



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 31st May 2007

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2.	22	07/0374/FL/E11	Land on corner of Silver Street and Watermead Grange, Brownhills	Erection of new building to house Bingo and Social Club, Public House, Restaurant, Gymnasium/Health club together with car parking and external works	Grant Permission subject to conditions
3.	36	07/0377/FL/W7	VACANT UNIT ADJACENT UNIT 38, MANOR INDUSTRIAL ESTATE, PLECK ROAD, WALSALL, WEST MIDLANDS	Change of use of vacant unit to multi faith function hall, banqueting, parties, weddings and conferences	Refuse Permission
4.	45	06/1873/RM/W5	SITE R/O HESTON AND GRANBY, STAFFORD ROAD, WEDNESBURY, WALSALL, WEST MIDLANDS	Erection of 70 number dwellings consisting of 2, 3 & 4 bedroom houses and flats including all necessary road and sewer works.	Approve Reserved Matters Subject to Conditions

5.	51	06/1722/FL/E6	SHELFIELD SPORTS & COMMUNITY COLLEGE,BROAD WAY,PELSALL,WALS ALL,WEST MIDLANDS,WS4 1BW	Relocation, extension, and renovation of an existing single-storey temporary Portakabin Duplex Building to be used as a nursery facility for a period of 3 years and provision of a hard and soft play area	Grant Permission subject to conditions
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8.	79	07/0204/FL/E9	SURGERY & LAND TO REAR,BEECHTREE ROAD,WALSALL,WE ST MIDLANDS	Demolition of existing surgery and construction of 3 x 1 bedroom two person flats together with common lounge, assisted bathroom and staff office and 3 car parking spaces, for use by residents with supported needs.	Grant Permission subject to conditions
9.	91	07/0859/FL/W3	62, 64 and 66,CANNOCK ROAD,WILLENHALL, WALSALL,WEST MIDLANDS,WV125RZ	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	Grant Permission subject to conditions
10.	100	07/0424/FL/W6	55-57,WALSALL ROAD,DARLASTON, WALSALL,WEST MIDLANDS	Demolition of existing building and construction of a purpose built home for people with learning difficulties	Grant Permission subject to conditions

11.	108	07/0149/FL/E9	1,PARKWOOD CLOSE,WALSALL,W EST MIDLANDS,WS8 7BU	Erection of a two storey three bed detached house.	Grant Permission subject to conditions
12.	115	07/0608/FL/H5	31,RUSHALL MANOR ROAD,WALSALL,WE ST MIDLANDS,WS4 2HD	Two-storey side and rear, and single-storey rear extension	Grant Permission subject to conditions



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

Reason For Reporting To Committee: Major application

Application Number: 02/2122/FL-OL/M1

Case Officer: Bob Scrivens

Application Type: Part Full Part Outline
application

Telephone Number: 01922 652488

Applicant: Parkhill Estates Ltd

Agent: Parkhill Estates Ltd

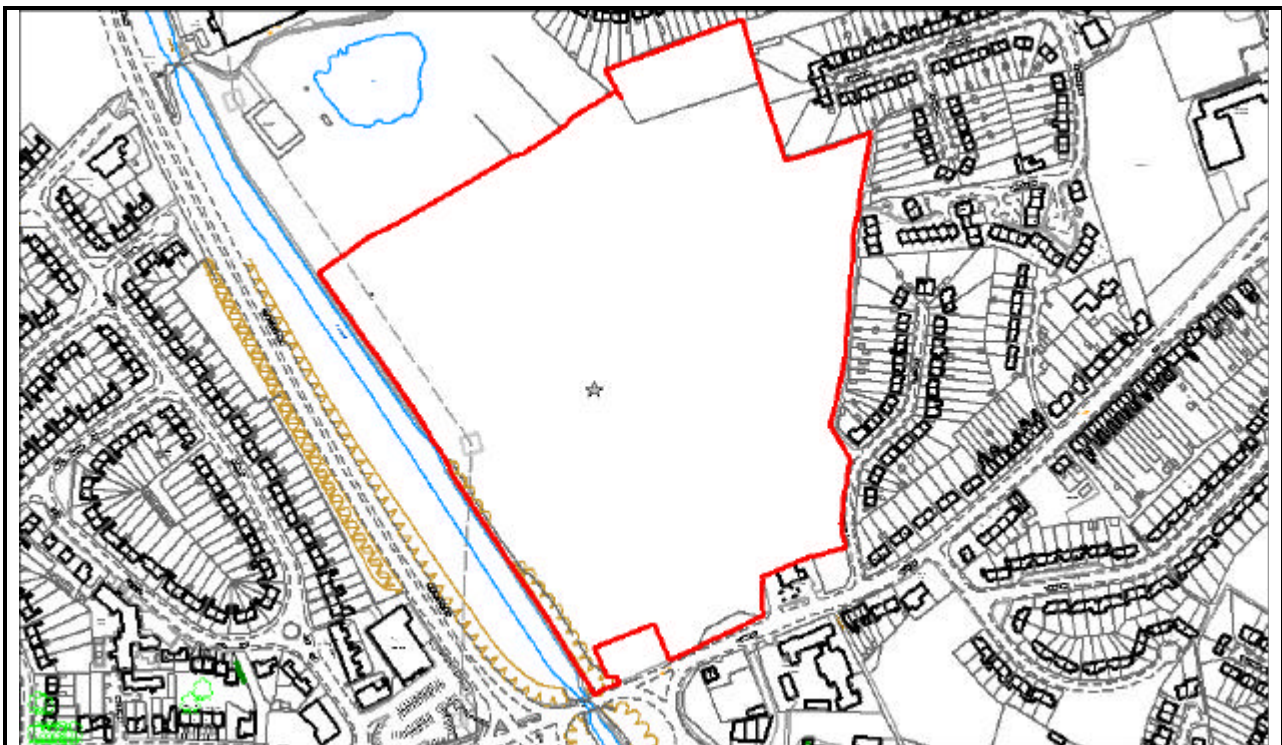
Proposal: Reclamation strategy (detail) to
secure development for informal recreational
use and housing (outline).

Location: Former Moxley Tip, Moxley
Road, Darlaston

Ward: Darlaston South

Expired: 30 December 2002

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



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RECOMMENDATION: GRANT SUBJECT TO CONDITIONS, A SECTION 106 AGREEMENT, AND NO NEW MATERIAL CONSIDERATIONS ARISING FROM PUBLICITY

Application and Site Details

Moxley Tip was a sand quarry many years ago. It began to be used as a landfill site in the 1940s. Tipping ceased in about 1984. The landfill use was essentially uncontrolled. The body of the tip has a wide range of commercial / industrial materials. These were covered by a limestone layer towards the end of tipping. The limestone was itself covered by tipped material, generally excavation material, and this is presently the surface. There has been considerable grass and shrub growth over most of the tip, but there are bare areas still evident.

The site is west of Darlaston Town Centre and covers an area of 9.8ha. Moxley Road forms the southern boundary of the site.

The Walsall Canal is on the western boundary of the site. To the north is Wards pool and grassland, and beyond that industrial development. To the east is housing. To the north east and adjacent to the residential area are allotments (now mostly disused). Part of the allotments is included in the application site.

The application is in two parts. Part is an outline application for houses on 1.72ha of the site. The housing area is adjacent to the north-eastern boundary of the site and is shown to be served by a new road from Moxley Road. The houses would be built on the land known not to have been subject to significant tipping.

The second part of the application is detailed, and is for the remediation of the surface of the tip, which would then be left in informal recreation/open space use. Originally, the proposal included an area of 0.5ha for five - a - side football pitches and associated car parking. This has now been deleted.

The proposed remediation (a combination of the original submission and a subsequent Risk Assessment) would comprise:-

1. installation of gas monitoring boreholes
2. provide a barrier/venting trench along the boundary of the landfill with the proposed residential area
2. monitor for ground gas in the proposed housing area (6 months)
3. seek a detailed approval for the housing proposal
4. Clear away the 'feathered edge' of waste overlaying the boundary between the land fill and the proposed residential area together with other fly tipped materials in this area
5. Landscape and cover any exposed areas of the landfill surface to prevent direct exposure to waste or contaminated materials and encourage vegetation growth (soils have been stockpiled on site for this purpose) and treat mineshafts (mound and fence)
6. test soils in housing area for contamination and replace as necessary
7. treat the mineshaft in the housing area

The Risk Assessment submitted concludes:-

7.7 Monitoring to date has not identified significant concentrations of carbon dioxide, methane and consequently flow rates within the residential area. Therefore, it is considered that this area of the site is suitable for residential

development. The mitigation measures proposed, e.g. a vent trench, will provide additional security against any lateral gas migration.

