



Planning Committee Debrief

Report of Head of Planning and Building Control, Regeneration Directorate on 31st March 2011

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2	27	11/0105/FL	LAND BEHIND BENTLEY MOOR CLUB, BENTLEY DRIVE, WALSALL, WEST MIDLANDS, WS2 8RY	New residential development (amendment to previously approved scheme).	Grant Permission Subject to Conditions
3	39	11/0132/FL	66 CANNOCK ROAD, WILLENHALL, WV12 5RZ	Demolition of no's 62 & 64 Cannock Road and existing health centre & erection of new health centre and associated parking.	Grant Permission Subject to conditions, unless additional information is received which raises material planning considerations
4	53	09/1499/FL	LAND TO THE REAR OF ALLEN BUSINESS PARK, MIDDLEMORE LANE, ALDRIDGE, WS9 8DL	Change of use of the land to the rear of Allen Business Park to provide additional parking - extension to the existing vehicle storage yard.	Grant Permission Subject to Conditions

5	69	10/0391/FL	BOURNEVALE MOTORS, LICHFIELD ROAD, SHELFIELD, WALSALL	Residential development of 8no. dwellings.	Refuse
6	85	10/1510/FL	140 THORNHILL ROAD, STREETLY, B74 2ED	Demolition of existing bungalow and erection of 2no. four bed detached dwellings	Grant Permission Subject to Conditions
7	97	11/0232/FL	350 CHESTER ROAD, WALSALL, WS9 9DE	Erection of 1 x 6 bed house, formation of new vehicular access with associated works.	Grant Permission Subject to Conditions
8	113	11/0159/FL	BARR BEACON LANGUAGE COLLEGE, OLD HALL LANE, ALDRIDGE, WALSALL, WS90RF	First floor extension to the Barr Beacon Language College providing Drama Studio and Music Tech/Digital Arts Room over and remodelling to ground floor footprint.	Grant Permission Subject to Conditions
9	119	11/0017/FL	LAND BETWEEN 1 & 3 AND BETWEEN 9 & 11 CRICKET CLOSE, WALSALL, WS5 3PU	Construction of a two storey detached dwelling with ancillary on site car parking for 2 vehicles, and a new access to the allotment gardens.	Grant Permission Subject to Conditions
10	133	10/1648/FL	BROWNHILLS LIBRARY, BRICKILN STREET, BROWNHILLS, WALSALL, WS8 6AU	Erection of two, three bedroom detached houses.	Grant Permission Subject to Conditions
11	145	11/0171/FL	17 NORTON ROAD, PELSALL, WS3 4AY	Change of use from offices to temporary public library for a 24 month period.	Grant Permission Subject to Conditions
12	151	10/1704/FL	69 HALL LANE, PELSALL, WS3 4JN	Single storey rear extension, new roof over, and	Grant Permission Subject to

				modifications to the existing single storey side extension.	Conditions
13	159	10/0473/FL	HOME BARGINS, TOWN CENTRE SHOPPING CENTRE, SAMUEL STREET, BLOXWICH, WALSALL, WS3 2JE	Replace existing trolley bay	Grant Permission Subject to Conditions
14	166	11/0106/FL	FORMER PREMISES C/O LICHFIELD ROAD & SADLER ROAD, BROWN HILLS, WALSALL, WS8 6HR	Minor material amendment to planning approval 10/0892/FL to provide above ground fuel tank and compressor house.	Grant Permission Subject to Conditions



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

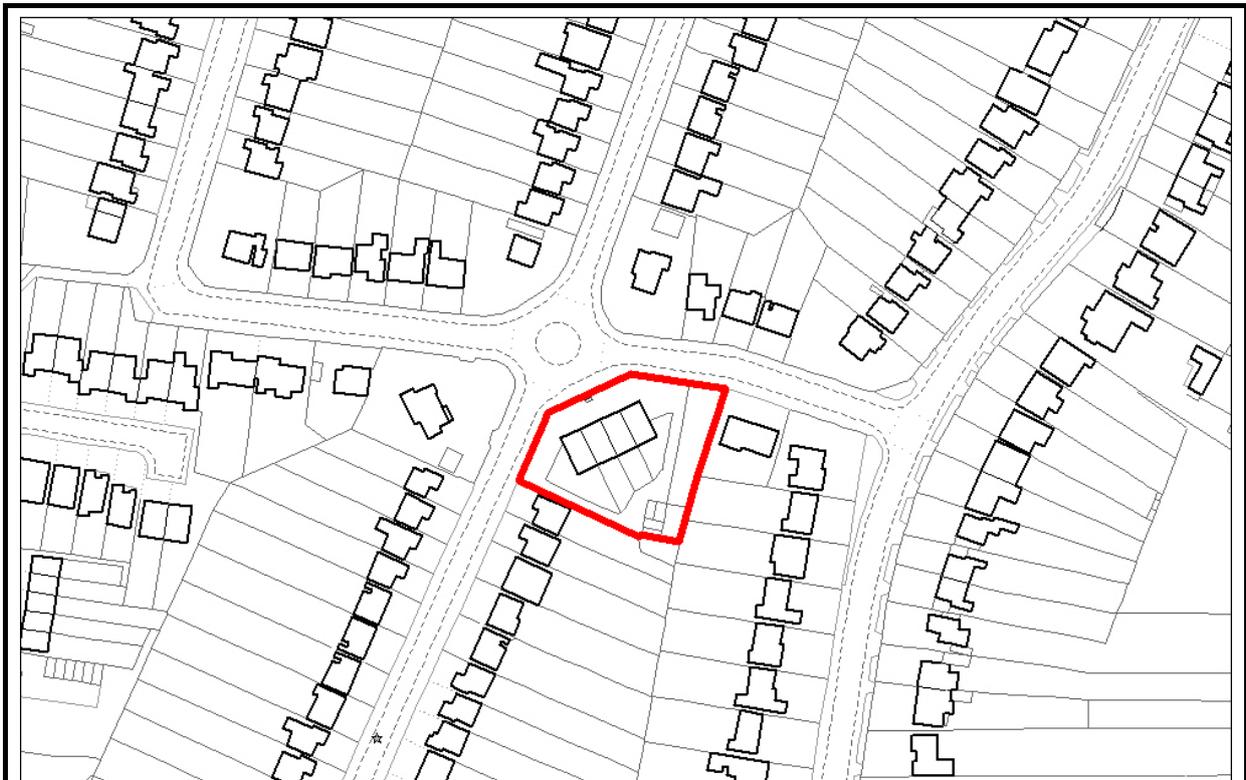
Reason for bringing to committee: Major Application

Application Number: 10/1650/FL
Application Type: Full application

Applicant: Mr D Stone
Proposal: Demolition of existing building
and construction of 14 no. two bedroom
apartments
Ward: Paddock

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent: Pegasus Planning Group
Location: 1 WOODSIDE
CLOSE, WALSALL, WS5 3LU
Expired Date: 18/03/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site is situated on the southern side of Woodside Road on the corner of Woodside Close. The existing two storey building has a pitched roof and is set at an angle across the corner of the junction opposite a small traffic island. The building was originally constructed as four retail shops with living accommodation above but has subsequently been converted for entirely residential purposes. There are 6 x 1 bed flats and a two storey house in the block. The frontage of the site has an extensive tarmac surface used for parking. There is an MEB sub-station at the side of the existing building fronting Woodside Road in line with the frontage of 1A Woodside Road and there is a vehicular access to a detached double garage at the rear of the application site alongside this. There is a large beech tree within the rear garden of 56 Skip Lane to the side and rear of the site which is protected by a Tree Preservation Order. An amenity area for the existing residential accommodation is set to the rear of the building. The site is located in a residential area characterised by two storey detached houses set back from the road in relatively large plots. Overall the area has an open and spacious appearance.

This application is a resubmission following refusal of four previous applications for:

- 16 x one and two bed apartments
- 15 x two bed apartments
- 13 x two bed apartments plus one apartment which was specifically designed for disabled occupancy with ancillary carers accommodation and
- 14 x two bed apartments

The first two applications were taken to appeal and were both dismissed by a Planning Inspector in May 2008. The third and fourth applications were also taken to appeal and both dismissed by a Planning Inspector in October 2010.

This application proposes the demolition of the existing buildings and erection of 14 x 2 bed dual aspect apartments within three separate blocks, set around the corner. Blocks 1 and 2 would in effect be 2.5 storeys and have 5 apartments in each block. Block 3 would be 2 storeys and have 4 apartments. Blocks 2 and 3 would remain the same in terms of position and design as the last application 10/0038/FL, the position and design of block 1 has been amended since the previous application, in order to accommodate the relocation of the existing electricity substation on the site.

The electricity substation would be relocated to land at the back of pavement on the frontage of block 1, to be adopted by Central Networks. The new substation structure would measure approx 3m x 3.2m with a maximum height of 1.8m, with the transformer set within a structure approx 1m lower in level than the street. The substation would be accessed from within the site via a bollarded grasscrete driveway across the frontage of block 1. A low level retaining wall would bound the access ramp and ensure a level access remains for block 1.

The three buildings would be set back between 6m and 8.2m from the back of the pavement. Each block would have a width of approx 12m and a depth of between 12m and 13m. The overall heights would range from 8m to 9.4m high.

The amendments to block 1 since the previous application include; setting the building back by 0.6m, repositioning of the communal entrance and stairs, repositioning of the living room window and amendments to the kitchen window within flat A.

The building design includes bay windows and gable features, with facing brickwork and pitched tiled roofs.

The layout includes 18 parking spaces. 16 spaces (including 2 disabled spaces) set to the rear accessed via a gated driveway set between blocks 1 and 2, off Woodside Road and a further 2 spaces would be provided in front of block 2.

Cycle and refuse storage facilities would be provided to the side of block 2, adjacent to the access drive. A total of approximately 213 sqm of amenity space would be provided to the rear and between blocks 2 and 3.

The site area is 0.16 hectares which gives a density of 87 dwellings per hectare.

The applicant has submitted the following documents in support of the application:

Design and Access Statement

Looks at the history of the site in terms of the previous applications and appeal Inspectors decision, it provides an analysis of the site and its surroundings and describes the approach to and the design of the current proposals in overcoming the previous reasons for refusal and appeal decisions.

Planning Statement

Provides background to the site and planning history, planning policy analysis and discusses the key issues of the case identifies by the Planning Inspector in the most recent appeal decision.

Bat Survey

Concludes that there was no evidence of bats observed during the inspection and the development of the site is unlikely to have an impact upon bat populations.

Relevant Planning History

07/0774/FL/E11 - Erection of 16 x one and two bedroom apartments – Refused 12/7/07.

Reasons for refusal:

1. The design of the proposed development is inappropriate in the area in that it fails to respect the local character in terms of fenestration, including; lack of bay windows, cat slide roof and the scale of the proposed dormers. Furthermore, the frontage parking is visually intrusive within the street scene and the outlook from the proposed dwellings due to the lack of soft landscaping and proximity of the parking spaces to the building.
2. The development would result in unacceptable demand on limited educational capacity and public open space provision in the locality in the absence of any financial contributions to address the shortfalls.

Subsequent appeal dismissed 21-05-08 because of the unacceptable adverse effect on the character and appearance of the area in failing to take account of the context and surroundings and compromise the quality of the local environment.

07/1815/FL/E11 – Erection of 15 x 2 bed apartments – Refused 15-10-07.

Reasons for refusal:

1. The proposal would appear incongruous in the street scene due to its three storey appearance, design and scale; and the lack of adequate parking provision would lead to unacceptable on street parking.
2. The development would place undue pressure on limited education and public open space provision in the locality.

Subsequent appeal dismissed 21-05-08 because of the unacceptable adverse effect on the character and appearance of the area in failing to take account of the context and surroundings and compromise the quality of the local environment.

09/0617/FL – Demolition of existing shops/flats and construction of 13 new 2 bed flats and 1 flat for person with disabilities with associated carers accommodation – Refused 14-10-09.

Reason for refusal:

1. The proposed development would be over dominant in the street scene by virtue of its massing and appearance, which would be detrimental to and not in keeping with the openness and character of the surrounding area, which consists of detached dwellings.

Subsequent appeal dismissed 28-10-10 because due to the scale and mass the development would create a dominant feature in the street scene which would be out of character with and detrimental to the surrounding area.

10/0038/FL – Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination submitted, no decision made by Walsall MBC.

Appeal dismissed 28-10-10 because the position and appearance of the relocated substation would create an incongruous feature which would detract from the openness of the area to the detriment of its character.

Relevant Planning Policy Summary

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

Core Strategy Policies

The JCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

CSP4: Place Making

Development will be required to demonstrate a clear understanding of the historic character and local distinctiveness. Design of spaces and buildings will be influenced by their context.

HOU2: Housing Density, Type and Accessibility

Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

ENV2: Historic Character and Local Distinctiveness

All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country.

e) areas of extensive lower density suburban development of the mid 20th Century, including public housing and private developments of semi detached and detached housing.

Saved Policies of Walsall’s Unitary Development Plan (2005)

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

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

GP3: Planning Obligations

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

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

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

ENV13: Development near Power Lines, Substations and Transformers

To protect the general amenity of occupiers development in close proximity to substations will not normally be permitted.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV32: Design and Development Proposals.

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

8.8: Residential development 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 facilities.

LC1(d): Urban Open Space

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

T7 – Car Parking

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

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Flats with Communal Parking 1.5 spaces per unit

Designing Walsall (SPD) (Feb 2008)

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

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

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

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

DW5: Ease of Movement – connections to existing routes

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

DW7: Diversity – contribute to creating living places that offer a mix activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Local Character Guidance: East – Gillity Village, Park Hall and Pheasey

The areas display a local vernacular of medium to large sized semi detached and detached housing. New development should reflect the quiet residential character of these areas and their communities in their design. Future development should respect the spacious and low density form of development.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Urban Open Space (SPD) (April 2006)

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Education (SPD) (February 2007)

Sets out the contributions that developers will be required to make towards the provision and improvement of local education facilities.

National Policy

PPS1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS3: Housing, the objective of the revised guidance is to:

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

PPG13: Transport, promotes more sustainable patterns of development for housing development and encourages assessment of the location and accessibility of jobs, services and transport choices and to reduce travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional

circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

PPS23: Planning & Pollution Control advises a Precautionary approach of a 5m exclusion zone around substations, transformers etc.

Consultations

Transportation – No objections subject to conditions relating to access, layout and cycle storage and Travel Planning. The scheme provides 18 parking spaces (including 2 disabled spaces) for 14 flats. This equates to 128.5%. Policy T13 would require 21 spaces therefore the proposal are 3 spaces short. This is considered acceptable on the basis of recent Inspectors decisions on appeals where the Inspector considered that the level of parking provision was appropriate and the site was not in an unsustainable location.

With regard to UDP Policy T12 relating to accessibility of the site to public transport, the Highway Authority has taken due account of the statements by the Planning Inspector contained within the Planning Appeals for two previous schemes on this site namely 07/0774/FL/E11 and 07/1815/FL/E11. Although these schemes proposed a higher level of parking (150% and 131%) in his determining statement the Inspector made reference to local concerns about the sustainability of the site insofar as the accessibility of local services and public transport are concerned. The Inspector noted the distances to the nearest local shopping centre (1.1km) and bus stops in Birmingham Road and Skip Lane. Whilst it is accepted the proximity of the site to bus stops with frequent services is considerably above the UDP T12 requirement of a maximum distance of 400 metres (it is approx. 700 - 800m to the bus stops in Birmingham Road near Walstead Road junction where the 51 service runs every 10 – 20 minutes) his conclusion was that that the site was not in an unsustainable location. The Inspector also considered concerns that parking would be inadequate and this would lead to on-street parking which would impair highway safety. The Inspector concluded that there was a high level of on-site parking in the locality and no parking restrictions and as such did not consider that the highway safety would be unduly affected.

The proposals would utilise the existing access off Woodside Road and the redundant crossing in Woodside Close would be reinstated with full height kerbs.

The proposed cycle store shown on the submitted plans is unacceptable as there is insufficient space to store cycles without them obstructing the pedestrian route to the rear of the development (as the average cycle is 1.8m long and would project over the path). However, an alternative cycle shelter could be provided in an appropriate location at the rear of the development.

Pollution Control (Scientific Team) –No objections. The proposed location of the transformer is acceptable subject to its orientation is such that the positions where field strengths are highest are furthest away from the residential development having regard to survey data previously provided by E-On. As matters presently stand, it is feasible to condition the siting of the transformer and to impose a noise condition.

Pollution Control (Contaminated Land Team) – No objections subject to works being carried out to investigate and remediate any localised ground contamination and ground gas issues associated with the historic filled ground from a former pond or marsh. Details are required prior to commencement of any development.

Central Networks – No objections to the latest revised plans. The extra 100mm increase in level above the general site level and removal of the slope down to the substation should help prevent any possible flood problem. There are no foreseen problems in terms of security or safety issues.

Landscape Officer – No objections, no details of the proposed planting (species, numbers and size supplied) have been provided nor associated landscape features such as boundary/screen fencing, steps paving etc. Relocation has over come the previous landscape objections and support the proposals subject to a condition to ensure the provision of full landscape details.

Arboricultural Officer – No objections subject to condition to ensure submission of method statement detailing all construction methods within the root protection area (RPA) of the protected Beech tree. The presence of the large mature TPO Beech tree situated off site should not prove to be a constraint to the proposed development. Whilst the RPA encroaches into the proposed development site car park it represents only a small percentage of the RPA and damage to the roots could easily be avoided by using appropriate work methods and materials (e.g. ‘no dig’ construction and porous surface).

Natural Environment – No objections. Conditions are recommended to ensure bat roosting features are incorporated and to control external lighting to avoid disturbance to the local bat population.

Urban Design – No objections subject to condition to ensure approval of building materials. The scheme is considered acceptable in terms of its impact upon the character and appearance of the area. The three apartment blocks reflect the built form of detached housing in the area. The substation relocation below street level will minimise its visual impact. It is therefore considered that the scheme overcomes the previous reasons for refusal and reason for dismissal of the recent appeal. The Inspectors decision made it clear that the substation form in Appeal A (09/0617/FL) was acceptable and the built form of apartments in appeal B (10/0038/FL) was acceptable. This application takes both of these elements and combines them together.

Walsall Children's Service - Serco – A contribution to both secondary and primary school provision would be required in this area. However in this case notice has been taken of the comments made by the Planning Inspector in the previous appeal decision (May 2008) regarding financial contributions and a reassessment of the application has been made and in light of this a contribution is no longer required.

Housing Strategy – No objections. The development is below the affordable housing threshold. The application is supported as it provides 2 bedroom flats which are more sustainable than 1 bed flats.

Fire Service – No objections as there is satisfactory fire service access.

Police Architectural Liaison Officer – No objections in principle. Encourage the applicant to design and build to achieve Secured By Design accreditation and ensure that minimum security standards are installed from the outset. Specific design and security guidance provided and forwarded to the agent.

Building Control – No objections. Notification of demolition to Building Control would be required.

Drainage – No objections. Structure and Geotechnics keep no records of areas within the Borough with ground water issues.

Public Participation Response

There are 51 letters of objection received including one from Cottage Farm Residents Association, One from Park Hall Residents Association and one from Councillor R Martin.

Objections:

- By virtue of its size, height, massing and excessive density the development is out of keeping with the character of the area
- New detached houses are more appropriate for the area than flats
- No demand for apartments in the area
- Designing Walsall guidance for the area calls for low density development, family homes, reflecting the spacious character of the area
- Inadequate parking provision, conflicts with policy T13
- Overspill parking in surrounding narrow streets, detrimental to residential amenities.
- The proposed parking area causes noise and nuisance to surrounding neighbours
- New Government guidance removes the previous limit on car parking provision and the Localism Bill, both are significant.
- No visitor parking provided
- Unsustainable location, fails to meet policy T12, only 1 bus per hour and no Sunday service

- Inevitable on street parking will block the street and create access issues for emergency vehicles. Previous accidents in this vicinity.
- Parking on the frontage against Inspectors ruling.
- Excessive traffic in quiet residential streets resulting in safety implications for residents and pedestrians
- Lack of amenity space
- Proposals fail to address issues raised by the Inspector in the previous appeal decision.
- The intentions of the Localism Bill are to allow “communities to make their own decisions about what homes are needed in their area and no longer be the victims of a system designed to maximise profits and minimise choice” A petition signed by 85% of homes on the estate makes the views of the local community clear.
- Residents do not oppose the principle of redevelopment, but do oppose this application.
- Location and level of substation unacceptable from a Health & Safety perspective, high water table creating flooding
- Substation an incongruous feature in the street scene detracting from the openness of the area.
- No comments from Central Networks
- The substation relocation position is impractical
- Impact on structural integrity of 1A Woodside Rd, previous subsidence issues 20 years ago, inherently unstable, the substation was previously relocated as it was sinking in the wet ground.
- The level of the substation could be a security risk, allowing access to the roof.
- Position of the substation at back of pavement will be vulnerable from being struck by cars
- Does the location of the substation meet statutory requirement distances to residential properties and the pavement?
- No other substations in the area at back of pavement, forward of the building line
- Yet another application, previous objections should stand
- Whilst three buildings reduce the visual impact, the accommodation is still over three floors, over dominant. The third floor should be deleted, which would improve the parking and density.
- Will hold the Council responsible for any damage to adjoining properties caused by the development
- Overlooking and loss of privacy
- Trees already removed
- Risk of damage to protected Beech tree and its root system
- Park Hall school already over subscribed
- Comments vary between the two Planning Inspectors regarding the current building.
- Do the applicant’s own all the land?

A petition objecting to the proposals containing 248 signatures has been submitted.

Reasons provided:

- Only the relocation of the substation has changed
- Still over development
- Third storey in the roof
- Out of character with the area
- Unsustainable location
- Insufficient parking
- Parking on the frontage
- Inadequate amenity space

As a result of the changes to the roof design and finished level of the substation, 13 further representations have been received: -

- original objections stand about overdevelopment, the scale & height of the buildings, parking and traffic issues and amenity space
- yet more amendments to the scheme which is considered unacceptable
- the substation position is still prominent due to its position in front of adjacent houses and is obtrusive to their outlook
- health and safety concerns due to the proximity to housing
- lowering the roof will make it accessible from the drive of the adjacent property
- the proposed boundary wall will encourage children to climb on it
- concern over potential flood problems for the substation
- does not address the Inspector's earlier concerns
- raising the floor level makes the substation prominent

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

Determining Issues

The Council is required to have full regard to the Inspectors findings in the previous appeal decisions for this site as a material consideration in the determination of any future applications.

The key issues raised by the Planning Inspector in the most recent appeal decisions relating to planning applications 09/0617/FL and 10/0038/FL are :

- The street scene and character of the area
- The siting of the substation

Other material considerations discussed by the Planning Inspector in the most recent appeal decision:

- Density
- Sustainability
- Demand for Housing
- Parking

- Impact on amenity of neighbours
- Trees

Additional issues to be considered

- Amenity Space
- Demand on Education and Urban Open Space Provision

Observations

Key issues raised by the Planning Inspector in the most recent appeal decisions relating to planning applications 09/0617/FL and 10/0038/FL

Street Scene and Character of the Area

The area surrounding the site consists of two storey detached houses fronting the street with front driveways and gardens, private rear gardens and incorporating bay windows, gable features, pitched tiled roofs and following a well established building line. There are variations between the size of the dwellings and the size of the plots they occupy. Other design features include cat slide roofs, two storey bay windows and dormer windows.

Skip Lane provides a more varied range of house designs and includes some semi detached properties as well as detached houses, with plot widths varying between 9 and 19m. Woodside Road has predominantly detached houses with plot widths varying between 8 and 13m, Woodside Close has plot widths of between 8 and 10m and Calthorpe Close between 8 and 12m wide.

The existing building on site is one large block set across the corner with a large expanse of hardstanding to the frontage and surrounding the building and is therefore not characteristic of the surrounding area and pattern of development. The proposals would provide three separate buildings, 12.8m, 11.6m and 11.6m wide which is more characteristic of the area.

The Design and Access Statement includes an existing and proposed 'Nolli-plan' which shows the built form in the immediate vicinity and clearly shows how the proposed building footprints sit comfortably within the surrounding pattern of development. The proposals therefore provide three buildings of a size and scale consistent with dwellings in the immediate vicinity.

The proposed development incorporates key design features of properties in the surrounding area, including facing brickwork, tiled pitched roofs, gable features, two storey bay windows, porch details and dormer windows.

The proposed layout includes landscaping to the frontage and private amenity space to the rear, with 2 parking spaces on the frontage, also reflecting the character and appearance of the surrounding area and taking into account the comments made by the Planning Inspector regarding parking on the frontage.

It is considered that the proposed apartment buildings overcome the previous reasons for refusal in terms of their dominance, massing, appearance and are more characteristic of the area.

The Siting of the Substation

The replacement sub-station is at the back of footway in Woodside Road in front of Apartment Block 1. It is set at a lower ground level than the footway so is partially screened by the proposed boundary wall, brick piers and railings that runs around the front perimeter of the site. The roof of the substation has been reduced so that it does not project above the railings. Access to the substation is from the side where a grasscrete driveway is to be formed with locking bollards at the entrance. Planting is proposed in front of the driveway behind the boundary wall and railings that will further screen the driveway. In the circumstances, although forward of adjacent buildings, due to its sunken position, amended roof design and proposed screening the proposed substation is not prominent within the street scene and has no detrimental impact upon the visual amenities of the area. The exact details of the design and materials of the sub-station are to be sought and a condition is recommended.

Although objectors are concerned that the lower ground level of the substation may give rise to potential flooding problems the floor level has been amended so that it is now at almost the same level as the apartment block. Central Networks confirm that the substation is acceptable in all respects including operationally, in terms of potential flooding and from a safety and security perspective.

Conditions are recommended to ensure the substation plant complies with ICNIRP and to restrict noise generated by the electricity plant in order to protect residential amenities of surrounding occupiers.

Other material considerations discussed by the Planning Inspector Density

The density of the development is 87 dwellings per hectare which exceeds that recommended in policy HOU2 of the JCS. However, policy HOU2 states density and type of new housing will be informed by the need for a range of types and sizes of accommodation to meet sub regional and local needs, the level of accessibility and the need to achieve high quality design and minimise amenity impacts. Although recent changes to PPS3 has removed the 30 dwellings per hectare national indicative minimum density, it still requires the efficient use of land and states the density of existing development should not dictate that of new housing by stifling change and requiring replication of existing style and form.

The Appeal Inspector accepted that PPS3 states that imaginative design and layout of new development can lead to more efficient use of land without compromising the quality of the local environment. Over development results in designs which impact unduly on the character and amenity of the locality. The amended design approach addresses these concerns and demonstrates that overdevelopment of the site would not occur. Policy CSP4 states that design of spaces and buildings will be influenced by their context and the scheme is more reflective of the local character and surrounding area. The

layout shows appropriate building sizes and position that achieves appropriate gaps between the buildings, separation distances, provides shared private amenity space and bin and cycle storage facilities to accord with Council requirements. Although parking provision is below UDP requirements, similar provision has been accepted by the Appeal Inspector.

On balance the accommodation provides a satisfactory layout that is considered not to be over-development and would provide a mix of housing types and size to the area, where apartments are not over represented and therefore comply with policies CSP4 and HOU2 of the JCS, ENV32 of the UDP and PPS3.

Designing Walsall local character guidance indicates that new development should respect the spacious and low density form of development in the area. Whilst the proposals provide a higher density than the surrounding area, this is as a direct result of the provision of apartment accommodation, which is under represented in the area. The spacious form of development is respected through the provision of three separate blocks with significant gaps between the buildings and landscaping to the frontage, reflecting the character of the area.

Sustainability

The Inspector noted that the site lies within an established urban area and was not convinced that this was an unsustainable location for proposed residential development despite objector's concerns. It is also noted that there is already residential accommodation on the application site and the sustainability of the proposals is no different to that of established housing in the area.

With regard to policy T12 relating to accessibility of the site to public transport, the Appeal Inspector in dismissing the previous appeals made reference to local concerns about accessibility of the site to local services and public transport noting the distances to the nearest local shopping centre (Park Hall shops) (1.1km) and bus stops in Birmingham Road and Skip Lane. The Appeal Inspector concluded was that the site was not in an unsustainable location.

The site is located within an established urban area and is not an isolated site in a remote location and the level of accessibility is considered satisfactory.

Demand for housing

PPS3 requires provision of a variety of house types in an area to suit families with children, single households and older people. Despite objections that there is a need for family housing not flats in the area the Appeal Inspector found that as family housing was the predominant house type in the area an apartment scheme to cater for smaller households would accord with PPS3 as it provides a variety of house types.

Parking

There are 18 parking spaces including 2 disabled parking spaces proposed, including 16 spaces in a parking court at the rear and 2 spaces in front of block 2. The Transportation officer is satisfied with this level of parking (128.5%) despite being 5 spaces short of the maximum requirement given in policy T13, particularly as the site is in a sustainable location. The Appeal Inspector highlighted that the parking standards were maximum standards and the Council did not object to the shortfall and was satisfied that the development would not result in a level of on-street parking which would impair the safety of road users. The Inspector also considered resident and visitor parking on street could be addressed through on-street parking controls. PPG13 states developers should not be required to provide more spaces than they themselves require, without good reason.

The scheme includes 2 parking spaces on the frontage. Although a previous Inspector considered that car parking on the frontage would create a cluttered appearance the current scheme includes only 2 spaces on the Woodside Road frontage. This would be significantly less than if detached houses were proposed, as is a characteristic of the surrounding area. There is provision for secure cycle storage that would encourage occupiers to consider alternative means of travel and a condition is attached to ensure the submission of a residential Travel Plan.

Although neighbours are concerned that there is insufficient on-site parking that would lead to on-street parking and cause congestion in the vicinity to the detriment of highway safety the Inspector's view is a material consideration and has been given considerable weight in determining whether the level of parking provision is acceptable. For the reasons stated above the level of parking and means of access which utilises an existing vehicular access is on balance considered appropriate.

Impact on amenity of neighbours

The position of the proposed building does not project excessively beyond the front and rear elevations of the nearest dwellings in Woodside Close and Woodside Road and so would have no adverse impact upon outlook from these dwellings or lead to unacceptable overlooking resulting in loss of privacy. The outlook from the properties surrounding the site would be different from the existing but the size and separation of the buildings and the distance separations involved would result in no unreasonable adverse impacts upon outlook. The Appeal Inspector considered the height and scale of the development and proximity to the side boundaries of the site in relation to the adjacent occupiers, particularly 5 Woodside Close, and concluded that it would not result in a significant reduction in light and consequent effect on living conditions of the occupiers of 5 Woodside Close sufficient to warrant refusal.

The revised design and position of the substation ensure that it is screened by the wall and railings around the front perimeter of the site. This reduces the appearance of the substation so that it does not appear unduly dominant in

the street scene and is considered to not to be detrimental for the outlook of surrounding occupiers. Despite objector concerns that the wall and railings will encourage children to climb on them posing a potential safety issue the proposed apartments overlook the boundary which should discourage this behaviour and provision of boundary walls is not considered out of keeping.

The only side facing windows within the development face into the site and provide overlooking and surveillance of shared areas. These windows would create no overlooking issues for surrounding occupiers. The Inspector found that whilst there could be a potential loss of outlook and loss of privacy due to overlooking from the apartments to the rear of neighbouring properties and their gardens as the appeal site is a lower level than most of the adjoining properties and given the separation distances and significant tree planting within gardens the outlook and privacy of existing residents would not be unduly affected including during winter months.

