorian style residential properties and 3 storey 1970's style flatted block. To the east there are 1970's 2 storey residential dwellings, whilst to the south across Ridgewood Close there is a 3 storey block of flats. Beyond this block there is a wide mix of Victorian 2 and 3 storey traditional residential dwellings. To the west of the site across Sandwell Street there is a mix of industrial/commercial buildings including some 2 storey Victorian properties fronting the highway. To the north-west and within 50 metres of the application site is a 1960's 8 storey block of flats.

Relevant Planning History

05/1736/FL/W7- 22 flats/apartments. Approved 25/1/06

05/0763/FL/W1- 24 flats/apartments. Refused 21/7/05 for the following reasons: The proposed buildings would be detrimental to the visual amenity of the area and detrimental to the amenity of the neighbouring dwellings by reason of Blocks C and D within 6 and 4 metres respectively from the boundaries of the adjoining houses.

Relevant Planning Policy Summary

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

UDP

Development will be guided by principles of sustainability, minimising need to travel by car, maximising re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings. Relevant considerations are set out in Policy GP1

Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact. Relevant considerations are set out in Policy GP2

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. Relevant considerations are set out in Policy GP3

Para 8.8 'Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities'.

Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design. Relevant considerations are set out in Policy GP7

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. Policy T7

Town and district centres the Council will negotiate an appropriate level of parking provision with developers. Relevant considerations are set out in Policy T13

Para 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'.

The Council will ensure the protection, positive management and enhancement of trees and hedgerows. Development will not be permitted if it would damage or destroy trees... protected by Tree Preservation Order... unless: - the desirability of the proposed significantly outweighs the ecological or amenity value of trees or hedgerows. Where developments are permitted which involve the loss of trees... developers will be required to minimise the loss and to provide appropriate planting of commensurate value. ENV18

Para 3.113 New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

Para 3.114 Good design can discourage crime and increase safety as well as accommodating the access requirements of all sections of the community.

Para 3.115 the design of buildings and structures together with landscape design have a major role to play in the creation of an environment which is distinctive, creates a sense of place.

Development is expected to preserve or enhance the character and appearance of a conservation area in terms of the impact of the new buildings on special townscape, scale, massing, siting, layout, design and choice of materials. Relevant considerations are set out in Policy ENV29

Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in conservation areas, town centre, visually prominent, in the vicinity of listed buildings. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations are set out in Policy ENV32

Investment in housing within and close to town, district and local centre will be encouraged, both on new sites and through the conversion of existing buildings. Relevant considerations are set out in Policy S8

Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings. Relevant considerations are set out in Policy H3

The design of residential developments to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design. Relevant considerations are set out in Policy H10

National Policy (PPG/PPS) - PPS1 delivering sustainable development, PPS3 Residential, PPG13 transportation, PPG15 conservation, 'By Design' companion to PPG's, Urban Design Compendium, Planning Out Crime circular 5/94 and the Council's Residential Design Standards.

Consultations

Transportation- No objections subject to safeguarding conditions

Pollution Control- No objections subject to safeguarding conditions

Fire Officer- No objections

Education Walsall- No objections subject to an appropriate contribution to local schools

Energis- No objections

National Grid- No objections

Arboriculturalist- No objection subject to safeguarding conditions

Built Conservation- No objections

Centro- No objections

Representations

No comments received

Determining Issues

- Amendments to the approved scheme
- Principle of residential
- The design of the proposal including scale, mass and addressing the corner

Observations

Amendments to the approved scheme

The current proposal has included the following changes to the previously approved development 05/1736/FL/W7. The approved development included:-

- 11 two bedroom apartments,
- 1 four bedroom apartment
- 10 one bedroom duplexes.

The current proposal would include

- 5 one bedroom apartments,
- 9 two bedroom apartments
- 10 two bedroom duplexes.

Further changes include pulling the main block closer to Ridgewood Close to follow the building line from Emery Close. This would entail moving the current position of a public footpath (hidden behind trees and bushes) to the edge of Ridgewood Close.

The main block has been stretched towards 28 Emery Close to remove a small amount of dead space between the proposal and 28 Emery Close. The blocks have increased marginally in height by using some of the roof spaces. The smaller part of the main block has increased by one metre and the larger part of the main block has increased by 400mm.

The second block has also been amended to make use of the roof space and has meant the building will increase in height by 800mm. The car park has also been amended to make it easier for emergency vehicles to circulate.

Principle of Residential:

The existing site is a poor quality industrial site that has evolved over many years. Given that the application site is adjoined on three sides with existing residential properties, the current use of the site is non-conforming. The sites redevelopment to residential is acceptable in policy terms as a windfall site and the proposal was previously agreed by members.

Design:

The design of the current proposal still respects the predominately 'Victorian' nature of the surrounding area reusing good quality design cues of the area. The proposal is a traditional brick and tile construction and would include bay windows, chimneys, portrait proportioned windows all set behind a dwarf wall and railings.

The scale of the building would be acceptable in this instance because within 50 metres there are existing tall Victorian buildings of 3 storeys on the site and in Lysways Street. There are newer infill residential structures of 3 to 8 storeys in height. The proposal is predominately 3 storey rising to 4 storey at the corner of Ridgewood Close and Sandwell Street, in order to strengthen and 'mark' the corner to improve the 'legibility' of the vicinity. This corner is important being visible along Windmill Street in an easterly direction and Sandwell Street in a northerly direction.

Conclusion:

The revised planning application provides a traditional street frontage development with front doors accessing onto the street, and bay windows offering a good level of surveillance over the public realm all contributing toward the safety and security of the vicinity.

The development also has secure useable private amenity to the rear of the building and the building would 'mark' an important corner adding to the 'legibility' of the vicinity.

Furthermore, the apartments themselves provide generous room sizes which make them significantly more sustainable than many new developments, allowing new residents to adapt and grow into the accommodation over time. In addition, the proposal moves the footway from a position that lacks proper surveillance to the edge of the roadway offering additional safety and security to the vicinity especially during the evening.

The proposal is acceptable and offers a positive regenerative opportunity to the immediate neighbourhood subject to the signing of a section 106 agreement providing an education contribution towards the needs of primary schools within in the area. However, the applicants are still to agree to this and negotiations are on going. If these negotiations stall I would expect to use my delegated powers to refuse the planning application.

Recommendation: S106 Agreement and Grant Permission Subject to Conditions

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

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

2. Prior to any residential development on the site

- (a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]
- (b) the approved survey and investigation shall be undertaken in accordance with the approved details
- (c) the results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation

in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason To ensure the satisfactory development of the site.

3. Glazing and ventilation elements of habitable rooms fronting Sandwell Street shall have an acoustic performance of not less than R_w 38 dB. Elements shall be rated as specified in British Standard BS 5821, 'Methods for rating the sound insulation in buildings and of building elements' Part 3:1984 'Method for rating the airborne sound insulation of façade elements and façades' or its successor.

Reason: To ensure the satisfactory development of the site.

4. The construction type of external walls shall be twin-leaf masonry or as agreed with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

5. Details for the disposal of both surface water and foul sewage are to be submitted to and agreed by the Local Planning Authority prior to the commencement of the development hereby approved.

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

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

Reason: To ensure the satisfactory appearance of the development.

7. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

10. The 6 metre wall on the eastern boundary of the site shall be retained or replaced by a wall of the same height, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the wildlife and visual benefits of the existing wall, or provide a comparable replacement.

11. A vehicular visibility splay of 2.4m x 60m x 600mm shall be provided before the new access is first used.

REASON: In order to prevent interference with the free flow of traffic in the adjoining highway.

12. A pedestrian visibility splay of 2.4m x 3.4m x 600mm shall be provided before the new access is first used.

REASON: In order to safeguard the safety of pedestrians using the adjoining highway.

13. Before demolition work commences the applicant or the applicant's agent shall advise the Local Planning Authority in writing as to the arrangements made for the disposal of features and materials resulting from the demolition, and demolition shall proceed in accordance with those arrangements.

Reason: To safeguard materials capable of reuse.

14. No development shall be carried out until details of the proposed bike rack have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any dwelling is brought into use.

Reason: To ensure the satisfactory provision of bike parking and to promote bike use.

15. No development shall be carried out until the applicant has demonstrated to the Local Planning Authority suitable legal rights or entitlements to carry out all of the planting works proposed, and including technical details of planting in the highway and the implications for services and has a written approval for the information from the Local Planning Authority. The whole planting scheme shall be carried out before any dwelling is occupied, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the planting can be carried out, both legally and technically, and to secure its implementation.

16. No development shall be carried out until a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

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

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

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

18. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious

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

Reason: To ensure the satisfactory functioning of the development.

19. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 11. Within this period:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the satisfactory appearance of the development.

27. This permission relates to the amended plans deposited on 31st October 2005 including drawing numbers: 2736P-001, 2736P-005rev. B, 2736P-006rev. C, 2736P-008rev. C, 2736P-009rev. C and 2736P-010.

Reason: To define the permission.

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

NOTE FOR APPLICANT: 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

NOTE FOR APPLICANT: 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).