7.8 Soil samples were analysed and the results assessed for an open space scenario. Contaminants in the near surface soils are not considered to present a significant risk to human health.

7.9 The Conceptual Site Model (CSM) has been validated and the risk assessment on the human health effects of landfill gases has indicated that there is not a significant risk to human health for the current levels and types of usage of the former tip as open space.

The Assessment addresses potential impacts from landfill gas and ground contamination and thus provides a basis to facilitate redevelopment..

Additional planting would be provided around the margins of the site. Details of the planting would be a matter for later submissions.

The central area of the site will be left uncapped to allow gases to vent to atmosphere.

The applicants are at pains to identify that they are fully committed to the achievement of comprehensive proposals around Moxley Tip. There have been a number of initiatives on adjoining land from developers. None of those developers have any legal interest in the Tip. They have worked with officers to develop the present application, and the potential for purchase of a small area of Council land, as the best way to move forward.

Relevant Planning History

There is a long history of tipping on this site since the 1940s. A limestone cap was placed over a proportion of the site in the early 1980s. Further unauthorised tipping took place after that date such that there is now up to 5 metres of fill on top of the limestone. . Tipping largely ceased in 1984.

Outline permission for open space, housing, and marina was refused in 1987, on the basis that contamination could adversely affect the development, insufficient information had been deposited to identify the contamination and remedial measures, and the risk from methane.

Planning permission (BCW609) was given in 2000, an outline permission for pub, housing, formal and informal recreation use, plus a reclamation strategy. The strategy centred on creating a cap over the tip. The permission was not implemented.

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

Adopted UDP

Policy LC2 is site specific and identifies that 7.75ha of Moxley Tip is proposed as additional open space. In addition, policy H2 identifies a housing site adjoining the LC2 area. These allocations reflect the 2000 planning permission.

More generally the UDP sets out the following policies. Some are relevant to the current proposal, some to the subsequent built development.

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

Development schemes should help improve the environment of the Borough whilst not having an adverse impact. Relevant considerations are set out in Policy GP2

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

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

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

Para 3.16 'The Council will consider development in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design'.

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

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

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

Poorly designed development which fails to take account of the context or surroundings will not be permitted. The quality of the proposal will be assessed by appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations are set out in Policy ENV32

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

Regional Spatial Strategy for the West Midlands (RSS11)

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

There is no need for this application to be considered under the Conformity Protocol. A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

CF1: focus new home building in the Major Urban Areas. In Walsall the MUA is limited to the built-up areas and excludes the Green Belt.

CF3: A - make adequate provision for additional house building as per Table 1; B iii - maximise use of previously-developed land; C - make the most efficient use of land within the Major Urban Areas.

CF4: optimise opportunities for recycling land and buildings for new housing development.

CF5: deliver affordable housing.

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. The Draft Phase 1 Revision is currently subject to Examination in Public. The Draft Revision seeks to take the approach in the current RSS further forward in the design and delivery of high quality environments.

National policy

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

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

Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. 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. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

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

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

PPS23, PPs10 and Waste Management Paper 27 (WMP27) are all relevant to the reclamation issues (though the latter has been extensively superseded by other publications. Notably, the precautionary tone of WMP27, for example, setting 'safe' distances between tips and development has been replaced in many documents by a risk assessment approach. Risk assessment is the approach used in this application.

Consultations

Transportation

No objection in principle.

Undefined number of dwellings means a Transport Assessment or Statement may be needed when details are defined. Location of access close to other junctions will limit capacity of site, and could constrain other developments in the immediate vicinity. Junction should have 2 by 90 metres visibility splay. Long cul-de-sac means a wider road is needed to provide Fire Service access. A residential travel plan is needed.

Pollution Control

The Assessment proposes some amendments to the reclamation strategy submitted with the planning application and addresses most of the concerns about potential impacts from landfill gas and ground contamination and thus provides a basis to facilitate redevelopment. Uncertainties remaining can be dealt with by conditions.

The report and reclamation strategy set out broad principles for dealing with the site and proposed residential development. In general terms this is a reasonable approach however more detail needs to be determined to ensure that safe development and final land use is achieved. Conditions for are suggested.

Coal Authority No objection.

British Waterways No objection subject to consultation on canal boundary treatment.

National Grid Company No objection.

Wolverhampton City Council No objection.

Environment Agency - no objection

Initially lodged an objection concerned at ground water implications of the development. Have moved to a position that as there are no significant works to the tip, the scheme is acceptable.

Conservation & Landscape Services

The application contains insufficient information to enable detailed comment. The condition of the site suggests that further investigation as to contamination is required. Such planting details as have been submitted are too crude to be acceptable.

Wildlife Trust for Birmingham & The Black Country the application cannot be supported as submitted due to lack of ecological information.

Black Country Archaeologist No archaeological implications.

Fire Service satisfactory in principle.

Public Participation Responses

The application was advertised in the press and the applicants requested to display a site notice. Copies of the application were made available for public inspection and plans displayed at Darlaston Library and Moxley Neighbourhood Office.

The application was subject to the same programme of neighbour notification as the earlier permission BCW609. Approximately 300 neighbouring residential properties were consulted in this way. Five letters have been received in response to this consultation, from 21, 22, 24 Bradshaw Avenue, 29 Sandwell Avenue and the Moxley Road Service Station. The comments in these letters can be summarised as follows:

- a) Application should be publicised properly.
- b) There should be no housing. The site should be kept as open space in its entirety.
- c) Issues of potential adverse drainage from the site onto existing residential property should be addressed.
- d) There should be no views into existing housing from any new development.
- e) Existing properties should be protected from methane gas.
- f) The reclaimed site should include measures to protect them from trespass and occupation by itinerants.

The revisions to the application are the subject of re-notification of residents. The period for comment expires shortly after your meeting, and this is reflected in the recommendation.

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

Determining Issues

- Contamination / ground gas
- Quality of regeneration, reclamation, and restoration of the site
- Public access to the open space
- Vehicle Access to the site
- Residential amenity
- Education / Healthcare / Open space / Affordable housing contributions

Observations

Contamination / ground gas

The investigations carried out and the discussions between the various experts have identified that the key issue for the development is landfill gas, and the implications for existing and proposed housing and other development. Ground contamination is present on the site, as well.

The studies submitted by the applicants show the existence of fairly good ground conditions in the north-east corner of the site (the proposed housing area) which can accommodate housing development, and their report demonstrates that gas is not migrating to that area.

The removal of any fill and contamination from the housing area (anticipated to be no more than a feathered area on the edge of the main body of the tip), and the use of clean material (as necessary) in that area will mean that end users will not be at risk from contaminated soil.

On the issue of ground gas, WMP 27 recommends that no housing be built within 50m of a landfill site and that gardens should not extend to within 10 metres of such sites where gas levels exceed specified levels. This is the situation on this site. A strict interpretation of WMP27 alone prevents the residential aspect of this development. However, the generally accepted and more up-to-date approach is WMP27 is out of date, and instead, a Risk Assessment should be done to properly test the implications of each specific situation.

The Risk Assessment done for the site is such that officers now accept the site can be developed, with a suitable suite of conditions.

Existing property in Sandwell Avenue is located within 50 metres of the tip. This is an unengineered site, with no gas control measures in place at present, and this is a concern identified by representations made. However, the Risk Assessment explores this and concludes the natural ground in the area precludes such problems. Indeed, by identifying the acceptability of new housing on the edge of the application site (adjoining Sandwell Avenue) it offers reassurance on this issue.

Officers conclude that a strict interpretation of WMP27 prevents housing development but it is not the correct conclusion in this case for the following reasons:

1. monitoring results suggest there is no significant flow of gas into the housing area;
2. any fill on the housing area is to be removed and replaced with clean material;
3. the gas vent/cut off trench is to extend along Sandwell Avenue protecting existing housing as well as the proposed housing;
4. the developer is to monitor, and the development will be steered / defined by the results.
5. gas-proof membranes or other appropriate installations for then housing, will be provided, the details being refined to reflect the gas investigations.

A section 106 agreement would also be required for the long term maintenance of the gas vent trench.

Quality of regeneration, reclamation, and restoration of the site

The UDP has two aims for this land. One is to use this site to contribute to the regeneration of the area and for the site to provide high quality open space. The UDP also requires the proper reclamation of contaminated sites where development is proposed. The other is to create a small housing site.