Trees

The Beech tree within the garden of 56 Skip Lane is protected by TPO (15/2007) and remains unaffected by the development. The Inspector also noted that whilst it may be possible that the roots to the tree extend into the proposed parking area only a small percentage of the root protection area extends into the site. A condition is attached to ensure that a 'no-dig' construction technique and permeable surface is provided in the proposed rear parking area which overlaps the root protection area of this tree, to ensure the long term health of the tree. In the circumstances objector's concerns that development may affect the water table to the detriment of the health of the tree are not substantiated.

Additional Issues to be considered

Amenity Space

Approximately 213sqm of private amenity space would be provided for the development, together with additional amenity/landscaping situated on the frontage of all three blocks. This equates to just over 15sqm per flat. Whilst Appendix E of Designing Walsall seeks to achieve a minimum of 20sqm of amenity space per unit, which would require 280sqm of private amenity space, it recognises that smaller areas may be acceptable depending on design.

The previous Appeal Inspector did not raise the level of private amenity space as an issue nor felt that there would be a need for a financial contribution towards off site provision of open space. This is a material consideration in the current application.

The level of amenity space is considered appropriate.

Demand on Education and Urban Open Space Provision

Under the requirements of policies GP3, 8.8 and LC1 of the UDP and the SPD's for Education and Urban Open Space developers should, where appropriate, ensure provision and improvement of local education facilities

and improvements to or provision of urban open space within the proximity of the application site on qualifying developments above the threshold of 10 units. In terms of education provision the level of surplus spaces in local primary and secondary schools is below 10% therefore a contribution towards these phases would normally be required. Walsall Children's Services – Serco has considered the Appeal Inspector's earlier decision where contributions were calculated on the net increase in the number of dwellings, which is relatively small, and has recommended that no contributions are collected in this specific case.

Similarly the Inspector commented on the net increase in dwellings in relation to calculations for an Urban Open Space contribution and concluded that no Urban Open Space contribution was payable. The SPD is silent on the issue of net increase in units in a redevelopment scheme and in this particular case regard must be taken of the Inspector's comments. It is recommended that no Urban Open Space Contribution be collected.

Other matters

The updated bat report submitted is considered satisfactory and there are no ecological reasons for the refusal of this application.

The proposed layout shows an adequate size refuse bin storage facility for the development.

The applicant has served notice on Central Networks as part of the submission, recognising that not all the land within the redline boundary is in their ownership.

Objectors have cited two properties in Skip Lane that have had recent planning refusals for third storey accommodation. In each of these cases the reasons for refusal refer to the overall design of the extensions proposed and the overall design, massing and bulk of the new house, not the principle of development within the roofspace.

Concerns that the applicant has failed to engage with residents is not a material planning consideration and there is no statutory requirement for the applicant to consult with residents. The Council has carried out extensive consultations regarding the proposals and subsequent amendments.

Each application is dealt with on its own merits and no precedent for the development of further blocks of apartments on street corners in the locality would be set by the approval of this proposal.

Property devaluation is not a material planning consideration.

Summary of Reasons for Granting Planning Permission

The size, scale, massing and appearance of the development are in keeping with the character of the surrounding area. The substation has been repositioned and redesigned so that it sits below the level of the proposed boundary wall and railings and is not prominent in the street scene. Central Networks confirm that they are satisfied with the design.

The density although higher than recommended in policy HOU2 of the JCS does provide a mix of house types and makes more efficient use of previously developed land in the urban area. The accommodation provides a satisfactory layout considered not to be over-development.

The site is not in an unsustainable location as it is within an established residential area and is not an isolated or remote location. The apartment scheme to cater for smaller households will provide a variety of house types in this area which is predominantly family housing.

The parking provision, although below the maximum standard recommended in policy T13, is considered sufficient to cater for the needs of this development which is in a sustainable location. Potential overflow parking can be controlled by on-street parking controls and would not result in a level of on-street parking that would impair highway safety. The provision of 2 car parking spaces on the frontage is considered not to detract from the character of the surrounding area.

The position of the proposed building does not unreasonably affect daylight, outlook or privacy of surrounding occupiers as there is adequate space and separation between dwellings. The substation is not prominent in the street scene and so does not adversely affect neighbours outlook.

The proposals do not adversely affect the root protection area and hence is unlikely to affect the water table of the TPO tree within the garden of 56 Skip Lane. Therefore the health of the tree is not adversely affected.

The scheme provides approximately 213 sqm of private amenity space plus landscaping/amenity space in front of the building which provide additional visual amenity value for occupiers. Despite the private amenity space being smaller than recommended in the SPD: Designing Walsall the guidance recognises that smaller areas may be acceptable depending on design. This amenity space is considered acceptable as it is convenient and useable.

Bearing in mind the Appeal Inspector's comments and as the net increase in the number of dwellings on site is relatively small it is considered that the additional demand on education and urban open space provision in the area is not significant therefore contributions towards such provisions are unnecessary.

The bat report is satisfactory therefore the proposals have no adverse ecological impacts.

The applicant has carried out necessary notices regarding ownership of the site.

In light of the above the proposals are considered to accord with the aims of policies CSP4, HOU2 and ENV2 of The Black Country Joint Core Strategy and saved policies 3.6, 3.9, GP2, GP3, ENV13, ENV14, ENV32,H3, 8.8, LC1 (d), T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall, Urban Open Space and Education.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location Plan (0917/P01) received 21/12/10
- Proposed Site Plan (0917/P05 Rev A) received 04/03/11
- Proposed First Floor Plan (0917/P06) received 13/12/10
- Proposed Second Floor Plan (0917/P07) received 13/12/10
- Proposed Block 1 Elevations & Sections (0917/P09) received 13/12/10
- Proposed Block 2 Elevations & Sections (0917/P10)
- Proposed Block 3 Elevations (0917/P11) received 13/12/10
- Proposed Boundary Treatment to Substation (0917/P14 Rev A) received 04/03/11
- Proposed Site Sections (0917/P12) received 13/12/10
- Existing Site Plan (0917/P02) received 13/12/10
- Existing Elevations (0917/P04) received 13/12/10
- Existing Site Sections (0917/P03) received 13/12/10
- Design & Access Statement prepared by Pegasus Planning Group received 13/12/10
- Planning Statement prepared by Pegasus Planning Group received 13/12/10
- Bat Survey Report prepared by Ridgeway Ecology dated 14th July 2009 received 13/12/10

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3. Prior to the first occupation of the development, the alterations to the existing vehicular footway crossing at the access point in Woodside Road together with the removal of the existing vehicular footway crossing in Woodside Close made redundant by the development, shall be carried out to

a specification to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory completion and operation of the development.

4. Prior to the first occupation of the development all parking, accesses and manoeuvring areas shown on the approved plan shall be fully consolidated, surfaced and drained. The car parking bays shall be clearly demarcated on the ground and shall thereafter be retained for this purpose only.

Reason: To ensure the satisfactory completion and operation of the development.

5. Prior to the commencement of the development revised details, including location and design of the proposed cycle storage facility, which shall be covered and illuminated, shall be submitted for approval in writing by the Local Planning Authority, and the approved details shall be fully implemented prior to first occupation and shall thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage the use of alternative, sustainable modes of travel.

6. Prior to the commencement of the development a Travel Plan Statement, drawn up in accordance with Government 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process' shall be submitted for approval in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

Reason: To focus on site measures to encourage residents to utilise sustainable modes of travel.

7. Prior to the commencement of the development full details of planting including species, size and location shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within 12 months of the development completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

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

8. No development shall commence until proposals to incorporate bat roosting features into the proposed building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the proposals put forward by Ridgeway Ecology in the bat

survey report dated 14 July 2009. The approved scheme shall be incorporated into the development before any part is first brought in to use and retained thereafter.

Reason: To conserve local bat populations.

9. Any external lighting shall be low level high pressure sodium with UV filters and directional shrouding/shields to prevent light spill. Floodlighting shall be avoided except at the front of the building. No lighting proposals which conflict with the requirements of this condition shall be installed without the written permission of the Local Planning Authority.

Reason: To avoid disturbance to local bat populations.

10. No development shall commence until a method statement detailing all construction methods within the root protection area of the protected Beech tree situated off site in Skip Lane have been submitted to and agreed in writing by the Local Planning Authority and carried out in accordance with the agreed details.

Reason: To safeguard the protected Beech tree situated adjacent to the site.

11. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The development shall be completed with the approved details and retained as such.

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

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

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

13. In order to address potential impact from land contamination the following matters shall be addressed:

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment.

14. Any development shall not be brought into use until it is verified or demonstrated that electromagnetic fields arising from the adjacent electricity substation plant fall within the current guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP).

Reason: To ensure the safe development of the site and to protect human health and the environment.

15. Prior to the development being brought into use, it shall be verified or demonstrated that noise arising from the adjacent electricity substation plant does not exceed “Good” design range criteria stated for indoor ambient noise levels in British Standard BS 8233 *Sound Insulation and Noise Reduction for*

Buildings – Code of Practice (1999) in regard to living rooms and bedrooms, together with Noise Rating (NR) that does not exceed 24 dB.

Reason: To ensure the safe development of the site and to protect residential amenities.

16. Prior to the commencement of the development full details of the design and materials to be used in the construction of the new electricity substation shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the substation.

Note to applicant regarding bats

Although no bats have been found roosting in the building, any demolition should be carried out carefully with the expectation that bats may be found. All British bats are protected by law. The highest risk is during the removal of roofing material. If bats are observed within the buildings scheduled for development, either prior or during development, Natural England (Birmingham Office 0121 233 0399) must be contacted. Work must cease and it may be necessary to apply for a European Protected Species license from Natural England.

Notes for Applicant – Contaminated Land

CL1

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

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or

under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Note for applicant regarding sound level measuring

Sound level measuring instrumentation shall conform to either: ‘Type 1’ of either British Standard BS 5969: 1981 ‘*Specification for sound level meters*’, and/or BS EN 60651: 1994 ‘*Specification for sound level meters*’, and/or BS 6698: 1986 ‘*Specification for integrating-averaging sound level meters*’, and/or BS EN 60804: 1994/2001 ‘*Specification for integrating-averaging sound level meters*’ and/or ‘Class 1’ of BS EN 61672: 2003 ‘*Electroacoustics- Sound Level Meters - Part 1: Specifications*’ (or any superseding standards as applicable). Instrumentation shall have been verified either in accordance with British Standard BS 7580 ‘*Specification for the verification of sound level meters*’ Part 1: 1996 ‘*Comprehensive procedure*’ or BS EN 61672: 2003 ‘*Electroacoustics - Sound Level Meters - Part 3: Periodic Tests*’ within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

Note for applicant regarding noise surveys

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in: Planning Policy Guidance Note PPG 24 ‘*Planning and Noise*’ 1994.

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England 2005.

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to quantities and procedures.

British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 2: Guide to the acquisition of data pertinent to land use.

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.

British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise. Department of Transport 1988.

Calculation of Railway Noise. Department of Transport 1995.

(This is not an exhaustive list.)



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011

Reason for bringing to committee: Major Application

Application Number: 11/0105/FL

Application Type: Full application

Applicant: Ravenscroft developments
(UK) LTD

Proposal: New residential development
(amendment to previously approved
scheme).

Ward: Pleck

Case Officer: Karon Hulse

Telephone Number: 01922 652492

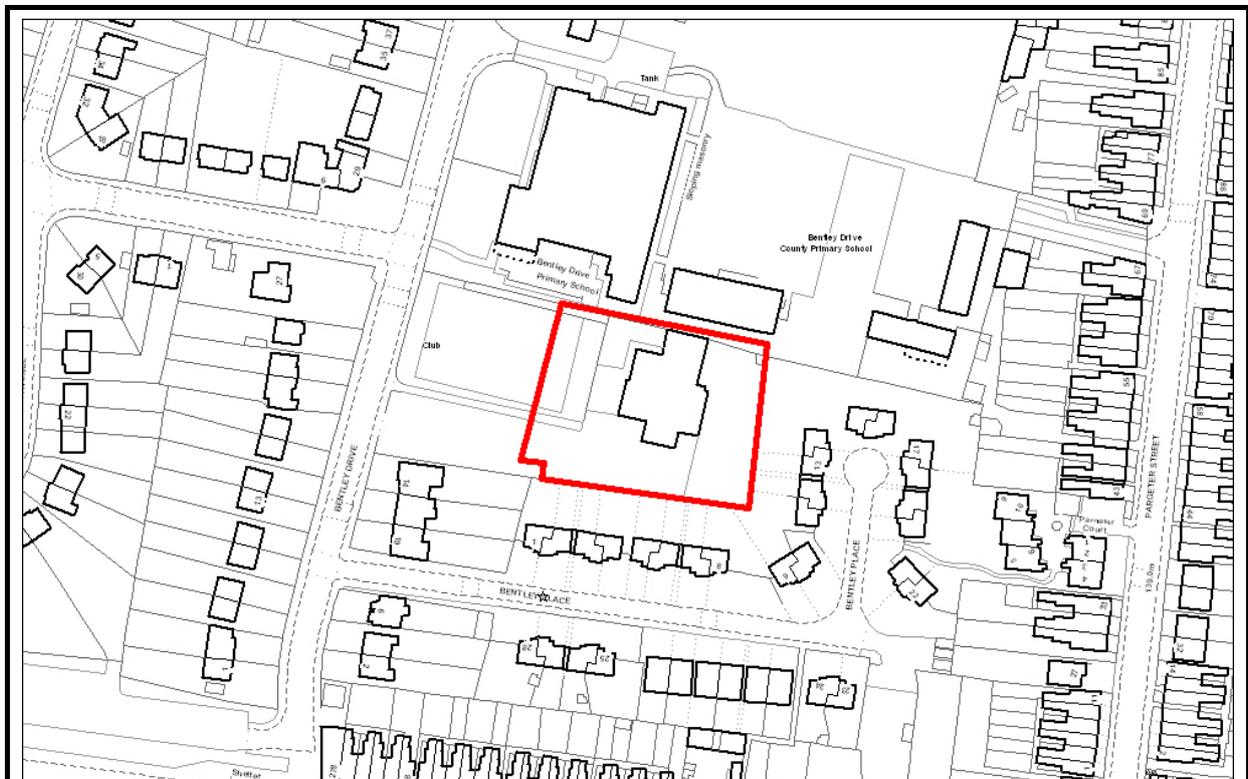
Email:planningservices@walsall.gov.uk

Agent: Eclipse Architecture

Location: LAND BEHIND BENTLEY
MOOR CLUB, BENTLEY
DRIVE, WALSALL, WEST MIDLANDS,
WS2 8RY

Expired Date: 27/04/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application seeks consent to redevelop land at the rear of the new Bentley Moor Club on Bentley Drive for residential purposes. Planning permission was previously granted for a redevelopment scheme which included the erection of a new club with residential to the rear, however to date only the new clubhouse has been implemented. The residential element of that scheme proposed a total of 14 dwellings.

Due to the economic down turn the applicants are now proposing a different residential scheme to comprise of 10 two storey dwellings (5 x pairs of semi detached), together with 18 parking spaces, (3 dwellings would have 200% parking and 7 dwellings would have 150% parking spaces).

There is no change to the access road which includes a turning head to serve the proposed residential element which was previously approved, it is only the house types and siting of the dwellings that is to be amended.

The land was surplus to the requirements of the club which was originally sited at the r/o this land and has since been demolished and rebuilt at the front on Bentley Drive. The surrounding area is characterised by a mix of housing, ranging from terraced to semi-detached, which is all two storey in height. The application site also shares its northern boundary with Bentley Drive County Primary School.

This development was previously subject to financial contributions for education only and which was paid in full at the time of commencement of the development.

Relevant Planning History

05/2300/FL/W5 - Demolition of existing club and the construction of a new clubhouse and 14 dwellings. Grant Subject to Conditions 14th May, 2005.

10/0160/FL – New residential development, comprising 18 no. starter home units, together with 22 car parking spaces, bin store, cycle stores and garden shed to each dwelling. Refused 30th March, 2010.

Relevant Planning Policy Summary

(Note the full text version of the Black Country Joint Core Strategy and Unitary Development Plan is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Black Country Core Strategy (JCS)

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.

Vision: to include the creation of a network of sustainable communities' right across the Black Country. This will be achieved, in part, by creating environments which offer opportunities for active lifestyles and healthy choices, including provision for outdoor recreation within the urban fabric of the Black Country.

CSP2 - Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CSP3 - Development proposals need to demonstrate that the environmental infrastructure will be protected, enhanced and expanded at every opportunity. This includes open space, areas of importance for biodiversity and areas and buildings of high design quality.

CSP4 - A high quality of design of the built and natural environment is required.

HOU2 - Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. Developments should achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

HOU3 - Will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable.

TRAN1 - All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN2 - Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development. Proposals should be in accordance with an agreed Transport Assessment, where required, and include implementation of measures to promote and improve such sustainable transport facilities through agreed Travel Plans and similar measures.

ENV 1, ENV 2 and ENV 3 set out the criteria for nature conservation, the historic environment and design quality.

Saved policies of Walsall Unitary Development Plan

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

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

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

3.113, 3.114, 3.115, H10 & ENV32 - new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV40 - Adequate foul and surface water drainage infrastructure should be provided.

H3 - encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T7 - All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13 - sets maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport and unless demonstrated

Supplementary Planning Documents

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

DW1- Sustainability- New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

DW3 - Character- All new development must be designed to respect and enhance local identity

DW6 - Legibility- New development should contribute to creating a place that has a clear image and identity and is easy to understand

DW10 - Well designed sustainable buildings- New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

Annexe E: Numerical Guidelines for Residential Development ... identifies matters such as privacy and aspect distances between dwellings and garden dimensions. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010. The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in

accordance with it unless material considerations indicate otherwise. However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

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

PPS3: 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.

PPS4: Encourages sustainable economic growth and making the most efficient and effective use of land, prioritising previously developed land. It encourages location of developments which generate substantial transport movements in locations that are accessible.

PPG13: Seeks to minimise the use of the car by the sustainable location of development.

Consultations

Transportation – no objections

Pollution Control (Scientific Team/Contaminated Land) – no objections

Fire Service - no objections

Regeneration (Landscape) - no objections

Severn Trent Water – no objection

Public Participation Responses

None

Determining Issues

- Principle of residential development
- Residential amenity and design
- Access/highways
- Financial contributions

Observations

Principle of residential development

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,
Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

The principle of the development i.e. construction of a new clubhouse and residential dwellings on this site was established by the previous planning consent in 2005.

Issues such as loss of bowling green/open space, highway / access arrangements, financial contributions and noise nuisance were addressed by the previous planning application, at which time the proposed scheme was considered acceptable and would not have any detrimental impact on future or existing residents within the area.

The residential development on brownfield land to the rear of the site reduces the need to release greenfield land. The proposal makes better use of urban land and efficient use of existing infrastructure near to the site. The land is currently vacant therefore the proposed amended scheme for residential is considered acceptable in principle.

Residential amenity and design

The amended scheme reduces the proposed number of residential units; this is welcomed and would provide sustainable accommodation for families. The design of the dwellings is more traditional pairs of dwellings.

Each dwelling has been designed to the Lifetime Homes Standards and building regulations part M in respect of access for disabled persons and has rear amenity areas exceeding the Designing Walsall standards.

Notwithstanding the appearance of the units, the main difference between this scheme and that previously approved is the siting of four units which would be side facing to the rear of the clubhouse as opposed to the previous one which had a row of dwellings rear facing onto the rear of the clubhouse. The benefits of the houses orientated so they face away from the club provides an improved outlook towards the school rather than the rear of club. The rear garden lengths as required by the Designing Walsall Supplementary Planning Document are all achieved.

It is considered the amended scheme would provide a satisfactory residential environment whilst ensuring that it is well integrated into the existing settlement patterns and would comply with local and national planning policy guidance.

Access/highways

The amended residential scheme does not impact on the already approved access drive which is a continuation of the partially approved and constructed driveway off Bentley Drive to the rear of the new clubhouse. This access drive includes a turning head to accommodate refuse vehicles and emergency vehicles.

Financial contributions

The original planning permission required a financial contribution for education only. The sum of £26,677.14 was paid in full to the council upon

commencement. Since the previous consent, the trigger for open space has been changed and now the current planning application exceeds that trigger, as such, there is a requirement for £15,019.00. This application does not require any contributions to education (it is below the current threshold) therefore if the council is to apply the requirements for financial obligations in respect of the proposed developments this site has overpaid by approximately £10,000. The applicants have agreed to enter into a new Section 106 Agreement requiring them to pay £15,019.00 towards open space in respect of this planning application. When this scheme is implemented then the previous sum for education should be repaid. It is suggested that a trigger for repayment should be included in the new Section 106 Agreement to be when plots 1 to 4 have been completed and ready for occupation.

Summary of Reasons for Granting Planning Permission

The principle use of the site for residential to the rear of the new clubhouse is acceptable and will make a positive contribution to making more effective use of land within the urban area. The amended scheme and layout will provide adequate amenity space, privacy and daylight, be in keeping with the surrounding area and respect the character and nature of the existing urban grain.

The scheme pays particular attention to the relationship between the clubhouse and new residential development to ensure that there is no detrimental impact on the amenities of nearby existing or proposed future occupiers.

As such the use of the site for residential is in accordance with policies CSP2, CSP3, CSP4, HOU2, HOU3, TRAN1, TRAN2, ENV 1, ENV 2 and ENV 3 of the Black Country Joint Core Strategy, saved policies 3.6, 3.7, GP2, GP3, ENV14, 3.113, 3.114, 3.115, H10, ENV32, 3.117, & ENV33, ENV40, H3, T7 and T13 of the Unitary Development Plan, Designing Walsall Supplementary Planning Document and national planning policy documents PPS1, PPS3, PPS4 and PPG13.

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

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

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

4. 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.

5. No development shall begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure 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. Prior to the commencement of development a schedule of facing materials to be used in the external walls and roofs shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

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

9. In order to address potential impact from land contamination the following matters shall be addressed:

i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

iv) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

vi) A validation report confirming the details of the measures implemented

together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment.

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

Reason: In the interests of highway safety.

11. 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.

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

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

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

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

14. 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) 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;
(b) any damage to protective fences shall be made good.

Reason : To ensure the satisfactory appearance of the development.

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

The proposed development provides an opportunity to make better use of urban land which is currently run vacant, make efficient use of existing infrastructure and in particular the good public transport links near the site. The proposed development protects existing residential amenity whilst providing a satisfactory scheme for its future residents. As such the proposed development is in accordance with CSP2, CSP3, CSP4, CSP5, ENV 1, ENV 2, ENV 3, HOU1, HOU2, HOU3, HOU5, TRAN1, TRAN2, TRAN4, TRAN5, DEL2 of the Black Country Joint Core Strategy, saved policies 3.6, 3.7, GP2, ENV14, H10, ENV32, ENV33, ENV40, H3, H9 and H10, T7 and T13 of Walsall Unitary Development Plan and Designing Walsall Supplementary Planning Document and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Notes for Applicant – Contaminated Land

CL1 - Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2 - When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be

obtained from the Environment Agency.

CL3 - Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.





Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

Reason for bringing to committee: Major Application and Called in by Councillor I. Shires

Application Number: 11/0132/FL
Application Type: Full application

Applicant: New Invention Health Centre
Proposal: Demolition of no's 62 & 64
Cannock Road and existing health centre
& erection of new health centre and
associated parking.

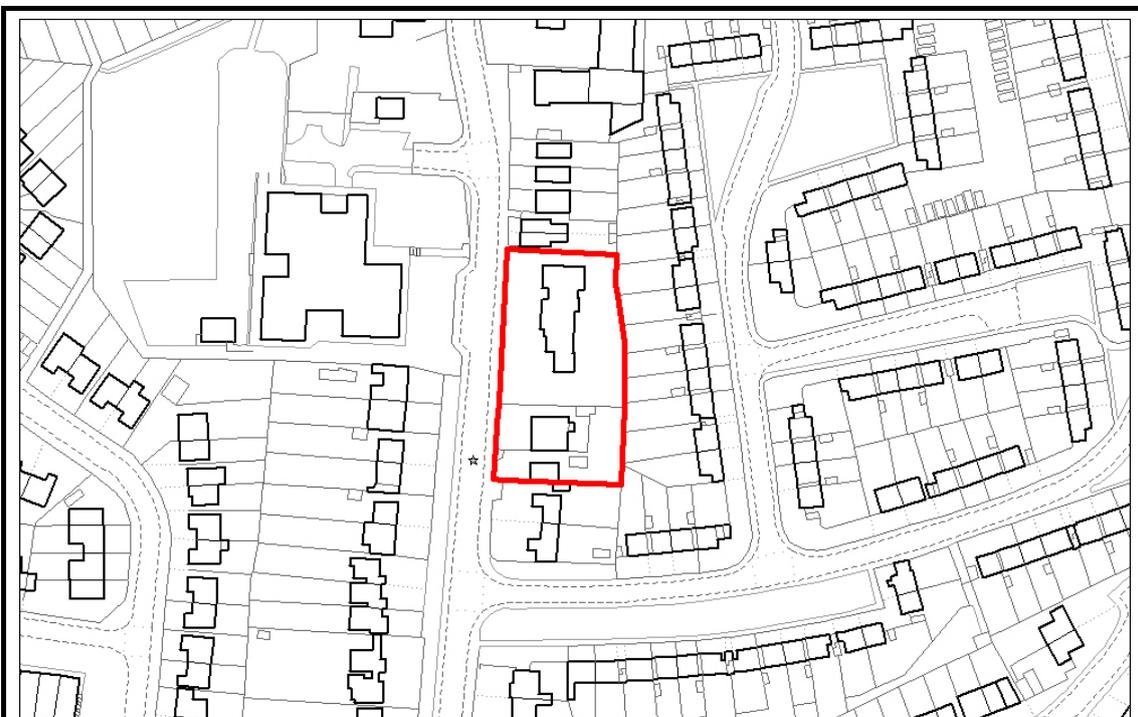
Ward: Willenhall North

Case Officer: Jan Scrivens
Telephone Number: 01922 652436
Email:planningservices@walsall.gov.uk

Agent: West Hart Partnership
Location: 66 CANNOCK ROAD,
WILLENHALL, WV12 5RZ

Expired Date: 10/05/2011

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



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Application and Site Details

This application relates to the site of 62-66 Cannock Road, Willenhall, which is occupied by an existing medical centre, its car park and two detached dwellings. The application proposes the construction of a replacement medical centre on the car park and the site of the two dwellings.

The new medical centre is intended to provide more space for its current activities and to increase the facilities offered in accordance with NHS guidelines.

There have been two previous approvals for a new medical centre on this site, one of which was granted an extension of time for its implementation in 2010. This is a revision to the proposed building.

The proposed centre would be two storeys (with a lift). It would be a maximum of 9.1m in height, reducing to 6.8m in a projection at the rear. The overall height of the building remains the same as in the most recent approval (10/0601/FL) but the eaves height of the rear part of building would be higher, at 4.2m, than the 3.2m previously approved. The depth of the whole building, at 29 metres maximum would also be a metre more than the previous approval with the extra metre being added to the rear portion of the building.

There is a school on the opposite side of Cannock Road to the site. The other three sides of the site are surrounded by dwellings. To the north the width of the car park separates the new building from No. 70 Cannock Road (some 37m). There are no side facing windows in that property.

The centre would be between 6m and 15.2m from the boundary with the nearest dwellings to the rear, nos.1 - 5 Brereton Road (and there would be a 2.4 metre wall erected on the boundary at this point). Windows in the first floor rear would be a minimum of 34m from the rear windows of the houses in Brereton Road at the rear. These windows would be to utility rooms (2), a minor operations room and, at the maximum distance, a health promotion room.

To the south the building would be a minimum of 7.5m from the side of no.60 Cannock Road. Previously it was some 9 metres away. The application proposes to reduce the site levels adjacent to no.60. Currently the site is approximately 1.2m higher than no.60, although this is variable along the length of the boundary. It is proposed to reduce the site level by approximately 0.9m.

This elevation of the health centre would contain windows and rooflights which would face that property. All of the windows would be obscure glazed. The rooflights and a first floor window to a staircase would be fixed lights. The remainder of the windows at ground and first floor would be bottom hung and inward opening. This arrangement was requested by Members as part of the determination of the previous planning applications for the health centre.

The rear part of the building would have dormer windows on the north elevation facing the car park. The western elevation of the building facing Cannock Road would have casement windows. The windows facing no.49 Cannock Road, at a distance of 31.5metres, would be to a multi- purpose treatment room and a baby change room on the ground floor. On the first floor the windows would be to a health promotion room, disabled WC/store and to a plant room.

The application proposes retaining the most northerly of the car park accesses to Cannock Road, closing off the remainder. A 44 space car park would be provided, including 6 spaces for disabled drivers. Cycle parking is also proposed at the front of the building. The existing surgery has 30 parking spaces.

The site is at present partly enclosed by a wall which has a maximum height of 2.5m. This wall would be extended, at a height of 2.4m, to the whole of the rear boundary and along the southern boundary with 60 Cannock Road. The frontage of the site would be a dwarf wall with railings having a combined height of 2.4m. 1.8m high metal railings would link the front boundary with the building on both sides of the pedestrian access but on the north side there would be a gate to the car park.

The following information has been supplied, in a Design and Access Statement, in support of the current application:

- i) The previously approved building is unbuildable to the approved drawings
- ii) The current health centre does not meet Government requirements to provide more services locally and avoid the need for patients to travel
- iii) The overall building area has reduced slightly. The new building has been moved slightly closer to no.60 Cannock Road (the house immediately to the south of the site) but will not breach the 45 degree sightlines from the nearest habitable room window. Additionally the gable end to the south elevation, which was a feature of the previous scheme, has been replaced by a hipped roof to lessen the impact of the elevation
- iv) The rear utility space has been increased to comply with stringent infection control standards. The ground level will be reduced in this area of the site to lessen the impact on the houses at the rear.
- v) The building is expected to provide waste and recycling storage. This has been added to the rear. Refuse vehicles will be able to enter and leave the site in forward gear.
- vi) the internal layout of the building has been reconfigured to make it easier to use

Relevant Planning History

06/0183/FL/W3 Demolition of existing doctors' surgery (66 Cannock Road) and two houses (62 and 64 Cannock Road) and construction of new medical centre with retail pharmacy. Refused 31.3.06

06/1917/FL/W3 Demolition of existing health centre and 2 no. houses (62 and 64 Cannock Road) and construction of new health centre with retail pharmacy. Refused 13.2.07

06/1921/FL/W3 Extensions and alterations to 2 no. houses including portacabin to rear to form temporary doctors' surgery. Refused 13.2.07

07/0859/FL/W3 Demolition of nos. 62 and 64 Cannock Road and existing health centre (no.66) and construction of new health centre with dispensary and associated parking. granted subject to conditions 5.6.07

10/0601/FL Demolition of nos. 62 and 64 Cannock Road and existing health centre and erection of new health centre and associated parking. Granted subject to conditions 12.8.10

10/0602/TE Application for extension of time to planning application 07/0859/FL/W3. Granted subject to conditions 12.8.10

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

Joint Core Strategy

The following policies of the adopted Black Country Joint Core Strategy are of relevance:

CSP2 Outside the strategic centres and corridors, focuses development on previously developed land

CSP4 and ENV3 set out criteria for high quality design, including promoting sustainable patterns of development

CSP5, and TRAN2 seek to reduce the dominance of the private car and resist development which would have an adverse impact on the highway

Saved policies of UDP

GP1 requires new development to be in sustainable locations.

GP2 and 3.6 require new development to make a positive contribution to the improvement of the environment.

ENV32 requires development to take account of its surroundings.