NOTE FOR APPLICANT: No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, bank holiday or public holiday, and otherwise such works shall only take place between the hours 07.00 to 18.00 weekdays, and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

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. Helpline number 01922 652408.

NOTE FOR APPLICANT: 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.

NOTE FOR APPLICANT: 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.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T13, ENV18, ENV29, ENV32, S8, H3 and H10 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 05/2057/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Matthew Homes West Mids

Agent: DeWeyer Architects

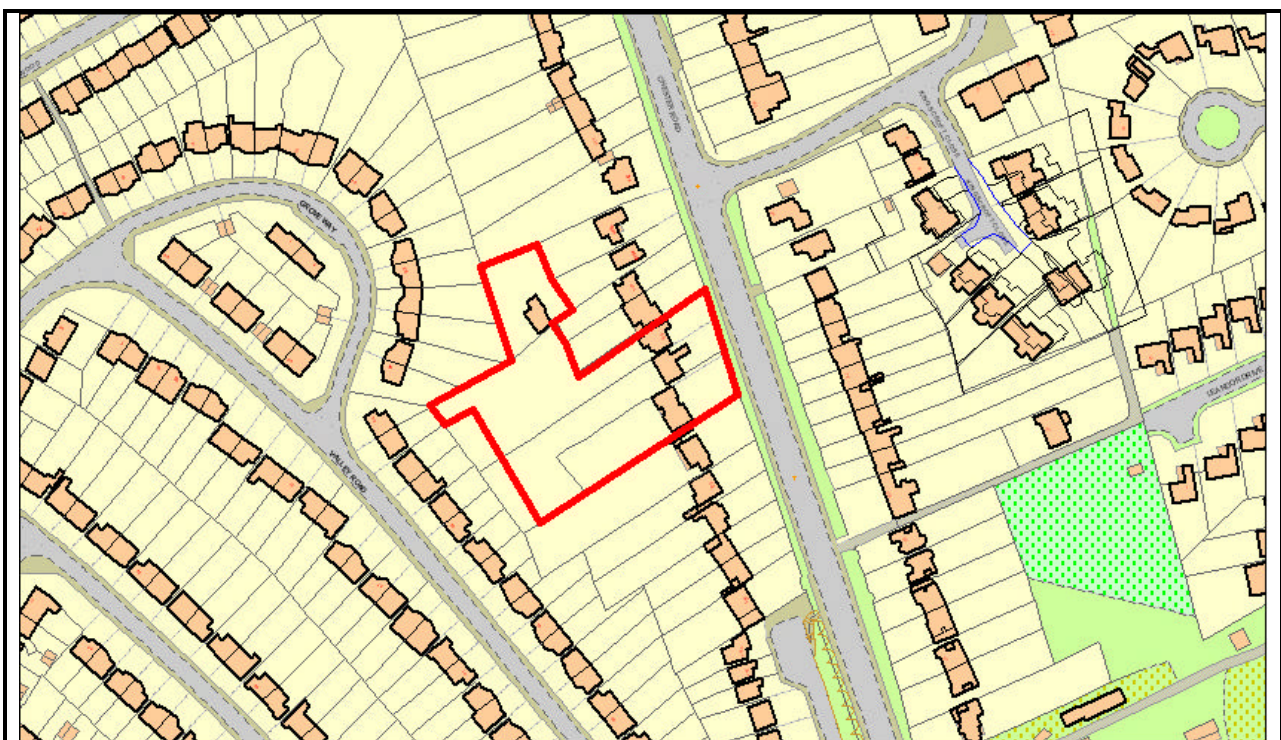
Proposal: Erection Of 6 Houses

Location: 132 - 136, & THE REAR OF
138- 140b, CHESTER
ROAD, STREETLY, WALSALL, WEST
MIDLANDS

Ward: Streetly

Expired: 19 January 2006

Recommendation Summary: Grant Permission subject to conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The application proposes the erection of 6 detached houses on the site of 132, 134 and 136 Chester Road and garden land at the rear of 138, 140, 140a and 140b Chester Road, Streetly. Access via a private drive alongside 138 Chester Road would be to 4 plots - two, full 2-storey 5 bed detached houses, and two asymmetrically roofed 2-storey, 4 bed houses. The demolition of 132-136 Chester Road would provide for the access road to the rear and for two, two-storey, 5 bed houses. The proposed houses would be stepped forward of the line of existing development, in particular approximately 3m forward of 130 Chester Road.

The site is between Chester Road and Valley Road, to the rear of 56-70 Valley Road, and 36-44 Grove Way. The site slopes to the south-east, away from Chester Road and towards Valley Road and Grove Way. There is a 2m change in level from the Chester Road frontage to half-way into the site. From this half-way point the site further changes in level, with a loss of at least 4m AOD ground level to the boundary with gardens of houses fronting Valley Road. Numbers 58-64 Valley Road are set down a further 3m. below the rear, (western) boundary of the site.

The site is covered by several Tree Preservation Orders.

The density of the scheme would be 16 dwellings per hectare.

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

Policy 2.2 Lists six key strategic themes that will be used to evaluate development proposals. These include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design.

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

Policy GP2 - The Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations will be taken into account in the assessment.

GP7 Community Safety - Development proposals will be expected to have regard for the objective of designing out crime.

3.6 Development and redevelopment schemes should, as far as possible, help to improve the environment.

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.

ENV14 The Council will encourage the reclamation and development of derelict and previously developed land.

ENV17 New tree planting will be required as part of landscape design

ENV18 Development would not be permitted which damaged protected trees.

ENV 22 Development needs to demonstrate no adverse impact on species protected by European law.

ENV 23 Proposals must take account of opportunities for nature conservation.

ENV32 Development needs to take account of its context and surroundings and indicates the criteria to be taken into account in assessing proposals.

6.3 Housing should be in locations that have good accessibility and are well related to local facilities, such as town, district and local centres.

H3 The Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

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

H10 Residential developments should ;

- I. Create a high quality living environment, well - integrated with surrounding land uses and local character. Residential Development Standards develop this policy further.
- II. Provide an appropriate mix of housing types, sizes and tenure with a variety of design.

7.1 Seeks to promote an efficient highway network;

T8 Encourages walking and advocates measure to promote pedestrian links with development and local centres;

T13 advises on parking requirements.

National Policy

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

Planning Policy Guidance Note 3: Housing, promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites, aims to achieve densities between 30 and 50 dph. Promotes the need for good design in new housing; new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised. Paragraph 46 sets out criteria for creating for sustainable residential environments.

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

Planning Policy Note 24 - advises on the minimisation of the impact of noise and noise exposure to categories for residential development.

Consultations

Transportation Group- It is assumed that the access drive will not be offered for adoption. It will be necessary for the developers to modify the white hatching in the centre of the road to

create a right turn area. The Council's refuse vehicle would not be able to access the drive. Consequently a bin storage area will be required for residents' bins and recycle boxes.

Pollution Control - conditions in respect of a noise survey and noise insulation scheme are recommended, in addition to hours of operation for construction works.

Environmental Health, Public Protection - no adverse comments

Conservation and Nature Team - Nature Officer; The bat survey confines itself to a survey of three buildings to be demolished and some places were not accessed. The report is considered inadequate. An ecological assessment of the habitat value of the site remains outstanding. In view of the fact that a further bat report has not been submitted, this application should be refused without a full bat survey carried out at an appropriate time of the year. I am also concerned that the conditions require a significant amount of survey information that should inform the design and layout of this application. Asking for tree, levels and ecological survey information once a permission had been granted is not useful, as it would be too late to make effective use of any surveys carried out under condition. Paragraph 99 of Government Circular: Biodiversity and geological conservation- statutory obligations and their impact within the planning system. (16 August 2006) states: 'It is essential that the presence of a protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed before making the decision'.

Conservation and Nature Team - Tree Officer; Several trees have been included in a new Tree Preservation Order. Car parking beneath the canopy spread of a protected and large oak tree would need to be re-arranged although the applicant has submitted additional information that does not remove the parking. Other information concerning the assessment of the impact on the protected trees remains to be evaluated.

Conservation and Nature Team - Landscape; The proposals show a brick and timber infill wall on Chester Road frontage and this would be unacceptable. Similarly other proposals for boundaries do not adequately provide for the privacy of occupiers. The proposed properties will be approximately 6m higher than the existing houses on Valley Road and this, combined with the loss of existing trees and vegetation, will have a significant visual impact. It is considered that on this particular site, where the proposals involve substantial loss of existing trees and vegetation and significant change in levels, it is not acceptable to leave landscaping and planting details as 'reserved matters'. They should be included in this application. As the application stands it should be refused on grounds of lack of information. (A full landscape scheme has been required and has not been submitted).

Fire Officer - Satisfactory access

Severn Trent - evaluation of the sustainable urban drainage system assessment report is awaited.