A key issue on this site is the degree to which the uncontrolled tipping can influence the surface uses / users. Ground gas is known to exist in the tip, as well as a range of contaminants.

In relation to the open space, the proposal is, essentially, to leave the existing surface undisturbed, beyond patching any areas that are not showing strong plant growth. Public use is then proposed.

Leaving the surface undisturbed is proposed on the basis that it has become overgrown and that this demonstrates both its suitability to support informal open space and that ground gas can emerge through the natural surface in an acceptable manner.

Keeping the existing self set vegetation and reinforcing it would preserve a wild / informal landscape, which is an attractive feature in the area. Promoting public access on a formal basis ensures the continued existence of the facility in the area. Provided this can be done safely it would meet the objectives of the UDP.

It is important, in this respect, to look back at the previous consent for the site (BCW609). At that time, the applicant (the same company as the present application) stated that even informal open space was not a safe after use of the site due to the risk of fires igniting ground gas, and uncontrolled uses of the surface. The report on that application (2000) included the following:-

'... There is no risk from inhaling landfill gas in the quantities found at the site. However the uncontrolled public access carries a risk of other activities such as lighting fires. There would be some risk to public health and safety because of the continued gassing from the tip. Only limited areas are therefore proposed for unrestricted use, on the margins of the tip where gas is less of an issue. The bulk of the site would be fenced to control access. The managing of the formal open space uses also offers a degree of security for the informal spaces.'

Officers have been concerned that the present proposal is at odds with this position. The applicants have addressed this by the preparation of a Risk Assessment. Crucial passages were quoted in the introduction to this report.

The additional tree planting and landscaping proposed is not supported by sufficient detail to demonstrate that this would be effective in creating a high quality area of public open space. This can be overcome by better detailed design and a condition is proposed.

Maintenance of the gas trench on the previous application was secured by a section 106 agreement, and that remains the appropriate action.

Public access to the open space

A condition is proposed to secure access. As an informal open space (albeit one in private ownership) the proposed simple treatment of the landscaping of the site is acceptable.

Vehicle Access to the site

A small development of housing is acceptable from the access envisaged. The road needs to be suitably designed for the Fire Service needs.

Though consideration is being given to the development to the school opposite, there are no current proposals for other developments in the vicinity, so these can not be a factor in this decision.

Residential amenity

The proposed housing is unlikely to have a significant impact on existing residential amenity. The new housing remains to be designed, but there are no issues inherent in the area likely to detract from the amenity of those new dwellings.

There is an issue of flooding in the lane at the rear of Sandwell Avenue. Flooding attributable to run-off from the site is an issue which can be controlled by a condition.

Education / Healthcare / Open space / Affordable housing contributions

Council policy seeks to secure contributions, reflecting the increased demand for facilities by the creation of new dwellings.

These all turn on the level of housing proposed. A condition is proposed to secure the contributions once such matters are addressed.

It is likely that the works to the tip, converting it to open space, will obviate the need for an open space contribution.

Conclusion

On a procedural issue, the evolution of the application and the length of time since it was submitted, have led officers to reconsult residents and some consultees on the scheme. The changes are such that no significant shift in the comments already recorded in this report is expected. However, the potential for new material issues to be raised is reflected in the recommendation.

Overall, the submitted information defines a safe and satisfactory development. It is important for the Borough to properly define the status of this land. It is also important to bring it properly into beneficial use.

The application is recommended for approval. It is likely that the terms of the conditions will evolve. The potential for that to happen (i.e. that officers are authorised to refine the conditions) is inherent in the recommendation.

The section 106 agreement needs to secure the maintenance of the gas trench.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

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

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

- appearance
- scale
- layout
- access
- landscaping.

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

4. This permission comprises:-

- i) a planning permission for the reclamation and restoration of the site, and
- ii) an outline planning permission for the development of the site after restoration, and
- iii) a planning permission for the use of land, other than in association with the buildings to be erected under item (ii).

Reason. To define the permission.

5. Prior to development commencing in the area defined for residential use, the location, design and technical specification of the proposed venting trench to be installed in the vicinity of the high wall of the former quarry shall be submitted to and agreed in writing with the Local Planning Authority. The venting trench shall be installed and completed as approved, prior to the occupation of any buildings constructed within the proposed residential area

Reason. To ensure the safe development of the site.

6. Prior to development commencing in the area defined for residential use, the developer:-

- a) shall undertake a review and assessment of available data in order to determine the level of ground gas ingress protection required to be installed in buildings and other structures to be constructed in the proposed residential area
- and

- b) submit details of the assessment and a specification for measures to be installed in the proposed buildings to the Local Planning Authority, to be agreed in writing by the Local Planning Authority.

The agreed measures shall be completed prior to bringing into use any building within the proposed residential area.

Reason. To ensure the safety of the occupants of the buildings on the site, and the buildings.

7. Unless otherwise agreed in writing by the Local Planning Authority:-

- a) Reclamation of the site will take place in accordance with the reclamation strategy submitted as part of this application, as amended and amplified by the Risk Assessment deposited on 3/5/2007, and as required by the conditions of this permission.
- b) No reclamation of the site will commence until a detailed programme setting out the relative timing of the various stages of the reclamation works identified in the reclamation strategy, Risk Assessment and conditions, and the relationship of that work to the timing of the development of the residential area has been approved in writing by the Local Planning Authority.
- c) The reclamation and development of the site will be carried out in accordance with that approved timing.
- d) Notwithstanding parts (a), (b) and (c) of this condition, no reclamation shall commence until:-
 - i) the applicant has undertaken a survey of the surface area of the site to establish areas where regrading works, as identified in the Reclamation Strategy, Risk Assessment and conditions, are required or where existing cover of wastes needs to be improved to encourage and maintain vegetation growth; and
 - ii) the results of the survey and proposals for surface treatment and regarding works have been submitted to and approved in writing by the Local Planning Authority.
- e) The works under parts (a) and (d) of this condition shall be implemented and completed prior to unrestricted access being permitted to the proposed open space.
- f) Unless otherwise agreed in writing by the Local Planning Authority, at all times following completion of the works under parts (d) and (e) of this condition, there will be unrestricted pedestrian access to the informal open space areas of the site at all times.

Reason: To secure public access, in the interests of promoting improvements to the environment of the area, while ensuring the safety of people on the site and to ensure the satisfactory reclamation and development of the site.

8. No reclamation will be carried out until the proposed permanent landfill gas monitoring boreholes, and the programme for monitoring those boreholes, and submitting monitoring data to the Local Planning Authority have been submitted to and approved in writing by the Local Planning Authority. The approved details will be carried out in accordance with that approval.

Reason. To ensure a satisfactory monitoring programme for the site.

9. Wherever the proposed finished levels of the site, within 20 metres of the boundary of the site, are higher than the surrounding land, the site will incorporate land drains to ensure that surface water run-off (from a 20 year storm) can not run beyond the boundary of the site. The reclamation of the site will not commence until details of those land drains, including the timing of their installation, relative to the reclamation of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as approved.

Reason. To ensure that surface water can not run off the site, to the detriment of adjoining land, as a consequence of the proposed works.

Note for applicant - likely areas for such work are at the rear of Sandwell Avenue, and along the canalside

10. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

11. a) Unless otherwise agreed in writing by the Local Planning Authority, no reclamation of the site will be carried out until details of existing and proposed levels of the area to be reclaimed have been approved in writing by the Local Planning Authority. The reclamation of the site will be in accordance with those levels.
b) No development shall be commenced in the residential area of the site until details of the existing and proposed levels of that part of the site have been approved in writing by the Local Planning Authority. That development will be in accordance with those levels.
c) The submitted details under parts (a) and (b) of this condition will include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason. To ensure the satisfactory development of the site.

12. a) No works shall be carried out in the area proposed for residential development until a reclamation method statement detailing the works to be undertaken to identify and remove or otherwise treat deposited wastes and fly tipped materials identified as being present in that area has been submitted to and approved in writing by the Local Planning Authority.

b) A report validating the completion of the works approved under part (a) of this conditions and confirming that the site has been successfully prepared for residential development shall be submitted prior to the commencement of built development in that area, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To ensure the progress of the reclamation is guided by the situation on the site, to achieve the satisfactory reclamation of the site, to ensure the satisfactory reclamation of the site, and the creation of a surface suited to the use of this part of the site for housing purposes.

13. No reclamation of the site will commence until suitable physical and operational noise mitigation measures and details of a strategy for dust suppression on the site has been submitted to and approved in writing by the Local planning Authority. The reclamation of the site will be carried out in accordance with the approved details.