S1, S2, S4, S5, S6 and S7 define a hierarchy of centres and the principle of locating development within them

5.2 states that the prime concern will be to sustain and enhance the vitality

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and viability of centres

5.4 and 5.5 state that the Council will apply a sequential approach to the location of town centre uses and that development must relate to the appropriate level of centre.

5.8 states that development in edge of centre or out of centre locations will be subject to policies S6 and S7.

T13 sets out car parking standards

8.7 encourages the provision of health care in accessible locations.

Regional Spatial Strategy

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

Supplementary Planning Document

Policy DW9 of the adopted Designing Walsall Supplementary Planning Document requires new development to enhance the public realm through good design and the maximum use of 'active' frontages.

Consultations

Transportation: No objection

Environmental Health: No objection

Fire Service: No objection

Representations

The occupier of no.49 Cannock Road objects to the development on the grounds that the height and location of the building will obscure considerable amounts of natural light. Using artificial light will increase the writer's energy usage and costs

The location of the windows and height of the building will result in a loss of privacy. The children's bedrooms are at the front of the house and will be visible from the new building. The writer has not previously objected due to misunderstanding the location of the building in the previous applications.

The occupiers of no.60 Cannock Road, to the south of the site, object to the original plans submitted with this application, insofar as they proposed side opening windows some of which are plain glazed. They also object to concrete infill panels to the proposed 2.4m high boundary wall on the grounds of lack of privacy and security. (*Amended plans have now been submitted which show obscure glazed windows, either fixed or bottom hung and inward opening and the boundary wall is now wholly of brick*).

The period for neighbour comment on the amended plans has not yet expired. Any comments will be reported to the meeting.

Determining Issues

- implications of the Regional Spatial Strategy and adoption of the Joint Core Strategy
- the principle and location of the development
- amenity
- access/parking

Observations

Implications of the Regional Spatial Strategy and adoption of the Joint Core Strategy

The status of the RSS is not of particular significance to the determination of this application for which the principle has been established through previous planning approvals. The policies of the Joint Core Strategy are consistent with the approval of this application.

The principle and location of the development.

The acceptability of this location for the new health centre has been established by the approval of planning application 07/0859/FL/W3 and subsequent approvals.

Amenity.

The current proposal is to bring the building closer to the houses at the rear of the site in Brereton Road and closer to no.60 Cannock Road. The applicant

advises that this is inescapable given the need to fit in the accommodation required and to comply with necessary hygiene controls. It is proposed to mitigate the effect of this by reducing site levels, reducing the levels towards the south of the site, adjacent to no.60 and towards the east, to the rear of houses in Brereton Road. As a result of the changes the site levels would be comparable to those of the adjoining dwellings.

The distance between the windows in the new medical centre and those of the houses at the rear would meet Council standards for facing habitable rooms, which is a useful yardstick for these windows. The distance between the medical centre and no.70 Cannock Road to the north would exceed these standards.

The distance between no.49 Cannock Road and the medical centre windows would exceed Council standards for facing habitable rooms. While this distance relates to residential properties it provides an acceptable standard of privacy which can be used as a benchmark elsewhere. The rooms concerned are also on the Cannock Road frontage of the house so that they would be visible from the public highway anyway, and only two of the windows in the health centre which would face the house would be to consulting/treatment rooms. There should therefore be no loss of privacy for the occupiers of this dwelling.

The occupier is also concerned about loss of light. Currently no.49 faces due east towards the health centre car park which occupies a gap between the health centre building and a bungalow which is to be demolished. It would, as part of this proposal, face part of the new health centre with an eaves height of approximately 6 metres and an 8.5 metre high ridge line. The health centre eaves would be approximately 1 metre higher than no..49's and the ridge line of 8.5metres would be 6 metres further back. Although having a building rather than a car park opposite their dwelling would be a change for the occupiers it is not considered that the height of the proposed health centre is excessive or that it would have a significant effect on the light received by no.49 or require the occupiers to use more energy to light their house.

There would be windows facing the side of the dwelling no.60 Cannock Road at ground and first floor. The ground floor windows would have no view into the property due to the proposed 2.4 metre boundary wall. In the previous application this wall was partly constructed on piers with concrete infill. This has now been changed to brick throughout the length of the boundary.

The first floor windows facing the side of no.60 have previously been of concern due to the potential loss of privacy to the occupiers of this property and to patients. In the '07 planning permission a condition was imposed requiring the first floor windows and skylights to be obscure glazed and either partially or wholly fixed. This condition was reviewed in the determination of 10/0601/FL and 10/0602/TE when Members requested the skylights and staircase window to be obscure glazed and permanently fixed and the remainder of the windows on both ground and first floor to be inward opening

and bottom hung as well as obscure glazed. The current application has been amended to meet these criteria.

The appearance of the building is satisfactory and would have no adverse effect on the street scene.

The range of facilities offered by the new health centre would be marginally increased in accordance with NHS proposals to bring services closer to patients but it is considered that the benefits of this would offset any additional activity at the site.

Access/parking

The retention of the existing access as proposed is satisfactory. The development would not meet Council standards for the number of parking spaces proposed but this has been considered acceptable previously given the restricted space on the site and the increase in the variety of services which the doctors will be able to offer.

Because the new medical centre would be built partly on the existing centre's car park there will inevitably be a period when very little parking is available on site. The management of the available space and the access to the site should be controlled to ensure that vehicles entering and leaving the site do not cause problems to highway safety. Conditions are recommended to assist with this during the construction period.

Summary of Reasons for Granting Planning Permission

The proposed development is an amended scheme following two previous approvals for a new health centre on the site which approved the location, siting and scale of the building. The changes in these aspects of the development are acceptable and would have no adverse effect on the amenity of neighbours on the southern side of the building provided that conditions are imposed to control the type of glazing to the windows of the southern elevation. There would be sufficient distance between the proposed health centre and the dwellings on the opposite side of Cannock Road to avoid any loss of privacy and the building would not significantly affect the amount of light received by these properties or require them to use more energy to light their houses. The appearance of the building is satisfactory and it is well integrated into the street scene so that there would be no adverse effect on the visual amenity of the area. The numbers of parking spaces are as previously approved and are acceptable given the restricted space on the site and the increase in the variety of services which the health centre can offer. The approval of this application would be in accordance with the policies of the development plan including GP1, GP2, 3.6, ENV32, S1, S2, S4, S6, S7, 5.2, 5.4, 5.5, 5.8, T13, 8.7 of the Unitary Development Plan; CSP2, CSP4, ENV3, CSP5 and TRAN2 of the adopted Joint Core Strategy and DW9 of the adopted Designing Walsall Supplementary Planning Document. On balance, having taken into account all material considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises material planning considerations

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

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

2. No development shall be carried out until a schedule of the following has been submitted to and approved in writing by the Local Planning Authority:

- i) facing materials to be used for the external walls and roofs and boundary wall
- ii) colour of the window frames and doors
- iii) colour, materials and design of any internal shutters
- iv) colour of the boundary railings
- v) the type of obscure glazing

Reason: To ensure the satisfactory appearance of the proposed development in the interests of the visual amenity of the area and in the interests of the amenity of adjacent occupiers.

3. Unless otherwise agreed in writing by the Local Planning Authority no development shall be carried out until a plan and method statement have been supplied and approved in writing by the Local Planning Authority to show the provision of:

- i) the physical separation of the existing medical centre from the construction site of the new centre
- ii) temporary access/egress and parking for staff and patients at the existing medical centre
- iii) temporary access/egress and parking for site operatives and visitors to the construction site.
- iii) areas for loading and unloading of building materials on the construction site
- iv) appropriate signage identifying the temporary access/egress of the existing medical centre and identifying the use of the temporary access/egress of the construction site for the use of construction traffic only.

The approved details shall be retained for the duration of the construction period.

Reason: To ensure the maximum provision of off-street parking and in the interests of highway safety during the construction of the new building and

until the permanent car parking becomes available.

4. No development shall be carried out until details of the position and type of fencing or other boundary treatment to be erected around the site during construction works, including any necessary phasing of implementation, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be erected and retained according to the agreed phasing, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and security of adjoining occupiers.

5. The proposed refuse and waste recycling facilities and their enclosure shall be implemented before the development is brought into use, and shall be thereafter retained.

Reason: To ensure the satisfactory functioning of the development.

6. The proposed cycle storage shall have been implemented prior to the new medical centre being brought into use and thereafter retained.

Reason: To encourage the use of cycles as a means of transport.

7. 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 the first planting season (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

8. 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.

9. Prior to any demolition operations or activities commencing, a method statement shall be agreed in writing with the Local Planning Authority for the purposes of controlling grit, dust and fume. The agreed method statement shall be implemented and thereafter maintained throughout the duration of the demolition operations and activities.

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

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

*Note for applicant: * Bank and Public Holidays for this purpose shall be Christmas Day; Boxing Day; New Year's Day; Easter Monday; Spring Bank Holiday Monday and August bank Holiday Monday).*

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

11. Unless otherwise approved in writing by the Local Planning Authority, within one month of the occupation of the new medical centre the permanent car parking shall have been surfaced in a material to have been previously agreed in writing by the Local Planning Authority, the spaces permanently marked out. The disabled parking spaces shall have been marked out with a hatched access zone, the disabled logo demarcated within each parking bay and a disabled sign and post erected on each bay. The approved permanent access shall have been brought into use and the existing accesses closed and the footpath reinstated.

Reason: To ensure the satisfactory provision of off-street parking and access to the site in the interests of highway safety.

12. Unless otherwise approved in writing by the Local Planning Authority the permanent boundary treatment, including gates, shall have been erected around the site within one month of the occupation of the new medical centre. At no time shall the site be left without either the approved temporary or permanent boundary treatment in place.

Reason: In the interests of the security of the premises and adjoining occupiers.

13. The conifers on the boundary of the site with the rear gardens of nos.11, 13 and 15 Brereton Road shall be retained until the existing medical centre is

demolished and shall be felled prior to the construction of the proposed boundary wall.

Reason: In the interests of maintaining the privacy of the occupiers of these properties during construction work.

14. The new medical centre shall not be brought into use until:

i) the skylights facing no.60 Cannock Road and the staircase window in the same elevation have been obscure glazed in the glazing approved under condition 2 of this permission and permanently fixed shut. The skylights and window shall thereafter be retained as fixed and obscure glazed

ii) all other windows in the ground and first floors of the elevation facing no.60 Cannock Road have been installed as inward opening bottom hinged windows, and shall also have been obscure glazed in the glazing approved under condition 2 of this permission. These windows shall thereafter be retained as inward opening bottom hinged windows and obscure glazed

Reason: To ensure through the use and retention of window design and treatment that there would be no mutual overlooking between the occupiers of the new health centre and the occupiers of no.60 Cannock Road, in the interests of increasing and maintaining the privacy of both.

15. There shall be no external lighting erected at the premises without the prior written consent of the Local planning Authority having been obtained.

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

16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained. Roofwater shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

17. During construction of the development hereby permitted all practical steps shall be taken to ensure that vehicles do not deposit mud or other material onto the public highway, and prompt measures will be taken to remove any material that is so deposited in accordance with details previously agreed in writing by the Local Planning Authority.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, no gates, fences, walls or other means of enclosure, except those included on the approved plans, shall be moved or erected without the prior approval of a

planning application relating to that work.

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

19. This decision grants consent for the use of the premises for the provision of health or medical services only and not for any other purpose falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987.

Reason: The site is not necessarily suitable for other uses.

20. This decision relates to drawings numbers 685-450A; 685-101E;685-301;685-300E; 685-102 A;685-100; 685-201 and 685-200G.

Reason: To define the permission.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

Reason for bringing to committee: Major application and disposal of Council owned land.

Application Number: 09/1499/FL

Application Type: Full application

Applicant: PSST LLP

Proposal: Change of use of the land to the rear of Allen Business Park to provide additional parking - extension to the existing vehicle storage yard.

Ward: Aldridge Central & South

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

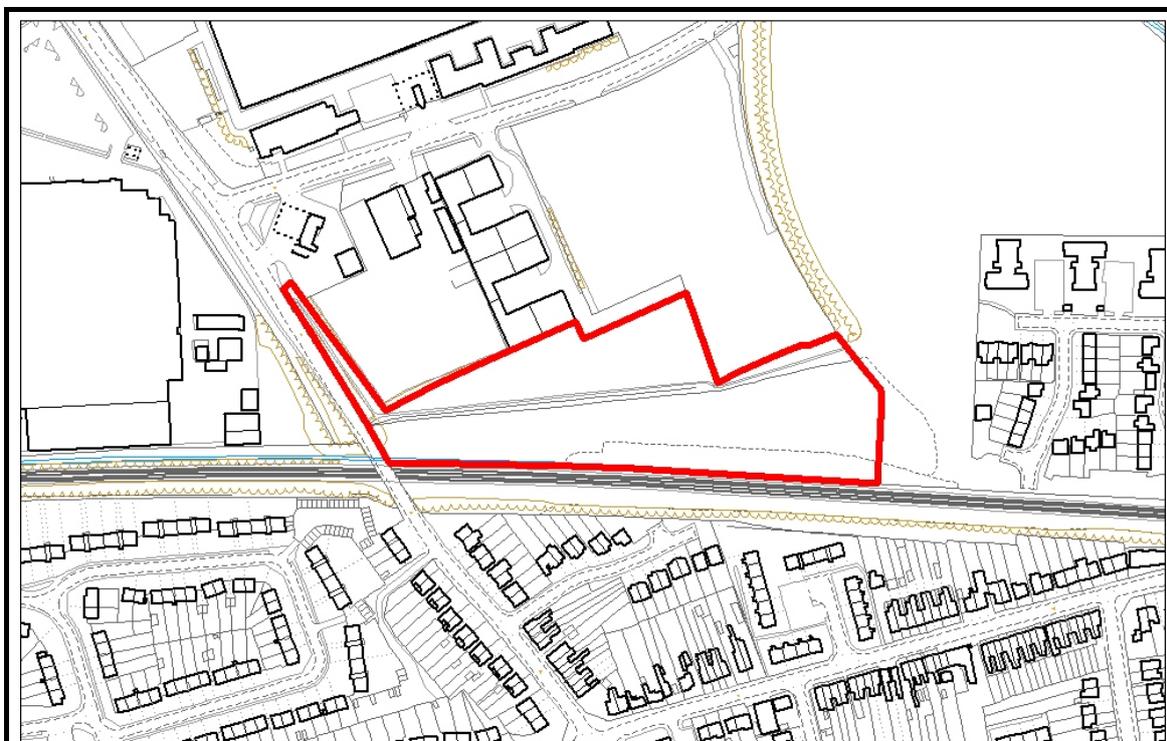
Email:planningservices@walsall.gov.uk

Agent: Mr Philip Taylor

Location: LAND TO THE REAR OF ALLEN BUSINESS PARK, MIDDLEMORE LANE, ALDRIDGE, WS9 8DL

Expired Date: 01/02/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes the change of use of the land to the rear of Jack Allen Business Park to provide additional parking as an extension to the vehicle storage yard. This would involve the re-routing of a publicly used footpath closer to the railway and the removal of mature trees with replacement planting. This footpath is not a definitive route. An area of wet woodland and a mire basin would remain. The site would provide an additional 111 vehicle storage spaces taking the total on both the existing and proposed site to 423 spaces.

The site is located on the southern side of Middlemore Lane, within an established industrial area. There is a substantial screen of conifers along the site frontage and other trees and shrubs within the bund around the exposed perimeter. The land to the rear of Jack Allen Business Park contains many mature trees and is within the Aldridge Station SLINC area. The site forms the boundary with the railway line to the south of the site (beyond which there are residential properties), the neighbouring industrial buildings to the west of the site and an area of allocated for Urban Open Space (Anchor Meadow Playing Fields) to the east of the site with residential properties a short distant away. Currently, access across the site is available from west to east via a public footpath that is accessed from Dumblederry Lane and allows access to Anchor Meadows Playing Field. There are two access points to this footpath, an access adjacent the Ridding Petrol Filling Station to the far north of the site and an access through a gap in the fence adjacent the railway embankment.

Crushed granite and brick will be used to form the surface of the development.

The following documents have been submitted with the application:

A Tree report and survey - which states the site is split with the northern half being dry with open grassy areas and patches of self set Silver Birch, Sycamore and Oak trees and the southern half being boggy and wet with Willow trees. It concludes a number of trees will be lost in the northern eastern sector of the site but would be mitigated by planting along trees along the new route of the public footpath.

A Flood Risk and Runoff Assessment – which states the site is within flood zone 1 in accordance with PPG25 and that this type of development is suitable for this location and the proposed drainage strategy will meet the requirements of PPG25.

Ecological Survey – states the proposal would result in the trees, scrubland and habitats with the majority of the retained wet woodland being concentrated in the south eastern part of the site. Surveys to identify great crested newts, badgers, bats and breeding birds were undertaken and the results concluded no great crested newts or badgers were found and only foraging bats and birds were discovered. The wet woodland and SLINC would be connected via a section of re-profiled woodland adjacent the new footpath. The footpath would need to be re-diverted and a route proposed that seeks to minimise impacts on habitats present. The proposed route

would follow a raised ridge that that currently runs through the wet woodland but would need to avoid wet and low lying hollows. The path would be composed of compacted stone and wooden edgings. No lighting is proposed to prevent any light pollution impact on the SLINC.

Ground Investigation – concluded that contamination was found on the existing site whilst no contamination was found on the land to the rear measures would have to be taken to prevent leachate contamination.

Design and Access Statement –states the application follows a previous application approved in 2005 for the storage of commercial vehicles. The proposed use of the site is for the storage of commercial vehicles and involves new planting, retention of part of the SLINC and re-routing a publicly used footpath. The maximum number of HGV's and light goods vehicles movements during peak hours would be 5.

An amended plan has been received which illustrates a ditch to be reprofiled along the eastern boundary of the site.

Relevant Planning History

BC63519P - Erection of industrial unit & ancillary works, replacement vehicular access to Middlemore Lane, & erection of 2.4m palisade fence - Withdrawn 09/05/01

BC64539P - New industrial units for B1(C) Light Industrial and B2 General Industrial Use - Granted 02/11/01

05/2181/FL/E5 - Change of use from Industrial land to Storage of incomplete and complete commercial vehicles - Granted 06/02/06.

06/1282/FL/E11. Variation of condition to extend the time limit for New industrial units for B1(C) Light Industrial and B2 General Industrial use. Granted 2006.

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

Joint Core Strategy

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

Policy ENV1 locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them.

Policy EMP1 seeks to ensure a sufficient stock of employment land to meet demand and support the growth and diversification of the economy.

Policy EMP2 The Strategic High Quality Employment Areas will be characterised by excellent accessibility, high quality environment and clusters of high technology knowledge based sectors. The Black Country currently provides 526 ha of high quality land and we will safeguard them for manufacturing and logistics uses within Use Classes B1 (b) (c), B2 and B8. Policy EMP3 seeks to provide for a portfolio of local quality employment land.

Saved Policies of the Unitary Development Plan

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

GP4: local area regeneration by helping to bring forward derelict, vacant or underused land and buildings for new uses. 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.

ENV10: Development of an industry or facility which may cause pollution will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV11: New lighting should seek to minimise glare and light spillage from the site.

ENV13: Uses other than industry and warehousing will not normally be permitted in close proximity to high voltage electricity transmission lines, substations and transformers.

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

3.115, 3.114, ENV32 and 3.116: Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV18 protection and enhancement of existing trees, development would not be permitted if it would destroy trees protected by Tree Preservation Orders.

ENV23(a) development must take into account enhancement of the natural environment, nature conservation opportunities and require all development to take into account existing features of value for wildlife. (b) Where loss of features in unavoidable mitigation measures would need to be put forward especially if the site is

I. Within a wildlife corridor.

III. Within a site where wildlife is accessible to the local community, especially in heavily built-up parts of the Borough.

IV. Used by species protected by European law and/or British legislation.

V. Containing mature or semi-mature trees.

(C) require habitat creation, enhancement and the implementation of other appropriate measures to encourage the conservation of wildlife. This part of this policy will be applied to all development proposals:-

I. In proximity to a SSSI, LNR, SINC or SLINC.

II. In proximity to or within sites where wildlife is accessible to the local community, especially in heavily built-up parts of the Borough.

III. In proximity to or within a wildlife corridor.

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

JP1 identifies the site as a new employment area

JP7: other uses which are complementary to the functioning of local industry or distribution and would meet a purely local need which would not be better served in or at the edge of a nearby centre.

7.1: Seeks to promote an efficient highway network;

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

T8 protect and improve pedestrian routes between residential catchment areas

T11 where pedestrian and cycle links are considered sub standard measures will be taken to improve them.

T13: car parking standards

Supplementary Planning Document (SPD)

Designing a Better Walsall SPD (2008)

Policy DW3 'Character' all new development must be designed to respect and enhance local identity and reflecting urban design characteristics.

Conserving Walsall's Natural Environment 2008

NE1(a) All planning applications with the potential to destroy, damage or adversely affect any site, habitat or earth heritage feature within the scope of this guidance should be supported by an impact assessment to a nationally recognised standard.

(b) All planning applications on sites where protected or important species are present should be supported by an impact assessment to a nationally recognised standard.

(c) All planning applications on sites where protected or important species have been recorded, reported or can reasonably expected to be present should be supported by survey work to properly demonstrate presence or absence. Where evidence of an important or protected species is found, part (b) of this policy is relevant.

(d) Planning applications which are not supported by an adequate impact assessment in accordance with the advice in this SDP and its annexes are likely to be refused.

National Policy

PPS1 on delivering sustainable development and good design.

PPS4 Industrial and Commercial Development & Small Firms

Policy EC10 Planning applications that secure sustainable economic growth should be treated favourably and assessed as to whether they reduce carbon, provide a choice of means of transport, secures high quality design, impacts on economic and physical regeneration and impact on local employment.

EC18 local parking standards should apply.

PPS9: Biodiversity and Geological Conservation

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.

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

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

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

PPS25 site specific flood risk assessments should be submitted and to minimise the risk of flooding and consideration given to urban drainage systems.

Consultations

Transportation – No objection subject to condition relating to operation and layout

Pollution Control (Scientific Team) – No comments

Pollution Control (Contaminated Land) – No objection

Severn Trent Water – No objection

Public Rights of Way Officer – No objection subject to conditions

Network Rail – No objection subject to conditions regarding surface water drainage and any buildings on site

Police Architectural Liaison Officer – No objection but recommends the lorry park is secured with a 2m high perimeter fence topped with a suitable product to prevent climbing, the use of a weldmesh or palisade style security fencing, defensive planting used to prevent climbing, consideration to a beam alarm, the installation of CCTV and the footpath to be as wide as possible to prevent possible hiding places for intruders.

Drainage – Permission required from Severn Trent Water to discharge into the sewer and no surface water to be discharged onto the adjacent land.

Environment Agency – Withdraw its objection subject to surface water and land contamination conditions.

Ecology – No objection subject to conditions covering fencing, landscaping, lighting and management of the site.

Greenspaces – No objection subject to a planning condition.

Public Participation Responses

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Twenty eight letters from nineteen residents have been received objecting to the proposal on the grounds of:

- Impact on the SLINC
- Impact on Bats and birds protected under the 1981 Act_ and on RSPB conservation list
- rare butterflies in area
- area ideal for great crested newts
- Loss of trees and plant species
- whether enough trees to remain so as not to change the view
- previous application refused in 2004
- Light pollution
- Noise from commercial vehicles using existing site can be heard from neighbouring properties
- existing noise from Aldridge by pass and Middlemore Lane
- congestion
- extension of car parking area would be visually detrimental
- walkway used by residents
- proposal would attract vandals
- devalue property – *not a material planning consideration*

One letter seeks advice on whether any gases will be stored on the site and operation hours.

Councillor Rochelle has objected to the sale of this land as it should be retained for use as a park and ride facility, which depends on the remodelling of New Street Station in Birmingham.

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

Determining Issues

- Principle of development
- Impact on Ecology, Landscaping and Drainage
- Diversion of public footpath
- impact on surrounding residential occupiers
- Access and Parking

Observations

Principle of development

The site is allocated in the UDP as a new employment area and reserved for uses that would include B8 storage. Policy EMP2 of the Joint Core Strategy identifies the site for high quality employment uses. Whilst the storage of vehicles is not classed as a high quality employment use, the nature of the proposed vehicle storage yard would not preclude high quality use in the future and as such the proposal can be supported.

The application site is designated as a Site of Local Importance for Nature Conservation (SLINC) and has dense tree cover. There is a conflict between

employment policies and nature conservation policies (ENV18 and ENV23) in the UDP. The application aims to strike a balance, aiming to maximise both the employment potential of the site and the environmental conservation potential for those undeveloped areas that remain within the site.

Objectors have raised concerns that a similar application was refused in 2004. The application under planning reference 04/1630/FL/E2 was withdrawn and never determined.

Councillor Rochelle has objected to the proposal on the grounds that the site shall remain as a park and ride facility. The site is not allocated as a park and ride facility in the UDP and the use of the site as a storage area would not sterilise the land for any other potential uses in the future.

In principle, the twin aims of enhancing employment provision and maintaining a viable area of ecological interest is supported.

Impact on Ecology, Landscaping and Drainage

The proposal seeks to remove a number of mature trees protected by Tree Preservation Orders to accommodate the vehicle parking area. The trees to the south of the site closer to the railway line would remain and this would act as an effective screen. Landscaping to the south western corner would also be retained and the earth bund along the eastern boundary would also act as an effective visual screen. Part of the existing wet woodland would be retained towards the south eastern corner of the site.

Objectors have raised concerns that the vehicle parking area would be visually detrimental. This area would not be easily seen from any public views outside of the site or from within the site, especially from the re-routed public footpath as the trees along this part of the site would be retained providing an effective screen.

The scheme provides some compensatory planting along the western part of the site where the proposed footpath is to be rerouted and towards the northern boundary with the adjoining industrial area. No significant compensatory planting has been put forward for the loss of the number of mature trees on the site but additional tree planting could take place within the area identified as landscaping improvements on the plan to maximise the environmental value of the land. . The Ecology Officer has advised that extra heavy standard trees in this location would be sufficient as semi-mature trees tend to take years to recover before they start putting on growth by which time much smaller planting stock will often have grown to a larger size.

Both Greenspaces and the Ecology Officer have stated that a Section 106 Agreement is required to secure a 25 year management of the site. It is considered that maintenance of the site could be secured by an appropriate management condition.

Crushed granite and brick will be used to form the surface of the development, which would reduce the alkalinity of the surface run off creating more suitable conditions for basin mire plants.

The contamination report identified contamination within the existing adjacent parking site and no contamination on the application site. Suitable drainage would need to be implemented to prevent leachate pollution onto the application site. Along the eastern boundary of the site a ditch would be created to assist with surface water drainage.

The ecological survey concluded that no great crested newts, badgers or breeding were found on the site, foraging bats and birds were found to use the site. It is unlikely that the proposal would have a detrimental impact on the SLINC as part of the wet woodland would remain as would the trees along the southern part of the site along the railway embankment.

Diversion of public footpath

The public footpath across the southern part of the site is not a definitive footpath and not recorded on the public rights of way register. However, there is evidence to demonstrate that this footpath has been in use by residents for a number of years. Objectors have raised concerns that the current walkway is used by residents. The proposal would seek to re-route the footpath along the southern boundary of the site towards the railway. The unauthorised access from the footway in Dumblederry Lane via the rail embankment would be closed with the access closer to the filling station further up Dumblederry Lane being utilised as a safer access point for pedestrians. The footway would be 3m wide and would still allow access for residents along this parcel of land from Dumblederry Lane to Anchor Meadows playing fields. Full construction details of the footway would be sought by way of a planning condition.

Impact on surrounding residential occupiers

Objectors have raised concerns over light pollution. The applicant has stated that no additional lighting would be provided on the site and this could be safe guarded by way of condition.

Objectors have also raised concerns over noise from Aldridge By Pass, Middlemore Lane and from commercial vehicles using the existing site.

Whilst it is noted that the vehicle parking area would be closer to the residential properties to the south east, a condition would restrict operation hours which would secure the amenity of adjoining local residents. With regards to the issues raised about noise from other local roads the proposal would not exacerbate any existing noise issues from other sources.

The retention of the trees along the southern boundary would screen the vehicle parking area from outside of the application site and from the footway within the site.

Objectors have raised concerns that the site would attract vandals. The Police Architectural Liaison Officer has made recommendations which would assist in securing the lorry park by the installation of a fence around the vehicle parking area and this can be secured by way of condition.

Access and Parking

The present vehicle access areas remain unchanged. There will be a maximum of 5 HGV and light goods vehicle movements during peak hours, which equates to one vehicle every 12 minutes and this would be imperceptible in terms of impact on the highway network.

Summary of Reasons for Granting Planning Permission

In principle, the twin aims of enhancing employment provision and maintaining a viable area of ecological interest is supported. The application has been balanced in accordance with the relevant UDP and JCS policies to maximise both the employment potential of the site and the nature and environmental conservation for those areas that are available for planting within the site. Whilst part of the site would be lost for employment purposes a large section to the south of the south near the railway would remain, as would the wet woodland and mire basin. The site is not allocated as a park and ride facility in the UDP and the use of the site as a storage area would not sterilise the land for any other potential uses in the future.

A similar application was submitted but withdrawn in 2004 under planning reference 04/1630/FL/E2 and as a result never determined.

The proposed vehicle parking area would not be seen from any public views outside or inside the site. A belt of trees will remain either side of the proposed public footpath which would screen the site.

No significant compensatory planting has been proposed for the loss of a number of mature trees on site. Some areas of replanting have been identified on the plan and as a result it is considered tree planting could be secured to maximise the environmental value of the site.

The ecological surveys submitted found no evidence of great crested newts, badgers or breeding birds, the site is used by foraging bats and birds. As such the proposal would not impact on any important reptile, bat or bird species. The twenty five year management of the site can be secured through a suitable planning condition.

The re-routing of the public footpath would still allow access for residents across the site to and from Dumblederry Lane to Anchor Meadows playing fields.

No lighting would be erected on the site which would prevent any light pollution and disruption to foraging species.

The use of the site can be restricted by an hours of operation conditions which would safeguard the amenity of nearby residential properties.

The recommendation made by the Police Architectural Liaison Officer would assist in securing the site.

The access to the site would remain unchanged and it is considered the vehicle movements would not result in any additional congestion to warrant refusal of the scheme.

The proposal would meet the aims and objectives of policies ENV1, EMP1, EMP2 and EMP3 of the Joint Core Strategy, the saved Policies of the UDP, in particular 2.2, 3.6, 3.7, GP2, GP4, ENV10, ENV11, ENV13, ENV14, 3.115, 3.114, ENV32, 3.116, 3.117, ENV33, ENV23, ENV18, ENV39, JP1, JP7, 7.1, T7, T8, T11 and T13, Policy DW3 of the Designing Walsall SPG, Policy NE1 of Conserving Walsall's Natural Environment and the advice given in PPS1, PPS4, PPS9, PPG13, PPS23, PPS24 and PPS25.

Recommendation: Grant Permission Subject to Conditions

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

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

2) The development shall be completed in accordance with drawing number 0801-01K, 0801-03a, 0801-V02a and 0801-V01a submitted on 5th August 2010, 003/R1 submitted on 16th March 2011.

Reason: To define the permission

3) No development or site clearance shall take place until a protective fencing scheme for the site has been received and approved in writing by the Local Planning Authority. The scheme will ensure that all trees, hedgerows and the part of the Interest to the Site of Local Importance for Nature Conservation to be retained are protected from damage by machinery, fires, storage of materials, rubbish, welfare facilities and vehicles. The fencing type shall be capable of withstanding collisions with vehicles and machinery. The approved scheme shall be implemented prior to site clearance commencing and retained until development is complete unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure there is no damage to the parts of the Site of Local Importance for Nature Conservation shown for retention or trees shown to be retained.