Representations

19 letters and a petition of 222 signatures object to the proposal on the following grounds;

- a) the site gives rise to flooding of neighbouring properties, with inadequate drainage for storm water;
- b) loss of this habitat will have a significant impact on the wildlife of the area, including protected species such as bats;
- c) loss of privacy at the side and rear of properties;
- d) the development is wholly out of keeping with the locality, and would not maintain the character of the area;
- e) impact on highway safety;
- f) change in ground levels mean that new properties would be able to look straight into the first floor windows of existing houses;
- g) the felling of the last remaining trees of Hundred Acre Wood, (a remnant from 19th century, which would, ecologically, be a major loss to the area, destroying the habitat of frogs, toads, fieldmice, birds and bats;
- h) increased strain on oversubscribed facilities such as doctors, dentists and schools;
- i) the siting of the access would breach the strategic highway network;
- j) the increased traffic would add to noise and pollution;
- k) the access for services such as refuse collection is poor;
- l) the increase in residential units would add to the noise and pollution in the area;
- m) the size, scale and layout is overbearing and overdevelopment;
- n) the proposed new road would run alongside the entire length of a rear garden boundary which would remove any privacy currently enjoyed in the back garden;
- o) the site is currently secure and the creation of a new access would security risks;
- p) the proposal is 'backland 'development, which is not acceptable

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

Determining Issues

- Sustainability
- Impact on character and amenity
- impact in respect of habitat, ecology and landscape and the adequacy of proposals to mitigate these impacts
- sustainability, in drainage terms
- access

Observations

Sustainability

The site is within 250m of the local centre at the junction of Manor Road and Chester Road and as former garden land, would be appropriate for residential redevelopment within the terms of PPG3. However the scheme proposed a density of 16.5 dph, which is well below the density advised in Planning Policy Guidance Note 3. The applicant has not submitted a design statement or other justification for this density. It is recognised that that western half of the site has a significant gradient which restricts development potential, dependent on design and layout. All of the back gardens of properties on Valley Road are in excess of 15m in length and properties fronting Chester Road have long gardens. The area is characterised by low density housing, at 8 dwellings per hectare, which it is important to retain in terms of

ensuring a diversity in Walsall's housing stock. The scheme effectively doubles the density of housing characteristic in this area, at 16 dwellings per hectare. The scheme retains the characteristics of a low density scheme, with back gardens in excess of 15m by 15m and drive way parking for four cars at each proposed house.

Character and amenity

Plots 4 and 5 would be nearest to houses fronting Valley Road and Grove Way and are proposed as single aspect for first floor bedrooms. Ground floor patio doors to the living room and family kitchen would overlook houses on Valley Road, at a level opposite bedrooms (section D-D), with a separation distance of 38m. The floor slab would be 5.25 m above the ground level of 62 Valley Road. The proposed houses at plots 4 and 5 would rise to 6m above the ridge line of houses on Valley Road. The western site boundary is sloping and could be planted extensively so as to achieve a satisfactory screen. However a landscape scheme has not been received to resolve this matter and a condition to require the submission of the landscape scheme is recommended.

The change in level at the western part of the site means that the ground floor of the proposed dwelling at plot 4 would be level with the first floor and eaves of 62 Valley Road and there would be a similar relationship with other properties fronting Valley Road. The asymmetrical roof planes for plots 4 and 5 of 11m by 8m would be set above the eaves level of the existing houses, 6m higher than the eaves level of existing houses on Valley Road. With the proposed house appearing 9m above the level of houses on Valley Road, the roof planes would be a significant and dominant, unbroken feature in the local landscape. The application involves the removal of a significant number of trees in this area and the proposed building at plots 4 and 5 would be prominent when seen from vantage points higher than Valley Road, on approach from the north. The landscape condition would secure the screening of these otherwise large features in the landscape.

The proposed access to land at the rear would be adjacent to the rear garden of 138 Chester Road. By opening up this back garden area to public access at a point where ground levels are falling away, the rear elevation of 138 Chester Road would become exposed, suffer loss of privacy and be open to view from the access road and front elevations of proposed properties in the cul-de-sac. A landscape scheme could resolve this issue, proposing mitigatory measures. However such a scheme has not been submitted. A similar situation would arise for the occupiers of the proposed dwelling at plot 1. A condition is therefore recommended to require the submission of the landscape scheme, as the size of rear gardens would ordinarily provide for a suitable planting area. However landforms are steeply sloping and a sustainable drainage assessment would need to be submitted alongside the landscape scheme, before an assessment could be made of the extent of planting possible in the back garden areas. This would be required as a condition.

The application proposes a dwelling on the site of 132 Chester Road, set 3m forward of the ground floor front elevation of 130 Chester Road. 130 Chester Road front elevation has a wide habitable room window on a side extension that may have been a garage. The siting of the proposed new house would be in conflict with the 45 degree rule of the Residential development Standards. The front window is not part of the main body of the house and it is considered that the infringement of the 45 degree rule would not significantly impact on the overall amenity of the house.

Habitat, ecology and landscape

The applicant has failed to submit an ecological assessment or further surveys on bats as well as a full landscape scheme. Additionally the Landscape Officer is concerned for the impact the loss of tree cover at this site may involve and recommends refusal on the grounds of lack of information in this key respect. The Nature Officer considers that the submission of further information upon the grant of permission is not useful and that it would be too late to make effective use of any surveys carried out under condition.

The approaching warmer time of year would mean that a further bat survey could be undertaken and this must include existing buildings and trees on site that have been omitted from the original survey. Decision on the application could be delegated to allow for a satisfactory bat survey to be done before any permission is issued and to take account of any amendments that may be required to the scheme.

Sustainability, in drainage terms

The matter of drainage is a significant issue at this site because of the changes in level to the west and the known flooding problems that residents have brought to Committee's attention in their representations on this application.

The applicant has not submitted a landscape scheme, planting or other sustainable urban drainage system plans and such features are important measures in the mitigation of flooding. The comments of Severn Trent concerning the drainage assessment have not been received. However the schedule outlines soak-away systems being constructed in back garden areas and Building Control have advised that it would be unwise to proceed with soakaways where there is a known surface water flooding issue. In the absence of a planned scheme and the landscape scheme it is not possible to comment on drainage for this site. It is therefore not possible to establish whether proposals would impact on ground stability, drainage and flooding. Consequently a condition is recommended to require the submission of sustainable drainage details, retaining structures and associated landscape works that may also have to be amended in the light of the further survey for bats.

Access

The applicant has amended plans to provide adequate access for fire service vehicles. However work in the highway of Chester Road would also need to be completed, by agreement with the applicant, to provide a painted 'right turn' reservation, (alternatively completed under section 278).

Recommendation: Grant Permission subject to conditions

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

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

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

Reason; In the interest of the amenity of the area.

3. No development shall be carried out unless and until a detailed landscape scheme for the site, to include details for all areas proposed to be treated as hard surfaces or vehicular or pedestrian access, has been approved in writing by the Local Planning Authority. The approved scheme shall be completed before the dwellings hereby approved are brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason; In the interests of highway safety.

4. The landscape plan shall also provide a method statement for all arboricultural aspects of the implementation of the proposed landscape scheme, particularly providing for the long term health of trees and any work near to trees protected by a Tree Preservation Order.

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

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

(a) grassed areas shall be maintained in a tidy condition by regular cutting and any areas that fail to establish shall be re-instated;

(b) planted areas shall be maintained in a tidy condition by regular weeding and litter collection;

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

(d) any damage to protective fences shall be made good.

6. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, including existing and proposed systems for the site, and as a detailed sustainable urban drainage scheme for the site, including plans and sections, has been previously approved in writing by the Local Planning Authority.

Reason; In the interests of the amenity of the occupiers of properties on Valley Road and Grove Way and to ensure the development does not give rise to flooding.

7. No development shall be carried out unless and until full details of the proposed and existing levels of the site, accessways and floor levels, in relation to land adjoining the site and in respect of each of the proposed plots and dwellings, has been previously approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land. The approved scheme shall be completed before the dwellings hereby approved are brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason; In the interests of the amenity of the occupiers of surrounding properties.

8. No development shall be carried out until details of the parking and manoeuvring areas have been approved in writing by the Local Planning Authority. The plans shall clearly show the proposed levels, particularly in respect of all areas surrounding trees protected by a Tree Preservation Order, surfacing materials and means of surface water drainage. The approved scheme shall be implemented before this development is brought into use and the areas thereafter be retained and used for no other purpose.

9. Notwithstanding the comments of the tree survey, no work is hereby approved, or accepted as being approved, to trees included in a Tree Preservation Order on the site, or works within the canopy spread included within the site, of such protected trees at the edge of the site ;such works shall require the express approval of the Local Planning Authority as a separate approval.

Reason; For the avoidance of doubt and in the interests of the amenity of the area, as the site has trees protected by Tree Preservation Orders

10. No development shall be carried out unless and until a full survey report and ecological assessment has been previously submitted to and approved in writing by the Local Planning Authority, providing for the assessment of the site as a habitat and foraging area for protected species including bats and bat roosts, and the likely impact on foraging bats of the proposed development. Any findings any measures of mitigation shall be fully taken into account in terms of redesigning the proposals.