Reason. To control the impact of the reclamation on neighbouring properties, and passers-by.

Note for applicant - the Local Planning Authority would expect the dust control strategy to include

- 1 the use of water bowzers, brought into action in conditions that would give rise to air-borne dust levels sufficient to cause nuisance to properties around the site,
- 2 at such times as the prevention of dust nuisance by water bowzers proves impossible then the operations which cause that nuisance, such as the movement of soils or the movement of fill or restoration materials to temporarily cease until such time as the weather conditions change and dust suppression becomes effective.
- 3 Any vehicle used for the movement of reclamation materials to be equipped with downward pointing exhaust pipe(s).

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

Reason. In the interests of highway safety.

Note for applicant - the Local Planning Authority has a preference for a submission under this condition showing the use of a long internal roadway with a surface hard enough to allow the mud to fall off, as with a wheel washer / spinner there is a tendency for wet mud to be thrown onto the bodywork of the lorry, falling off later, often on the road.

15. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 and succeeding or amending legislation, at no time will there be any

- 1 extensions to the dwellings proposed on the site,
- 2 garden sheds or any other buildings associated with those dwellings
- 3 any other substantial enclosure comparable to a building associated with those dwellings

erected without the prior approval of a planning application.

Reason. To control the implications of landfill gas for such structures.

16. (a) This permission does not approve the designs of junctions, access points, or road works shown on the deposited plans. All such work will form part of a Reserved Matters submission.

(b) This permission does approve the general principles of vehicular access to the site comprising access to the residential development from Moxley Road in the approximate location shown.

Reason. To define the permission.

17. The Reserved Matters submissions for the site will include details of an access route from Moxley Road to the proposed residential area which meets the access needs of the Fire Service (in terms of road widths etc in this long cul-de-sac). The approved details will be implemented and completed before any dwelling on the site is brought into use.

Reason. To ensure satisfactory emergency access to the housing development.

18. The layout and design of the proposed surface uses on the site will not hinder vehicle access to the electricity transmission towers on the site, and wherever possible should facilitate such access. Details of this, and of security measures to prevent access by unauthorised vehicles, will form part of the relevant submissions under this permission.

Reason. To safeguard access to the towers.

19. There will be no vehicular access through this site to the land to the north-west of the site and bounded by the canal, Heathfield Lane West and Berry Avenue. Details of how this will be achieved, and of security measures to prevent access by unauthorised vehicles, will form part of the relevant submissions under this permission.

Reason. To restrict use of the access points into this site, and prevent the creation of through routes with the potential for increased disturbance of the area.

20. No building or other structure on the site will be commenced until details of the facing materials to be used in that building or structure have been submitted to and approved by the Local Planning Authority.

Reason. To ensure the satisfactory appearance of the buildings on the site.

21. The Reserved Matters submission under this permission will include provision for garages and / or car parking space for dwellings (including provision for visitor parking) in accordance with the standards of the Local Planning Authority, and adjacent to or otherwise closely related to the dwelling in such a way as to promote the security of the parking areas.

Reason. To ensure the satisfactory provision of parking.

22. Prior to completion of the reclamation arrangements to be carried out under condition 7 a detailed landscaping scheme for the informal open space shall have been approved in writing by the Local Planning Authority. The scheme will include details of:-

- a) site preparation,
- b) existing / remaining trees,
- c) proposed plant and tree species / sizes,
- d) plant densities,
- e) proposed footpaths and construction methods;
- f) the arrangements to be made for the disposal of surface water from landscaped areas
- g) protective fencing around planted areas during the initial establishment of planting

The approved scheme will be implemented in the first planting season (1st October-1st April) following approval, or in accordance with any agreed phasing or such other period of time as may be agreed in writing by the Local Planning Authority. Completion of implementation of the approved landscaping scheme will be notified to the Local Planning Authority.

Reason. To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

24. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the completion of the particular landscaped area. Within this period:

- (a) grassed areas shall be maintained in a tidy condition by cutting (the frequency of cutting to be in accordance with a schedule to be agreed in writing by the Local Planning Authority, before completion of the development) and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition by regular weeding;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced in the first planting season after the problem becomes apparent 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 protect the health and appearance of the trees and other plants; to safeguard the visual amenity of the area; and to ensure a satisfactory standard of work.

26. No building or use of land to be erected or carried out under this permission will be commenced until details of the proposed boundary treatment for that development, and its associated site have been submitted for the approval of the Local Planning Authority. The submitted scheme will include any internal site divisions. That part of the development will

not be brought into use until the details have been approved in writing by the Local Planning Authority and the approved scheme has been implemented and completed.

Reason. To ensure the satisfactory appearance and functioning of the developments on the site.

27. All surface water from any car parks on the site shall be passed through petrol/oil interceptors of a type and capacity to be agreed in writing by the Local Planning Authority prior to discharge into the public sewerage system. The approved interceptors shall be installed before the use of the premises commences and shall thereafter be retained.

Reason. To protect the water environment.

28. Unless otherwise agreed in writing by the Local Planning Authority, all storm drainage on the site which is to be connected to a public sewer will incorporate flow balancing measures, unless evidence is submitted to the Local Planning Authority, before construction starts, to demonstrate that such measures are not needed. In the absence of such evidence, no building will be erected until the intended measures have been approved in writing by the Local Planning Authority, and they will be installed as approved during the construction of the building.

Reason. To ensure the satisfactory drainage of the site.

29. The Reserved Matters submission for the north-east areas of the site will make provision for the reservation of a route for pedestrian access across the site to the allotments to the north-east of the site.

Reason. To ensure the scope for continued access to the allotments

30. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, or succeeding Orders, no gates, fences, walls or other means of enclosure which significantly affect the appearance or functioning of the public areas of the development, except those included on the plans approved under condition 26 herein, will be erected or moved without the prior approval of a planning application relating to that work.

Reason. To ensure the satisfactory appearance of the development.

31. No floodlights or other external lighting will be installed on the site while reclamation is in progress until details have been submitted to and approved in writing by the Local Planning Authority. The lights will be installed in accordance with the approved details, and will not be subsequently modified without the prior written approval of the Local Planning Authority

Reason. To safeguard the amenity of neighbouring properties, and the safety of vehicles on the highway.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no dwelling hereby permitted shall be altered or enlarged so as to deprive it of an existing garage or its drive or parking area as approved and first constructed, except with the express permission of the Local Planning Authority.

Reason. To ensure the retention of car parking, for the proper functioning of the development.

33. No dwelling will be occupied until the drive to that dwelling has been hardsurfaced in tarmacadam, concrete blocks, or such other material as the Local Planning Authority may agree in writing.

Reason. To ensure the satisfactory provision of car parking.

34. a) Notwithstanding the terms of the rest of this condition, no construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on the site on any Sunday or Bank or Public Holidays.
b) In the area of land shown for residential purposes on the illustrative plans, including the area of the road into this part of the site, no construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place other than between the hours 0800 to 1700 weekdays and 0800 to 1300 Saturday. No plant, machinery or equipment associated with such works shall be started up or be operational in that area outside of these permitted hours, except for essential maintenance or emergency affecting the safety of the site.
c) On the area of land not governed by part (b) of this condition, no construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place other than between the hours 0700 to 1800 weekdays and 0800 to 1300 Saturday. No plant, machinery or equipment associated with such works shall be started up or be operational in that area outside of these permitted hours, except for essential maintenance or emergency affecting the safety of the site.

Reason. To safeguard the amenity of neighbouring occupiers.

35. Plant or equipment used in connection with liquid pumping and the provision of compressed air or electricity shall be located at positions as submitted to and approved in writing by the local planning authority and thereafter retained in accordance with any written approval.

Reason. To safeguard the amenity of neighbouring occupiers.

36. Plant, machinery and equipment used in the reclamation of the site shall be maintained and serviced either:-
a) in accordance with the manufacturer's and/or supplier's recommendations and instructions and shall feature proprietary acoustic silencing devices where available;
or
b) in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason. To safeguard the amenity of neighbouring occupiers.

37. Audible vehicle reversing alarms shall not be operated without the prior written approval of the local planning and health and safety enforcement authorities.

Reason. To safeguard the amenity of neighbouring occupiers.

38. Noise levels generated by construction, demolition or engineering works (including land reclamation stabilisation, preparation, remediation or investigation) and any associated operations or activities shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq}(1 \text{ hour})$, of 60 dB, together with a maximum instantaneous noise level of 75 dB(A)F.. Noise level limits shall apply as measured at or within 1 metre of the facade of any occupied residential premises and at a microphone height above ground level of not less than 1.2 m or greater than 1.5 metres. Sound level measuring instrumentation shall conform to 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' (or any superseding standard(s) as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Reason. To safeguard the amenity of neighbouring occupiers.