4) No development or site clearance shall take place until an ecological Management Plan and Method Statement for the site has been received and

approved in writing by the Local Planning Authority. Site clearance and development shall be undertaken only in accordance with the recommendations set out in section 4 of the Ecological Survey and Assessment dated July 2010 by Apex Ecology Ltd. The Management Plan and Method Statement shall include the following:

- o Method statement for the protection of the site during site clearance and development.
- o Method statement for removal of rubbish.
- o An up-to-date detailed botanical assessment, mapping of habitats and rare plant species, topographical survey and hydrological survey.
- o Full details of habitat translocation proposed with justification to demonstrate it is practical.
- o Full species lists and specifications for new planting.
- o Details to enable the exact route of the proposed footpath to be fine tuned.
- o Management plan for 25 years with detailed management proposals for 5 years following full implementation of the planning condition.
- o Provision for the monitoring of the site annually for at least 5 years and for taking remedial action if change to the management is required.

The approved Management Plan and Method Statement shall be implemented by the end of the first planting season following any part of the development being brought into use unless phasing is otherwise approved in writing by the Local Planning Authority.

Reason: To conserve and enhance local wildlife habitats and species.

5) No development shall commence on site until details of a 2m high security fence (details shall include a weldmesh security style fencing complying to LPS 1175 security rating 1 topped with either rotating cacti or razor wire and the external finish of the fence) around the perimeter of the lorry parking area has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained and maintained at all times.

Reason: To assist in securing the site.

6) No external lighting shall be erected on the site unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the visual amenities of the area and to conserve and enhance local wildlife habitats and species.

7) Notwithstanding the landscape scheme submitted as part of the application, no part of the development shall be brought into use until a

detailed landscape scheme for the site has been received and approved in writing by the Local Planning Authority. The landscape scheme shall make provision for the following features:

- o It shall fully incorporate and accommodate the measures in the approved Management Plan and Method Statement.
- o It will enhance the ecological value of the neighbourhood.
- o It will provide a visually attractive and safe route for pedestrians.
- o It will enhance the development visually.
- o It will include Extra Heavy Standard (14-16cm girth) trees to replace each of the mature trees to be removed on the site.

The approved scheme shall be implemented in the first planting season following any part of the development being brought into use unless phasing is otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and the enhancement of the nature conservation value of the site in accordance with UDP policy ENV23.

- 8) No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority.:
- o full engineering and construction details of the new public footpath including levels, drainage and materials.
 - o the new public footpath shall be fully implemented in accordance with the approved details to the satisfaction of the Local Planning Authority prior to the existing public footpath being stopped up.'

Reason: In accordance with Policy GP2, T8 and T11.

9) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show no surface water to be discharged near or on Network Rail land or infrastructure and should not create any ground lowering of present ground levels near Network Rails boundary where the railway is on an embankment or same level as the adjoining land. Furthermore, there must be no excavation into, nor deep continuous excavations near, the toe of embankments or retaining walls or bridge support slopes. The scheme shall subsequently be implemented in accordance with Flood Risk and Runoff Assessment, Opus Joynes Pike, Middlemore Lane, Aldridge, Walsall, Report: R001, Job No. J-S0168.001GE before the development is completed.

The scheme shall also include:

- 1) Investigation into the feasibility of disposing of surface water via soakaway and/or to a nearby watercourse
- 2) Suitable sustainable drainage (SuDS) components

3) Details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

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

1) A preliminary risk assessment which has identified:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o potentially unacceptable risks arising from contamination at the site.

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

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of remediation measures, if required.

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

Reason: To protect controlled waters, the site is located in an area identified as sensitive to groundwater pollution.

11) The maximum number of vehicles stored on the entire site at any one time shall not exceed 423 being the number specified on the approved 'General Arrangement' drawing no. 0801-01k, dated January 2009.

Reason: In order to define the development and to prevent indiscriminate parking on the public highway in the interests of highway safety and the free flow of traffic.

12) The vehicle parking and manoeuvring areas shown on plan number 0801-01K submitted on 5th August 2010 shall be surfaced in crushed

granite and brick and thereafter retained and maintained at all times.
The parking area shall be retained for vehicle parking only.

Reason: To ensure the satisfactory completion and operation of the development.

13) No commercial vehicle repairs, servicing or sales shall take place on the premises at any time.

Reason: In order to define the permission and to prevent indiscriminate parking on the public highway in the interests of highway safety and the free flow of traffic.

14) Heavy vehicle movements and operation of mechanised plant and machinery on the site (s) shall not take place on any Sunday, Bank Holiday or Public Holiday, and otherwise shall only take place:

- a) between the hours 07.00 and 19.00 weekdays;
- b) between hours 08.00 and 13.00 Saturdays

Note: For the purposes of this condition Bank and Public holidays shall be taken to be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday; and August Bank Holiday Monday).

Reason: To protect the amenity of adjoining residential occupiers.

15) The applicant should ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building shall be situated at least 5 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Reason: To safeguard the railway embankment and line.

Notes to Applicant

a) The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to our website at www.environment-agency.gov.uk for more information.

b) The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the safety, operation or integrity of the railway and its infrastructure or undermine any structure, nor over-sail or encroach upon the air-space of any Network Rail land or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future to be undertaken on Network Rail land and infrastructure.

c) The applicant should email: AssetProtectionLNWSouth@networkrail.co.uk regarding any works adjacent the railway.

d) All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. Most birds nest between mid-February and the end of August, although exceptions to this do occur. No site clearance work should take place in the bird nesting season if there is a risk that nests may be damaged or destroyed. If site clearance work is unavoidable, a suitably qualified and experienced ecologist should check the development site for the presence of nesting birds prior to the commencement of any site clearance work. If nesting birds are discovered clearance works should be delayed and advice sought from Natural England or your ecologist.

e) The Police Architectural Liaison Officer has advised: attention should be given to the perimeter protection to protect from unauthorised access being gained from an area that has no natural or passing surveillance.

- o Consideration given to using a beam alarm system on the inner side of the fencing
- o CCTV coverage of the yard
- o The footpath should be wide as possible preferably 3m wide

f) A public footpath Diversion/Creation Order shall be legally confirmed.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

Reason for bringing to committee: Originally Called in by Councillor R. Andrew

Application Number: 10/0391/FL

Application Type: Full application

Applicant: Bournevale Developments

Proposal: Residential development of 8
no. dwellings.

Ward: Rushall-Shelfield

Case Officer: Andrew White

Telephone Number: 01922 652429

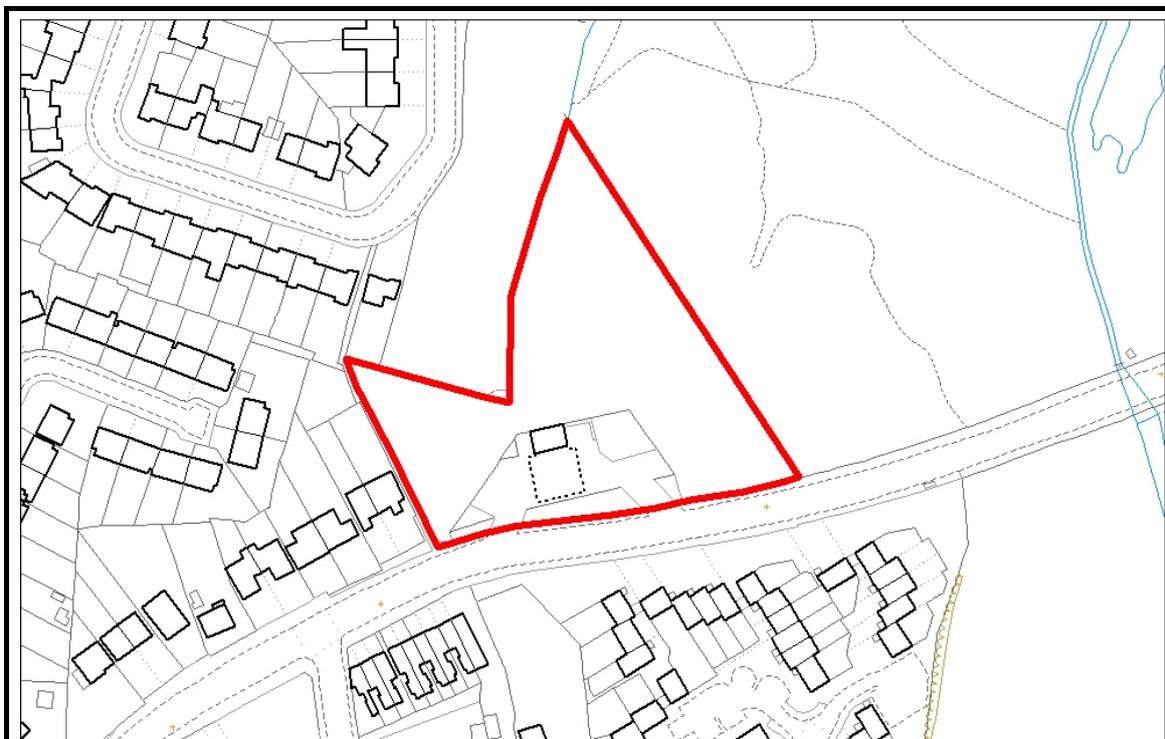
Email:planningservices@walsall.gov.uk

Agent:

Location: BOURNEVALE MOTORS,
LICHFIELD ROAD, SHELFIELD,
WALSALL

Expired Date: 14/06/2010

Recommendation Summary: Refuse



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Status

Members will recall that this application was reported to 8th July planning committee with six reasons for refusal including contrary to green belt, height, mass of the dwelling incongruous and unrelated to the character to the green belt, encroached on to the Jockey Fields Site of Special Scientific Interest (SSSI), pollution and land contamination, failed to demonstrate satisfactory collection of domestic waste and Plot 7 created a dead frontage to Lichfield Road.

Members deferred determination for the applicant to work with officers to amend the scheme to overcome objections from English Nature (Natural England) and Environment Agency (EA) and the submission of a contaminated land survey.

Ongoing negotiations between all the parties have continued and the Council has now received a revised scheme that addresses the committee resolution to overcome objections from the EA and Natural England. The revised scheme removes built development from the SSSI and the applicant has now provided a desk top ground investigation. The determining issues for the report remain the same as the previous committee report.

Councillor R Andrew originally called the application before planning committee, considering that the proposal has a positive impact on the character of the surroundings and visual amenity of the area, removing previous nuisance to neighbours due to various vehicle operations and would not impact on the green belt any more than the current use.

Since July 2010, the Council has adopted the Black Country Core Strategy and there has been a high court judgement regarding the Regional Spatial Strategy. In addition, the scheme has been substantially amended including providing a 3 metre wide buffer that includes fencing and native species hedge along the boundary with the SSSI. What follows is a new report.

Application and Site Details

This revised planning application seeks permission for the redevelopment of a car sales/van rental pitch, which now also has an illegal hand car wash occupying part of the site and subject to separate enforcement action and a current planning application. There is a single storey building on site relating to the current car sales/van rental use. The proposal is for redevelopment to eight dwellings predominately two-storey with a single three storey unit (plot one) in the West Midlands Green Belt. The proposal includes two access points serving 3 and 5 houses from shared courtyards. Next to both access points are proposed bin collection points adjacent to the highway. The two storey houses would be between 7.8 and 8.9m in height with the three storey house (plot 1) 9.4m in height. Each house would have its own garden varying in size; plot 1 197.3sqm, plot 2 171.84sqm, plot 3 380.37sqm, plot 4 68.29sqm, plot 5 88.15sqm, plot 6 121.69sqm, plot 7 275.96sqm and plot 8 297.0sqm. Each house would have a garage (some double) and driveway providing between 200% and 400% off road parking. A screen wall along the

frontage of part of the development is proposed, measuring between 0.8m and 1.6m in height and a 2.4m high boundary treatment to the public footpath along the south western boundary. Part of the proposed development site falls within the Site of Local Importance for Nature Conservation which is also designated wildlife corridor along the western boundary.

The application site is at the end of the urban fringe of Shelfield, with residential dwellings to the side and across the road. A public footpath separates the site from the nearest residential property. The application site is 330m from Shelfield Local Centre. Beyond the site are fields used for agriculture and further across the road is the Highfields South Quarry which is being restored by infilling.

Documents submitted in support of the application include; Design and Access Statement comments; that the current and historic uses on the site are incongruent with policy and the surrounding vernacular which has led to progressive and long standing nuisance to its surroundings. It concludes that the current use is inappropriate in the Green Belt.

The 'Staffordshire Farm' design of the houses has been chosen to reflect the location adjacent to a rural setting. It further states that the positioning of the new dwellings and their use has been considered carefully due to the classification as a SSSI adjacent. It states that particular attention has been paid to the incorporation of agricultural style detail, including steeply pitched roofs and gables, chimneys, small windows and barn style openings.

Ecological Survey, Protected Species Survey concludes that the development would not result in the loss of any SSSI, but would result in the loss of a southerly part of the SLINC. Mitigation measures are given to ensure direct and indirect impacts on the SSSI maintained at a neutral level. Surveys found no impacts on reptiles, amphibians or bats. Precautionary methods are recommended during the clearance phase. A badger sett has been found but would not represent a constraint to development. Timing of clearance is recommended in order to ensure no impacts on breeding birds and the landscaping should provide species to encourage foraging and nesting habitat for breeding and non-breeding birds. To mitigate the loss of SLINC habitat improvement and sympathetic landscape planting is given. Preliminary management plan is proposed to improve the condition of SSSI grassland adjacent to the site and finalised with Natural England if permission given.

A tree survey assessed six trees on site concluding low suitability for retention. The protected species report.

Land contamination report concludes; that elevated concentrations of hydrocarbon compounds in groundwater samples were collected east of the site. The levels were slightly higher than the detection method suggesting lateral off-site migration of hydrocarbons is restricted. The report continued that the potential risk to long term health of future residents and the underlying

aquifer was unacceptable. Consequently, the report suggests further investigation and or remediation works to take place.

Relevant Planning History

BC3307 – Conversion of existing petrol station to auto fill site. Granted subject to conditions 5/11/1975.

BB11820 – Erection of petrol filling station. Granted subject to conditions 18/6/1979.

BC13056 – Erection of self service petrol station including exhaust/tyre bays and fitting shop. Granted subject to conditions 11/10/1979.

03/1547/FL/E3 – Change of use of former petrol filling station to vehicle sales site with office and workshop. Granted subject to conditions 16/2/2004.

11/0054/FL- Continued use of part of the site as a hand car wash facility for a further 12 month period. To be determined.

Relevant Planning Policy Summary

Joint Core Strategy & UDP Policies

(Note the full text version of the JCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Black Country Core Strategy (JCS)

Vision

Sustainable Communities- We will create a network of cohesive, healthy and prosperous communities across the Black Country, with equal access to a mix of affordable and aspirational housing, which reduces the need to travel by car.

Environmental Transformation- We will create a step change in the image and environmental quality of the Black Country to underpin social and economic transformation and help meet the challenges of growth. This will involve delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment,

CSP3 - Environmental transformation is one of the underpinning themes of the Vision and requires a coordinated approach to the enhancement and protection of the built and natural environment.

CSP4 - Place making with high quality urban design, are key mechanisms through which this transformation will be achieved.

ENV1- The protection and improvement of the Black Country's biodiversity and geo-diversity will improve the attractiveness of the area for people to live, work, study and visit while at the same time improving the physical and natural sustainability of the conurbation in the face of climate change.

ENV2 - Environmental transformation is one of the underpinning themes of the Vision which requires a coordinated approach to the protection and

enhancement of the built and natural environment. The protection and promotion of the historic character and the areas local distinctiveness is a key element of transformation.

ENV3 - Achieving sustainable development is fundamental to the Vision for transforming the Black Country environmentally and economically. High quality design is an essential element of place-making and reflecting the distinctive character of the area and will help deliver all of the Spatial Objectives by setting challenging but appropriate standards.

ENV7 - Facing up to climate change and promoting sustainable development are key principles which underpin the Vision. The use of renewable and low carbon energy has an increasingly important part to play in meeting these principles.

HOU1 - The creation of a network of cohesive, healthy and prosperous communities across the Black Country is a fundamental element of the Vision. The provision of sufficient land to provide for sustainable housing growth is a corner stone in the achievement of this Vision.

HOU2 - The creation of a network of cohesive, healthy and prosperous communities across the Black Country is a fundamental element of the Vision. This requires a range of housing types, tenures and densities to provide choice and create sustainable communities.

Saved policies of Walsall's Unitary Development Plan (UDP)

ENV2a In the Green Belt there will be a presumption against the construction of new buildings except for purposes, including:

- i uses which preserve the openness of the Green Belt and do not conflict with its purpose

ENV3 states that where development is acceptable in principle in the Green Belt (under Policy ENV2) the Council will also assess proposals for their impact on the Green Belt in terms of the following factors:-

- I. The detailed layout of the site.
- II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.
- III. The colour and suitability of building materials, having regard for local styles and materials.
- vi. The impact on significant views, viewpoints and topographical features.

ENV4 in regard to major developed sites in the Green Belt states

- a) The redevelopment of major developed sites in the Green Belt maybe permitted provided that:
 - i. This will have no greater impact (and where possible less impact) on the than the existing development on the openness and purposes of the Green Belt; and
 - ii. The height of the existing buildings would not be exceeded; and
 - iii. The area to be covered by the buildings would not occupy a larger area of the site than the aggregate ground floor area of the existing buildings, unless it would achieve a reduction in the height which would benefit visual amenity,

ENV7 states that the Countryside Character approach to landscape assessment, conservation and enhancement promoted by the Countryside

Agency is recognised and promoted. These principles are extended to the local level through Countryside Area Profiles.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance.
- II. The creation of, or susceptibility to, pollution of any kind
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- VII. Accessibility by a choice of means of transport
- VIII. The effect on the environment of the countryside and Green Belt
- IX. The effect on land or buildings of archaeological, architectural or historical interest
- X. The effect on species, habitats and sites of nature conservation or geological interest.
- XII. The effect on woodland or individual trees on or near the site.
- XIII. The effect on landscape of historic or amenity value.
- XIV. The effect on open spaces and outdoor recreation facilities, including footpaths, cycle-ways and bridleways.

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

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 and creates a sense of place.

ENV10 a) Development of an industry or facility which may cause pollution will only be permitted if it would not:

1. Release pollutants into water, soil or air
2. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust steam, heat, light, vibration, smell, noise or other polluting emissions
3. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

b) Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV18 seeks to ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV23: The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology.

ENV24: New development which would sever, or unacceptably harm the integrity of a wildlife corridor will not be permitted. The Council will expect development proposal within wildlife corridors to maintain the integrity of the wildlife corridor concerned and enhance its value for wildlife.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of

existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

ENV40 seek to encourage the conservation, protection and use of water resources.

H3 - encourage the provision of additional housing through the re-use of previously developed windfall sites provided a satisfactory residential environment can be achieved.

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

T13: 1, 2 and 3 bedroom houses 2 spaces per unit, 4 bedroom houses 3 spaces per unit

Supplementary Planning Document (SPD)

Designing Walsall SPD

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

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

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

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

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

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

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

DW10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68sqm for housing and 20sqm per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Natural Environment SPD

Identifies those features of the natural environment which the Council requires to be properly considered in the proposed development.

National Policy

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

PPG2 There is a general presumption against inappropriate development in Green Belts, such development should not be approved except in very special circumstances.

The construction of new buildings inside a Green Belt is inappropriate development unless it is for:

- Agriculture and forestry
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans which meet the criteria in paragraph C3 or C4 of annex C.

Green Belts contain some major developed sites such as factories, collieries, power stations, water and sewage treatment works, military establishments, civil airfields, hospitals and research and education establishments.

C4 - Whether they are redundant or in continuing use, the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it. Where this is the case, local planning authorities may in their development plans identify the site, setting out a policy for its future redevelopment. Redevelopment should:

(a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;

(b) contribute to the achievement of the objectives for the use of land in Green Belts

(c) not exceed the height of the existing buildings; and

(d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

PPS3: Paragraphs 10 and 36 makes reference to ensuring that housing is developed in suitable locations which offer a range of community facilities with good access to jobs, key services and infrastructure.

PPS4: Planning for sustainable economic growth: Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and to ensure it maybe enjoyed by all.

PPS7: Sustainable development in rural areas. Planning Authorities should:

- Conserve specific features and sites of landscape, wildlife and historic or architectural value in accordance with statutory designations.

PPS9 biodiversity and geological conservation says that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

PPS23: Planning and Pollution Control. The precautionary principle should be invoked when the level of scientific uncertainty about the consequences or likelihood of the risk is such that the best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making. In considering proposals for development LPAs should take account of the risks of and from pollution and land contamination, and how these can be managed or reduced. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks.

Consultations

Natural England – Removes their objection raising concerns about the infringement on to the SLINC, accepting this is a matter for the Local Planning Authority. Should the application be approved they have asked that notes relating to biodiversity and protected species being included in a decision document.

Ecology – No objections subject to a S106 to secure a management plan for the SSSI (including notes) within the applicants ownership and conditions relating to; the proposed hedge to the SSSI boundary maintained as the management plan for the SSSI, surface water run off, protective fencing, landscaping, incorporation of bat roosts, bird nesting sites (including notes), the safeguarding of the badger sett, working methods during site clearance.

Landscape – No objections Subject to a landscaping condition to mitigate the impacts to the road frontage

Environment Agency – No objections subject to conditions relating to land and water contamination plus resolving surface water run off.

Pollution Control Contaminated Land – No objections subject to the conditions set out in the applicant's ground investigation report for further investigation works.

Pollution Control Scientific Team – No objection in principle subject to the use of conditions requiring a noise impact assessment (including mitigation measures where needed) and an air quality screening assessment to be provided prior to the commencement of development.

Environmental Health – No further comments over and above comments made by Pollution Control

Transportation – No objection subject to conditions to maintaining visibility splay and the consolidation and drainage of hard-surfacing within the site.

Public Rights of Way – No objection subject to providing appropriate boundary treatment to the adjacent public footpath replacing the palisade fencing and removing the Council is not left with a maintenance responsibility.

Trees – No objection. The existing trees are of low amenity value and their removal to accommodate the proposed development could be mitigated for with significant and appropriate replacement tree planting. This would need to be included on a detailed landscape plan.

Severn Trent Water – No objection subject to the use of a recommended condition in regard to the submission of drainage plans. A note for applicant in regard to the public sewer within the site is also recommended.

Police Architectural Liaison Officer – No objection. The applicant is encouraged to seek Secure by Design accreditation. The courtyard and rear of properties should have good levels of lighting. All doors should conform to PAS24 and windows should conform to BS7950. Utility meters should be installed on the outside of the buildings and consideration given to the installation of an intruder alarm in each property.

Fire Service – No objections.

Public Participation Responses

One letter was received during the original consultation period of the application objecting to the application on the grounds of loss of light and privacy due to the proximity of plots 1, 2 and 3 and the loss of a nice green area. This was reported to the 8th July planning committee for members to consider.

Subsequent consultations relating to the changes of the proposal resulted in; One letter objecting on the grounds of overlooking, loss of privacy and light from plots 1, 2 and 3. The letter was supplemented by a phone call to the case officer reiterating their concerns and adding that the development would block views across the fields and stop them from sun bathing in the their garden.

A resident spoke to officers in First Stop Shop regarding the development raising the issue of whether the houses would be privately owned or council housing.

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

Determining Issues

8th July planning committee deferred determination of the planning application for the applicant to resolve the objections from Natural England and Environment Agency.

- Impact upon SSSI, SLINC, wildlife corridor and protected species
- Contamination
- Are there any very special circumstances to justify inappropriate of residential development in the green belt
- Design of the development and relationship with the character of the area and adjacent housing
- Access

Observations

Impact upon SSSI, SLINC, wildlife corridor and protected species

The scheme has been re-designed moving the built form from the SSSI. The applicant has also provided an improved ecology report and SSSI management plan. The new layout includes a 3m buffer between the SSSI and the built form of the development. Within the buffer is proposed a native hedge with a simple post and rail fence either side to define the SSSI and protect the hedge from encroachment from future occupiers.

The proposed development still has an impact on the locally designated SLINC and the green belt. Whilst Natural England is concerned about these impacts, they accept that this is for the local planning authority to resolve and now do not object to the proposal. The council's ecologist is not objecting to the proposal subject to the imposition of conditions suggested by the applicant's ecologist, relating to surface water run off, protective fencing, landscaping, incorporation of bat roosts and bird nesting sites, safeguarding of the badger sett and working methods during the site clearance. The ecologist also suggests that the proposed management plan for the SSSI is secured via a legal agreement to ensure it is enforceable for the long term. On this basis, the ecologist considers the loss of a small amount of SLINC and wildlife corridor is more than compensated through the management plan and safeguarding conditions proposed. In conclusion, this resolves Natural England's objection subject to conditions.

Contamination

The Environment Agency previously objected to the proposal concerned that the level of risk to future occupiers to be unacceptable, the applicant failed to provide assurance that the risks of pollution were understood and that no information or assessment had been provided to allow proper consideration of risk to future occupiers and controlled waters.

The applicants have now provided a land contamination survey that assesses future risk to future occupiers and controlled waters concluding that further investigation and remediation takes place. The Environment Agency have withdrawn their objection on the basis of the reports conclusion and suggest planning conditions to deal with associated risks for pollution, contamination and impacts on controlled waterways.

The Councils pollution control team echo the environment agencies conclusions and conditions. In conclusion this matter, subject to conditions has been satisfied.

Are there any very special circumstances to justify inappropriate of residential development in the Green Belt.

The site lies within the West Midlands Green Belt as identified in the adopted Unitary Development Plan.

UDP policy states that there is a presumption against the construction of new buildings in the Green Belt except for forestry, agriculture, cemeteries, limited extension, alteration or replacement of an existing dwelling. This is further reinforced in PPG 2: Greenbelts.

Paragraph 3.2 of PPG2 states; that inappropriate development, by definition is harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

UDP policy ENV4 refers to the redevelopment of major developed sites in the Green Belt. PPG2 gives examples of major developed sites as factories, collieries, power stations, water and sewage treatment works, military establishments, civil airfields, hospitals and research and education establishments. In this case the car and van sale/rental site would not fall within the category of a major developed site in the Green Belt.

The applicant has not provided any further justification which satisfies officers that very special circumstances exist to outweigh the harm of inappropriate development in the Green Belt. Thus, it is considered that the proposal remains contrary to the policies in the UDP as well as the advice given in PPG 2: Green Belts.

The purpose of the Green Belt is to be free from development and to retain openness. At present there is a small single storey building in the centre of the car sales/van rental site with vehicles parked to the frontage behind a 1.8m high steel palisade fence set back between 3m and 9m from the highway behind a grass verge. The eastern side of the van sales/rental site is currently occupied by a hand car wash that the Council has recently accepted as valid a retrospective planning application.

In the context of the Green Belt the proposal would have an unacceptable impact upon the openness and character of the Green Belt. The proposed houses range in height between 7.8m and 9.4m. Alongside prejudicing the purpose of the Green Belt the massing of the building would be conspicuous from the Green Belt and would be visually detrimental. As a consequence the dwellings would also injure the visual amenity of the Green Belt. Reason for

refusal 2 raised impact of the height and mass of the proposal in relation to the green belt. It is considered that has not been resolved and still stands.

A brick wall between 0.8m and 1.6m's is proposed to be located between 0metres and 3.5 metres from the back of the pavement. The existing fence to the site is palisade and has a degree of visual permeability through to the van sales and hand car wash. The wall would be a solid feature which would have a negative impact upon the Green Belt. Furthermore the height of the wall is uncharacteristic of the area. The adjacent residential properties are either open plan or have more modest walls and fences.

Replacement of the commercial use by a high quality residential development for two or three properties to help meet an identified shortfall of 'aspirational housing' in the borough may form the basis for a 'very special' case. However, in this instance, the proposed development extends beyond the small current vehicle operation and extends into a SLINC and it is considered that the current proposal would have a significant impact on the green belt and the SLINC in this instance without the applicants fully demonstrating how they would mitigate the harm. The applicant's have removed built form from SSSI and agreed to provide a management plan to enhance the SSSI and this may be enough to mitigate the SLINC. Whilst officers recognise the removal of the vehicle operations would have a positive impact on local amenity, it is still considered that the development should be refused for its impact on the green belt.

Design of the development and relationship with the character of the area and adjacent housing

There is an established pattern of development along this side of Lichfield Road with the majority of houses being set back 10m from the pavement.

Plots 1, 4, 5, 6 and 8 now have some form of frontage facing Lichfield Road, with the separation between the proposed houses and Lichfield Road between 2.5m's at the closest (plot4 angled to the road) and 8.5m's (plot 5 angled to the road). Whilst it is considered that the proposed houses do come closer to the Lichfield Road compared to the existing pattern of development, the changes to the proposal include more opportunities for natural surveillance of the street resolving officers concerns regarding dead frontages to the road. Officers concerns regarding the issue of the height, mass, gable features and closing the gap in relation to the green belt, are still considered to have not been resolved and still stands.

The height of the three storey dwelling at plot 1 is at odds with the height of the two storey dwelling 10 Lichfield Road, as a consequence the dwelling appears out of character although it may be considered to form a focal point for the farm house style development.

It is considered that the proposed houses would not have an adverse impact upon adjacent residential properties by virtue of loss of light, privacy, issues of noise and disturbance. Plots 2 and 3 have a rear garden length of 15m and

are further separated from the side of the nearest dwelling 10 Lichfield Road by the public right of way. The windows to the side of number 10 are a landing and bathroom window which are non-habitable and therefore the separation distance to Plot 2 would be in-accordance with Designing Walsall SPD. Plot 1 would over look the front garden of number 10 which would have no further impact than the existing situation. Plot 3 is sufficient distant away to ensure no overlooking of the rear garden or loss of light to warrant refusal of the planning application. Loss of view cannot be protected via the planning system.

The properties are sufficiently distant from adjacent dwellings to have no further impact in terms of noise and disturbance to neighbours.

Pollution Control Scientific Team do not object to the application, but make comment about the possible impact upon future occupiers as a result of noise and air quality issues from the heavily used Lichfield Road. The application has not been supported by a Noise or Air Quality survey which would establish the relevant levels and whether mitigation measures would be required within the design of the buildings. It is considered that appropriate safeguarding conditions would be appropriate should the application be approved.

Access

The site would be accessed by two drives from Lichfield Road across a stone rumble strip which would then open onto shared courtyards. The development would utilise existing access points from Lichfield Road and subject to meeting 2.4m by 47m visibility splays, hard surfacing the courtyards and accesses appropriately, plus providing parking levels that meet T13 requirements for the size of house proposed. Transportations does not object to the application. Transportations previous concerns regarding domestic waste collections as reported to committee on the 8th July have been resolved with the proposed bin collection points included at the back of highway.

Public right of way officers request that should an application be approved that appropriate boundary treatment is provided to the boundary with the footpath to the edge of the application site. The details of appropriate boundary treatment could be secured by a planning condition and should ensure it does not leave the council with ongoing maintenance responsibility.

The Police Architectural Liaison Officer does not object to the application but makes a number of recommendations to improve the security of the proposal. Suitable boundary treatment, including a gate to plot 1 and lighting to the courtyard could be secured by condition on any approval in consultation with the officer. For visual amenity and highway safety reasons gates to the main access drive would be resisted. PPS1 refers to LPAs encouraging community cohesion, gating developments creates segregated communities which should be resisted.