Reason; In the interests of the safeguarding of protected species.

11. Demolition of all built structures shall be carried out between the end of September and the end of March the following year.

Reason; In the interests of the safeguarding of protected species.

12. All felling and pruning work shall be carried out by an arboricultural consultant appropriately trained to detect bat roosts in the course of their work. Before any work is carried out the trees in question shall be inspected by climbing and, if evidence of bats is found, all work shall cease immediately and English Nature/DEFRA consulted.

Reason; In the interests of the safeguarding of protected species.

13. Details of the construction of artificial bat roosts to be incorporated into new buildings and of bat boxes to be erected on trees and/or buildings or other structures shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place.

Reason; In the interests of the safeguarding of protected species.

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

Reason; In the interests of the amenity of the occupiers of surrounding properties.

15. No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, bank holiday or public holiday, and otherwise such works shall only take place between the hours 07.00 to 18.00 weekdays, and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the resident of the proposed development.

16. No development shall be carried out until a noise survey has been undertaken in accordance with guidance and procedures contained in Planning Policy Guidance PPG 24 - Planning and Noise 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: In the interests of the amenity of the resident of the proposed development.

17. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority. Such measures shall take into account the guidance and criteria contained in British Standard

BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and shall be completed prior to the development coming into use.

Reason: In the interests of the amenity of the resident of the proposed development.

18. No development shall commence unless and until a scheme to modify the white hatching in the centre of Chester Road to create a right turn area has been submitted to and previously approved in writing by the Local Planning Authority. The scheme shall be implemented before development commences.

Reason: In the interests of highway safety

19. No development shall commence until a scheme to provide for bin and recycling boxes storage areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is occupied.

Reason: In the interests of highway safety

20. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, or succeeding Orders, no extensions or alterations to roofs and gable elevations, including the insertion of windows, shall be constructed without the prior submission and approval of a planning application.

Reason: In the interests of the amenity of surrounding properties and the occupiers of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV23, ENV32, and H10 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

There are three applications with one combined report

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 06/0064/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Mr. P. Broadgate

Agent: Brownhill Hayward Brown
Partnership

Proposal: Re-build fire damaged frontage to
High Street. Ground floor retail (A1 & A3) with
13 no. 1 & 2 bed apartments over.

Location: 12,13 AND 14,HIGH
STREET,WALSALL,WEST
MIDLANDS,WS1 1QW

Ward: St. Matthews

Expired: 03 May 2006

Recommendation Summary: S106 Agreement and Grant Permission Subject to Conditions

Application Number: 06/0065/LB/W3

Case Officer: Mrs J Scrivens

Application Type: Listed Building Consent to
Demolish

Telephone Number: 01922 652436

Applicant: P. Broadgate

Agent: Brownhill Hayward Brown

Proposal: LISTED BUILDING CONSENT:
Re-build fire damaged frontage to High Street.
Ground floor retail (A1 & A3) with 13 no. 1 & 2
bed apartments over

Location: 12,13 AND 14,HIGH
STREET,WALSALL,WEST
MIDLANDS,WS1 1QW

Ward: St. Matthews

Expired: 29 March 2006

Recommendation Summary: Grant Listed Building Consent

Application Number: 05/2005/LB/W3

Case Officer: Mrs J Scrivens

Application Type: Listed Building Consent
Alter/Extend

Telephone Number: 01922 652436

Applicant: Paul Broadgate

Agent: Paul Broadgate

Proposal: Remove front fascade of No. 13 and 14 and shell of No. 12 as all these walls are unstable.

Location: 12,13 AND 14,HIGH STREET,WALSALL,WEST MIDLANDS,WS1 1QW

Ward: Walsall Central

Expired: 08 December 2005

Recommendation Summary: Grant Listed Building Consent



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Applications and Site Details

The site is at the top of High Street, adjacent to the car park on Upper Rushall Street. It comprises property fronting both High Street and Goodall Street.

There are three applications to be considered, one for planning permission for a new building / conversion containing the proposed flats and commercial space, and one for the Listed Building Consent for that work. The third is for Listed Building Consent to demolish the remnant of the fire damaged buildings on the site.

The High Street part of the site was occupied by two Listed Buildings, that were extensively fire damaged, then largely demolished. This part of the scheme is new build, and the building has a long frontage to the car park.

The Goodall Street part of the site is occupied by existing buildings and this part of the scheme is conversion work.

The building has 4 floors (and a basement). The flats are on the upper three floors. There is no lift, though the staircase is designed to ambulant disabled standards.

A new building is to be erected on the High Street frontage, recreating the building lost to the fire (some materials have been salvaged from the demolition, with a view to incorporating in the new building). The elevation of the frontage to the car park is very modern. The palette of materials is stated to be restrained using light and shade to animate the elevation (deep set windows, staggered upper floors etc.).

(Ignoring the replica building at the front, the new building will use glazing, render, timber cladding, metal cladding and a metal roof system.)

There is an internal courtyard giving access to all of the dwellings. Primary rooms mostly look outwards to take advantage of the views of the area. Secondary rooms face into the courtyard.

The site is in the Church Hill Conservation Area.

The scheme provides 13 flats. Density is 260 dph (though this sort of urban scheme makes such simplistic calculations misleading), and there is no car parking. The applicants consider that car parking here is totally undeliverable and would preclude the scheme. They also argue there has never been parking on the site, and that it would be unacceptable from a conservation standpoint. There is in any event no vehicle access to the site other than to one shop on the site (notably as High Street is closed to traffic). Access through the High Street frontage would be inconsistent with the need for a good elevation to High Street. Also, PPG 3 also encourages dwellings in town centres and supports the idea of car free housing in such areas.

Relevant Planning History

There is nothing of significance on the site.

There have been a number of residential and commercial schemes in the vicinity, but none

raise critical issues beyond supporting the general issues in the present applications.

The corner of High Street / Goodall Street has been renovated and is in use as shops and commercial premises. There is a current application to 'renew' a permission for restaurant use.

The car park adjoining the site is included in the site of the new Asda store. It is to continue to be a car park, but it is also the route for service and deliveries to the store. The new building for Asda will be opposite the current site, and the new store building is also very modern in design.

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

GP1 (sustainable development); GP7 (community safety); ENV32 (design); H2 (windfalls); H9 (density, layout and design); S8 (housing in town centres); WA3 (encourages residential development on upper floors); WA5 (Conservation areas in the town centre), H4 (affordable housing).

7.3 sets the background for the use of section 106 to control off-site works / payments to compensate for limited on-site parking provision.

3.14 seeks to protect and enhance listed buildings.

Generally, the UDP is based upon sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion. Town centres are recognised as playing an important role in this.

The Town Centre Chapter defines 'development / investment opportunities' and the largest of these covers 'Lower Hall Lane / Digbeth / Old Square', including the Sainsbury's store and the car park. The Policy for this includes the promotion high quality design and townscape improvements.

It also contains policies that:

1. Expect all developments to make a positive contribution to the quality of the environment, especially in Conservation areas (with Church Hill recognised as an especially important area in townscape terms);
2. Promote safety and security.

Regional Policy

Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area (including Walsall in the Black Country), sustainable development and investment in town centres, in accordance with National Government guidance (see below). It is also seeking an urban renaissance, with the Black Country continuing its renewal around improved centres, including Walsall.

National Policy

Planning Policy Guidance Note 3 encourages the re-use of previously developed sites within the urban area for residential development, and allows flexibility to be shown in the application of standards in order to achieve this.

PPG15 sets out the aims for protecting the historic environment.

Consultations

Some consultations and representations are outstanding, and the recommendation to approve subject to a section 106 agreement allows time for these to be addressed. Responses may lead to revisions to conditions, etc, and the recommendation needs to be seen in that light.

ON PLANNING APPLICATION 05/0064/FL/W3

Transportation - no objections, subject to a section 106 agreement to secure funding for transport infrastructure improvements.

(The scheme would need about 42 car spaces to meet normal standards. There are none. It would be preferable to have parking. As there is none, Unitary Development Plan policy allows for the payment of money for necessary improvements to off-site provision of public transport or other transport infrastructure.)

Pollution Control - concerned at the potential for night time noise from town centre activities.

Environmental Health - no adverse comments.

Walsall Regeneration Company - no objection.

Police Architectural Liaison - building details (glass, doors etc) should meet relevant security specifications - there is scope for nuisance in any town centre location and lighting and fencing are advisable.

Education Walsall - there is a shortage of school places at both primary and secondary levels and a contribution is needed for compensatory works.

Regeneration : Urban Regeneration - support the scheme - it would secure the development of a prominent site, reinstate a historic facade and create an opportunity for town centre living - as the main requirement is for 2 bedroomed units, It is pleasing to note that this is a significant component of the proposal.

Regeneration : Conservation - no objection in principle. More details (e.g. window and door designs) are required for successful implementation. The front facade should replicate exactly the pre-existing building. Glazed link should extend to full height to distinguish new / from the recreated 'old'. Car park elevation ground floor should include significant activity (more than presently designed). Elevation to car park does not have enough articulating detail, and windows do not relate one to another. It is not clear how roof will fit across different components. Canopy should be removed when development completed. Site does not seem to reflect burgage plots.