39. a) Levels of ground and structure-borne vibration attributable to any construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) and any associated operations or activities shall not exceed a peak particle velocity (PPV) of 1.12 mms^{-1} in vertical and horizontal planes respectively at the boundary of any vibration sensitive building as determined in accordance with the main procedural requirements of British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1Hz to 80Hz)', or any superseding standard.
b) Instrumentation used for the determination of compliance with any vibration condition shall accord with requisite components of British Standard BS 7482: 1991 'Instrumentation for the measurement of vibration exposure of human beings' where applicable or any superseding standard, and shall have a performance frequency range of not less than 1Hz to 80 Hz.

Reason. To safeguard the amenity of neighbouring occupiers.

40. During the reclamation of the site, there will be no bonfires, nor any other burning of materials on the site.

Reason. To safeguard the amenity of neighbouring occupiers.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies LC2 and H2, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

NOTES FOR APPLICANT

A. The Local Planning Authority has a preference for landscaping to be designed to enhance, or recreate the natural eco-system presently on site. This should be borne in mind in the design of landscaping on the site. The possibility that the landscaping scheme could include pond(s) wherever possible, practical, and sensible should also be borne in mind.

B. Attention is drawn to the attached copy letters from the Environment Agency, Coal Authority, The Wildlife Trust for Birmingham and the Black Country, Transco, and National Grid.

Those letters identify a need to consider a range of issues such as:-

- whether to cut-off the canal basin

- and

- the non-availability of the canal for surface water run-off identified in the British Waterways letter,

- and

- the potential need for unspecified further remediation suggested by the Environment Agency

- and

- various ideas set out in Wildlife Trust letter

N.B. The Local Planning Authority has information that suggests the canal basin may have been cut off when the electricity pylon adjacent to the basin was moved a few years ago.

C. Footpaths on the informal public open space should be suitable for wheelchair users, as far as possible.

D. footpath link from lane r/o Sandwell avenue preferred to be in location on illustrative plan

E. In promoting a new access to the allotments, the Local Planning Authority would also wish to promote the closure of the existing pedestrian access on the northern edge of the site.

G. In relation to condition 6 the assessment to be carried out should consider the following issues:-

- a) the results of the testing of the exposed surface of the Boulder Clay under the areas of fill to be removed
- b) any necessary remedial works other than the covering of that area, and
- c) the thickness and composition of the any necessary replacement material, and including

- the thickness of topsoil to cover the proposed compacted cohesive foundation material
- the nature and source of the topsoil
- a chemical analysis of the top soil to demonstrate its suitability for the creation of gardens etc. as intended
- the technique(s) to be used for placing the topsoil to ensure its suitability for the purpose intended
- any necessary land drainage to ensure the suitability of the restored land for gardens
- the relative timing of the stages of this work

The Local Planning Authority would expect to see a suitably qualified soil scientist involved in the submission under this condition. In preparing the submission due regard should be had to relevant publications and standards such as ICRCL 59/83 (trigger levels for gardens and area where plants are to be grown), BS3882:1994 (topsoil), and BS4428:1989 (landscaping). It is the objective of the Local Planning Authority to create gardens that can be used for a range of plants, including trees and shrubs, and the depth of soil required under this condition should reflect that objective.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

Reason For Reporting To Committee: Major application

Application Number: 07/0374/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Mirage Leisure Ltd

Agent: Building Design Group

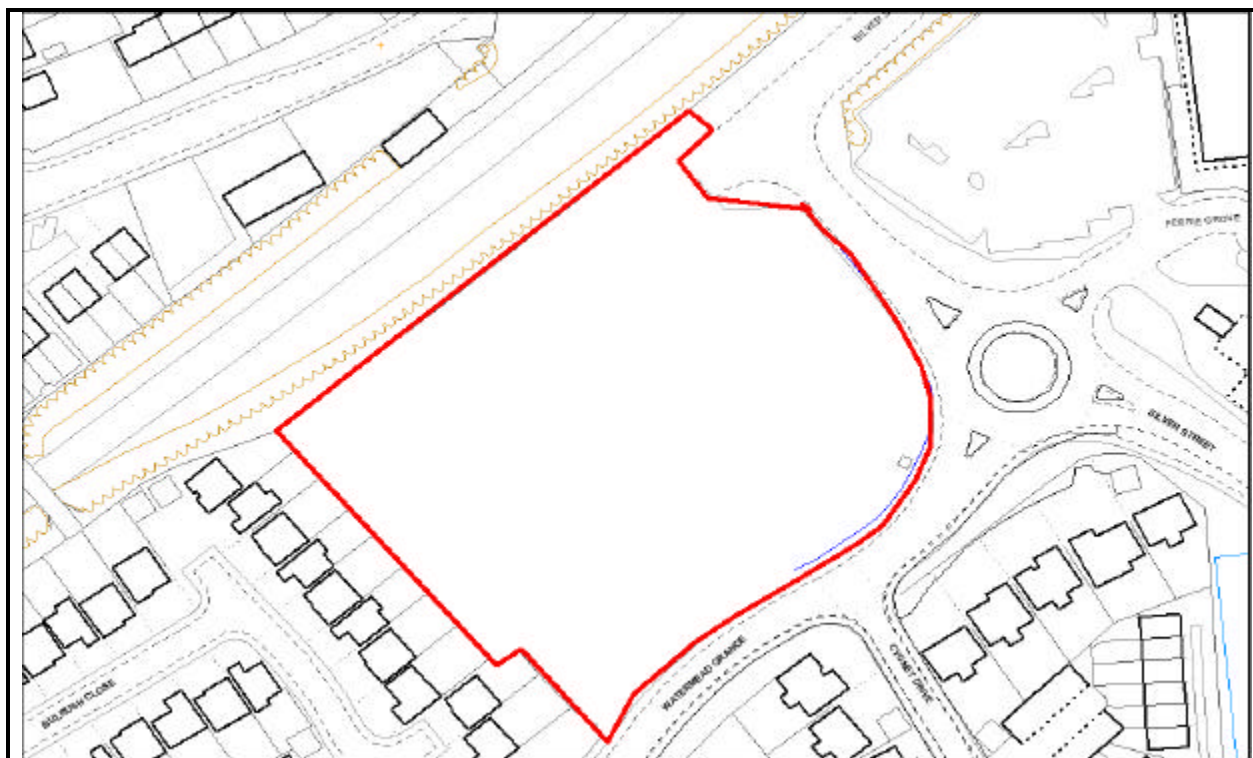
Proposal: Erection of new building to house Bingo and Social Club, Public House, Restaurant, Gymnasium/Health club together with car parking and external works

Location: Land on corner of Silver Street and Watermead Grange, Brownhills

Ward: Brownhills

Expired: 24 May 2007

Recommendation Summary: Grant Permission subject to conditions



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Reason for bringing to Committee: Major Application

Application and Site Details

The application relates to an undeveloped site adjacent the roundabout junction of Silver Street and Watermead Grange, Brownhills, situated within the Brownhills District Centre. There is an overgrown former railway cutting to the north-west of the site, residential dwellings to the south-west, the Wyrley & Essington Canal beyond the housing and Focus DIY premises to the north-east with other retail stores within the centre.

The development site has an area of approximately 1.08 hectares (2.66 acres). It is currently an open undeveloped site with an earth mound around its perimeter. The site topography is relatively level in a south-west to north-east axis although ground levels do fall by approximately 1.5m in a north-west to south-east axis, the lower ground level being at the junction of Silver Street and Watermead Grange.

The proposal is a resubmission following withdrawal of application 06/0637/FL/E9 in April 2006.

The current proposal is to erect a two-storey building comprising a Bingo and Social Club, Public House, Restaurant, Gymnasium/Health Club together with parking and external works. The proposed building is 65m long and 43m wide and has a shallow pitch roof, which gives a maximum height of 11m. The proposed bingo and social club and gymnasium/health club are arranged over two floor levels, the public house and restaurant are at ground floor only and there is a plant room at mezzanine level above the roof of the gymnasium/health club on the northern end of the building. The proposed internal floor space areas are 2160m² for the bingo/social club, 1150m² for the gymnasium/health club and 465m² each for the public house and restaurant.