Recommendation: Refuse

1. The site lies within the West Midlands Green Belt and no very special circumstances have been put forward sufficient to outweigh the harm this inappropriate development it would cause to the character and openness of the Green Belt. As such the proposed eight dwellings are contrary to the aims and objectives of the Black Country Joint Core Strategy policies CSP3, ENV1 and HOU2 plus the saved policies 3.3, 2.22, ENV2 and 3.29 of Walsall's Unitary Development Plan and the advice given in Planning Policy Guidance Note 2: Green Belts.

2. The proposal would appear incongruous and unrelated to the surroundings causing harm to the character and visual amenity of the Green Belt by virtue of; the buildings siting, height, and massing, the position of the development with side gables close to the highway and the prominent front boundary wall. Furthermore the application has not been supported by full landscape proposals. The proposal is therefore contrary to the aims and objectives of the Black Country Joint Core Strategy policies CSP3, ENV1 and HOU2 plus the saved policies 3.16, GP2, ENV2, ENV3, ENV32 and H10 of the Walsall's Unitary Development Plan and Walsall's Supplementary Planning Document Designing Walsall and guidance given in Planning Policy Statement 1, Planning Policy Guidance 2 and Planning Policy Statement 3.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

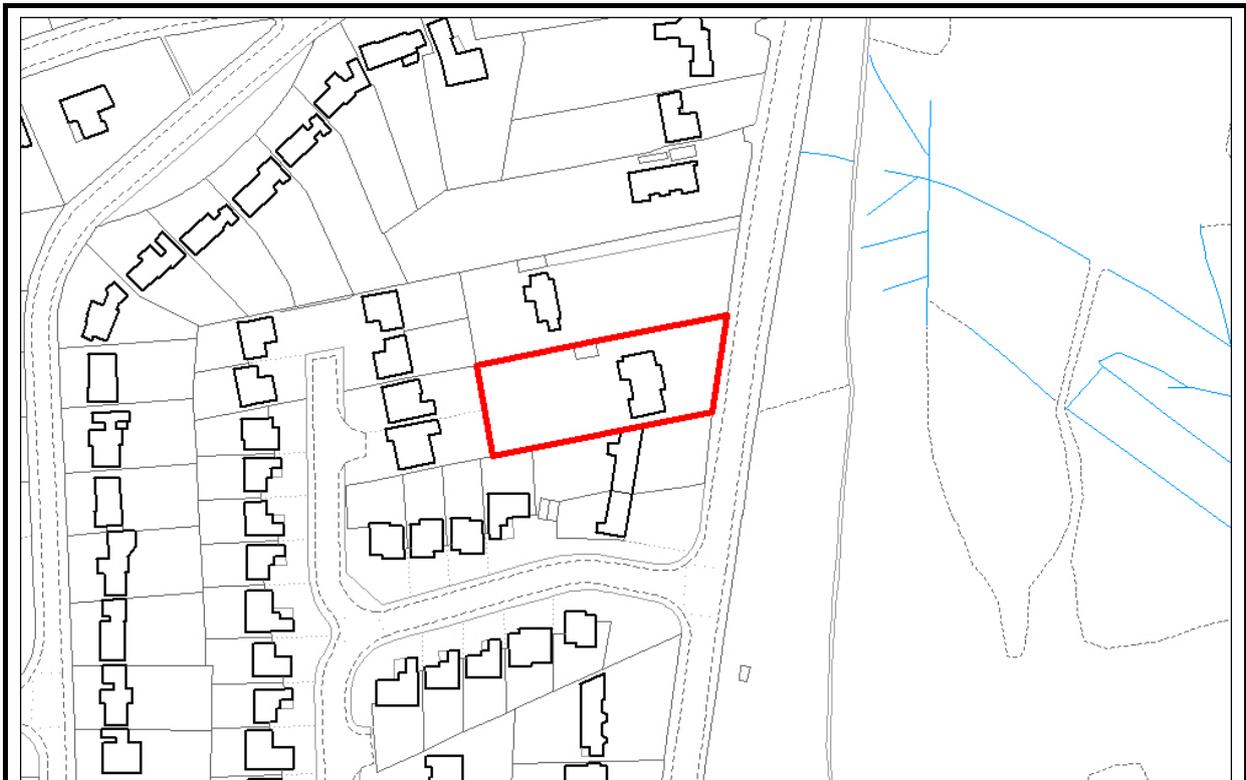
Reason for bringing to committee: Significant Community Interest

Application Number: 10/1510/FL
Application Type: Full application

Applicant: Mr Hamish Simpson
Proposal: Demolition of existing bungalow and erection of 2no. four bed detached dwellings
Ward: Streetly

Case Officer: Devinder Matharu
Telephone Number: 01922 652487
Email:planningservices@walsall.gov.uk
Agent: Plot Design Solutions
Location: 140 THORNHILL ROAD, STREETLY, B74 2ED
Expired Date: 29/12/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes the demolition of the existing bungalow and erection of 2 detached houses sitting side by side behind a landscaped frontage.

Adjacent to the application site are two detached properties, 138 is set 47 metres back into the site providing a large front garden and 142 is angled to 140 Thornhill Road with three obscurely glazed side windows facing 140 Thornhill Road. 142 Thornhill Road has secondary rear bedroom window. At the rear of the site are 4 and 6 Whitley Drive a relatively modern cul de sac accessed from Thornhill Road.

The existing bungalow is set off the boundary by 3.6m adjacent 142 Thornhill Road and 5m from the boundary with 138 Thornhill Road and situated 5.6m further forward of 142 and 23m further forward than 138 Thornhill Road. A garage with a workshop in the roofspace measuring 4.9m high is positioned on the boundary with 138 Thornhill Road. The site is constrained to the rear by a main sewer and its easement. The proposed two storey dwellings would be set forward of 138 and 142 Thornhill Road. The dwellings would be large detached properties incorporating projecting gable features, chimneys and bay windows. The proposal would equate to 13 dwellings per hectare.

The dimensions of Plot 1 house adjacent 142 Thornhill Road would measure 10.1m in length, 10m in width with a longer central section at ground floor measuring 13m in length and the main house has a half hip with gable features. Plot 2 house adjacent 138 Thornhill Road would measure 13m in length, with a longer two storey central section that projects a further 2.5m out towards the rear of the site, 10m in width and have a catslide roof with a roof light. This property would be set off the boundary of 138 by a metre. The rear gardens would measure in excess of 30m's long with amenity areas of 370 and 374 square metres. Plot 2 would utilise the existing access point with a new access point being created 2m away for plot 1.

Main characteristics of Thornhill Road houses are; detached 1930's arts and crafts style properties, mix of bungalows and two storey house, set back from the road providing landscaped front gardens and drives ways, spaciousness, chimneys, integrated garages, porches and bay windows

The following documents have been submitted;

Tree Survey concluding; the removal of 3 trees from the front garden, the proposal will not substantially affect the existing trees or hedge.

Bat Survey concluding; no evidence of bats roosting in the building and the demolition of the property would not affect a place of shelter for bats.

Design and Access Statement concluding; the dwellings would reflect the existing 1930's arts and crafts style. Three dimensional artist impression drawings have been submitted of the proposed dwellings.

Relevant Planning History

BC50089P 140 Thornhill Road. Erection of detached garage and second detached building to the rear. Granted subject to conditions 1997.

BC40104P 142 Thornhill Road. Kitchen and garage extension and bedroom and ensuite at first floor. Granted subject to conditions 1994.

BC51789P 142 Thornhill Road. New side window. Granted subject to a condition 1998.

05/0408/FL/H4 138 Thornhill Road. Extensions to the side (to include a sun lounge), front (kitchen extension) and rear extensions. Granted subject to conditions 2005.

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

Joint Core Strategy

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

CSP4 The design of spaces and buildings will be influenced by their context and seek to

enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

ENV2 All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

ENV3 implement the principles of By Design to ensure the provision of a high quality

network of streets, buildings and spaces and meeting the Code for Sustainable Homes to Level 3.

HOU 1 to deliver at least 63,000* net new homes over the period 2006 –2026 through committed sites

HOU2 The density and type of new housing provided on each site will be informed by the need for a range of types and sizes of accommodation to meet local needs, the level of accessibility by sustainable transport to residential services, the need to achieve high quality design and minimise amenity impacts.

Unitary Development Plan (UDP)

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

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV17 new planting will be encouraged

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

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

H3 encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: car parking standards

1, 2 & 3 bedroom houses – 2 spaces per unit

Designing Walsall SPD

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

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Natural Environment SPD

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

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished.

Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PPS1 on delivering sustainable development and good design.

PPS 3: Encourages reuse of previously-developed land for housing.

Paragraph 10 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions.

Some of the specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

PPS9 Biodiversity and Geological Conservation

Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.

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

Consultations

Transportation – No objection subject to conditions relating to access and visibility

Fire Service – No objection

Landscape – No objection

Severn Trent Water – No objection subject to a drainage condition

Natural England – No objection and support the recommendations made in the Bat survey and a user note attached.

Ecology Officer – No objection subject to planning conditions

Arboricultural Officer – No objection

Police Architectural Liaison Officer – No objection but makes comments regarding the existing conifer at the front of the property removing all surveillance from the road and the planted area would provide a cover for persons with criminal intent.

Public Participation Responses

Eight letters have been received from three residents objecting to the proposal on the following grounds:

- prefer a bungalow replacement
- new properties should not be higher than neighbouring properties
- boundary hedge should remain
- financial betterment
- over development
- traffic congestion
- destroy the street scene
- closeness of the properties would be difficult for maintenance
- concerns over time period given to make comments on plans
- overbearing
- loss of day light/ privacy/ outlook
- concerns over compliance with fire regulations- *this building regulations matter*
- rear elevation of plot 2 should be in line with the front of 138 to prevent visual intrusion
- Loss of view – *not a material planning consideration*
- the proposal does not encourage or promote a positive improvement
- Development contradicts Government policy regarding garden land no longer being classed as brownfield or previously developed land
- Proposal against strategic policy regarding demolition
- proposal would change the traditional character of the area
- more affordable homes are required

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

Determining Issues

- Principle of Development
- Impact on the character of the area
- Impact on the amenity of neighbours
- Impact on trees and hedge
- Impact on protected Species - Bats
- Access and Parking

Observations

Principle of development

Gardens are no longer classified as 'brownfield' or previously developed land. This does not preclude new housing development on garden land. The revised PPS3 indicates that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

In principle the proposal is acceptable provided it is good design and respects the amenity of adjacent residents and the character of the wider area. The bespoke style of the dwellings reflects and visually enhances the character of the area and the street scene. It is considered the style and design of the properties represents good design.

Impact on the character of the area

The proposed dwellings would be set back into the site behind a landscaped frontage contributing to the spaciousness character of this part of Thornhill Road. The proposal would position plot 1 3m further back from the front elevation of the existing bungalow. The proposed dwellings would sit forward of both numbers 142 and 138 Thornhill Road by 3.2m and 20.8m respectively. The roofline of the proposed dwellings would be below that of the adjoining residential properties and Plot 2 includes a catslide roof which reduces the visual impact on the street scene and number 138, as only a single storey element with a sloping roof visible approaching the site from the north. Plot 2 would also be set off the boundary providing space around the dwelling and includes a staggered building line, reflecting the immediate character of this part of Thornhill road. Thornhill Road houses vary in shape and design reflecting the 1930's arts and crafts style. Residents have raised concerns that the proposal destroys the street scene and the proposal is over development. The design of the proposed dwellings reflect the 1930's arts and crafts style of the existing Thornhill Road houses and represent a density of 13 dwellings per hectare. It is considered that the proposal is acceptable contributing to and enhances the existing character of the street scene without being overbearing.

Residents objection that the proposal doesn't meet the aims of UDP policy 6.1, improvement of existing housing stock and they prefer a bungalow

replacement. It is considered that the site is large enough to accommodate two family homes and the replacement dwellings would deliver a more efficient use of land and would add to the housing mix in the location which is considered to be desirable.

Residents have raised concerns that the proposal should provide affordable homes, whilst in principle it is agreed affordable housing in the area should be provided, two houses falls below the UDP policy threshold to secure affordable housing on this site.

Impact on the amenity of neighbours

Plot 2 would be forward of, and set off the boundary by one metre with 138 Thornhill Road and includes a catslide roof. The proposed property set off the boundary and the catslide roof would is considered provides a better relationship with the adjoining property and the proposal should be supported. Rooflights would be included in the bathroom preventing any direct overlooking towards 138. The central section of plot 2 would project a further 2.5 m to the rear and the windows in this part of the dwelling face the rear garden of plot 2. It is considered that plot 2 would not result in any direct overlooking, loss of privacy or light to the occupiers of the adjacent property 138 Thornhill Road.

Residents have stated that the rear elevation of plot 2 should be in line with the front elevation of 138 Thornhill Road to prevent visual intrusion. In this case, the two properties cannot be moved further back because there is a main sewer crossing the rear garden forming a site constraint. The rear ground floor habitable windows face the rear garden of Plot 2 and the first floor rear habitable room windows are set away from 138, preventing any overlooking.

142 Thornhill Road has three side facing obscurely glazed windows to a first floor en-suite, ground floor bathroom and secondary kitchen window. Number 142 has a main rear kitchen window providing light to the kitchen. Number 142 has a rear first floor secondary bedroom window. This bedroom also has a main window fronting Thornhill Road. It is considered that the position of Plot 1 adjacent to 142 Thornhill Road would not result in any undue loss of privacy, amenity or outlook to the occupiers of this property.

The proposal may cast a shadow across the front garden of 138 Thornhill Road; this would only be for part of the afternoon and not considered to result in significant shadowing to refusal of the application.

Plots 1 and 2 have side facing windows and rooflights including a secondary bedroom window facing 142 and an en-suite window facing 138 Thornhill Road respectively. To protect the amenity of both neighbours, the windows can be obscurely glazed via a planning condition.

Numbers 4 and 6 Whitley Drive at the rear of the site have rear single storey study rooms and 12m long rear gardens. The separation distance between

the proposed dwellings and the Whitley Drive houses is 40 metres exceeding the Councils requirements.

The legislation provides for a 21 day consultation period with adjoining neighbours, which the Council follows. Residents have objected at the length of time to comment on the application. The Council accepts comment and includes them in the assessment of the proposal on all applications up to the determination date.

Residents raise concern regarding maintenance of the properties. The properties have a metre gap around them which is considered adequate for maintenance purposes.

Residents raise concern regarding financial betterment. It is considered that in this case, this is not a determining material planning consideration.

Impact on trees and hedge

The agent has confirmed that the boundary hedge around the site is to remain. The Arboricultural Officer has no objection as the protected trees on the site would not be affected by the proposals.

The Police Architectural Liaison Officer has raised concerns over the existing trees at the front of the site, hiding the properties from street surveillance. The trees at the front of the site are protected and add to the character of the area, the removal of the trees is considered would be visually detrimental to the locality.

Impact on protected Species – Bats

Natural England have no objection to the proposal provided the gap between the properties is maintained as it is a primary route for foraging and commuting bats.

Access and Parking

Policy T13 requires 3 car parking spaces to be provided per dwelling, the proposal would provide integral garages and driveway parking for two cars meeting the policy.

It is considered that the proposed dwellings are unlikely to result in an increase in traffic or contribute to traffic congestion within the locality to warrant refusal of the scheme.

Residents have raised concerns over fire compliance; the Fire Officer has no objection to the proposal.

Summary of Reasons for Granting Planning Permission

The revised PPS3 indicates that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. In principle the proposal is

acceptable provided it is good design and respects the amenity of adjacent residents and the character of the wider area.

The development in terms of scale, size, positioning and layout would not represent an overdevelopment or overcrowding of the site, as the site is large enough to accommodate the dwellings whilst retaining open space around the dwellings. The density of the properties is reflective of the character of the area.

The site is large enough to accommodate two large replacement dwellings which would deliver a more efficient use of land, whilst adding to the housing mix in the area. The proposal falls below the UDP policy threshold to secure affordable housing on site.

The bespoke style of the dwellings reflects the 1930's arts and crafts style which would respect the traditional character of the area whilst visually enhancing the street scene. The boundary hedges would remain which would retain the character of the area.

The proposed dwellings would be lower than the adjoining two properties and plot 2 would incorporate a catslide roof which would provide a better relationship with both 138 and the street scene.

The main sewer to the rear of the site constraints the site, so that the dwellings cannot be positioned any further back.

The proposal would not result in any significant loss of daylight, privacy, overlooking or privacy to the occupiers of 140 and 138 Thornhill Road or the occupiers of number 4 and 6 Whitley Drive.

The legislation provides for a 21 day consultation period with adjoining neighbours, which the Council follows. Residents have objected at the length of time for making representations so the Council extended the statutory time period for residents to submit any comments. In addition, the Council does accept comment up to the determination date of any planning application.

Financial betterment is not a material consideration in this application.

The proposal provides three car parking spaces within the curtilage of each of the properties which meets the requirements of Policy T13. It is considered that the proposal would not result in any significant increase in traffic to warrant refusal of the application. The Fire Officer has no objection to the proposal and in particular compliance to fire regulations.

The proposal complies with Policies CSP4, ENV2, ENV3, HOU1 and HOU2 of the Joint Core Strategy, the saved policies of the Walsall Unitary Development Plan, in particular, 2.2, 3.6, 3.7, GP2, 3.16, 3.116, GP7, ENV14, ENV32, ENV18, ENV17, H10, 3.117, ENV33, 3.17, 3.18, ENV39, ENV40, 7.1, T7 and T13, Policies DW1, DW2, DW3, DW4, DW5, DW9 and DW10 of the

Designing Walsall SPD, Policies NE8, NE9 and NE10 of the Conserving Walsall's Natural Environment SPD and the advice given in PPS1, PPS3 and PPG13.

Recommendation: Grant Permission Subject to Conditions

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

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

2) No development shall commence on site until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained there after.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the development is provided with 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.

4) No development shall commence on site until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: To ensure the satisfactory appearance of the development and in accordance with Policies ENV17, ENV33 and 3.117 of the Walsall UDP 2005.

5) No development shall commence on site until details of the surface material to be used to surface the driveway have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained and maintained at all times.

Reason: In the visual amenities of the area and to ensure adequate drainage of the site.

6) Prior to the development first coming into use, the proposed driveways and vehicle hardstanding areas shown on the approved plan shall be fully consolidated, hard surfaced (the use of unbound gravel as shown will not be permitted) and drained and these areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion of the development.

7) Prior to the development first coming into use, the new vehicle footway crossing shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority including the reinstatement of the existing redundant vehicle crossing back to full kerb height. Any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion of the development

8) No planting or structures exceeding 600mm in height above ground level shall be permitted within the pedestrian visibility splays shown on the approved drawing no. 9302.05.A.

Reason: In the interests of pedestrian/vehicle inter visibility and highway safety.

9) The secondary side facing windows to bedroom 1 on plots 1 and 2 and the ensuite side facing window on plot 2 shall be obscurely glazed and fixed.

Reason: To protect the amenity of the adjoining residential occupiers.

10) The development shall be completed in accordance with drawing number 9302.10 submitted 3 November 2010, drawing number 9302.03A submitted on 6th December 2010, drawing numbers 9302.04B, 9302.05B, 9302.06B and 9302.07A submitted on 7th March 2011,

Reason: To define the permission

11) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G of to the Order shall be carried out to the dwellings or on the site, as appropriate, without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site, to protect the sewer easement and to protect the amenity of the neighbouring residential occupiers.

Notes to Applicant

1) Please see information from Severn Trent Water attached to this decision.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

Reason for bringing to committee: Departure from Development Plan

Application Number: 11/0232/FL

Application Type: Full application

Applicant: Mr & Mrs T Singh

Proposal: Erection of 1 x 6 bed house,
formation of new vehicular access with
associated works.

Ward: Aldridge North and Walsall Wood

Case Officer: Jenny Townsend

Telephone Number: 01922 652420

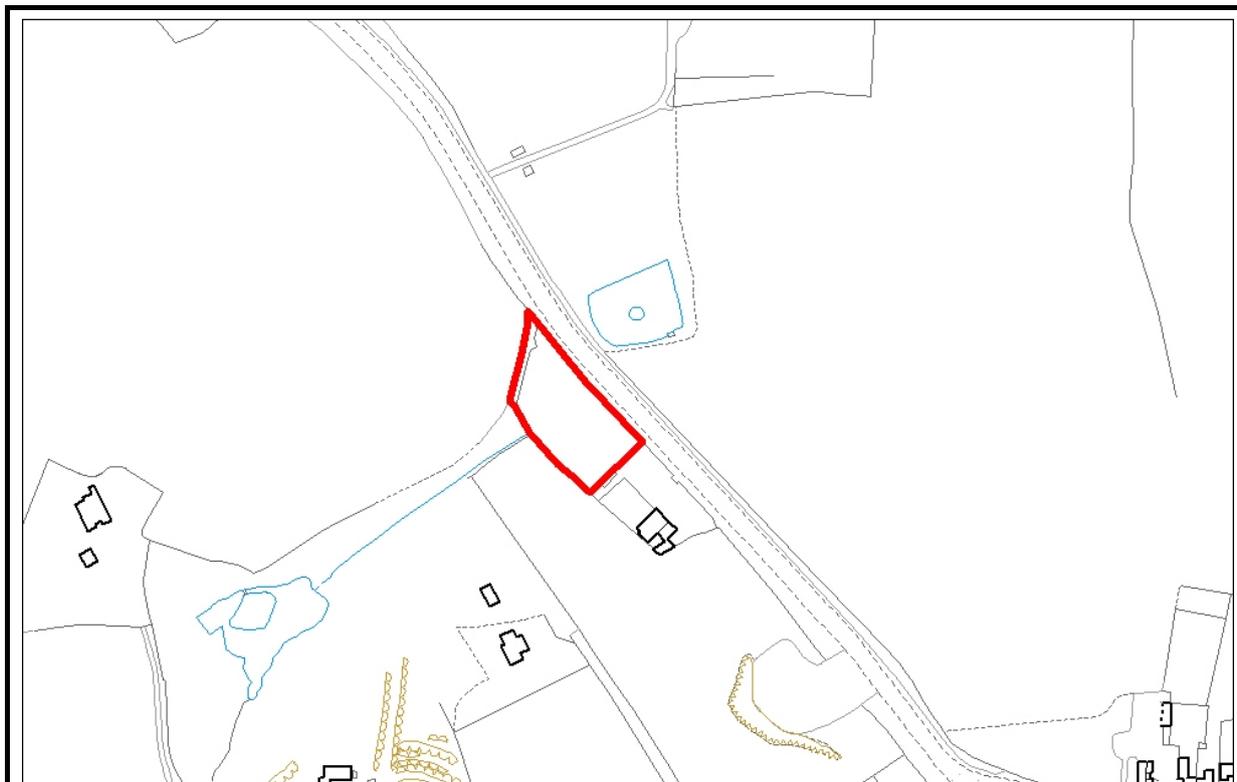
Email:planningservices@walsall.gov.uk

Agent: CT Planning Limited

Location: 350 CHESTER ROAD,
WALSALL, WS9 9DE

Expired Date: 18/04/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application seeks to erect a 6 bedroom house with new vehicular access on site in the Green Belt which is surrounded by extensive woodlands.

The site is located on the western side of Chester Road (A452) which forms part of the Strategic Highway Network within the Borough. The site is currently vacant and the workshop buildings and sheds connected with the previous B1 light industrial use have mostly been demolished. The majority of the site is hardstanding with the existing vehicle access located at the northern end of the site frontage from Chester Road.

The A452 Chester Road is subject to a 50mph speed limit within the vicinity of the site. Chester Road forms the boundary between Walsall MBC and Lichfield DC. The land on the opposite side of Chester Road comprises Green Belt land within Lichfield DC. To the south the site is bordered by 370 Chester Road, as residential property. The character of the surrounding area is generally rural, interspersed with small groups of dwellings.

Planning permission 07/1443/FL/E9 was granted in April 2008 for 2 x 4 bedroom houses with a new access positioned in the centre of the frontage alongside Chester Road. The plots were to have a total footprint of 278sqm and the ridge height of the roofs was to be 8.4 metres.

A single house is now proposed which would have a footprint of 244sqm and a ridge height of 7.9 metres. The dwelling would be sited perpendicular to Chester Road, similar to plot 1 in the approved application.

The vehicular access proposed in this application would be 13 metres to the north, midway between the approved and existing access and the gates would be set back 7 metres from the road.

Bat and owl mitigation proposals, a Design and Access statement and a Planning Statement have been submitted in support of the proposal.

The site area of 0.3ha would provide a density of 3 dwellings per hectare.

Relevant Planning History

19/07/94 – appeal against Enforcement Notice. Notice corrected to read ‘light Industrial purposes’. Appeal allowed and Enforcement Notice quashed, planning permission granted for the use of the land and premises for light industrial purposes subject to safeguarding conditions regarding hours of use, storage and B1 use only.

07/1443/FL/E9 Demolition of existing buildings and erection of 2 x four bed houses, formation of new vehicular access, landscaping and associated works. Granted subject to Conditions 08/04/2008.

Relevant Planning Policy Summary ***Joint Core Strategy & UDP Policies***

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,
Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

(Note the full text version of the JCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Saved Policies of Walsall's Unitary Development Plan 2005

Policies 3.6 and 3.7 states that development should help to improve the environment of the Borough whilst seeking to protect people from environmental problems.

GP2: Environmental Protection

Development should be sustainable and contribute to environmental improvement and have no adverse effect on the countryside and the Green Belt.

Policy 3.3 states that the character and function of the Green belt will continue to be safeguarded, as part of the wider West Midlands Green Belt.

Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Policy 3.16 requires high quality design.

Policy 3.23 states that the Green Belt has a positive role to play in terms of retaining attractive landscapes.

ENV2: Control of Development in the Green Belt

In the Green Belt there will be a presumption against new buildings except in very special circumstances. Where development is acceptable in principle the siting, design, form, scale and appearance should be compatible with the surrounding area and careful consideration of the openness and character of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt

Proposals will be assessed for their impact on the Green Belt including:

- i. layout
- ii. siting, design, grouping, height and scale of buildings
- iii. colour and suitability of materials
- iv. use of redundant land and buildings for alternative uses
- v. quality landscaping
- vi. impact on significant views
- vii. cumulative physical effect in one area

ENV 4: Major Development Sites in the Green Belt

Criteria for determination of such applications include:

- No greater impact than the existing development on the openness or purposes of the Green Belt
- The height of the existing buildings would not be exceeded
- The area covered by the buildings would not occupy a larger area of the site.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV18: Existing Woodlands, Trees and Hedgerows

Seeks to protect, manage and enhance existing trees and 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.

ENV23: Nature Conservation and New Development

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

ENV32: Design and Development Proposals

States that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV33: Landscape Design

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

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

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

T7 – Car Parking

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

T13: Parking Provision

4 bed houses and above – 3 spaces per unit.

Regional Policy

JCS Policy ENV1 - Development within the Black Country will safeguard nature conservation, inside and outside its boundaries by ensuring that:

- development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites;
- locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them.

The Joint Core Strategy aims to attract more affluent households.

Policy HOU2

3.12 The Black Country suffers from a lack of housing choice, which limits its ability to attract more households in Social Groups A and B. At present, one quarter of new market housing built in the Black Country is occupied by A and B households who are new to the area or who would otherwise have left. If the equivalent national level of A and B households in 2033 were to be

achieved in the Black Country this would require all new market housing built over the Plan period to be occupied by A and B households. Factors most likely to attract A and B households are proximity to professional and managerial jobs, the appearance of the surrounding area and good schools. It will be important, therefore, that the various elements of the Core Strategy work together to achieve a level of transformation necessary to attract A and B households at the required levels.

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address.

Conserving Walsall's Natural Environment

Provides guidance on development which may adversely affect trees, important species and habitats.

National Policy

PPG2: Green Belts

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt. Paragraph 3.1 states there will be a general presumption against inappropriate development except in very special circumstances. Para 3.2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These exceptional cases will thus be treated as departures from the development plan.

Whilst Annex C refers to major development site redevelopment in the Green Belt, which the application site is not, the assessment criteria can be used as a guide:

- a) have no greater impact than the existing development on the openness of the Green Belt
- b) contribute to the achievement of the objectives of the use of land in the Green Belt
- c) not exceed the height of the existing buildings
- d) not occupy a larger area of the site than the existing buildings.

PPS3 states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.

PPS7: Sustainable Development in Rural Areas

Promotes sustainable patterns of development and sustainable communities in rural areas to ensure effective protection and enhancement of the environment, prudent use of natural resources and maintain high and stable levels of economic growth and employment. Isolated new houses in the countryside require special justification for planning permission to be granted such as to allow agricultural, forestry and certain other full time workers to live at or in the immediate vicinity of their place of work.

Para 19 The replacement of buildings in the Countryside should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example where a new building

would bring about an environmental improvement in terms of the impact on its surroundings and the landscape.

PPS9 biodiversity and geological conservation says that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

PPS23: Planning and Pollution Control. The precautionary principle should be invoked when the level of scientific uncertainty about the consequences or likelihood of the risk is such that the best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making. In considering proposals for development LPAs should take account of the risks of and from pollution and land contamination, and how these can be managed or reduced. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks.

Consultations

Landscape Officer – No landscape objection subject to condition.

Pollution Control Scientific Team – No comments.

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

Fire Service – No objections.

Severn Trent Water – No objection subject to suitable drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority before the development is brought into use.

Environmental Health – No objections.

Natural Environment Ecology Officer - The site is close to the Castlebank Plantation SLINC and adjacent to Shire Oak Park SINC along the site's northern boundary. My preference would be for no development in this location on landscape grounds however, it is unlikely that any damage will be caused to these designated sites providing the suggested conditions are imposed on any permission granted.

Since the site has been cleared and no trees are to be felled, there was no need for a bat survey. The bat mitigation proposals are acceptable and there are no ecological objections subject to the imposing of the planning conditions

recommended.

Tree Officer – No arboricultural objections.

Strategic Policy – The proposed development would be acceptable in principle in planning policy terms however as the development is adjacent to Shire Oak Park LNR and SINC, this would be subject to endorsement by the Council's Natural Environment Team.

Transportation – The applicant looks to construct a new six bed dwelling on a site which had previous approval for two dwellings. There is sufficient parking to meet UDP T13 typical requirements. The proposed access has adequate visibility along Chester Road subject to the above Condition relating to the existing hedgerow. Overall the Highway Authority considers the application acceptable.

Public Participation Responses

None.

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

Determining issues

- Principle of the use and Development within the Green Belt
- Design
- Access

Observations

Principle of the use and Development within the Green Belt

The principle of redevelopment of this site has been established by the previously granted planning permission 07/1443/FL/E9 in April 2008. The justification in that case was that the proposed 2 houses whilst higher than the existing buildings on the site would occupy a smaller footprint and would replace unsightly derelict buildings with a well designed environment. The amount of hardstanding would be significantly reduced and the reduction in vehicle movements connected with the commercial use would be a positive enhancement to the site and surroundings.

The current application seeks to erect a single house rather than 2 houses. The Design and Access Statement states that the footprint would equate to 8% less than the footprint of the buildings that previously occupied the site and 12% less than the combined footprint of the two dwellings that were previously approved at the site. The ridge height of the roof at 7.9 metres is 0.5 metres lower than the ridge height of the previously approved dwellings.

The dwelling is to be sited perpendicular to the A452 Chester Road and would be largely screened from by the existing hedgerows along the frontage of the site.

It is considered that although the redevelopment of the site for residential purposes with new build would be regarded as inappropriate development in the Green Belt, the very special circumstances as detailed in 07/1443/FL/E9 still exists and this smaller overall development would ensure that the development would have no greater impact on the openness, character or appearance of the Green Belt.