(Applicants advise the scheme does reflect burgage plots.)

Leisure Culture and Lifelong Learning - no observations.

Highway Projects and Improvements - door cills should be designed to avoid water ingress on this steeply sloping site / area.

Fire Service - no access issues.

Central Networks - no objection, but they have equipment in the area and care is needed in developing.

National Grid - not affected.

ON LISTED BUILDING CONSENT APPLICATION 06/0065/LB/W3 - proposed flats

None.

ON LISTED BUILDING CONSENT APPLICATION 05/2005/LB/W3 - shop front demolition

Regeneration : conservation - no objection.

Representations

None.

Determining Issues

- principle of the use
- implications for listed Building status / demolition of remaining Listed Building elements
- parking
- appearance
- environment for the occupiers
- education contribution
- security

Observations

Principle of the use

The concept of town centre dwellings is well established and widely supported. The inclusion in the scheme of a shopping / restaurant element reflects typical town centre usage.

Replacing a lost Listed Building is clearly desirable as a matter of principle.

Implications for Listed Building status / demolition of remaining Listed Building elements

Application 05/2005/LB/W3 is for the demolition of the ground floor frontage of the buildings on High Street. The remainder of the building was unsafe and has had to be demolished.

The issue is whether the retention of this modest survivor is justified. Given the nature of the

rest of the development, it is not considered that retention can be justified.

Parking

Unitary Development Plan parking standards allow some flexibility in town centres, envisaging a negotiated solution, reflecting the needs of the site, its location in the town centre, and any other relevant issues.

In recent times, there have been a number of applications in and around the town centre. Some have been refused because they had no parking and it should have been provided. Others (including the flats which are part of the Asda scheme nearby) have been required to provide parking, usually at a rate of one space per dwelling. Some have been approved with no parking (though these have usually been in the heart of the centre, where parking would be clearly undesirable). This last category has included Bridge Street and Leicester Street, for example, where flats have been provided over shops.

In this case parking is desirable, reflecting the decision made on the Asda site. However, there is a difference between the two. Parking for the Asda flats was easy to provide in the associated multi-storey. Parking on this site means providing access from Goodall or High Streets, with associated loss of frontage building, affecting the character of the area. It also means a significant reduction in the capacity of the site for buildings (e.g. the use of the ground floor as parking rather than as retail / commercial space).

Such alterations could probably be made, but the price is likely to be a less satisfactory scheme overall.

In the absence of parking, road safety issues must be considered. Is there a road safety risk as drivers try to park near the site? They might use the car parks in the area, which would be satisfactory. They are unlikely to use the streets on a long term basis (given TROs etc.). Even if they do park, on a short stay basis, there is little risk to road safety in this area, as there are no main roads or high speed roads.

Overall, the lack of provision of parking, as proposed, is regarded as acceptable.

Transportation draw on the absence of parking on this site to seek compensatory provision for infrastructure works. They refer to policy 7.3 in the Unitary Development Plan.

I accept that such compensation is possible. However, the detailed mechanisms to deliver such payments (e.g. the basis for calculating the level of contribution) are not in place, and it is not considered that such an arrangement is possible at this point in time.

Appearance

This is a key issue in the development. The site is prominent from Church Hill, from High Street, and from Upper Rushall Street.

The replica High Street frontage raises no major issues (though details need to be resolved and these are reflected in the conditions).

The new elevation to the car park has much in common, in its general feel, to the Asda building (and indeed is designed by the same architect). It is uncompromisingly modern. With

some revisions (reflected in the conditions) it is considered acceptable.

Conversely, one consultee has offered a view, unrelated to their area of interest, that the scheme calls to mind the upper floors of Old Square, an area where visual improvements (and other development) are being explored. A preference is expressed for more repeats of the High Street style elevations.

While that is an acceptable alternative approach, it is only justified, in the present case, if the proposed design is concluded to be unacceptable, and that is not the case.

The use of a silver cladding on a small part of the elevations (at top floor level) is uncomfortable, as this appears to be too aggressive visually. A condition is proposed requiring details of materials to be agreed, and resolving this element can be handled in that way.

The proposed shop fronts in the High Street frontage do not reflect typical historic design. Revisions should be explored and this is included in the recommended conditions.

The surviving buildings on the site include a tensioned fabric canopy (though the applicants advise it is outside the site boundary). It is unauthorised and has been erected as part of the existing retail use of the site. It is inconsistent with the proposed design (it sits outside the modern wing on the south-east elevation). As it is outside the site, its removal requires enforcement action. That features in the recommendation.

Environment for the occupiers

There are a wide range of issues.

A noise survey is identified by Pollution Control, to inform noise insulation measures. This is in the recommended conditions.

Two flats have private terraces, at top floor level. Otherwise, the proposed courtyard (mainly at first floor, with a balcony at second floor) gives access to the dwellings. There is little scope to use it as amenity space. Some rooms (mainly kitchens and bathrooms) front this space. Window provision is restricted (presumably for privacy, and perhaps to control fire risks).

Some windows serving bedrooms are close to walls or roofs.

Similar schemes have been supported by your Committee in recent years, reflecting the trend to high density urban living, and the ability of occupiers / buyers to choose whether to accept the constraints of such a lifestyle. The scheme is seen as acceptable in this respect.

The ground floor uses envisaged could generate noise affecting the flats. A condition is proposed to create an insulated barrier. (There may also be a need for ventilation, flues etc, and this is addressed in the conditions, as well. Clearly a flue will raise interesting design issues, and the solution will call for something much better than the standard stainless steel pipe on the outside wall.)

Education contribution

It is now commonplace for developments to call for investment to support local schools,

where the development creates the potential for increased demand, and there is a clear mechanism for defining the contribution (indeed a Supplementary Planning Document to formalise this is in preparation). That need has arisen in this case, and is reflected in the recommendation to authorise a section 106 agreement to address this.

Security

The Police seek security details, and the applicant will be advised of this.

The provision of lighting can be addressed by condition, as recommended.

The issue of fencing the site is more complex. The building fills the applicant's ownership, so there is nowhere for fences to be installed. One face of the building is the Goodall Street front of the existing buildings. That is no more or less vulnerable than at present, and the presence of the occupiers of the flats, using their front entrance on this elevation will improve the activity and surveillance in this area, as will Asda if there are to be long hours of operation.

The elevation facing the car park is more problematic. That elevation only has a shop doorway in it. At night, it will be fairly secluded, on the downhill edge of the car park.

The applicants offer the view that the new dwellings will overlook this space and improve security. There is considerable use of glass on the ground floor. However, the existing canopy has not, to my knowledge, been attacked, and it is more vulnerable than, for example, a shop window (though shop windows have been attacked in the town centre).

Overall, I think enhanced security measures are necessary but in a way that balances that need against the need to create a good elevation on this frontage. I have recommended a condition to require a scheme for this (and I envisage, as allowed for in the condition, that this could include revised elevations, at least in part).

Conclusion

This is a complex scheme. It raises many issues, and calls for many judgements.

Overall, it is supported.

The enforcement of the existing canopy should be authorised. The breach is the erection of the canopy, its removal should be required, within 3 months. The reason for that requirement is that the canopy adversely affects the visual amenity of the area by reason of its appearance. The usual authorities should be given to officers to fine tune the notice, serve RFIs, and prosecute on the latter as necessary.

Recommendation: S106 Agreement and Grant Permission Subject to Conditions

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

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

2. This development shall not be carried out until samples of the facing materials to be used

have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3. Unless otherwise agreed, no development shall be carried out until drawings at a scale of 1:20, and details at a scale of 1:5 of the proposed shop fronts have been submitted to and approved in writing by the Local Planning Authority, including revisions to show a door into each part of the site that has the appearance of a separate building, , and finishes and materials. The approved details shall be implemented before the adjoining part of the site is brought into use.

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until details of noise insulation measures, including acoustic ventilation for the dwelling(s) proposed, have been approved in writing by the Local Planning Authority. The approved measures shall be implemented before this development is brought into use.

Reason: To safeguard the amenities of the occupants.

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

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

6. No development shall be carried out until details of sound proofing for the premises have been approved in writing by the Local Planning Authority, such works to be implemented before the premises are brought into use.

Reason: To safeguard the amenities of the occupiers of adjoining premises and dwellings on the site.

7. No amplification equipment shall be installed in the commercial part of the development until details have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of adjoining premises and dwellings on the site.

8. No A3 use shall commence until details of ventilation and fume control equipment have been approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use, and thereafter retained in working order.

Reason: To safeguard the amenity of the area.

9. A) No development shall be carried out until a survey and site investigation has been carried out to assess the likely hazards to the proposed development of any contamination of the land resulting in the presence of potentially toxic substances or combustible fill materials,

the possibility of chemical attack on building materials, the emission of toxic and flammable gases, or general problems of stability, drainage, odour, leachate production, and surface run-off.