The proposed building is located towards the front of the site near the junction of Silver Street and Watermead Grange with parking at the rear. A landscaped bund is proposed along the rear boundary of the site, contiguous with the gardens of properties in Bulrush Close. Landscaping is also proposed around the perimeter of the site and throughout the car park. The building has splayed corners along the Silver Street elevation with the proposed bingo/social club entrance located at the junction of Silver Street/Watermead Grange in order to draw a pedestrian focus from the town centre. The public house and restaurant have access at both front and rear of the premises and the gymnasium/health club has an access at the rear.

The single point of vehicular access to the site is located on the northern side of the building adjacent the roundabout at the head of Silver Street on the approach from the High Street island. The access is to be enclosed by brick piers and gates for security purposes. A new splitter island is also incorporated at the access. The car park provides 231 parking spaces including 23 disabled parking spaces. The layout also incorporates provision of 24 cycle parking spaces and a drop-off zone within the car park for taxis etc.

The supporting information advises that the proposals will generate in the region of 110 new jobs on a shift basis. It also indicates that the proposed bingo/social club will attract a maximum of 1050 customers per day over 2 sessions, although the maximum occupancy is likely to be in the region of 40-50% of the total capacity.

The supporting information submitted with the application explains that 90% of customers using the bingo/social club facilities leave the premises between 21.00 hours and 22.00 hours and that the remaining 10% leave after 22.00 hours. It also identifies that the main business period for the public house would be between 19.00 hours and 23.30 hours and that few visits are made to the gymnasium after 21.00 hours.

In support of the application a Design & Access Statement, Supporting Statement, Traffic Assessment, Drainage Assessment, Preliminary Site Investigation and Noise Impact Report have been provided.

Relevant Planning History

04/2618/FL/E2 - Erection of 30 no. 2 bed apartments and 9 no. 3 bed houses together with associated works - Granted 26-01-05

06/0637/FL/E9 - Erection of a new building to provide Bingo, Social Club, Casino and Snooker Club with associated car parking and landscaping - Withdrawn in April 2006 to enable revised proposals to be drawn up.

Relevant Planning Policy Summary

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

Unitary Development Plan

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

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

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

GP4: The Council promotes and encourages comprehensive local area regeneration that creates/ safeguards jobs, sustains established centres, brings forward derelict land, and improves safety and security.

GP6: Developments to which the public will have access will only be permitted if designed to provide good access for disabled people.

GP7: Development is expected to design out crime whilst maintaining good urban design.

3.16: Development will be considered in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

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

ENV17, ENV18: Encourages planting as part of landscape design and protection of existing woodlands, trees and hedgerows.

ENV23: New developments should take full account of existing features of value for wildlife or geology and provide mitigation to compensate for features lost.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in district centres, visually prominent sites or adjacent to transport corridors including canals, railways, motorways and major roads. The

quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

ENV33: Encourages good landscape design.

3.113, 3.114 & 3.115 - Promote high quality architectural and landscape design to promote economic wellbeing, increase safety and create a sense of place.

ENV35: The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building.

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

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

5.1: The Council will encourage growth and development of retail, service and leisure sectors to strengthen and diversify the Borough's economy and meet the needs and aspirations of all sections of the community

5.2: The prime concern will be to sustain and enhance the vitality and viability of the Town, District and Local centres, and assist these centres to meet the needs of residents, workers and visitors

5.4-5.6: The Council will apply a sequential approach for the location of all retailing, leisure and other town centre uses

5.9-5.10: The Council will take positive action to help bring opportunities forward for development and investment in the Borough's centres

S1: Town centre uses comprise the following: A1 retailing of all kinds, A2 financial, professional, B1(a) offices, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways, C1 hotels, D2 assembly and leisure, D1 non-residential institutions, C2 residential institutions and sui generis uses that include retail warehouses, night clubs, launderettes and dry cleaners.

S2: The district centres serve more localised roles and provide substantial retail, service and other facilities. The district centres could also potentially have a role in accommodating facilities of Borough-wide importance that cannot be located in Walsall Town Centre.

S3: Integration of development into centres should be of scale and nature appropriate to the size and function of the centre concerned and sensitively integrated, in function and visual terms, with primary shopping area other land uses, pedestrian routes, car parking, public transport, servicing and local townscape.

S4: The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses which these centres provide, consistent with the role and function of the centre, in order to meet the needs and aspirations of all who use the centres. The policy also seeks to enhance the environment of centres and improve accessibility including increasing short-stay car parking to serve the centre as a whole.

8.2: Increased and improved provision of entertainment and cultural facilities will be encouraged and generally directed to the Town, District and Local centres

T1: The Council is particularly concerned to help anybody who has difficulty in getting around through improved access to public transport and sensitive design of shopping centres and other large developments.

T3: The Council will safeguard land for rail use and promote jointly with Centro and rail operators, improvements of existing and the establishment of new passenger rail or metro services. Brownhills is identified as a potential location for a new rail station.

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

T8, T9, T10 & T11: The Council will encourage greater use of walking, cycling, public transport and focuses on access for pedestrians, cyclists and wheelchair users. .

T13: Other buildings for public assembly and food and drink: 1 space per 22m². 1 bike stand for every 10 cars park spaces, with a minimum of 2 bike stands and taxi facilities.

BR1: Outside the primary shopping area the Council will encourage investment in leisure, community or other town centre uses.

BR6: The Council will encourage provision of public art features which reflect Brownhills heritage including the provision of gateway features at Silver Street.

BR7: The Council will encourage implementation of environmental enhancement proposals including The Canal/Silver Street.

BR9: Various locations identified for leisure, service and community development including land at Silver Street (VI).

BR10: The Council will promote provision of a 'transport interchange' at the northern end of Silver Street likely to include a 'park and ride' facility at Silver Street to ensure the use of parking areas provided for the leisure/commercial development can be managed for this purpose.

BR13: The Council will seek provision and improvement of pedestrian routes to and throughout the centre.

National Policy:

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

PPS6 'Planning for Town Centres' promotes the vitality and viability of town centres by planning for growth and development of existing centres and focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

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

Regional Policy

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

Consultations

Transportation - No objections subject to a Safety Audit and imposition of conditions relating to highway works.

Pollution Control - No objections subject to conditions regarding contaminated land issues.

Strategic Policy - No objection.

Economic Regeneration - As the development is creating over 100 new jobs plus construction jobs the Council would be keen to work with the developers and partners to secure local employment.

Landscape - No details of boundary planting and treatment have been provided. This can be conditioned.

Police Architectural Liaison Officer - No objection.

Centro - No objection.

Fire Service - Satisfactory access for fire appliances.

Representations

85 letters of objection have been received. This includes 64 opinion poll forms circulated by the occupier of 4 Cygnet Drive and completed by residents to specify whether they oppose or support the proposed uses and what preference they would have for development of the site. The objections are summarised as follows:

- Adverse effect on Watermead residential development
- Additional parking and traffic congestion
- Additional noise nuisance
- Anti-social behaviour and crime
- Further commercial development would exacerbate parking and traffic problems
- Inadequate parking provision
- Extended opening hours likely to cause disturbance to neighbours
- Excessive building size out of proportion with the surroundings
- Objection to incorporation of gambling facilities
- No need for another pub/restaurant/gym/pool in the area
- Problems arising from the sale of alcohol
- Adverse impact on pedestrian safety
- Potential for change of use of the premises in the future
- The land should be used for residential purposes
- Drawings do not reflect the visual impact and proximity to adjoining houses
- Increased noise and traffic at night
- Overlooking of back gardens of adjacent properties
- Loss of property value (*this is not a material planning consideration*)
- The proposal detracts from recent regeneration projects in the area
- Increased Litter
- Increased lighting
- Loss of privacy
- Negative impact on existing businesses in the area
- Proposals do not accord with Council policy for the site
- Building design out of keeping with surrounding properties
- Proposed uses do not include all sectors of the community

The opinion poll forms and other letters state the residents preferred options for this site including housing, a cinema, bowling, snowdome, quasar centre, children's play facilities, park, open air health & fitness track, community centre, landscaped recreation area, health centre, swimming baths, facilities for older people, commemorative park, education facilities, garden centre, parking or medical centre.

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

Determining Issues

- Principle of use
- Layout and Design
- Impact on the amenities of the surrounding occupiers
- Access and parking
- Employment

- Sustainability

Observations

Principle of use

The site falls within the Brownhills District Centre as allocated in the UDP. Policy BR1(b) states that outside the primary shopping area the Council will encourage investment in service, leisure, community and other town centre uses, and locations for such investment are identified in policy BR9. The proposed uses are for leisure and service uses and therefore comply with this policy. Policy BR9(vi) further promotes opportunities for leisure, service and community developments.