A landscape condition is attached to ensure that there is sufficient and appropriate planting around the site (especially where the existing access at the northern end of the site is to be closed) in keeping with the Green Belt location.

Design

The bespoke design of the house is a blend of traditional and contemporary styling and would provide an aspirational house within a special exclusive location.

The walls of the house are to be a mixture of stone render with facing brickwork and the hipped roof would be natural slate. The windows and doors are to be anodised aluminium to give the house a contemporary appearance. The Core Strategy aims to attract more affluent households to the district and therefore high quality design such as the proposed would be appropriate and comply with guidance.

The ridge height of the house is proposed to be 0.5 metres lower (7.9m) than the ridge height of the approved houses. This lower height together and the existing hedgerow along the site boundaries would ensure that only limited views of the house would be visible from the road.

The proposed house has been designed in compliance with the 'Code for Sustainable Homes' to reduce the impact on the environment. Two bat roosts are to be constructed along the ridge tiles of the proposed roof.

The proposed house would be set away from the existing boundaries and would have no adverse impact on the amenities of the adjoining residential occupiers at 370 Chester Road.

Access

The proposals include the provision of a new vehicle access and the closure of the existing access to the northern end of the site. The access is proposed to be positioned 13 metres to the north of the previously approved access which was in the centre of the site.

The existing access has poor visibility in either direction along Chester Road, situated within a bend in the road. The new access position would provide improved visibility in both directions, which would have clear benefits from a highway safety point of view and would maximize the amount of south facing private amenity space to the new dwelling.

Whilst the proposals would necessitate the removal of a small section of the existing vegetation along the road frontage this is considered acceptable when weighed against the highway safety benefits of the proposals.

The proposals would represent a form of development that would attract less traffic particularly larger vehicles than the lawful commercial use of the site. Transportation have raised no objections subject to a condition to cut the hedgerow on the Chester Road frontage back to the site boundary to allow clear visibility in both directions.

Conclusion

The principle of the development has been established by the granting of planning permission 07/1443/FL/E9 for 2 houses to a single dwelling with a smaller footprint and lower ridge height and the very special circumstances that still exist which led to the grant of 07/1443/FL/E9 justify the proposal that would outweigh the harm caused by inappropriate development in the Green Belt. As such the proposal is considered would comply with policy and approval subject to conditions is recommended.

Summary of Reasons for Granting Planning Permission

The high quality design would be appropriate and comply with guidance.

Although the redevelopment of the site for residential purposes with new build would be regarded as inappropriate development in the Green Belt, this has been accepted in principle by the granting of planning permission 07/1443/FL/E9 and it is considered that the very special circumstances demonstrated ensure that the development would have no greater impact on the openness, character or appearance of the Green Belt.

The health and safety of occupiers is addressed by a requirement for further investigation regarding the ground conditions.

The bat mitigation proposals are acceptable and the creation of roosting/nesting opportunities for bats and birds would conserve the population of local species.

Details of lighting, protective fencing and underground services are required to be provided to ensure that there is no damage to local species or boundary trees and shrubs.

The new access is acceptable subject to the hedgerow along the Chester Road frontage being cut back to the site boundary to allow clear visibility from both directions. There is sufficient parking at the site to meet Council requirements.

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

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

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

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

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

5. Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and as approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

Reason: To ensure safe development of the site and to protect human health and the environment.

6. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or landfill gas present on the site and

a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure safe development of the site and to protect human health and the environment.

7. Agreed remedial measures in respect of identified and potential hazards associated with land contamination and/or landfill gas present on the site shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure safe development of the site and to protect human health and the environment.

8. No development shall take place until details of the access gates and control system for the vehicle access have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained in working order.

Reason: In the interests of securing the site.

9. No development shall be carried out until a landscaping scheme, including boundary treatments, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

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

10. No development or site clearance shall take place until a protective fencing scheme for the site has been received and approved in writing by the Local Planning Authority. The scheme will ensure that all trees, hedgerows are protected from damage by machinery, fires, storage of materials, rubbish, welfare facilities and vehicles. The fencing type shall be capable of withstanding collisions with vehicles and machinery. The approved scheme shall be implemented prior to site clearance commencing and retained until development is complete unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure there is no damage to boundary trees and shrubs.

11. No development or site clearance shall take place until a schedule of underground services for the site has been received and approved in writing by the Local Planning Authority. The schedule will show the locations of all underground services on a plan and shall demonstrate that all trees and hedgerows are protected from damage by the installation of all underground services required within the application site. The approved scheme shall be carried out only in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure there is no damage to boundary trees and shrubs.

12. The development shall be constructed only in accordance with recommendations described in the Bat Mitigation Proposals report by S Christopher Smith dated 6/2/11 and submitted in support of the planning application unless otherwise agreed in writing by the Local Planning Authority. The key proposals are as follows:

Two bat roosts constructed along the ridge tiles of the proposed building.

A tawny owl box to be installed on a tree as indicated in the report.

A little owl box to be installed on a tree as indicated in the report.

The bat roosts and bird boxes shall be constructed/ erected before any part of the development is brought into use and retained thereafter.

Reason: To conserve and enhance populations of local species.

13. No external lighting scheme shall be installed other than in accordance with the recommendations described in the Bat Mitigation Proposals report by S Christopher Smith dated 6/2/11 and submitted in support of the planning application. Namely:

There shall be no direct illumination of the new bat roosts installed.

Any lighting installed shall be low wattage down lights at low level to provide security and safety lighting which will be set no higher than head height of the ground floor windows.

Any security lighting shall use PIRs to ensure they turn off automatically once movement has ceased.

Floodlighting of trees and buildings or parking areas shall not be permitted.

All external lighting shall be carried out in accordance with the above requirements unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance local wildlife habitats and species.

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, B, D, E and F of Schedule 1 to the Order shall be carried out to either dwelling without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site and the Green Belt.

15. At no time shall vehicular access to the development be gained via the existing northern access point.

Reason: In the interests of highway safety.

16. Prior to the new vehicle access point first coming into use, the existing hedgerow along the Chester Road frontage shall be cut back to the site boundary between 600mm and 2 metres in height above ground level to allow a clear visibility envelope in either direction at the access point and the hedge shall thereafter be maintained in accordance with these requirements.

Reason: To ensure adequate visibility at the access point is maintained at all times in the interests of highway safety.

17. Prior to the development first coming into use, the driveway, vehicle hardstanding, manoeuvring areas and parking bays shall be fully consolidated, hard surfaced and drained and these areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development.

18. Prior to the first occupation of the development the proposed dropped kerb crossing to serve the new access shown on the approved plan shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the development and to meet the requirements of the Highways Act 1980.

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

Location Plan deposited 18 February 2011;
Site Level Survey deposited 18 February 2011;
Detailed Site Level Survey deposited 18 February 2011;
Site Plan rev 1 deposited 18 February 2011;
Ground Floor Plan rev 4 deposited 18 February 2011;

First Floor Plan rev 5 deposited 18 February 2011;
Elevation 1/2 rev 2 deposited 18 February 2011;
Elevations 2/2 rev 3 deposited 18 February 2011;
Design and Access Statement deposited 18 February 2011;
Planning Statement deposited 18 February 2011;
Bat Mitigation Proposals dated 6 February 2011 by S. Christopher
Smith deposited 18 February 2011.

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

Notes for Applicant

CL1

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

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results

of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection and many not be built close to, directly over or diverted without consent. You are advised to contact Severn Trent Water to discuss you proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. Most birds nest between mid-February and the end of August, although exceptions to this do occur. No site clearance work should take place in the bird nesting season if there is a risk that nests may be damaged or destroyed. If site clearance work is unavoidable, a suitably qualified and experienced ecologist should check the development site for the presence of nesting birds prior to the commencement of any site clearance work. If nesting birds are discovered clearance works should be delayed and advice sought from Natural England or your ecologist.



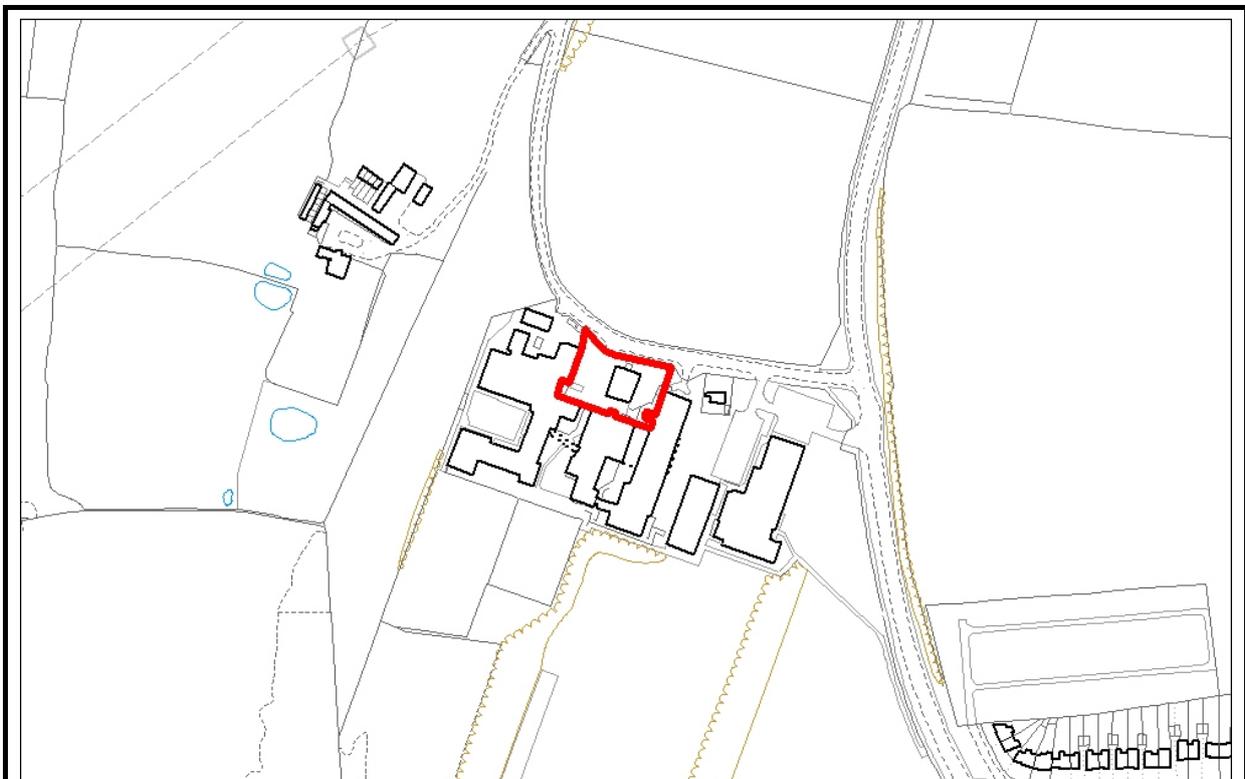
Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

Reason for bringing to committee: Departure from the Development Plan

Application Number: 11/0159/FL	Case Officer: Devinder Matharu
Application Type: Regulation 4 Consent (w)	Telephone Number: 01922 652487
Applicant: Walsall Property Services	Email: planningservices@walsall.gov.uk
Proposal: First floor extension to the Barr Beacon Language College providing Drama Studio and Music Tech/Digital Arts Room over and remodelling to ground floor footprint.	Agent: BBLB Architects
Ward: Pheasey Park Farm	Location: BARR BEACON LANGUAGE COLLEGE, OLD HALL LANE, ALDRIDGE, WALSALL, WS9 0RF
	Expired Date: 11/04/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes a first floor extension to provide a drama studio and music technology/digital arts room with remodelling to the ground floor. This would take the height of the existing building to 11.1m. The proposal would also include a covered link area on the southern elevation to link the two existing school buildings.

Barr Beacon Language College is located within the Green Belt and Great Barr Conservation Area. The building to be extended is located towards the front of the site with the existing school buildings being set further back within the site. The surrounding school buildings vary between single, upto three storeys high. The school has two car parks to the east of the site accessed off Old Hall Lane and Beacon Road, providing a total of 54 parking spaces, with a further 5 disabled spaces to the north west of the site. The school site slopes from west to east. The school has 92 classrooms in total.

A Design and Access Statement has been submitted with the application which states that the new extension would replace existing facilities elsewhere in the school campus and would provide an exciting and stimulating accommodation for learning and enjoyment. The proposal would not result in the increase of staff or pupil numbers. It also states that the new covered link would enable a more interactive transition between teaching areas.

The applicant has stated that “*advantage has been taken of building over an existing ground floor footprint, thereby reducing the impact on the Green Belt and Conservation Area*”.

The existing ground floor elevation of the building is of a dark red brick. The new design of the building would include a pressed metal detail with a horizontal recess between the new render and existing brick work acting as a clear definition between old and new. Large window openings would be created to provide a feature of the extension.

Relevant Planning History

03/2432/FL/E6 – Erection of a classroom block to accommodate a Foreign Languages department and a Drama Studio. Granted permission on 16 March 2004.

BC61427P/C - Erection of Single Storey extension to provide additional classroom. Granted March 2004.

BC44449P- for a double mobile classroom. Granted April 1999.

BC46825P- Construction of three new classrooms and ancillary accommodation together with the provision of additional car parking spaces. Granted 29th July 1996.

BC44449P- Erection of a new double mobile classroom building. Granted 31st July 1995.

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,
Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Relevant Planning Policy Summary

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

Joint Core Strategy

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

CSP2 In areas outside the Strategic Centres and Regeneration Corridors will provide a strong Green Belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents where the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible.

CSP4 design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage.

ENV2 development should protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

ENV3 implement the principles of By Design to ensure the provision of a high quality network of streets, buildings and spaces and meeting the Code for Sustainable Homes to Level 3.

HOU 5 New health care facilities and pre-school, school and further and higher education facilities should be well designed and well related to neighbourhood services and amenities.

Unitary Development Plan

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

Policy 3.3 states that the character and function of the Green Belt will continue to be safeguarded as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Policy 3.22 states that most of the countryside is defined as Green belt and serves 4 of the 5 strategic purposes as set out in PPG2.

Policy 3.29 states that this policy sets the overall context for the control of development in the Green Belt by specifying the types of development that would, in principle, be acceptable. All other forms of development are, by implication, considered inappropriate and applications for such development will normally be refused. This policy follows Government guidance given in PPG2.

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

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt and states development is inappropriate if it conflicts with the openness and purposes of the green belt and that there is a presumption against the construction of new buildings.

ENV3: where development is acceptable in the Green Belt consideration should be given to design, scale, height, colour, suitability of buildings, landscaping, significant view points and layout,.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character.

ENV32, 3.116 and 3.16: Considers development in relation to its setting with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

Policy ENV29: Conservation Areas

(a) The Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II. The impact of any new buildings on the special townscape and landscape features within the area.

III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

3.104 The Council has a duty to preserve or enhance the character and appearance of conservation areas.

Policy T13, 2 car parking spaces per classroom

Designing Walsall: Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

DW3 – Character: design to respect and enhance local identity

National Policy

Planning Policy Statement 1: Creating Sustainable Communities both emphasise the need for good design, and development which is sustainable.

Planning Policy Guidance Note 2: Green Belts aims to protect the Green Belt from inappropriate development unless very special circumstances can be demonstrated. Paragraph 3.15 The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

PPS5 HE7.4 Local planning authorities should take into account of the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping.

Consultations

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Transportation – No objection subject to a condition relating to travel planning and construction

Fire Officer – No objection

Landscape – No objection

Conservation Officer – No objection

Representations

None

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

Determining Issues

- harm to the character and openness of the Green Belt
- visual impact on the character and appearance on the Great Barr Conservation Area
- access and parking

Observations

Harm to the character and openness of the Green Belt

The major school complex has significant influence on the Green Belt character in this location. In this context the relatively small scale extension which is in close proximity to the existing school buildings would not have any unacceptable harm on the Green Belt character and openness. This together with the need to maintain and enhance educational provision amounts to very special circumstances sufficient to justify the development.

Visual impact on the character and appearance on the Great Barr Conservation Area

The extension would be seen against the back drop of the existing school buildings and the external finish and design of the extension would visually enhance the character and appearance of the Conservation Area.

Access and Parking

The proposed development enhances existing facilities and would not result in the increase in staff or pupil numbers; it is considered there is no requirement for any additional parking to be provided. The existing parking facilities of 59 spaces are considered to be acceptable. The proposal would not impact on the vehicular access points to the school.

Summary of Reasons for Granting Planning Permission

The relatively small scale extension which is in close proximity to the existing school buildings would not have any unacceptable harm on the Green Belt character and openness. This together with the need to maintain and enhance educational provision amounts to very special circumstances sufficient to justify the development. The external finish and design of the extension would visually enhance the character and appearance of the Conservation Area. The proposal would not result in any additional car parking spaces to be provided as the scheme seeks to enhance existing facilities in the school. The proposal complies with Policies CSP2, CSP4, ENV2 and ENV3 of the Joint Core Strategy, Saved policies of the UDP, in particular 3.6, 3.7, GP2, 3.3, 3.22, 3.29, 3.21, ENV1, ENV2, ENV3, 3.113,, 3..14, 3.115, 3.116, ENV32, ENV29, 3.104 and T13, Policy DW3 of the Designing Walsall SPD and the advice given in PPS1, PPG2 and Policy HE7.4 PPS5.

Recommendation: Grant Permission Subject to Conditions

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

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

2) The development shall be completed in accordance with drawing numbers 9027/004, 10092/001 and 10092/002 submitted on 4th February 2011.

Reason: To define the permission

3) The extension hereby approved shall unless other agreed in writing be carried out in accordance with the approved material listed below:

cladding panel Miteon by Trespa or Mystic Green Rock

- White render by Sto
- Powder coated aluminium capping above render – white
- Powder coated aluminium capping above curtain walling and cladding panels and Powder coated aluminium curtain walling/windows Dark Grey Ral 7038 Powder coated aluminium link canopy Silver
- Windows aluminium blue and powder coated aluminium Dark Grey Ral 7038.

Reason: In the visual amenities of the Great Barr Conservation Area.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

Reason for bringing to committee: Significant neighbour interest

Application Number: 11/0017/FL

Application Type: Full application

Applicant: Mr P Roberts

Proposal: Construction of a two storey detached dwelling with ancillary on site car parking for 2 vehicles, and a new access to the allotment gardens.

Ward: Paddock

Case Officer: Alexander Keen

Telephone Number: 01922 652527

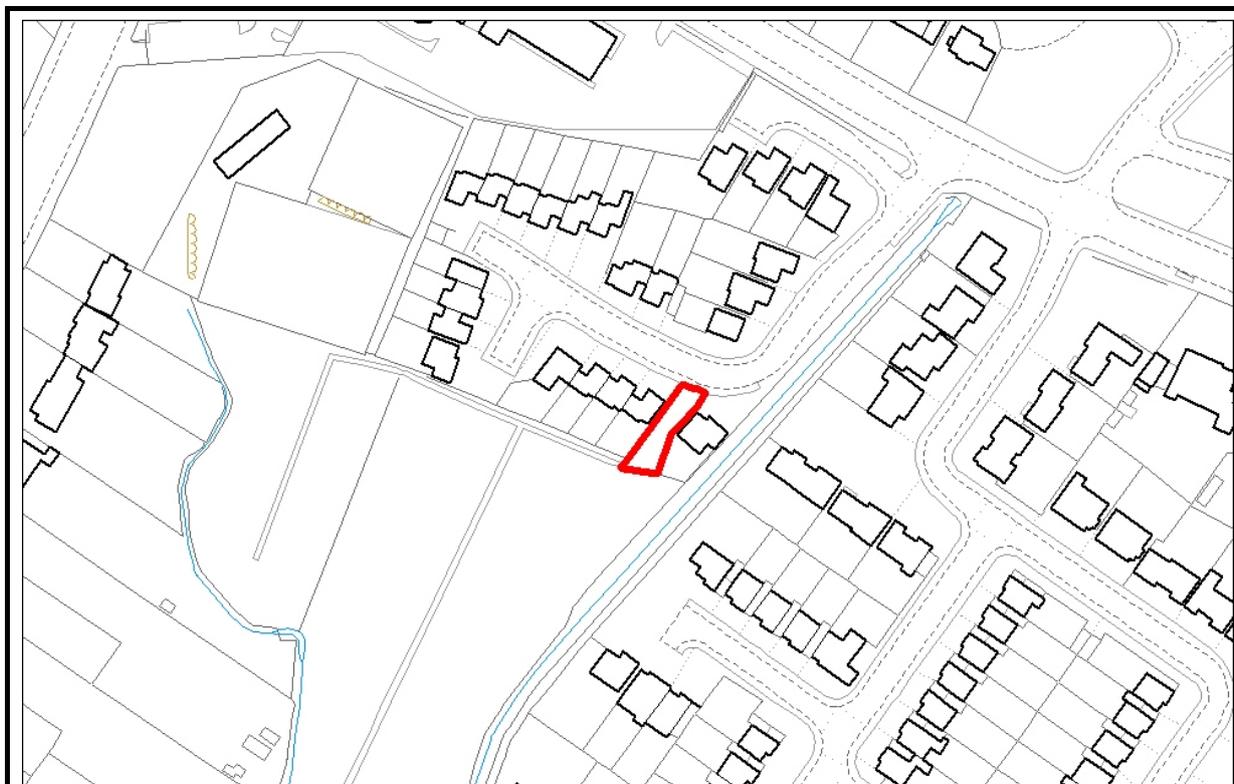
Email:planningservices@walsall.gov.uk

Agent: Mr S Hyde

Location: LAND BETWEEN 1 & 3
AND BETWEEN 9 & 11 CRICKET
CLOSE, WALSALL, WS5 3PU

Expired Date: 21/03/2011

Recommendation Summary: Grant Permission Subject to Conditions



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REASON FOR BRINGING TO COMMITTEE: Significant neighbour interest

Application and Site Details

This application is for planning permission to construct a single detached house on land last used as the access to now disused allotment gardens, and to form a new access to the allotment gardens off the turning head of Cricket Close. It should be noted that the design of the proposed dwelling has been amended since this application was accepted, and it is the amended design which is the subject of this report.

The proposed dwelling would face north east and would measure approximately 5.05m wide at the front (4.1m wide at the rear) 9.9m long (8.9m long excluding the proposed front ground floor canopy) and 6.6m high (4.8m high to the eaves). It would have a pitched roof with front and rear facing gables. There would be habitable room windows in the front and rear elevations, and a secondary ground floor habitable room window toward the rear of the south-east facing side elevation. There would also be a non-habitable room window in either side facing elevation. The dwelling would accommodate a hall, kitchen, W.C, and lounge/dining area on the ground floor, and two bedrooms and a bathroom on the first floor.

The front elevation of the proposed dwelling would be set a minimum 5m back from the edge of pavement, with space for two parked cars on the frontage. There would be a minimum 1.85m separation between the south-east facing side elevation of the proposed dwelling and the existing blank side elevation of 1 Cricket Close, and a minimum 1.3m separation between the north-west facing side elevation of the proposed dwelling and the existing blank side elevation of 3 Cricket Close. The proposed dwelling would project approximately 2.45m out to the rear of the existing rear elevation of 1 Cricket Close, but would not project beyond the existing rear elevation of 3 Cricket Close. There would a minimum 800mm wide rear access between the south east facing side elevation and the existing boundary with 1 Cricket Close. Rainwater is shown to drain to a soakaway in the rear garden.

The site of the proposed dwelling is an area of open land between 1 and 3 Cricket Close last used as the access to the allotment gardens to the south. Although the allotment gardens are privately owned and no longer in use, the land is designated urban open space. A new access is proposed across land owned by the applicant at the turning head of Cricket Close. This land is currently used as curtilage to 11 Cricket Close, and would be re-formed and hard surfaced to function as a new access to the allotment gardens. A 4m wide opening would be created in the existing boundary hedge, and a pair of galvanised steel palisade gates would be erected to secure the opening.

Cricket Close is a residential cul-de-sac built during the 1970s and accessed off the A34 Birmingham Road. The dominant house type is detached two

storey dwellings linked by a garage with gable front elevations set back from the edge of pavement and at an angle to the road. Larger detached dwellings with side facing gables occupy the corner plots. The Ford Brook runs approximately 10m to the east of the application site, and a public sewer crosses the north-east half of the site.

A Design and Access Statement has been submitted in support of the application. In addition to the above, this states that the rear garden will be laid to lawns with a paved patio area to the rear of the lounge/dining area. It also states that there are principle bus routes within 5 minutes walk of the application site on Birmingham Road.

Relevant Planning History

The application site

BA7377R – erection of 24 houses – GRANTED subject to conditions 12th October 1977. The plans submitted with the application identify the land on which the dwelling is proposed as the access to the allotment gardens.

The allotment gardens

BC19727P – (outline) residential development and access road – REFUSED 7th July 1987. Reasons for refusal included the loss of green space and recreational space, and the likely harm to the amenities of nearby residents and highway safety.

Relevant Planning Policy Summary

The Black Country Joint Core Strategy

Policy HOU2 of the Core Strategy states that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. Detailed guidance on the application of this policy in local areas is, or will be, provided through individual local authority Supplementary Planning Documents.

Policy ENV2 states that development proposals will be expected to preserve and, where appropriate, enhance local character.

Policy ENV6 states that development proposals which would reduce the overall value of the open space, sport and recreation network in the Black Country will be resisted. Development that would increase the overall value of the open space, sport and recreation network will be encouraged, especially in areas of deficiency.

Saved policies of Walsall's Unitary Development Plan 2005

Policy GP2 states that “the Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment”

Relevant considerations to be taken into account in the assessment of this application include:

- I. Visual appearance
- III. Potential problems of land stability, contamination or landfill gas.
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- VII. Adequacy of the proposed access and parking facilities.
- XIV. The effect on open spaces and outdoor recreation facilities.
- XX. Any other factor of environmental significance.

Policy ENV32(a) states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly on a visually prominent site. Policy ENV32(b) requires the quality of design of any development proposal to be assessed using the following criteria:

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

Policy T13 sets out the Council's maximum parking standards for new development. For houses with 3 or fewer bedrooms, a maximum of 2 spaces per unit should be provided.

Policy LC1 states that the Council will seek to retain and enhance existing urban open spaces and redress any deficiencies in the accessibility of these. Proposals for development which would adversely affect these spaces will not normally be permitted.

Supplementary Planning Documents

The SPD “Designing Walsall” provides guidance on how to achieve good urban design within Walsall. In particular, policy DW3 states that all new development must be designed to respect and enhance local identity.

For residential developments, privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E of the SPD, although distances that do not conform with these guidelines may be acceptable where it is appropriate to the character of the area. Appendix E includes;

- 24 metre separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.
- 45 degree code : particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk)
- Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9 metres gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1 metre (may be increased in some circumstances) and the use of hipped roofs where in keeping with the existing character.

Regional Planning Policy

Policy QE3 of the Regional Spatial Strategy for the West Midlands (RSS11) seeks to create a high quality built environment for all.

N.B: On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010. The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the

implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development promotes good design as a key element in achieving sustainable development. In particular, paragraph 34 states that design which is inappropriate in its context should not be accepted, and paragraph 35 states that high quality design should be the aim of all those involved in the development process.

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation states that local authorities should avoid any erosion of recreational function and maintain or enhance the character of open spaces.

Consultee Responses

Greenspaces: Allotments – No comments

Transportation & Rights of Way – no objections

Landscape – no objections following discussions with the agent which resulted in amendments to the design and layout of the proposed dwelling.

Ecology – No comments

Trees – No comments

Police Architectural Liaison Officer – No objections, but advises that allotments are regularly targeted by the criminal fraternity and measures should be taken to secure the site and its contents.

A number of other recommendations in the interests of crime prevention and security are made which could be included as notes on the Decision Notice if permission is granted.

Building Control – The following comments are made:

- 1) There is a drainage culvert crossing the application site and consent would be required from the relevant Water Authority to build over this.
- 2) The proposed soakaway would not function as such because the ground in this area is heavy clay.

Severn Trent – confirm that there is a public combined sewer crossing the site and advise that permission would not be given to either build over or divert this sewer.

Fire Service – No objections.

Public Responses

Seven letters of objection have been received from residents of Cricket Close. The residents' comments are summarised as follows:

- The proposed dwelling would appear cramped and out of keeping with the open-plan layout and even spacing between the existing dwellings of Cricket Close. The design of the roof would appear out of character in the Close and the proposed driveway would not be in keeping with the landscaping of neighbouring properties.
- The proposed dwelling would appear overbearing and cause overshadowing and loss of outlook and privacy to neighbours, in particular 1 and 14 Cricket Close.
- The proposed dwelling would add to on-street parking and the additional vehicle load caused by the proposed dwelling and new access to the allotment gardens would increase congestion, adding to danger to public and highway safety, in particular to safety of children playing in the Close.
- The planning application makes no reference to the main sewer running across the site or to the special building construction that would be used. The cost of building over this sewer to make it safe would be high. It is not clear if permission has been obtained from Severn Trent to build over the sewer. The proposed tarmac driveway would also create extra surface water problems.
- The applicant is obliged under the terms of his freehold to allow access at all times to all persons to the allotments, by foot or by vehicle. The existing access is likely to constitute a Public Right of Way, and the proposed new access would restrict access to the allotment gardens.
- The allotment gardens are used regularly by residents of Cricket Close for recreation purposes, and to carry out low-level maintenance to ensure there is no encroachment by weeds onto their gardens. Any lack of access to the allotment gardens would relegate the area to wasteland, and would affect the integrity of this area and the houses adjoining it.
- The new access would affect the existing driveway to 11 Cricket Close. Access is afforded to the occupiers of 11 Cricket Close in their deeds, across the land where the new access is proposed. Also, without maintenance of this land by the occupiers of 11 Cricket Close, the outlook from neighbouring properties in the Close will be adversely affected.

- The proposed new access gates would restrict access by the emergency services to the allotment gardens and the area of open land beyond. There should be safe and easy access in the event of a fire.
- The proposed new access gate would create the impression of enclosure as opposed to the current impression of access to the urban green-fringe. It would appear more suited to an industrial estate.
- The loss of hedgerow to create the new access would destroy wildlife habitat, and the hedgerow may be the subject of a Preservation Order. Also, it is not clear who owns the hedge and permission may be required from the owners of the allotment gardens to create a new access through the hedge to their land.

Determining Issues

- Impact on the allotment gardens
- Design, and impact of the proposal on the character of the area
- Impact of the proposal on the amenity of neighbours
- Impact on highway safety, and parking
- Loss of hedgerow
- Impact on the public sewer, and drainage

Observations

Impact on the allotment gardens

Although the allotment gardens are no longer in use the land is designated urban open space, and it is important that its potential to function as such is not adversely affected by the proposed development.

The proposed development would close the existing access to the allotment gardens between 1 and 3 Cricket Close creating a new access off the turning head of Cricket Close. The Council's Transportation officers do not object to the proposed new access, and the accessibility of the allotment gardens would not be adversely affected provided the new access is made available for use prior to closing the existing access; this could be a condition of granting planning permission.

Residents of Cricket Close have indicated that they use the allotment gardens for leisure and recreation purposes, and the applicant is required by the terms of his freehold to allow public access to the allotment gardens at all times. They suggest that the access may have accrued Public Right of Way status, and are concerned that although the existing access to the allotment gardens is not gated, allowing public access, the proposed new access would be gated, restricting such access.

The existing access to the allotment gardens is not currently recognised as a statutory Public Right of Way and the Local Highways Authority has advised that it is unlikely to be so. An application to have it formally recognised as such has been invited, but to date none has been received. The suggestion alone that it may have accrued rights cannot itself be a determining issue as to the acceptability or otherwise of the proposed scheme. As the allotment gardens are privately owned, notwithstanding its designation as urban open space the extent to which the public are allowed access onto this land is a matter for the landowner and the Local Highways Authority who consider such claims under separate legislation.