B) A copy of the survey and site investigation, together with a report setting out any remedial measures proposed to deal with the hazards from any contamination of the land, shall be submitted to the Local Planning Authority and no development shall be carried out until remedial measures have been approved in writing by the Local Planning Authority. The remedial measures identified shall be implemented prior to the development being brought into use.

Reason: To ensure the satisfactory development of the site.

10. No development shall be carried out until revised details of the roof, and the junction of the modern component of the development and the replica Listed Building (to show a clearer distinction between the two components) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented concurrently with the construction of the development.

Reason: To create a clear distinction between modern and replica elements, to improve the visual impact of the development.

11. No development shall be carried out until details of security measures, including lighting on the south-east elevation and any necessary revisions to the elevations, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before the development is brought into use, and shall be thereafter retained in working order.

Reason: To ensure the security of the site and its occupiers.

12. No development shall be carried out until

A) a noise survey of the area has been carried out to a specification to be agreed with the Local Planning Authority before commencement, and the results, together with any necessary mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

B) details of measures to insulate dwellings on the site from the proposed A3 use on the ground floor

have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before any dwelling is brought into use, and thereafter retained, in working order if appropriate.

Reason: To safeguard the amenity of residential occupiers of the site.

13. No development shall be carried out until details of how the door cills on the south-east and south-west elevations will be designed and constructed to prevent the ingress of water.

Reason: To ensure the satisfactory functioning of the development.

14. No development shall be carried out until revised details of the roof, and the junction of the modern component of the development and the replica Listed Building (to show a clearer distinction between the two components) have been submitted to and approved in writing by

the Local Planning Authority. The approved details shall be implemented concurrently with the construction of the development.

Reason: To create a clear distinction between modern and replica elements, to improve the visual impact of the development.

15. No development shall be carried out until details of security measures, including lighting on the south-east elevation and any necessary revisions to the elevations, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before the development is brought into use, and shall be thereafter retained in working order.

Reason: To ensure the security of the site and its occupiers.

16. No built development will be commenced until a detailed hard and soft landscaping scheme for the site has been approved in writing by the Local Planning Authority. The submitted scheme will include details of plants and planting techniques, measures for protection of the planting, including the provision of protective fencing while the landscaping is established, the arrangements to be made for the disposal of surface water from the landscaped area where those areas are sloping and likely to lead to surface water run-off, hardsurfacing, paving, hard landscaping details, etc., and a programme of implementation. The work will be carried out in accordance with the details as approved.

Reason. To ensure the satisfactory landscaping and appearance of the proposed development.

17. No development will be commenced until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the Black Country archaeologist (Mike Shaw tel no: 01902 555493) , and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason. The site is in an area of archaeological interest, and an appropriate study etc. is necessary to safeguard the possible historic significance of the site.

18. No development shall be carried out until

A) a noise survey of the area has been carried out to a specification to be agreed with the Local Planning Authority before commencement, and the results, together with any necessary mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

B) details of measures to insulate dwellings on the site from the proposed A3 use on the ground floor

have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before any dwelling is brought into use, and thereafter retained, in working order if appropriate.

Reason: To safeguard the amenity of residential occupiers of the site.

19. No development shall be carried out until details of how the door cills on the south-east and south-west elevations will be designed and constructed to prevent the ingress of water.

Reason: To ensure the satisfactory functioning of the development.

20. This permission authorises the use of the use of the ground floor of the development for uses falling within Classes A1 or A3 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.2, GP2, GP7, 3.6 3.13, and ENV32 Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 06/0298/FL/W7

Case Officer: Andrew White

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Globe Properties Ltd

Agent: Tweedale Limited

Proposal: Conversion of existing two storey textile manufacturing unit to 3 storey 11 no. residential apartments (1 & 2 bed)

Location: 76-84, GLEBE STREET, WALSALL, WEST MIDLANDS, WS1 3NX

Ward: St. Matthews

Expired: 24 May 2006

Recommendation Summary: S106 Agreement and Grant Permission Subject to Conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

Members may recall refusing a residential development on this site, recently. This is an amended scheme.

The proposal is for the conversion of an existing two storey textile manufacturing building to 11 apartments within a three storey building (previously 12 units). The proposal would provide three 2 bedroom apartments and eight 1 bedroom apartments. The ground floor provides 12 parking spaces (109% provision) within a courtyard area, but does not allow for any private amenity space. The proposed scheme would be of a traditional brick and tile roof to reflect neighbouring properties.

The site area is 0.046 hectares, therefore based on the proposed number of units this would develop a density of 239 dwellings per hectare down from 259 dwellings per hectare for the previous refused application.

The current site is occupied with a Victorian style tall 2-storey former manufacturing building with the frontage building residential in scale and would potentially have been the original offices. They are set marginally back from the public footway and part of the building has a view down Vicarage Walk. The rear structures although Victorian in style are much more functional in their design. The site rises in a southerly direction.

To the north of the application site, across Glebe Street there are Victorian terraced style properties in mainly residential use, with a footway link to Vicarage Walk leading to the grade II* 'Church of St Mary & Presbytery'. At the corner of Glebe Street and Caldmore there is a late 80's early 90's sheltered accommodation infill development. To the east, south and west of the site are Victorian properties majority of which are in residential use. Directly west and adjacent to the proposed development is an existing manufacturers of horse saddles.

Relevant Planning History

05/1801/FL/W7- Conversion of existing two storey textile manufacturing unit to 3 storey 12 no. residential apartments (1 & 2 bed). Refused 30/11/05 for the following reasons:

'The site is in an area of largely terraced housing. The development proposed would be over development of the site by reason of the very high density achieved, which is out of character with, and detrimental to, the surrounding area as a result of:-

1. the proposed increase in the height of the buildings to accommodate the number of flats, perpetuating and intensifying the impact of the existing and proposed large buildings, which effectively fill the site, thereby impacting on the neighbouring houses;
2. the number and arrangement of the proposed flats would poorly define the distinction between the public and private realm, reducing opportunities to design out of crime, reducing the defensible space, reducing surveillance opportunities from each of the units to the street and good urban design thereby creating a detriment to the local amenity of the area,

The proposal is therefore contrary to policies 2.2(a), GP1, GP2, GP7, ENV10(a)III, ENV32, ENV33, H3(a)(I) and H10(a)(I) of the Unitary Development Plan and the Council's Residential Development Standards 2005'

05/0457/FL/W1- Conversion of existing two storey textile manufacturing unit to 3 storey 18 number residential apartments- refused 2/6/05

Relevant Planning Policy Summary

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

UDP

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. Relevant considerations to be taken into account are set out in Policy GP1

Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact. Relevant considerations to be taken into account are set out in Policy GP2

Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design. Relevant considerations to be taken into account are set out in Policy GP7

Town and district centres the Council will negotiate an appropriate level of parking provision with developers. Relevant considerations to be taken into account are set out in Policy T13

Development is expected to preserve or enhance the character and appearance of a conservation area in terms of the impact of the new buildings on special townscape, scale, massing, siting, layout, design and choice of materials. Relevant considerations to be taken into account are set out in Policy ENV29

Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in conservation areas, town centre, visually prominent, in the vicinity of listed buildings. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations to be taken into account are set out in Policy ENV32

Investment in housing within and close to town, district and local centre will be encouraged, both on new sites and through the conversion of existing buildings. Relevant considerations to be taken into account are set out in Policy S8

Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings. Relevant considerations to be taken into account are set out in Policy H3

The design of residential developments to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design. Relevant considerations to be taken into account are set out in Policy H10

The Council has now adopted Residential Development Standards, to ensure that the provision of space around dwellings provides adequate private amenity space and an acceptable level of privacy and daylight.

National Policy

PPS1 Delivering Sustainable Development, PPG3 Residential, PPG13 Transportation, PPG15 Conservation, 'By Design' Companion to PPG's, Urban Design Compendium, Safer Places, The planning system and crime prevention all seek to improve the quality of design, and the usability of housing. They also stress the need for security, and make a range of statements about providing parking, depending on the location in relation to town centres.

Consultations

Transportation- No objections subject to safeguarding conditions

Pollution Control- No objections subject to safeguarding conditions

Environmental Health- No objections

Fire Service- No objections.

Housing- No objections

SERCO- Requirement for primary school contribution.

National Grid- No objections

Representations

One letter of objection from a neighbour has been received stating:

- A neighbour concerned at additional parking from the proposal, living opposite the development there would be a loss of privacy, the height of the building would restrict daylight and sunlight particularly in wintertime.

Determining Issues

- Changes to the proposal to overcome the reasons for refusal of 05/1801/FL/W7
- Layout, design, security and safety
- Parking
- Comments from neighbours

Observations

The applicant's have sought to address committee's concern over the density of the development by reducing the development to 11 units, but raising a short section of ridge by 0.8 metres adjacent to 74 Glebe Street. The change will reduce the density to 239dph from 259dph. To achieve the Governments guidance of an upper level of 75 dwellings per hectare set out in PPS3 (with 30 - 50 being the norm) the development would need to reduce the number of units to four.

The development has done little to address point 2 of the reason for refusal because the development is largely the same design which would blur the distinction between public and private realm.