The proposal is for a mixed use development that includes bingo and social club (D2), pub (A4) restaurant (A3), Gymnasium/Health Club (D2) and car parking on a site allocated for leisure, community and service developments in policy BR9. D2, A4 & A3 categories of development are defined in the Use Classes Order. Once approved any use within a specified Class can take place without the need for planning permission. This means that all these proposed uses are supportable in principle as they will supply an acute need for leisure and recreation in Brownhills District Centre and add to its vitality and viability. The development will also provide employment opportunities for local residents.

Although the policy acknowledges the potential for residential development on part of the site, the reasoned justification in UDP paragraph 15.12 identifies this land as a major development opportunity for leisure and community development (community development has already taken place on part of the site adjacent to the canal). The proposed bingo and social club and gymnasium/health club provision are clearly D2 leisure uses and so are in accordance with this allocation in the UDP.

The site is edge of centre under the terms of UDP policy S3, being separated from the primary shopping area by Silver Street. But the fact that this site is specifically allocated for D2 uses over-rides the requirement to establish local need and follow the sequential approach as set out in policies S6 and S7 for leisure and recreation on edge of centre sites.

However, elements of this proposal include a pub and a restaurant which are considered as leisure uses by PPS6 paragraph 1.8 but are permitted to change to A1 shops and A2 financial and professional services under the Use Classes Order. As policy BR9 does not allocate this edge of centre site for retailing, it is therefore recommended that a condition is imposed on any permission to prohibit any change to retail because of the need for retail proposals to follow policies S3, S6 and S7, to ensure the continued vitality and viability of Brownhills District Centre.

Given the above comments the proposed uses are considered compliant with strategic policy and therefore acceptable.

Layout and Design

The proposed layout has been revised from the previously withdrawn application in order to present a more active frontage to Silver Street, reduce the dominance of car parking areas within the street scene and provide greater separation to the nearest dwellings. The scale, massing and design of the building have also been altered in order to overcome previous concerns.

The proposed building has been moved from the rear of the site to the front and now provides a strong built frontage to Silver Street offering direct pedestrian access from the street that will increase pedestrian activity and improve passive surveillance and security. The parking areas are now located entirely at the rear of the building with provision of landscaping around the perimeter of the site to screen the car park and building, as well as improving the outlook for neighbouring properties. A landscaped bund is proposed at the rear of the car park where there is a boundary to the gardens of properties in Bulrush Close. The landscaped bund varies between 4.6m-9m in width and provides a buffer to the car park.

The scale of the proposed building has also been reduced from a floor space of 3830m² previously proposed, to 2615m² now proposed (30% smaller). This reduction coupled with the repositioning of the building and changes to the design have improved the appearance of the building and reduced its scale and massing. The design now includes a very shallow pitched roof with projecting eaves, modelling of the facades of the building by incorporation of canopies, oriel windows, steel framework, louvres and staircase towers and use of various materials including more sympathetic brick elevations. A small section of flat roof at the rear of the building will be used for a balcony for a smoking facility for the bingo/social club. These elevation treatments help break up the scale and mass of the building. The splayed corner of the building and bingo/club entrance at the junction of Silver Street and Watermead Grange has also been designed to create a focal point and draw emphasis to the relationship to Brownhills town centre.

Impact on the amenities of the surrounding occupiers

The proposed building has been repositioned towards the front of the site and has been reduced in size, scale and massing in order to provide a greater separation between the adjacent dwellings and improve the visual appearance.

The main mass of the building now fronts Silver Street, as this is the approach to the town centre, with the shorter return of the building facing Watermead Grange. There is a separation of 80m to the properties in Bulrush Close (including provision of the landscaped buffer and 3m high bund) and 40m separation to those properties in Watermead Grange immediately facing the return elevation of the building. It is therefore considered that these separation distances coupled with the changes to the layout that allow for screening of the car parking areas with landscaping and changes to the design of the building including a reduction in its size, scale and mass, will not have any adverse impact upon neighbours amenity in terms of privacy, outlook or daylight.

The parking and servicing arrangements for the proposed building are located at the rear of the building where they are screened by the building itself and by proposed landscaping. The car park will be secured when the premises are closed by gates at the access point and the layout incorporates lighting and CCTV installation that will deter anti-social behaviour in this area. The use and activity at the premises are also considered a deterrent to potential anti-social behaviour as there will be increased surveillance by visitors and staff. It is therefore considered that the design of the layout and the building will deter anti-social behaviour and reduce potential additional noise and disturbance from the external areas. Noise generated from within the building itself will be limited due to provision of appropriate noise insulation.

Many residents have stated preferred alternatives for development of this site. However, the current proposal does accord with the policies of the UDP in terms of preferred uses and will support the economic vitality and viability of Brownhills town centre as a whole. It also offers the opportunity to develop a key site on the approach to the town centre in a manner that

respects the amenities on the surrounding environment and provides increased surveillance of the street scene.

Access and parking

A single point of vehicular access is proposed which is located to the north of the building and includes gates for security purposes. The construction of the access will incorporate a left turn in and left turn out of the site only with provision of a splitter island to create a safe access into the site. All of the parking for the site is located at the rear of the building in a secure car parking area that is well screened from the street and is to include lighting and CCTV. The lighting is designed to minimise light pollution and will be conditioned. Provision has been made for disabled parking spaces and cycle parking spaces as well as a drop-off point for taxis. All servicing is to take place at the rear of the building within the car park area and it is intended to restrict deliveries to the premises to weekday mornings when unhindered manoeuvring can occur as it is anticipated that peak parking times will be in the evenings.

Wheelchair access is available to all parts of the bingo/social club as lifts are included plus an escalator at the entrance. A lift is also proposed for the gymnasium/health club on the north western side of the building. The proposed public house and restaurant are located at ground floor only hence a lift is not required. Pedestrian access is available around the entire perimeter of the building and footpath crossings are available that will provide a safe route to the remainder of the town centre.

The proposed development is located in an existing town centre where there is convenient access to alternative means of travel other than the private car such as bus and taxi services. There is also the opportunity for combining trips to the centre making this a highly sustainable location for the proposed mix of uses. Transportation is also satisfied that the level of car parking is satisfactory and incorporation of the drop-off point and cycle stands will encourage alternative modes of transport.

Employment

The supporting information suggests that the proposed bingo/social club will create 60 new jobs (30 full time/30 part time), the gymnasium/health club will create 30 new jobs (16 full time and 14 part time), the public house will create 8 new jobs (2 full time and 6 part time) and the restaurant will create 12 new jobs (full and part time). This gives a total of over 100 new employment opportunities within the local area, plus construction jobs, which will support the economic regeneration of the Brownhills area.

Sustainability

It is intended to use rainwater run-off from the roof of the building for public toilets and to employ a sustainable urban drainage system (SUDS) to ensure the rainwater run-off does not adversely affect drains and sewers. The building is also to be constructed using high thermal and noise insulation materials, which the supporting statement advises will be locally sourced wherever possible. These measures to recycle rainwater, provide sustainable drainage, insulate the building and source local materials all assist in creating a sustainable development.

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 & Country Planning Act, 1990.

2. The works hereby approved shall only be carried out in accordance with details contained within the following drawing numbers:

- Location Plan (2277/500 Rev A) received 04/04/07
- Site Survey (2277/501) received 22/02/07
- Proposed Site Plan (2277/502 Rev A) received 04/04/07
- Proposed Ground Floor Plan (2277/503 Rev B) received 04/04/07
- Proposed First Floor Plan (2277/504 Rev A) received 04/04/07
- Proposed Second Floor Plant Room (2277/505 Rev A) received 04/04/07
- Proposed Elevations (2277/506 Rev A) received 04/04/07
- Typical Sections (2277/507) received 22/02/07
- Proposed Elevations - Coloured (2277/508 Rev A) received 04/04/07
- Proposed Site Plan - Coloured (2277/509 Rev A) received 04/04/07
- Landscape Proposals prepared by Martin F Holland received 22/02/07
- Supporting Statement prepared by Roger Etchells received 22/02/07
- Design and Access Statement prepared by BDG received 22/02/07
- Flood Risk Assessment prepared by JMP Consulting received 22/02/07
- Geo-Environmental Site Appraisal prepared by GRM Development Solutions (GRM/P3492/sum/1) received 22/02/07
- Acoustics Report on Noise Impact prepared by RW Gregory Consulting Engineers (B4552/ENV/A1) received 22/02/07
- Transport Assessment prepared by JMP Consulting received 22/02/07

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

3. Notwithstanding the submitted landscape proposals shown on the Martin F Holland drawing received on 22/02/07 a revised drawing that takes into account the revision to the proposed building footprint shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The landscaping shall then be implemented in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation.