Residents are also concerned that the proposed gated access to the allotment gardens would restrict access by the emergency services. West Midlands Fire and Police Services have no objections to the proposed access, and the Police Architectural Liaison Officer has advised that the gates should be secured to reduce the potential for the allotment gardens to be the target of criminal activity.

Design, and impact of the proposal on the character of the area

Residents of Cricket Close have expressed concern at the design of the proposed dwelling, in particular the view that it would appear cramped and not in keeping with the character of the Close.

Following discussions with the applicant's agent, amendments to the design of the dwelling have been made addressing these concerns. The proposed dwelling, as amended, would appear similar in size and design to neighbouring dwellings with a gable end fronting onto Cricket Close. The front elevation would respect the stepped building line of the Close, with a canopy across the ground floor similar in design to existing neighbouring dwellings. It is considered that there would be adequate spacing between the proposed dwelling and the existing neighbouring dwellings, 1 and 3 Cricket Close, with a clear association with 3 Cricket Close which is most similar in design.

A condition of granting planning permission would require details of the facing brickwork and roof tiles to be used to construct the dwelling to be approved by the Council prior to their use on site, to ensure the satisfactory appearance of the dwelling.

Residents are concerned at the amount of hard-surfacing on the frontage, and the lack of planting. A number of neighbouring dwellings have predominantly hard-surfaced frontages. The applicant proposes some planting which would soften the visual impact of the hard-surfacing. The Council's Landscape Officer does not object to the proposal, and a condition of granting planning permission could require details of hard and soft landscaping to be approved by the Council and implemented before the dwelling is brought into use, to ensure the satisfactory appearance of the frontage.

Residents are also concerned that the proposed new access gates are not appropriate to a residential area, and that the loss of some hedgerow would affect the visual amenity of residents. The amount of hedgerow that would be lost is considered small, and the proposed new access gates would be similar in height to the existing hedge. A condition of granting planning permission would require details of the finish to be approved by the Council prior to the gates being installed.

Impact of the proposal on the amenity of neighbours

Residents are concerned the proposed dwelling would result in a loss of outlook and privacy to neighbouring dwellings, and would have an overbearing, overshadowing impact.

There would be a ground floor habitable room window in the side elevation facing 1 Cricket Close, but this would be a secondary window facing a blank gable wall with limited potential for overlooking, and is considered acceptable. There would be a minimum 22m separation between the windows in the front elevations of the proposed dwelling and 14 Cricket Close opposite, 2m less than the Council's standard, but no less than is typical between the existing dwellings in the Close. Otherwise the proposed dwelling would comply with all of the Council's residential design standards including the 45° Code with limited overshadowing or potential for loss of privacy.

The proposed garden space would exceed the Council's minimum standards, and new fencing would be erected along the boundary with the allotment gardens to match the existing fencing along the boundaries with 1 and 3 Cricket close. A condition of granting planning permission would require this fencing to be erected before the dwelling is occupied, to ensure a satisfactory residential environment.

Impact on highway safety, and parking

Residents are concerned the amount of off-street parking is insufficient to serve the needs of the proposed dwelling leading to an increase in on-street parking, adding to congestion in the Close to the detriment of highway safety.

Space for two parked cars is proposed on the frontage to the dwelling. This is the maximum standard for two bedroom dwellings as set out under saved policy T13 of the Council's Unitary Development Plan. Transportation officers confirm no objection to the proposal as the off-street parking proposed is considered appropriate to serve the needs of the dwelling.

Residents are concerned that the location of the proposed access to the allotment gardens would increase vehicular traffic through the Close to the detriment of highway safety and the safety of children playing in the Close.

Transportation officers have not objected to the proposed new access. Should the allotment gardens be brought back into use, it is unlikely that there would

be a significant increase in the amount of traffic using the Close. Any proposal to redevelop the allotment gardens for a different use would be the subject of a separate planning application process in which the suitability of the access would be a consideration.

The occupier of 11 Cricket Close has indicated that he is afforded a right of access across the land proposed as the new access to the allotment gardens. The layout of the new access would not obstruct access to 11 Cricket Close, and any dispute regarding the right to access 11 Cricket Close across the land in question is a private matter.

Impact on wildlife

Residents are concerned the proposed new access to the allotment gardens results in the loss of hedgerow which is wildlife habitat and may not be owned by the applicant, and may be the subject of a Preservation Order.

The applicant has confirmed that the hedgerow is in his ownership, and the Council's records show that the hedgerow is not protected by a Preservation Order. The amount of hedgerow that would be lost is considered small, with limited loss of wildlife habitat.

Impact on the public sewer, and drainage

Residents have queried if it is possible to build the proposed dwelling over the public sewer which crosses the application site.

Severn Trent Water have confirmed there is a public sewer crossing the site, and have advised that permission would not be granted to build over this. The applicant has been made aware of this, but has requested that the planning application still be considered. Planning permission would not be refused on this basis as there is a separate procedure to be followed to gain permission to build over a public sewer. If planning permission is granted, a note to the applicant would re-iterate that permission to build over the sewer would need to be given by Severn Trent before development could commence.

Concerns have also been raised that the hard-surface driveway would contribute to surface water run-off, and Building Control officers have cautioned that the proposed storm water soak-away would not function as such because the area is heavy clay. A requirement to use porous materials could overcome the first concern, whilst Building Control officers have confirmed that a suitable alternative method for discharging storm water could be agreed at the Building Regulations approval stage.

Summary of Reasons for Granting Planning Permission

The proposed development of the existing access to the allotment gardens to the south of Cricket Close would not adversely affect the allotment gardens as

a new access would be provided which would be acceptable in highway safety terms. The proposed new access gates would secure privately owned land and would not affect a recognised Public Right of Way with limited visual impact or loss of wildlife habitat.

The proposed dwelling would appear similar in size, design and layout to neighbouring dwellings and would respect the existing building line with no harm to the character of Cricket Close. There would be limited loss of outlook or overlooking to neighbouring dwellings and adequate off-street parking to meet the needs of the development would be provided with no harm to highway safety. A separate permission to build over the public sewer would need to be given by the relevant Water Company.

Therefore the proposal accords with the aims and objectives of policies HOU2, ENV2 and ENV6 of the Black Country Joint Core Strategy, saved policies GP2, ENV32, T13 and LC1 of the Walsall Unitary Development Plan, policy DW3 and Appendix E of the Supplementary Planning Document "Designing Walsall", policy QE3 of the Regional Spatial Strategy for the West Midlands, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation.

Recommendation: Grant Permission Subject to Conditions

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

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

2: Prior to development of the dwelling commencing, a new access to the allotment gardens shall have been laid out as shown on Dwg. No: 883-07. The new access shall be retained and available for use at all times thereafter.

Reason: To ensure the development does not adversely affect accessibility to the allotment gardens.

3: Prior to development of the new access commencing, details of the finish to be applied to the new access gates shall be submitted to and approved in writing by the local planning authority. The gates shall be finished as agreed and retained thereafter.

Reason: To ensure the satisfactory appearance of the new access gates.

4: Prior to development of the dwelling commencing, details of the facing materials to be used in the construction of the walls and roof of the dwelling shall be submitted to and agreed in writing by the local planning authority. The agreed facing materials shall be used in the construction of the dwelling and retained thereafter.

Reason: To ensure the satisfactory appearance of the dwelling.

5: Prior to development of the dwelling commencing, details of the hard and soft landscaping, including boundary treatment and the materials to be used in constructing the parking spaces, shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be implemented before the dwelling is occupied.

Reason: To ensure the satisfactory appearance of the development, to ensure a satisfactory residential amenity for the occupiers of the dwelling, and to ensure surface water run-off is adequately drained within the site.

NOTES TO APPLICANT

- 1) There is a public sewer running through the site of the proposed dwelling. Permission will need to be given by the relevant Water Company to build over this sewer before development can commence.
- 2) The gates affording access to the allotments should be secured by means of a good quality lock or padlock that is 'Sold Secure' approved for additional security. The lock should be encased to provide additional security and to remove the opportunity for tools to be used to attack it. It should also be ensured that there are no gaps between the gate posts and the adjacent hedge which would allow unrestricted access to the allotments.
- 3) As minimum levels of security all external doors should conform to PAS24 and windows should conform to BS7950 and the performance standard relative to the material of their construction. Consideration should be given to installing an intruder alarm as an additional security measure at the build stage. Also, utility meters should be located on the outside of the building as close to the front as possible to negate the need to enter the premises to access the meters, and illumination should be installed to the rear to provide reassurance to occupants and to deter criminal activity.
- 4) There should be no unrestricted access from the front to the rear of the property. If access is required a robust lockable gate that is a minimum of 1.8m in height should be installed at the front building line. If access

is not required 1.8m close board or panel fencing that is topped with 0.3m trellis should be installed.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011

Reason for bringing to committee: Disposal of Council Land

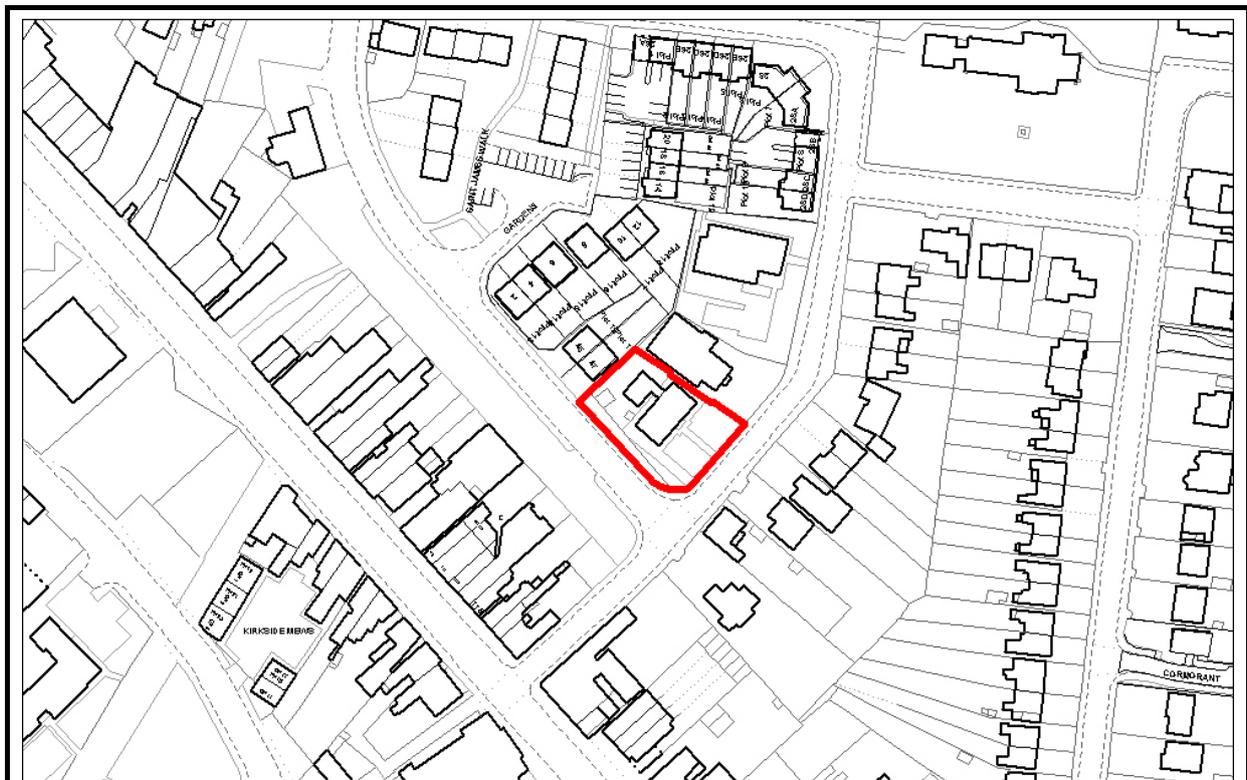
Application Number: 10/1648/FL
Application Type: Full application

Applicant: Mr Tahir Yaqub
Proposal: Erection of two, three bedroom detached houses.

Ward: Brownhills

Case Officer: Stuart Crossen
Telephone Number: 01922 652420
Email:planningservices@walsall.gov.uk
Agent: DJ Design
Location: BROWNHILLS LIBRARY,
BRICKILN STREET, BROWNHILLS,
WALSALL, WS8 6AU
Expired Date: 12/04/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application is for demolition of the former library at the junction of Short Street and Brickiln Street, Brownhills and erection of 2 x 3 bed, traditionally designed, detached houses.

The houses would be of the same design having side gable roofs, 4.8 metres to the eaves and 8.3 metres to the pitch. The two storey part of the houses would be 11 metres deep and would have single storey front projections with hipped roofs to provide a 1 metre deep box bay, 1.8 metre deep porch and garage projection. The habitable room windows would be located on the front and rear elevations, first floor side elevation windows would serve the en-suite and landing area. The houses would each have two car parking spaces, each within the curtilage of the site.

The site lies to the rear of properties on High Street, Brownhills, just beyond the primary shopping area of the Brownhills District Centre. There is a single storey church building to the north, two storey dwellings opposite in Brickiln Street and adjoining the north-west boundary along Short Street, a veterinary surgery premises opposite the junction of Short Street and Brickiln Street and a public car park in Short Street that runs parallel with the rear of the High Street shops. There is also an MEB sub station adjoining the north-west boundary of the site in Short Street. There are double yellow lines on street around the perimeter of the site. Brickiln Street is predominantly housing, including traditional and 1960's semi-detached and traditional detached with hipped and gable roofs and front gardens.

The proposed houses would be angled away from the neighbouring Church and would be staggered, the nearest house to the church is to the North and would be in line with the front elevation, the other house would be on the corner of Short Street and Brickiln Street and would be further forward. Number 47 Short Street is the nearest house, at the rear of the application site, the side elevation of which has a first floor window serving the bathroom which would face the rear elevation of the proposed corner house over 15 metres away.

The site is rectangular and has a frontage of 24m to Brickiln Street and 36m to Short Street, giving a site area of 885m² (0.08 hectares). The proposals would provide a density of 25 dwellings per hectare.

The site is currently owned by the Council. The former library has been moved into the Park View Centre, Chester Road North just beyond the High Street, Brownhills, in a sustainable location. In the circumstances, the proposals to redevelop the site for residential purposes do not involve loss of a local community facility as this has been replaced elsewhere and the principle of redevelopment complies with Policy LC8. In light of this a Development Brief for redevelopment of this former library site has been prepared by the Council encouraging a high quality residential scheme by development of houses or flats/apartments, 2 or 3 bed units and between 2

and 4 dwellings. Policies GP4 and ENV14 also encourage local area regeneration by helping to bring forward derelict, vacant or underused land and buildings for new uses. The principle of redevelopment of the site by a development of houses is therefore acceptable and did not form part of the reason for refusal of application 08/0517/FL.

A Design & Access Statement explaining how the layout, scale and appearance of the proposed building, respects the surrounding context. It also discusses the proposed screening of the sub-station at the rear of the site and availability of parking, access and landscaping.

Relevant Planning History

08/0517/FL, erection of 4 x 3 bed terraced houses, 1 x 1 bed apartment, 1 x 2 bed apartment, associated parking and new vehicle access onto Short Street. Refused 28-08-08 for the following reasons:

- out of keeping with the surrounding properties and character of the street scene.
- scale and massing of the building
- the design fails to provide adequate surveillance of the street scene due to the lack of facing windows and recessed elevations
- a building design that inappropriately addresses the junction.

For these reasons the proposals do not make a positive contribution to the quality of the environment or create a high quality living environment that is well integrated with surrounding land uses and local character to the detriment of the visual quality of the townscape. It also fails to properly take account of the surrounding context, maximising surveillance and designing out crime.

design and layout of the buildings creates an unsatisfactory relationship between the proposed properties due to the:

- potential for overlooking from the first floor rear terraces of plots 1-4;
- potential overshadowing of ground floor windows by the first floor terraces;
- poor quality shared private amenity space for the apartments due to overlooking from adjacent properties and proximity to the vehicular access;
- proximity between bedrooms and kitchens within different plots leading to potential for noise and disturbance.

08/1914/FL, Erection of 5 x 3 bed terraced houses, parking and new vehicle access into Short Street. Granted Subject to Conditions 22-05-09

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

(Note the full text version of the Joint Core Strategy and UDP are available from Planning Services Reception and on the Planning Services Website)

Joint Core Strategy

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.

2a: Seeks to create a network of cohesive, healthy and prosperous communities, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CSP3: Development proposals need to demonstrate that the environmental infrastructure will be protected, enhanced and expanded at every opportunity. This includes open space, areas of importance for biodiversity and areas and buildings of high design quality.

CSP4: A high quality of design of the built and natural environment is required.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. Developments should achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

ENV2: Development should preserve and enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

Saved policies of Walsall Unitary Development Plan (UDP)

Unitary Development Plan

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

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

GP5: Ensure the needs of all sections of community are properly taken into account.

GP6: Developments to which the public will have access will only be permitted if designed to provide good access for disabled people.

GP7, ENV32, and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

Designing out crime’ through design, layout, landscaping and boundary treatments is encouraged.

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

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

H3: Encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: car parking standards

1, 2 and 3 bedroom houses - 2 spaces per unit

Designing Walsall SPD

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

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

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

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

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

National Policy

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

PPS3 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.

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

Other relevant policies include PPS24 Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No objections in principle to the current proposal subject to conditions relating to visibility, layout and access;

Estates – No Comments

Pollution Control (Scientific Team) – No objections subject to a condition limiting when development can take place.

Pollution Control (Contaminated Land) – No objections subject to conditions requiring a site survey to identify any potential hazardous materials.

Environmental Health – No objections

Landscape – No objections, detailed landscaping required.

Fire Service – No objections.

West Midlands Police – No objections however crime prevention is not mentioned in the design and access statement. The layout of the buildings provides good levels of surveillance of both the front and rear of the properties.

Public Participation Responses

An email has been received in support of the application.

Determining Issues

- Design and Impact on the Character of the Area
- Relationship to surrounding properties
- Security Access and Parking

Observations

Design and Impact on the Character of the Area

The design of the houses is similar to other detached properties in Brickiln Street and subject to the use of suitable materials which can be conditioned, the design is considered acceptable.

The houses would face Brickiln Street and would have two front parking spaces per house with access onto Brickiln Street. The corner house would not sit forward of the front elevation of number 47 Short Street to the rear and there would be a 6 metre gap to the back of pavement. The houses would be in keeping with the existing character of Brickiln Street which has a mix of

detached and semi-detached houses, and is considered would have little impact on the character of the area.

Landscape details are considered important in protecting the character of the area which is defined by houses with front gardens, no such details have been provided, these details can be sought by condition.

Relationship to surrounding properties

The application proposes two detached houses which are proportionally similar to other nearby houses. The proposed houses are staggered in relation to one another, the house to the north is set further back, and would have little impact on light to the rear of the other house and accord with the Councils 45 degree code.

The nearest existing house to the proposal is number 47 Short Street, the side elevation has a first floor bathroom window which would be over 15 metres from the rear elevation of the southern house which it would directly face. The proposal would not impact on any habitable room windows at number 47 and is considered would not result in significant loss of light or overlooking.

The proposed side facing windows serve non-habitable rooms and would not result in overlooking to neighbouring houses.

Access and Parking

The proposal is considered to have sufficient parking provision for a 3 bedroom house and subject to the parking area being hard surfaced with suitable access visibility splays is considered acceptable.

Summary of Reasons for Granting Planning Permission

The design of the houses is similar to other detached properties in Brickiln Street and the design is considered acceptable. The houses would face Brickiln Street and have two front parking spaces per house with access onto Brickiln Street. The corner house would not sit forward of the front elevation of number 47 Short Street to the rear and there would be a 6 metre gap to the back of pavement. The houses would be in keeping with the existing character of Brickiln Street which has a mix of detached and semi-detached houses, and is considered would have little impact on the character of the area.

The proposed houses are staggered in relation to one another, the house to the north is set further back, but being to the north would have little impact on light to the rear of the other house. The nearest existing house to the proposal is number 47 Short Street, the side elevation has a first floor bathroom window which would be over 15 metres from the rear elevation of the southern house which it would directly face. The proposal would not impact on

any habitable room windows at number 47 and is considered would not result in significant loss of light or overlooking.

The proposed side facing windows serve non-habitable rooms and would not result in overlooking to neighbouring houses.

The proposal is considered to have sufficient parking provision for a 3 bedroom house.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP2, CSP3, CSP4, HOU2, ENV2 and ENV3 of the Black Country Joint Core Strategy and saved policies, GP5, GP6, 3.6, 3.7, ENV32, ENV33, ENV40, 3.116, 3.117, 6.3, H3, T13, of Walsall Unitary Development Plan and policy DW 1, DW3, DW6, DW 9, DW 10 of Supplementary Planning Document: Designing Walsall.

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.
 - i) Prior to demolition of the existing structure a survey shall be undertaken to determine the presence of and safe removal of any asbestos containing removal.
 - ii) Prior to demolition of the existing structure a report detailing the findings of the survey required by section i) of this condition a method statement and validation of the safe removal of asbestos containing material shall be submitted to and accepted in writing by the Local Planning Authority.

Reason: To ensure safe development of the site and to protect human health and the environment.

3. Prior to any demolition or construction operations and activities commencing, a method statement shall be agreed in writing with the local planning authority for the purposes of controlling grit, dust and fume. The agreed method statement shall be implemented and thereafter maintained throughout the duration of these operations and activities.

Reason: In the interests of the amenity of the surrounding residents of the proposed development.

4. Prior to the commencement of the development, a plan shall be submitted for approval in writing by the Local Planning Authority showing:-

- i) the proposed driveway layouts on the plot frontages together with the vehicle access points onto Brickiln Street,
- ii) a 2.0 metre x 25 metre visibility splay in a southerly direction at the access point of the southerly plot which shall follow the kerb line around the corner into Short Street. This splay shall be kept free of structures and planting exceeding 600mm in height above ground level.

the approved details shall be implemented and retained thereafter.

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

- 5.
- i) Prior to built development commencing a site investigation and ground contamination survey, having regard to current best practice shall be undertaken. (see Note for Applicant CL1).
 - ii) Prior to built development commencing a copy of the findings of the site investigation and ground contamination survey, together with an assessment of the hazards arising from any land contamination shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2).
 - iii) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2).
 - iv) The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
 - v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the “Remediation Statement” required by part (iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).

Reason: To ensure safe development of the site and to protect human health and the environment.

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

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

7. Prior to development a schedule of facing materials to be used in external walls, external surfacing and roofs and roofs will be submitted and approved in writing by the Local Planning Authority, the approved details shall be implemented and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

8. Prior to the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented within 12 months of the development completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to define the permission and to safeguard the visual amenity of the conservation area, green belt and natural environment of the site and the immediate vicinity.

9. Prior to the first occupation of the development, all driveways and vehicle hardstanding areas shown on the approved plan shall be fully consolidated, hard surfaced and suitably drained and these areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion of the development.

10. Prior to the first occupation of the development, the proposed vehicular footway crossings in Brickiln Street shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion of the development and to meet the requirements of the Highways Act 1980.

11. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: In the interests of the amenity of the surrounding residents of the proposed development.

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

- Location Plan received 10/12/10
- Existing and Proposed Site Plan received 14/02/11
- Proposed Plans and Elevations Drawing Number DJD/1069 received 10/12/10
- Design & Access Statement received 10/12/10
- Existing Site Plan and Proposed Parking Layout received 17/03/11

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

Notes for Applicant

The Police have advised:

- the development should meet Secure by Design standards
- the perimeter fence shall be a 1.8m high close board fence topped with a 0.3m high trellis
- the gates affording access to the rear of the properties should be of robust construction with no climbing aid and be lockable at the front building line
- utility metres should be located outside of the buildings to negate the need to enter the property access the metres
- good levels of illumination should be installed.

In Relation to Contaminated Land, Pollution Control have Advised

CL1

Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice";

British Standard BS5930: 1999 “Code of practice for site investigations”; or any relevant successors of such guidance. You are strongly advised to

consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority.

For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.



Plans List Item No: 11.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011

Reason for bringing to committee: Significant community interest

Application Number: 11/0171/FL

Application Type: Full application

Applicant: Design Project Management

Proposal: Change of use from offices to temporary public library for a 24 month period.

Ward: Pelsall

Case Officer: Andrew White

Telephone Number: 01922 652429

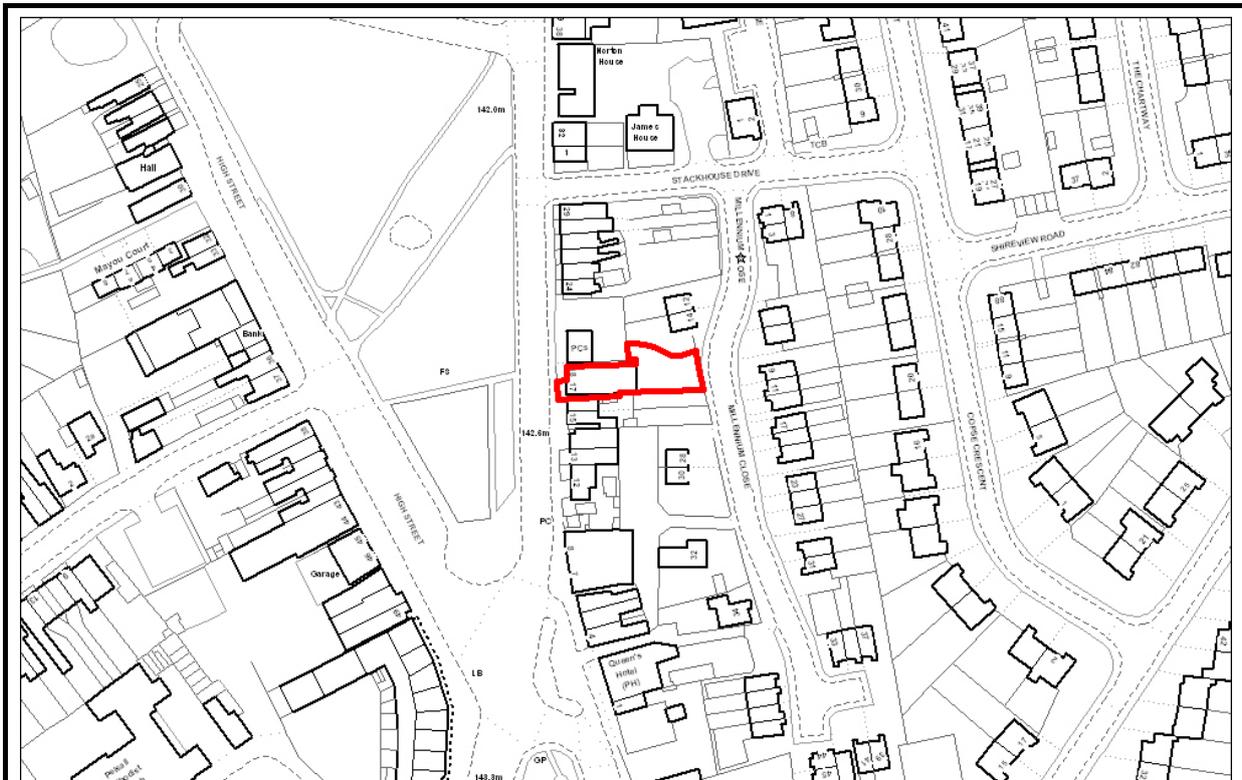
Email: planningservices@walsall.gov.uk

Agent: Property Services

Location: 17 NORTON ROAD,
PELSALL, WS3 4AY

Expired Date: 08/04/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and site details

The proposal is for a two-year temporary relocation of the library to this former Social Services office in Norton Road. This is to facilitate the redevelopment of the current library site (10/0652/FL) providing a new two storey building for a new library, children's centre, health centre (including 4 G.P surgeries) pharmacy, ancillary accommodation and 65 parking spaces on High Street.

The application property is a two-storey Victorian terrace building, fronting Norton Road within Pelsall Common beyond. The property is within Pelsall local centre and Pelsall Common conservation area sitting between public toilets and a butchers shop. At the rear of the property there is a single-storey modern addition and there is a hard surfaced area for parking. Vehicular access is via Millennium Close. The applicant confirms the following;

- there would be no external changes to the building,
- there would be three to four employees at the library,
- there would be a maximum of four staff on site at any one time,
- staff can drive to the library,
- there are 7 car parking spaces including one for people with disabilities at the rear of the building for staff and customers
- the offices were formally used for Social Services with customers coming to the site.

Relevant Planning History

The existing library site

10/0652/FL Demolition of existing library and GP surgery and the construction of a two story building to provide new library, children's centre, health centre (including four GPs), pharmacy, ancillary accommodation and 65 parking spaces. Grant subject to conditions 23-08-10.

The current application site

BD16812C- Change of use to Neighbourhood housing offices. Granted 20th November 1980

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning). The current version of the Black Country Core Strategy and associated appendices can be accessed at http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

The Vision: consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities

We will create a network of cohesive, healthy and prosperous communities across the Black Country, with equal access to a range of quality community services and an integrated transport network which reduces the need to travel

by car, to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation.

2. Environmental Transformation

We will create a step change in the image and environmental quality of the Black Country to underpin social and economic transformation. This will involve delivering high quality, liveable and distinctive places.

3. Economic Prosperity

We will make the most of the Black Country's accessibility and location to attract new employment opportunities and investment, deliver a network of successful strategic, town, district and local centres and the infrastructure to support the local economy, improve the wealth and image, support initiatives to lift educational and skills performance.

CEN5: Provide particularly for day-to-day local service needs.

ENV2: Environmental transformation is one of the underpinning themes of the Vision which requires a coordinated approach to the protection and enhancement of the built and natural environment. The protection and promotion of the historic character and the areas local distinctiveness is a key element of transformation.

Saved Policies of Walsall's Unitary Development Plan (2005)

GP2: Seeks to ensure all development makes a positive contribution to the quality of the environment. Considerations to be taken into account in the assessment of development proposals include:

vi. The adequacy of parking facilities

3.6: Development should help to improve the environment of the Borough.

ENV32 and 3.16: Consider development in relation to its setting with reference to the character and quality of the existing local environment.

S1: Town centre uses include public service, cultural, community and health facilities.

S2: The Local centres, day to day local service needs of their communities.

S5: Retention, enhancement and further development of shops service and other town centre uses will be encouraged.

LC8: Proposals involving the loss of local community facilities, will only be permitted if it can be demonstrated that a replacement facility could be provided in an equally or more convenient location.

T7: says all development should satisfy the car parking standards set out in Policy T13.

T13: Other community facilities - 1 space per 22msq of gross floor-space and 1 bike stand for every car parking space.

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010. The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal

challenge. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise. However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PPS 1: Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

PPS 5: Planning has a central role in conserving heritage assets and utilising the historic environment in creating sustainable places. Whilst conserving the historic environment and heritage assets account should also be taken of the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

PPG13: Promotes sustainable patterns of development which reduce the need to travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

Consultations

Transportation: No objections subject to a condition to layout the car park

Conservation Officer: No objections to the proposal

Fire officer: No objection

Public Participation Responses

Five objection letters received raising the following issues;

- parking
- is the car park for staff and customers
- In-discriminate parking in the street blocking the footway
- increased noise and traffic and crowded street
- Stackhouse Drive used by shoppers (*outside of the scope of this application*)
- Highway safety leaving Millennium Close (*outside of the scope of this application*)
- keep the rear of the property tidy, clean, weeded, litter free
- How many staff

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

-since social services left the area is quieter

Determining Issues

Use

Parking

Impact on the conservation area and surrounding occupiers

Observations

Use

The temporary use of this building for the library would facilitate would assist the redevelopment of the current site for the new library, children's centre, health centre (including four GPs), pharmacy and ancillary accommodation on High Street. This allows the existing GPs at the high-street location to continue to provide a level of service whilst maintaining on-site parking as accepted by the 10 March planning committee. It is also considered the reuse of a vacant building within the local centre and the conservation area would provide a positive contribution to the immediate locality. Issues regarding the tidiness of the rear of the site are a matter for the ongoing management of the property. The residents concerns have been forwarded to the libraries service.