Layout, design, security and safety:

The proposal does continue the street frontage to Glebe Street and proposes two direct pedestrian accesses from flats on to Glebe Street. The majority of the pedestrian accesses to the flats is through the gated vehicular access, which means the internal private courtyard space will be open to delivery personnel, gas, electricity, water, visitors, paper delivery people as well as potential users of the next door property of 74 Glebe Street because there is also an access route along the western boundary of the application site, thereby blurring the public/private space.

Ideally flatted development should have well defined entrances to the building from public realm, maximising front doors onto the street encourages more life and activity onto the street and this can make places feel more safe and secure.

Frontages should be as active as possible with windows to active rooms such as kitchens and living rooms overlooking public space, but rooms such as bathrooms provide no surveillance to the street. There is concern that the bedrooms of flat one and two are directly adjacent to the vehicular access and at ground floor. It is considered that these two rooms would not have a particularly pleasant living environment, because of the potential noise, disturbance and pollution from vehicles coming and going from the development. This may be mitigated via a suitable condition for additional sound proofing. These two rooms are also likely to have little privacy because of the nearness to the main entrance into the development. However, the development does follow a coherent building line which contributes to defining and reinforcing the street.

The proposal also includes the reintroduction of a small front garden and railings to the front of the building providing some defensible space directly to the front of the dwelling.

Parking:

The original application 05/0457/FL/W1 for conversion to 18 units provided no off street parking and was refused. The second application 05/1801/FL/W7 provided 100% parking which was refused for density and the current proposal would provide 109% parking which I consider acceptable in this instance considering there is access to regular public transport along Caldmore Road and that there are pedestrian links to the town centre via Vicarage Walk.

Comments from neighbours

The issue of loss of privacy because the manufacturing unit would be converted to residential is difficult to sustain. The majority of residential streets have properties opposite each other and pedestrians walking along any residential street, there is the opportunity for the pedestrian to look into properties as well as the resident to look out at the street. Surveillance from the street and surveillance of the street is a very important contribution in providing a safe and secure streets and reducing the instances of crime.

The residents concern about the loss of daylight is also difficult to sustain as the property is part of a terraced street and the objector lives opposite the site.

Conclusion:

The proposal has been revised following the refusal of the previous planning applications 05/0457/FL/W1 and 05/1801/FL/W7. The density of the scheme has been reduced from the original 18 to 12 and now 11 units. The proposal provides off road parking. Based on this and that the proposal would add some opportunities for surveillance of the street from habitable

rooms and it also brings a derelict property back into use. On balance the proposal is considered acceptable in this instance subject to safeguarding conditions.

The application is recommended for approval subject to the signing of a section 106 agreement providing an education contribution towards the needs of primary schools within in the area. However, the applicants are still to agree to this and negotiations are on going. If these negotiations stall I would expect to use my delegated powers to refuse the planning application.

Recommendation: S106 Agreement and Grant Permission Subject to Conditions

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

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

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

Reason: To ensure the satisfactory functioning of the development.

3. Before the development is brought into use a dwarf wall or similar feature, details of which shall previously have been agreed in writing by the Local Planning Authority, shall be erected at the back of pavement to ensure that vehicular access to the site is restricted to the access points.

Reason: In the interests of highway safety.

4. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.

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.

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

Reason: To ensure the satisfactory appearance of the development.

6. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

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

Reason: To ensure the satisfactory appearance of the development.

10. No development shall be carried out until a scheme to define the pedestrian routes within the curtilage of the development has been agreed in writing with the local planning authority. The agreed scheme shall be implemented before the development is brought into use, and maintained throughout the life of the development.

Reason: To ensure the satisfactory functioning of the development.

11. A vehicular visibility splay of 2.4m x 60m x 600mm shall be provided before the new access is first used and maintained throughout the life of the development.

Reason: In order to prevent interference with the free flow of traffic in the adjoining highway.

12. The vehicular access gates hereby approved under this permission shall be powder coated and colour agreed in writing with the Local Planning Authority. The colour shall be maintained throughout the life of the development.

Reason: To safeguard the visual amenities of the area.

13. The vehicular access gates hereby approved under this permission shall be electronically operated with details to be agreed in writing with the Local Planning Authority. The electronic opening system for the gates shall be maintained throughout the life of the development.

Reason: In order to safeguard the safety of users of the adjoining highway.

14. The pedestrian accessway to the rear of 74 Glebe Street is to be kept clear at all times.

Reason: In order to define the permission

NOTE FOR APPLICANT: Further advise that works should be carried out in accordance with Building Regulations 2000 (as amended), 'Approved Document E- Resistance to the passage of sound', when considering noise transmission between Party Walls and Floors.

NOTE FOR APPLICANT: 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.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, T13, ENV29, ENV32, S8, H3 and H10 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 25 April 2006

REASON FOR BRINGING TO COMMITTEE: Called in by Cllr M Pitt.

Application Number: 06/0218/OL/E3

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Walsall MBC

Agent: Mr. S.D. Law, Property
Manager

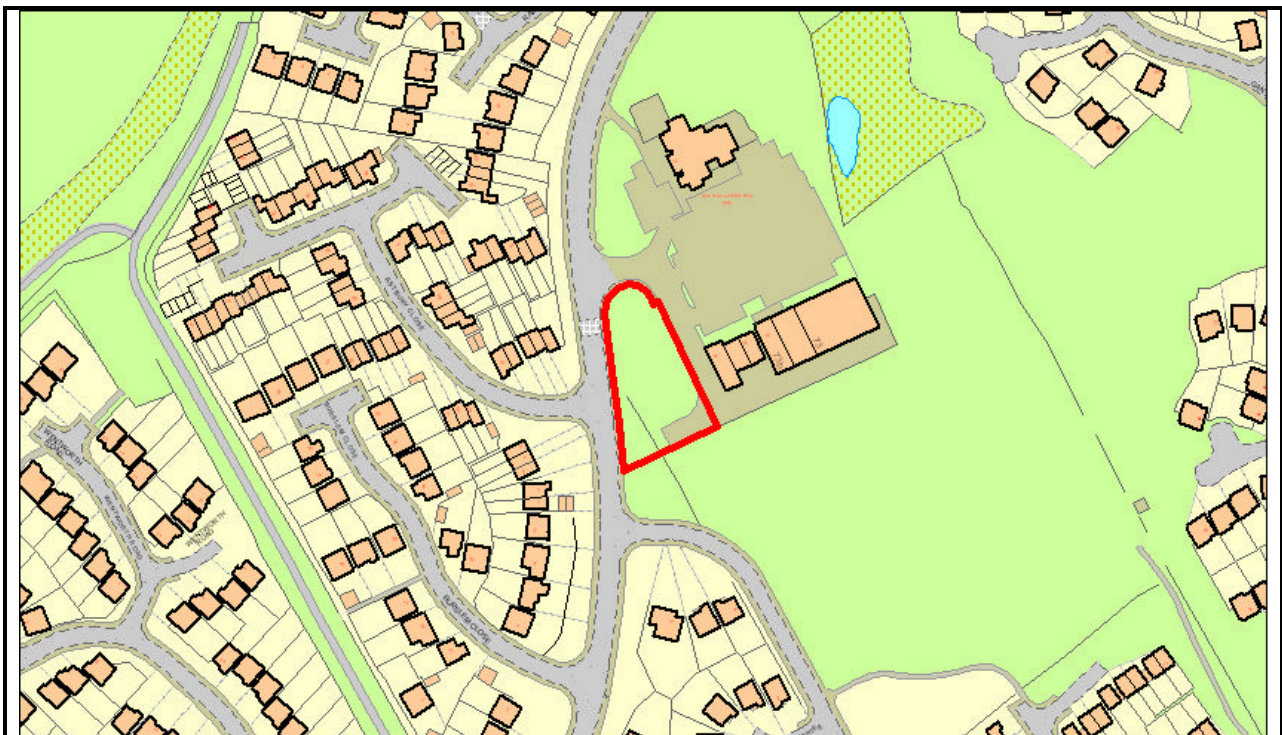
Proposal: Outline: Residential development
of 5 flats

Location: LAND ADJACENT LOCAL
CENTRE, TURNBERRY
ROAD, WALSALL, WEST MIDLANDS

Ward: Bloxwich West

Expired: 02 May 2006

Recommendation Summary: Grant Permission subject to conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The application site is a piece of land on Turnberry Road opposite Astbury Close to the west and Sunningdale Way to the south. To the east of the site lies the local Turnberry Road centre and to the north east a public house. The area is mixed commercial in nature with residential to the west and south.

This application for the erection of 5 flats. The siting and means of access are to be determined at this stage, all other details are reserved for subsequent approval. Access to the site will be via the access to the local centre with a new dropped kerb being formed within the access road to the west of the retail units.

The indicative layout plan illustrates an 'L' shaped building being located almost centrally within the site. This would be a 2 storey building accommodating two bedroom flats. A total of eight parking bays with a turning head for vehicles has been provided. A bin store within the site has also been provided. A private amenity area has been provided to the rear of the site, which will be enclosed by a 1.8m screen fence along Turnberry Road and a 2m high wall along the boundary with the service road to east of the site.