Parking

The building is within the local centre that has access to a range of alternative modes of transport and public parking spaces of street. Based on the location of the property and subject to the rear car park be formally laid out (delivered through a condition), the level of parking for staff and users of the library would be satisfactory. Indiscriminate on street parking by users of the local centre and the previous occupier are a matter for the police and the council's parking wardens.

Impact on the Conservation area

The proposed temporary library use would have no adverse impact on the character or appearance of the Pelsall Common Conservation Area.

Summary of Reasons for Granting Planning Permission

The temporary use of this building for the library facilitates the redevelopment of the existing library site for a library, children's centre, health centre (including four GPs), pharmacy and ancillary accommodation on High Street, allowing the existing on site GPs to provide a level of service. The reuse of this vacant building within the local centre and the conservation area provides a positive contribution to the immediate locality. Tidiness of the rear of the site is a matter for the ongoing libraries service management of the property. The building is within the local centre that people have access to a range of alternative modes of transport and public parking spaces. Based on this and subject to the rear car park be formally laid out, the level of parking for staff and customers is satisfactory. Indiscriminate on street parking by users of the

local centre and the previous occupier are a matter for the police and the council's parking wardens.

The proposed temporary library use would have no adverse impact on the character or appearance of the Pelsall Common Conservation Area.

The proposed development is considered to accord with the aims and objectives of the Black Country Joint Core Strategy in particular policies CEN5 and ENV2 plus the aims and objectives of the development plan, in particular the saved policies GP2, 3.6, ENV32, 3.16, S1, S2, S5, LC8, T7 and T13 of Walsall's Unitary Development Plan (2005) and National Planning Guidance PPS1: Delivering Sustainable Development, PPG13 Transport and PPS5 Planning for the Historic Environment.

Recommendation: Grant Permission Subject to Conditions

1. The use hereby permitted shall cease no later than 31st March 2013 and the site shall be left in a neat and tidy condition, unless a further planning application for the continued use or the removal of this condition has been approved by the Local Planning Authority.

Reason: In order to give the Local Planning Authority an opportunity of assessing the impact of the development and to ensure that the use does not prejudice the future redevelopment of this and any adjoining sites.

2. Notwithstanding the details provided and prior to the development first coming into use, five car parking spaces measuring 2.4 metres x 4.8 metres including 1 disabled space shall be clearly demarcated on the ground in the rear car park. These spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory operation of the development and in accordance with Policy T7 (e) and T13.

3. This development hereby permitted shall be carried out in accordance with the following approved plans and documents: -

- Location Plan NR001 received 9/2/11
- Block Plan NR003 received 11/2/11
- Existing & Proposed Floor Layout NR002 received 9/2/11

Reason: For the avoidance of doubt and in the interests of proper planning.



Plans List Item No: 12.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011

Reason for bringing to committee: Called in by Councillor Longhi

Application Number: 10/1704/FL
Application Type: Full application

Applicant: Mrs Carol Tibbott

Proposal: Single storey rear extension,
new roof over, and modifications to the
existing single storey side extension.

Ward: Pelsall

Case Officer: Stuart Crossen

Telephone Number: 01922 652420

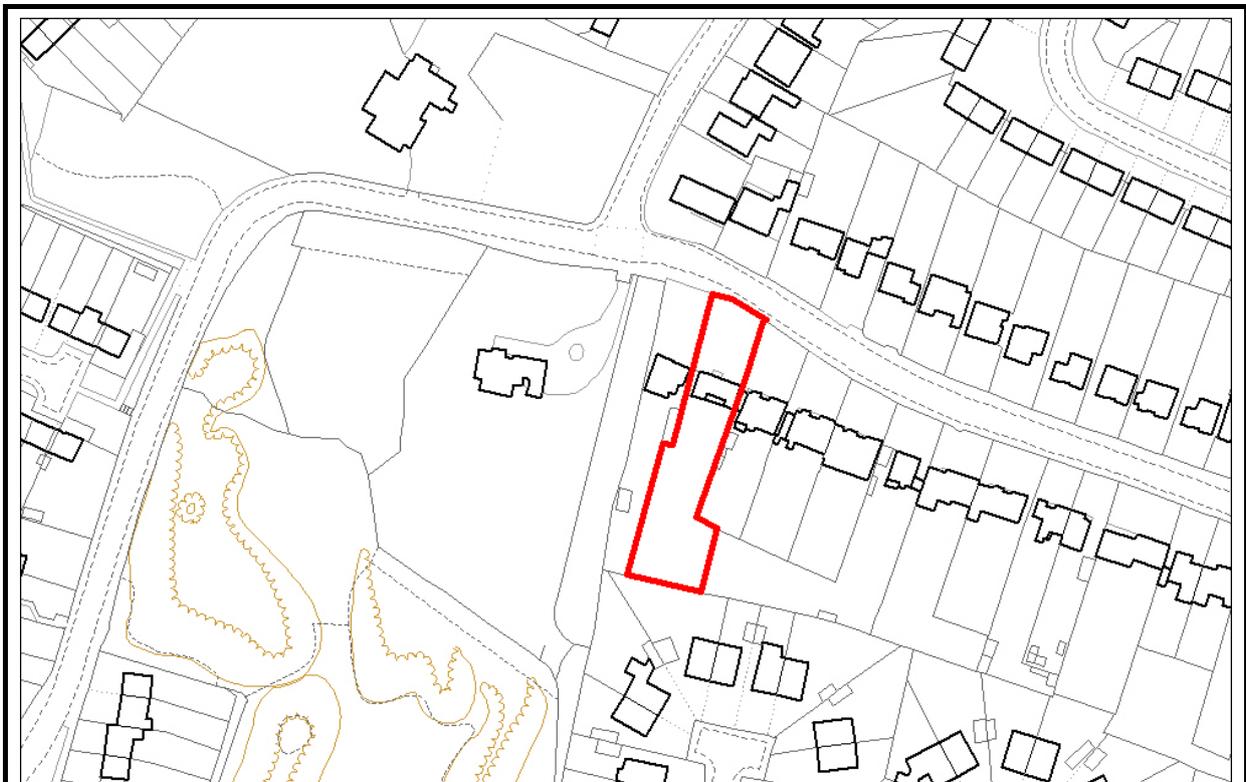
Email: planningservices@walsall.gov.uk

Agent: Field Building Design
Partnership

Location: 69 HALL LANE, PELSALL,
WS3 4JN

Expired Date: 10/03/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Status

Councillor Longhi's reasons for bringing the application before Committee are the impact on the character of the area, the impact on neighbouring amenities and overdevelopment

Application and Site Details

The proposal has been substantially amended since the original plans were submitted in response to neighbour concerns, including the omission of a first floor side extension.

The application is a resubmission which proposes a single storey rear extension and a hipped roof over the existing flat roof side extension. The application house is within a row of traditionally styled detached two storey houses and bungalows set back from a busy road.

The application house has a hipped main roof and has been previously extended with a flat roof single storey side extension and to the rear a part two storey rear extension with catslide roof and a conservatory.

The new roof is proposed to replace the existing flat roof on the side extension which would reduce the height of this extension along the shared boundary to number 67 by 800mm. A single storey rear extension is proposed which would replace the existing conservatory and would project 4.1 metres from the original rear elevation, 2.2 metres further than the existing ground floor rear extensions and would extend up to the shared boundary with number 67.

Number 67 is a dormer bungalow with box dormer to the rear and is the nearest house to the proposed first floor extension. The main rear elevation of number 67 extends 4.2 metres further back than the application house, a garage attached to number 67 separates this house from the application house by approximately 1.8 metres. Number 67 has been extended to the rear with a flat roof single storey extension to the kitchen with a large rear facing window. The side elevation of number 67 facing the application house has a kitchen window which is 1.8 metres away from the shared boundary with the application house which is defined by a 1.8 metre fence.

Number 69a is the other neighbouring detached house, the rear elevation of which extends 3.1 metres further back than the main rear elevation of the application house. There is a 3 metre gap between number 69a and the application house, the shared boundary is defined by established planting and a 1.8 metre fence.

The rear garden of the application house is over 50 metres deep with established trees defining the rear boundary to the rear gardens of houses on Torway.

The application house is set well back from the road and has a driveway large enough to accommodate at least four car parking spaces.

The applicant has submitted a bat survey.

Relevant Planning History

10/1133/FL - First floor side extension and part single storey and part two storey rear extension at 69 Hall Lane, Pelsall – Refused 08/11/10

1. The proposed first floor side extension to be built in line with the original front elevation up to the neighbouring boundary would integrate poorly with the original house and would have an unbalancing effect which would detract from the original symmetrical character of the house. The loss of the gap at first floor up to the boundary with number 67 was considered would have a significant detrimental impact on the character of the area.
2. The proposed ground floor extension to the rear would be sited 1.8 metres away from the kitchen window at number 67 which provides a significant amount of light due to its location half way down a long kitchen, the combined effect of the 1st floor extension and ground floor rear extension along this boundary would have an overbearing impact and would result in a significant loss of light to this kitchen window.

Relevant Planning Policy Summary

Core Strategy Policies

(note the full text version of the JCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

Joint Core Strategy (JCS)

The JCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain saved policies in the UDP

The Core Strategy states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing. Policy HOU2 states that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. Detailed guidance on the application of this policy in local areas is or will be provided through individual local authority Supplementary Planning Documents.

Policy ENV2 states that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country.

Saved Policies of Walsall's Unitary Development Plan 2005

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- On a visually prominent site.
- Areas with a special character arising from the homogeneity of existing development in the neighbourhood.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.
- The proposed vehicular and pedestrian circulation patterns.
- The integration of existing natural and built features of value.
- The maintenance requirements of the development.

Supplementary Planning Documents

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

Conserving Walsall's Natural Environment

Provides guidance on development which may adversely affect trees, important species and habitats.

National Policies

PLANNING POLICY STATEMENT 1

Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

Consultees

Natural Environment, Ecology – No objections to the revised scheme or requirement for a bat survey.

Natural Environment, Trees – No objections

Public Participation Responses

The owner of number 67 objected to the original proposal which included a first floor extension on the following grounds:

- the proposal represents gross overdevelopment,
- would have an overbearing impact,
- be incongruous in the street scene,
- out of character with the area,
- result in a loss of privacy,
- create overlooking.
- the accuracy of the plans which are considered do not truly reflect the situation on site.

Following amended plans the owner of number 67 objected to substantial inaccuracies with the plans. These issues were raised with the agent and a further amended plan has been received which is considered to be an accurate representation of the application house and proposal.

Determining Issues

Whether the application overcomes the previous reason for result and:

- Design of Extension and Impact on Character of Area
- Impact on Amenity of Nearby Residents

Observations

Design of Extension and Impact on Character of Area

Only the hipped roof would be visible from the street and this design is considered to provide a significant improvement over the existing flat roof, integrating with the original house, having a positive impact on the character of the area.

The changes to the design of the proposal are considered to overcome one of the previous reasons for refusal.

Impact on Amenity of Nearby Residents

In relation to number 67 the ground floor part would not project beyond the ground floor rear extension at number 67. The proposed ground floor extension would be 2.5 metres from the secondary kitchen window of number 67, this window is not the largest window serving the kitchen, but does provide a significant amount of light due to its location half way down the kitchen, which is deep and narrow. It is considered that the gap between the proposed ground floor extension and this window. In addition, the omission of the previous proposal for first floor side extension would allow adequate light to this window and would not have an overbearing impact, overcoming one of the previous reasons for refusal

The neighbour at number 67 has also objected to the proposal on the grounds that it would create overlooking. No side elevation windows are proposed and it is considered there would be no more potential for overlooking from the proposed rear elevation windows than is already the case from the existing rear elevation windows.

In relation to number 69a the ground floor rear extension would only project a metre further back than the main rear elevation of number 69a which is also 3 metres from the proposal. In relation to number 69a the proposal would not have an overbearing impact result in overlooking or a significant loss of light.

Summary of Reasons for Granting Planning Permission

The hipped roof would be visible from the street and is considered would be a significant improvement to the existing flat roof, integrating with the original house, having a positive impact on the character of the area. The gap between the proposed ground floor extension and the neighbouring kitchen window would not result in a significant loss of light or and overbearing impact. No side elevation windows are proposed and it is considered there would be no more potential for overlooking from the proposed rear elevation windows than is already the case from the existing rear elevation windows. The proposal is considered to overcome the previous reasons for refusal.

The proposed development is considered to meet the aims and objectives of the Joint Core Strategy in particular policies ENV2, HOU2, the Walsall Unitary Development Plan, in particular policies GP2, ENV32, and the Supplementary Planning Documents “Designing Walsall” and “Conserving Walsall’s Natural Environment”, and other material planning considerations.

Recommendation: Grant Permission Subject to Conditions

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

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

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

3: This development shall not be carried out other than in conformity with the following approved plans: -

Site plan and location plan (10542-04B) deposited 13 January 2011;
Existing and proposed elevation and floor plans (10542-01E) deposited
21 February 2011;

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



Plans List Item No: 13.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011

Reason for bringing to committee: Called in by Councillor K Phillips

Application Number: 10/0473/FL

Application Type: Full application

Applicant: T.J.Morris Ltd (T/A
Homebargins)

Proposal: Replace existing trolley bay

Ward: Bloxwich West

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Email: planningservices@walsall.gov.uk

Agent: Chartwell Project Management

Location: HOMEBARGINS, TOWN

CENTRE SHOPPING

CENTRE, SAMUEL

STREET, BLOXWICH, WALSALL, WS3

2JE

Expired Date: 10/03/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Status

Cllr Phillips has called the application before planning committee because the proposal would result in lack of parking and impact on the surrounding area.

Application and Site Details

The application proposes the erection of a trolley bay directly in front of the Home Bargains store within the Council owned car park off Samuel Street. The trolley bay would be an open frame tubular structure with two horizontal bars and vertical bars to hold up the structure measuring 2.4m in width, 4.9m in length and 0.9m high. This trolley bay would have a stainless steel finish.

Samuel Street runs parallel to the northern end of High Street in Bloxwich and is a one-way street accessed from Wolverhampton Road leading onto the High Street. The site is adjacent the High Street Conservation Area. The site is allocated in the UDP as the market centre area.

A Design and Access Statement has been submitted which states the design of the trolley bay is in keeping with the character of the area.

Relevant Planning History

None

Relevant Planning Policy Summary

Joint Core Strategy

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

CSP4 The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

ENV2 All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

ENV3 implement the principles of By Design to ensure the provision of a high quality network of streets, buildings and spaces.

Saved Policies of the Unitary Development Plan

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

3.115, 3.114, ENV32 and 3.116: Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

Policy BX7 a high standard of design would be required and parking should meet both the needs of the development and serve the centre as a whole.

Policy ENV29: Conservation Areas

(a) The Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II. The impact of any new buildings on the special townscape and landscape features within the area.

III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

3.104 The Council has a duty to preserve or enhance the character and appearance of conservation areas.

Supplementary Planning Document (SPD)

Designing a Better Walsall SPD (2008)

Policy DW3 'Character' all new development must be designed to respect and enhance local identity and reflecting urban design characteristics.

National Policy

PPS1 on delivering sustainable development and good design.

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

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

Consultations

Transportation – No objection

Development and Delivery – Objection

In 2010 money was invested into Bloxwich as part of the A34 Red Route Project.

Samuel Street has be redesignated as a red route which created additional parking and loading bays near the High Street and changed restrictions from red to yellow. This change makes a difference to blue badge holders as some informal parking capacity has been lost for this group and would not support any further reduce parking capacity in the centre, particularly in an off road location which is safe for blue badge holders.

Conservation Officer – No objection

Fire Officer – No objection

Representations

None

Determining Issues

- visual impact of the trolley bay on the surrounding area
- impact on parking facilities

Observations

Visual impact

The simple and open design of the trolley bay would blend into the surrounding area without being visually intrusive and as such considered acceptable. The proposal would not have a detrimental impact on the character and appearance of the adjoining High Street Conservation Area.

Impact on parking facilities

The Council approved the Red Route scheme along Samuel Street to maximise the number of car parking spaces available in the car park to compensate for the loss of parking for blue badge holders, there are no legitimate planning reasons for refusal of the trolley bay.

Councillor Phillips and the Regeneration team have objected to the proposal because the Council approved the Red Route scheme along Samuel Street to reduce on street car parking. The Highway officer has no objection to the proposal on the grounds that a recent car park survey undertaken taken demonstrated that whilst the car park is heavily used, it does not show it is used to full capacity. It is not considered that the loss of a single car park bay would not be detrimental in terms of highway safety to warrant refusal.

The Council owns the land and it is in their remits whether they give permission for the trolley bay to be erected, it is likely that although planning permission may be given consent from the landowners may not be given.

Summary of Reasons for Granting Planning Permission

The simple and open design of the trolley bay would blend into the surrounding area without being visually intrusive and as such considered acceptable. The proposal would not have a detrimental impact on the character and appearance of the adjoining High Street Conservation Area.

The Council approved the Red Route scheme along Samuel Street to maximise the number of car parking spaces available in the car park to compensate for the loss of parking for blue badge holders, there are no legitimate planning reasons for refusal of the trolley bay. A recent car park survey undertaken taken demonstrated that whilst the car park is heavily used, it does not show it is used to full capacity. It is not considered that the

loss of a single car park bay would not be detrimental in terms of highway safety to warrant refusal.

The Council owns the land and it is in their remits whether they give permission for the trolley bay to be erected, it is likely that although planning permission may be given consent from the landowners may not be given.

The proposal complies with the aims and objectives of Policies CSP4, ENV2 and ENV3 of the Joint Core Strategy, the saved policies of the UDP, in particular 2.2, 3.6, 3.7, GP2, 3.115, 3.114, ENV32, 3.116, ENV29 and 3.104, Policy DW3 of the Designing Walsall SPD and the advice given in PPS1 and PPG13.

Recommendation: Grant Permission Subject to Conditions

That planning permission is granted subject to conditions.

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

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

2) The development shall be completed in accordance with drawing numbers 06/297/115 and 05/103/101 submitted on 12th May 2010.

Reason: To define the permission



Plans List Item No: 14.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate
on 31/03/2011*

Reason for bringing to committee: Major Application

Application Number: 11/0106/FL

Application Type: Full application

Applicant: Gullivers Truck hire

Proposal: Minor material amendment to planning approval 10/0892/FL to provide above ground fuel tank and compressor house.

Ward: Brownhills

Case Officer: Alison Deakin

Telephone Number: 01922 652487

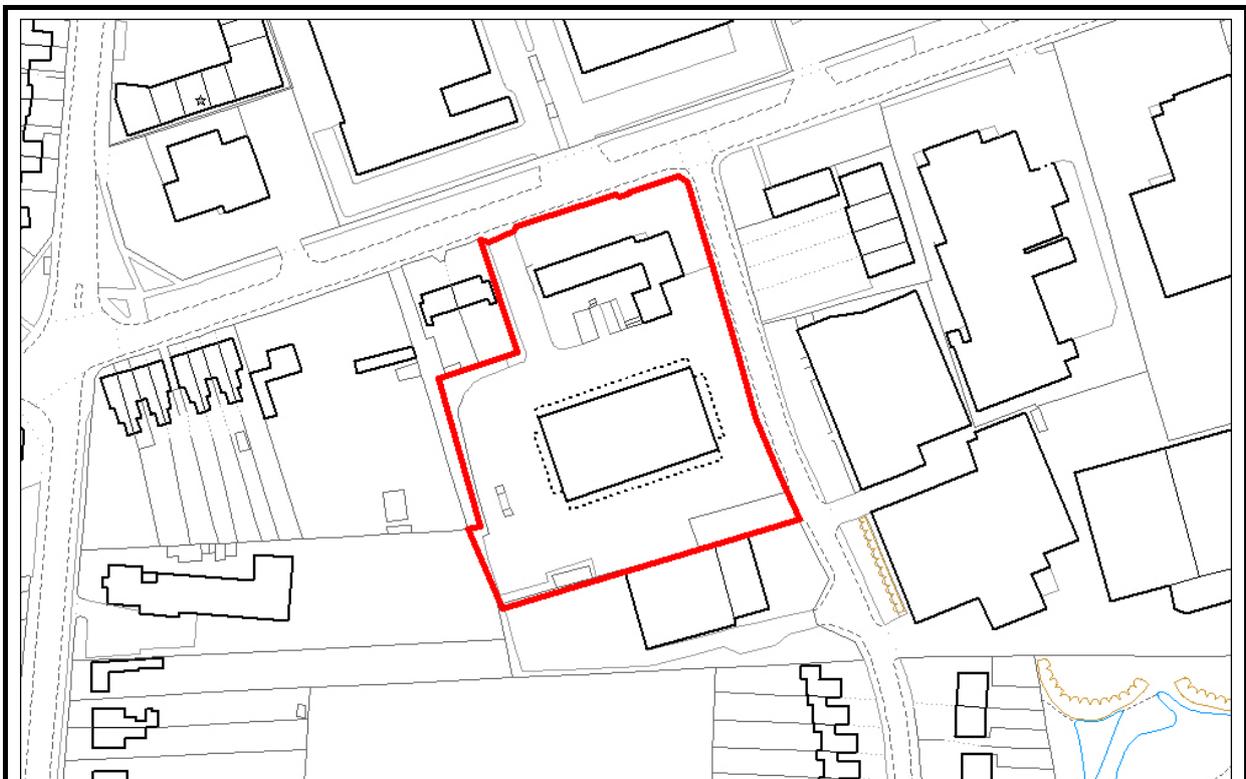
Email: planningservices@walsall.gov.uk

Agent: The Tyler-Parkes Partnership Ltd

Location: FORMER PREMISES C/O LICHFIELD ROAD & SADLER ROAD, BROWNHILLS, WALSALL, WS8 6HR

Expired Date: 28/04/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The proposal is a minor material amendment to planning approval 10/0892/FL relating to construction of new commercial premises for Gullivers Truck Hire. The premises are at the junction of Lichfield Road and Sadler Road, within a Core Employment Area.

The proposal is for an above ground fuel tank and compressor house positioned 1.2m away from the western side of the building mounted on a concrete plinth with Armco barrier round them. The compressor is described as “quiet running” and is in a container 2.4m wide x 2.4m deep x 2.4m high coloured to match the cladding of the new building. The 28,000 litre fuel tank is 5.5m wide x 3.0m deep x 2.4m high. This is also to be coloured to match the new building. There is pipe work on top of the structure and a roller shutter door on the front of the fuel pump cabinet.

The original permission showed an indicative 28,000 litre underground diesel tank broadly in the same location and a fuel pump against the building.

There are industrial and commercial premises to the north, east and south of the site in Lichfield Road and Sadler Road. The western boundary adjoins a pair of semi-detached houses and vacant dwelling with large garden fronting Lichfield Road and the garden of a Nursing Home in Ogle Road. The boundaries to the west are largely screened by existing landscaping and trees.

Construction works are being carried out at present under the terms of the original permission.

Relevant Planning History

10/0892/FL - Erection of commercial vehicle workshop, with ancillary office accommodation for the repair, maintenance and hire of commercial vans and trucks, incorporating MOT and VOSA testing facilities, together with external parking areas – Granted subject to conditions October 2010.

The site was formerly occupied by Quinton Hazell Automotive Limited for the manufacture of motor vehicle components.

Relevant Planning Policy Summary

(Note the full text version of the Joint Core Strategy and UDP are available from Planning Services Reception and on the Planning Services Website)

Joint Core Strategy

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste.

CSP4: A high quality of design of the built and natural environment is required.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

ENV2: Development should preserve and enhance local character.

ENV3: Promotes high quality design to stimulate the economy and provide social and environmental benefits.

Saved policies of Walsall Unitary Development Plan

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

ENV10: Development of a facility which may cause pollution will only be permitted if it would not cause unacceptable adverse effects in terms of smoke, fumes, vibration, noise etc or have an adverse affect on nearby land uses.

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

3.16, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

4.4, JP5 & 4.34: Core Employment Areas are locations of strategic importance and will be safeguarded for core employment uses.

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

T13: Sets maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport.

SPD: Designing Walsall

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

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

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

DW10: New development should make a positive contribution to creating a sustainable environment.

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished.

Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

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

PPS4: Encourages sustainable economic growth.

PPS24: Seeks to minimise the adverse impact of noise.

Consultations

Transportation – No objections.

Pollution Control (Scientific Team) – No objections in principle. Conditions are recommended to address issues relating to noise.

Pollution Control (Contaminated Land) – No objections but recommend a note for applicant regarding health & safety implications for persons undertaking the works due to localised ground contamination.

Public Participation Response

There is one letter of objection from the occupier of 206 Lichfield Road which is summarised below:

- The new building is higher than the original buildings on site and spoils the outlook from the house
- Loss of light to gardens
- Increased noise from operations carried out on site & proposed new compressor house
- Object to inclusion of fuel tank and compressor
- Fumes from diesel tank affect amenity
- Loss of property value (*not a material planning consideration*)

- The developer does not adhere to restrictions on noise at their Tamworth site.
- Parking will dominate the site
- Inadequate vehicle manoeuvring space causes a highway hazard
- The “new staff” are being transferred from Tamworth and only 2 new jobs created
- 24 hour operations are not acceptable in a residential area
- Objections to the previous application were not acknowledged

Determining Issues

- Principle of including a diesel tank and compressor
- Relationship to adjoining houses
- Impact on the appearance of the site

Observations

Principle of including a diesel tank and compressor

The principle of developing the site for commercial purposes was granted by permission 10/0892/FL and considered acceptable development within the core employment area. The approved drawings showed a fuel pump adjacent to the western gable of the building and a 28,000 litre underground diesel tank between the building and the western boundary with the houses on Lichfield Road. These developments were therefore approved in principle by the earlier permission.

The current proposal now shows an above ground diesel tank with compressor adjacent to it. The structures are positioned near to the gable end of the new building in broadly the same location as originally proposed. This is considered a minor material amendment to the permission and is acceptable in principle.

The objector raises several issues including parking, access, vehicle manoeuvring, appearance and height of the new building, jobs created and hours of operation. However, these matters have already been considered and approved by the earlier permission. They also state their objections to application 10/0892/FL were not acknowledged but no objections were received.

Relationship to adjoining houses

The proposed above ground fuel tank and compressor house are at least 13m away from the garden boundary of the nearest house (208 Lichfield Road) and 20m away from the boundary with the objector’s garden (206 Lichfield Road). There is a strip of landscaping at least 3m wide around the perimeter of the site in this position which helps screen the site from these houses. Given the equipment is only 2.4m high, the distance between the equipment and the houses and presence of the landscaped strip it is considered that the tank and compressor will not adversely affect the outlook from the houses or adversely affect light to the gardens.

The premises are allowed to operate 24 hours by virtue of permission 10/0892/FL. It is considered that as the site had previously been occupied for industrial purposes with unrestricted hours, the site is on a main highway surrounded by other unrestricted core employment uses and as there is a landscaped buffer between the site and the houses the proposals would not have a greater impact upon neighbour's amenities than the former use of the site. The objector states they have visited the applicant's Tamworth site and is aware they do not adhere to noise restrictions there. However, the recommended condition will allow the Council to monitor noise at the site.

Notwithstanding the above there is potential for noise from the compressor to affect residential amenities therefore conditions are recommended to restrict noise, and restrict operation of the compressor between 07.00 and 23.00 hours Mondays to Fridays and 07.00 and 14.00 hours on Saturdays, Sundays and public holidays. Paragraph 12 of PPG24 states that "*noise sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 – 07.00)*". The restricted hours recommended mirror the hours suggested in PPG24 to control noise when neighbours are normally sleeping.

Although there is an objection to potential fumes from the diesel tank as this is a sealed storage tank there should be no fumes that would adversely affect residential amenity.

Impact on the appearance of the site

The proposed above ground tank and compressor house are viewed against the backdrop of the new commercial building and will match in colour. They are not prominent features within the site and are screened by the building and landscaping and are considered not to adversely affect the appearance of the site or visual amenities.

Summary of Reasons for Granting Planning Permission

The principle of the development of the site has been approved by 10/0892/FL and the approved drawings show a fuel pump and underground diesel tank. The current proposal is for an above ground diesel tank and compressor but this is considered a minor material amendment to the existing permission and acceptable in principle.

There is adequate distance between the proposals and adjacent housing to protect the outlook from the houses. The premises are allowed 24 hour operation in light of the previous unrestricted use on the site and surrounding unrestricted uses in the core employment area. However, a restriction on noise and hours of operation of the compressor are recommended for added protection in line with the guidance in PPG24. As the fuel tank is a sealed unit diesel fumes should not cause harm to residential amenities.

The fuel tank and compressor are located in broadly the same position as shown on the original permission and are screened by the building and landscaping on the boundary. In the circumstances there is no harm to visual amenities.

In light of the above the proposals are considered to accord with the aims of policies 2a, 2b, CSP4, TRAN1, TRAN2, ENV2 and ENV3 of the Black Country Joint Core Strategy, saved policies GP2, 3.6, 3.7, ENV10, ENV14, 3.16, ENV32, 3.116, 4.4, JP5, 4.34, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall.

Recommendation: Grant Permission Subject to Conditions

1. The works hereby approved shall only be carried out in accordance with details contained within the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject;

- Site Location Plan & Site Layout Plan (P01 Rev C) received 26/01/11
- Elevations (P03 Rev A) received 26/01/10
- Elevations Fuel Tank & Compressor (P07) received 26/01/11

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

2. Noise from fixed plant and machinery associated with this development shall not give rise to a Rating Level exceeding +5 dB as determined in accordance with the methodologies contained in British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

Reason: To protect the residential amenities of surrounding occupiers.

3. The use of the compressor is restricted to the following hours:

- o Monday to Friday 07.00 to 23.00
- o Saturdays, Sundays and Public Holidays 07.00 to 14.00

Reason: To protect the residential amenities of surrounding occupiers.

Note for applicant

All other conditions on permission 10/0892/FL are to remain.

Note for applicant regarding contamination

The area of this proposed development was formerly utilised as a factory/works that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other

that that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

Notes for applicant regarding noise

Sound level measuring instrumentation shall conform to either: ‘Type 1’ of either British Standard BS 5969: 1981 ‘Specification for sound level meters’, and/or BS EN 60651: 1994 ‘Specification for sound level meters’, and/or BS 6698: 1986 ‘Specification for integrating-averaging sound level meters’, and/or BS EN 60804: 1994/2001 ‘Specification for integrating-averaging sound level meters’ and/or ‘Class 1’ of BS EN 61672: 2003 ‘Electroacoustics- Sound Level Meters - Part 1: Specifications’ (or any superseding standards as applicable). Instrumentation shall have been verified either in accordance with British Standard BS 7580 ‘Specification for the verification of sound level meters’ Part 1: 1996 ‘Comprehensive procedure’ or BS EN 61672: 2003 ‘Electroacoustics - Sound Level Meters - Part 3: Periodic Tests’ within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas.

A noise survey may have to take into consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary ‘spot check’ surveys may be required to corroborate a single noise survey.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.