Along the Turnberry Road frontage a 0.6m high wall/railings will be accommodated, which will continue around to the pedestrian and vehicle entrance point. At the front of the site structural forest tree planting will be undertaken to enhance the amenity of the area.

Density of the development would be 38 dwellings per hectare. Eight parking bays are required for this development.

Relevant Planning History

BC26127P Outline, public house, six retail units, supermarket, 20 dwellings and surgery at land between Broad Lane and Stafford Road. Granted Subject Conditions Dec 1989.

BC39315P, erection of Public House, including Managers Flat, Supermarket & 1 Hot Food Take-away & 2 Additional Retail Units, Construction of Service Road & Car Park & Landscaping at Land at Turnberry Road, Bloxwich. Refused permission. October 1993.

BC40303P, After Local Appeal;- Erection of Public House including managers flat. Supermarket & 1 Hot Food Take-Away & 2 Additional Retail Units. Construction of Service Road & Car Park & Landscaping at Land at Turnberry Road, Bloxwich. Granted Subject Conditions December 1993.

04/1818/OL/E2 Land adj local centre, Turnberry Road, Bloxwich. Outline for residential development. Withdrawn 6 March 2006.

The site was marginally designated as part of the local centre, but was later excluded as surplus land. Subsequent enquiries into possible use of the site as a Doctors surgery was discounted by the Health Authority in 2003.

Relevant Planning Policy Summary

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

2.2, GP2, 3.6, 3.7 and ENV10 states that all development to make a positive contribution to the quality of the environment and to protect the amenity of occupants from any form of pollution.

Policy GP1 sustainable location of development to minimise travel, particularly by car. Provide for mixed use development, and maximise the use of land.

Policy GP7 proposals will expect to have regard for the objective of 'designing out crime'.

Policy ENV14 states that the Authority will encourage the reclamation and development of derelict and previously developed land.

Policies ENV32, 3.16, 3.116 and H10 poor design which fails to take account of context and surroundings will not be permitted. Visual relationships need to be considered. All proposals for residential development will also be considered against the guidelines set out in the Council's guidance relating to residential design.

Policies ENV33 and 3.117 states landscape design is an integral part of urban design.

Policies H3 and 6.5 encourage housing provided through windfall opportunities provided that a satisfactory residential environment can be achieved.

Policy H9 the net density of residential development should be at least 30 dwellings per hectare. In such cases the Council will still wish to satisfy itself that the layout and design make the most efficient use of the site.

Policy S2(c) local centres meet the day to day convenience shopping and local service needs of their communities.

Policy S5(a) encourage retention enhancement and further development of other town centre uses, such as housing will be favorably considered provided that the remaining retail / service function is not prejudiced.

Policy S8 (a) investment in housing development within close to local centres.

T4 (e) traffic measures may be considered to keep residential street safe.

Policy T10 states that the parking standards as expressed in Policy T13 are maximum ones.

Policies T7 and T13 seeks 2 parking spaces for flats with individual parking and 1.5 spaces for flats with communal parking.

Residential Development Standards (adopted)- provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings. Garden dimensions should be 12

metres in length for the area of the garden outside the main windows of the rear of the house, and a minimum 68 square metres of garden space. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

Land at Turnberry Road, Bloxwich, Walsall. Development Guidance. Approved by Bloxwich District Committee 25th February 2004 states that the open and vacant land to the west of the Local Centre might acceptably be developed for either residential purposes, subject to a satisfactory relationship with the adjoining Local Centre or uses which would complement the role of the Local Centre in meeting the service / community needs of the area.

National Planning Policy Guidance

Planning Policy Statement 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPG3: Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context. Landscaping is an integral part of new development and opportunities for new planting should be taken. Encourage housing developments of between 30 and 50 dwellings per hectare and avoid developments of less than 30 dwellings per hectare.

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

Planning Policy Guidance 24: Noise - The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development) [para.2].

Consultations

Transportation - No objection subject to a visibility splay condition.

Environmental Health and Consumer Services - No comments

Fire Officer - No objection. A fire appliance should be able to gain access to all flats within 45 metres and leave in a forward gear.

West Midlands Police, Architectural Liaison Officer - Concerns with the application as there are no lighting plans or details of the security of the development with regards to access. Bin store should be relocated to prevent anti social behaviour and the front boundary should be increased to one metre.

Housing, Environmental Health Officer - No comment

Strategy Team - The site is in a local centre and there are no development opportunities shown on the proposals map. There is no overriding need to retain the site for local centre purposes. Residential is acceptable in principle, provided it does not prejudice the functioning of the local centre.

Representations

None

Determining Issues

- a) whether the site is acceptable for residential development
- b) Amenity
- c) whether the siting and means of access are acceptable.
- d) Impact on the Local Centre

Observations

Principle of residential development

The site is surrounded by residential properties and is adjacent the Local Centre on Turnberry Road. There are residential dwellings to the south and west of the application and to the east lies the local centre. The site is not an allocated site within the Unitary Development Plan; however it lies within the local centre boundary, as shown on the proposals map of the Unitary Development Plan. The area at present is a vacant piece of open land, which is used as a short cut by local residents to gain access to the centre. The development of this land will enable the land to be used efficiently and also reflect the surrounding pattern of mixed use development.

The outline application seeks only consideration of the means of access and siting. All other matters are reserved for subsequent approval.

Amenity

The proposal will provide an adequate private amenity area for residents which will be screened from the service road, which allows access to the rear of the retail units. The refuse bin has been located in that position, as it allows easy access for refuse collectors to access the refuse bins. The two storey proposal would allow for natural surveillance of the surrounding area to be undertaken, it is likely that any anti social behaviour is likely to be deterred through natural surveillance, thus contributing to securing the immediate area.

Siting and Access

The proposed building will be set within the site with substantial structural tree planting along the frontage. The other residential dwellings within the immediate area are also set back from the highway. This development will provide an open frontage, which would visually enhance the area. Furthermore, the windows on the front elevations would provide surveillance of the parking area and bin store. This would provide an active frontage here close to the local centre.

The existing hedgerow within the site will be removed, as it is not a feature worthy of retention. The substantial structural forest planting will compensate for the loss of the hedgerow.

With regards to the access, the Highway Officer has advised that the access is acceptable. There is also a bus service, which runs along the Turnberry Road.

Impact on the Local Centre

Previous reports to Bloxwich District Committee have highlighted that this parcel of land was once earmarked for a doctor's surgery, however the Health Authority no longer require this land for such use. Therefore the land could be marketed for other uses in conjunction with the Local Centre or residential use. Policy S5 and S8 encourage uses such as housing provided that the remaining retail / service function is not prejudiced. In this case, the residential development would assist in the viability and vitality of the Local Centre by keeping the centre alive outside of normal trading hours.

Recommendation: Grant Permission subject to conditions

1) Application for approval of the Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than:

i) 3 years from the date of decision.

ii) 2 years from the approval of the Reserved Matters or in the case of approval on different dates the approval of the last reserved matter.

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

2) This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The design of the building(s);
- b) The external appearance

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

3) No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any ground lowering and retaining structures required to ensure the stability of the site or adjoining land and cross sections to demonstrate a satisfactory relationship between the adjoining land.

Reason: To ensure the satisfactory appearance of the development.

4) No development shall commence until details of the facing materials and roofing materials to be used in the construction of the dwellings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5) No development shall be carried out until a detailed landscaping scheme, which includes the provision of substantial structural tree planting for the site has been approved in writing by the local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

6) No development shall commence until details of all lighting measures on the site and access control measures 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 be retained thereafter.

Reason: In the interest of securing the development.

7) No development shall commence on site until details of the bin storage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be used for the construction of the bin store and retained at all times.

Reason: To ensure the bin store integrates with the whole development.

8) Details of boundary treatment and planting within the 2.4m by 60m visibility splays at the junction of Turnberry Road and the access drive shall be submitted to and approved in writing by the Local Planning Authority. Any planting within the splays shall be kept to a maximum height of 0.6m from the nearside carriageway and thereafter maintained free of obstruction at all times.

Reason: In the interest of highway safety.

9) No development shall commence on site until details of the disposal of both surface water and foul water drainage have been provided and approved in writing by the Local Planning Authority. The approved details shall then be used for the drainage works.

Reason: To ensure the site is adequately drained.

10) No development shall commence on site until details of the 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 be retained thereafter.

Reason: To ensure the satisfactory appearance of the site.

11) No development shall commence on site until details of the construction of the parking area have been submitted and approved in writing. The approved details shall then be used in the construction of the parking area.

Reason: To ensure the satisfactory appearance of the site.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.2, 3.6, 3.7, GP2, GP1, GP7, ENV10, ENV14, ENV32, 3.16, 3.116, H10, ENV33, 3.117, H3, H5, S5, S8, T4, T7 and T13 Walsall's Unitary Development Plan, and, the advice given in Planning Policy Guidance Note 3: Housing, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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