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

4. No development shall be carried out until a schedule of facing materials, including colour, to be used in external walls, roofs and external hard surface materials have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in

writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason: To ensure the satisfactory appearance of the development.

6. No development shall be carried out until full details of the highway works and splitter island at the vehicular access to the site on Silver Street have been submitted to and agreed in writing by the Local Planning Authority. All works shall then be implemented in accordance with the agreed details prior to first occupation of the building unless the Local Planning Authority agrees to any variation in writing.

Reason: To ensure the satisfactory appearance of the development and maintain highway safety.

7. No development shall be carried out until a landscaping scheme for the site (including any necessary phasing of implementation) has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

9. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, such arrangements to have been previously approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be satisfactorily drained.

10. Prior to the first occupation of the building hereby approved details of the design of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: To ensure satisfactory provision of cycle parking in the interests of sustainable travel.

11. No demolition, engineering or construction works shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours 0800 to 1800 weekdays and 0900 to 1400 Saturdays. 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 nearby residents.

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or succeeding legislation) the public house (Class A3) and restaurant (Class A5) premises hereby approved shall be occupied for those purposes only and for no other purposes without the prior approval of a planning permission from the Local Planning Authority.

Reason: In order to safeguard the vitality and viability of Brownhills Town Centre.

13. Prior to the first occupation of the building hereby approved full details of the external lighting and CCTV system shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall then be implemented in accordance with the agreed details and retained and no other lighting or CCTV cameras shall be installed on any part of the buildings hereby approved or within the curtilage of the site unless details have been first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site, safeguard the amenities adjacent occupiers and in the interests of safety.

14. Prior to built development commencing details of remedial and mitigation measures designed to implement the recommendations for addressing the identified and potential hazards of land contamination and landfill gas present on the site as set out in the Summary Site Appraisal Report Ref. GRM/P3492/sum/1 (March 2006) together with a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Note for applicant

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

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory development of the site.

16. No development shall commence on site until full details of all proposed boundary treatments, including the vehicular access gates at the entrance to the car park, have been submitted to and agreed in writing by the Local Planning Authority. The proposed boundary treatments shall then be implemented in accordance with the agreed details prior to the first occupation of the development unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory appearance of the development.

17. The proposed car park shall be laid out in accordance with the details shown on the approved drawing 2277/502 Rev A prior to the first occupation of the building unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory development of the site.

18. The bingo/social club shall not be open for business outside the hours of 10.00 and 23.00, the public house/restaurant shall not be open for business outside the hours of 11.00 and midnight and the gymnasium/health club shall not be open for business outside the hours of 06.30 and 23.00 without the written prior approval of the Local Planning Authority.

Reason: In order to safeguard residential amenities.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, ENV17, ENV32, ENV35, ENV39, ENV40, S3, T13, BR1 and BR9 of Walsall's Unitary Development Plan (March 2005), and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Note to applicant:

The applicant is invited to contact Louise Powell of the Council's Economic Development Team on 01922 652571 or powelllouise@walsall.gov.uk <<mailto:powelllouise@walsall.gov.uk>> in respect of working with the Council with regards to procurement of services and materials during construction of the development. A detailed plan of action as to how the developer can work with the Council and local employment agencies to recruit and train staff to work at the new premises with the emphasis being on recruiting staff who live within the administrative area of Walsall should be considered.

Specific measures may include:

1. Establishing a local employment office;
 2. Advertising vacancies in the local press;
 3. Attending promotion and recruitment fairs organised by the Council and local employment agencies.
-



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

Reason for Bringing to Committee: Called in by Cllr. Sarohi

Application Number: 07/0377/FL/W7

Case Officer: Andrew Thompson

Application Type: Full application

Telephone Number: 01922 652403

Applicant: Mr A Patel

Agent: Gurmukhi Building Design Ltd

Proposal: Change of use of vacant unit to multi faith function hall, banqueting, parties, weddings and conferences

Location: VACANT UNIT ADJACENT
UNIT 38, MANOR INDUSTRIAL
ESTATE, PLECK
ROAD, WALSALL, WEST MIDLANDS

Ward: Pleck

Expired: 19 April 2007

Recommendation Summary: Refuse Permission



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Current Status

Councillor Sarohi has called in the application on the grounds of the community need for the facility.

Application and Site Details

The application involves the change of use of part of an existing building in the middle of the Manor Industrial Estate opposite the Manor Hospital car park on Pleck Road. A shared car park is in the centre of the estate for all users of the industrial estate (other industrial users will remain on the estate). A single access point serves the site, onto Pleck Road. The estate extends to the canal to the rear.

The application site is currently in B1 (light industry), B2 (general industry) and B8 (storage and distribution) uses. Part of the site is a café which appears to be vacant. This is included within the application site, but no details are submitted to change that element.

Neighbouring uses include:-

- machining, casting and powder coating
- aluminium casting
- engineering factories
- a windows and door company
- a car repair unit

All of these premises use the same access as the application site and are accessed and served off the main car park / access route in the centre of the site.

The application proposes a hall capable of accommodating 1,048 people, with a floor area of 1,726 sq.m. The proposals also include proposals for 78 car parking spaces and 2 coach parking spaces and to realign / reconstruct the existing car parking to create these numbers.

The site levels vary but principally slope down from the access to Pleck Road to the canal. A retaining wall is present, across the car park, approximately 75 metres from the Pleck Road access. Car parking in front of this wall is used for the car repair company and is reserved as such. The proposed car parking layout would require levelling the slope, and removing the retaining wall. Any changes / remodelling of the car park would need to take account of the structural stability of the adjoining industrial unit.

The application building is single storey with a variety of roof pitches that appear to be in a poor state of repair. The applicant acknowledges in their 'Design and Access Statement' that the building would require external renovations and a new insulated roof.

Officers required the submission of additional information (principally a Sequential Test exercise and a Transport Assessment). In response, the applicant has only submitted a sequential test exercise and a revised supporting Design and Access Statement. It is argued that as *'the use of the premises will be outside normal working hours and peak traffic times and also that its impact upon traffic flows will not such (sic) as to have a measurable effect, a traffic survey was not commissioned'*.

No hours of operation are proposed although the applicant states in their Design and Access Statement that 'no other users operate over the weekends' and that 'the use of the premises will be outside normal working hours and traffic times'.

The agent has submitted a petition of support from 13 occupiers of the Manor Industrial Estate, and two letters of support from catering suppliers.

Relevant Planning History

None on the site.

The site is directly opposite the Manor Hospital where redevelopment proposals and currently under consideration, reference 07/0606/RM/W1.

The TCTP works are continuing until the summer of 2008.

A previous application for such a use was refused on the corner of Rolling Mill Street/Pleck Road (application reference 05/0124/FL/W1), which is close to the site. The application was refused on the location of the proposal being out of the town centre and the proposed impact on the town centre, not being well located to public transport, insufficient car parking, and impact on nearby residents.

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

2.2, GP2, 3.6 and ENV32 seek high quality design and the strengthening of the local economy.

GP1 and GP2 seek to locate development in sustainable locations, accessible to all. Where schemes are out of centre, they must have good accessibility by a range of means of transport.

4.5 and JP7 on the use of land and buildings in employment areas provides that assembly and leisure uses will not normally be permitted in such areas which should retain their overall industrial character.

4.6 identifies the importance of the service sector but seeks to direct these uses to town centres.

5.1 and 5.2 seek to promote the town centre and enhance vitality and viability. Accessibility by a range of means of transport is also a characteristic of the town centre.

5.4 to 5.8, S2 and S7 require the application of the sequential approach. S1 defines appropriate town centre uses, and the proposed use is included. S4 sets out the Council's objectives for the Town Centre.

S10 applies to food and drink outlets (though at the time of the UDP's adoption, the definitions were somewhat different). A key requirement in this context is the potential for control of hours, on amenity grounds, and the need to test parking for adequacy.

7.3 seeks a Transport Assessment and investment in off-site infrastructure where appropriate. T7, T10, T12 and T13 define the Council's objectives on parking standards and accessibility.

The site is outside the boundary of the Town Centre Inset Plan.

Regional Spatial Strategy

RSS11 - PA10 (Tourism and Leisure), PA11 (Town Centres), UR3 (Enhancing the Role of Town Centres) - seek to encourage development in town centres. Policy T7 - car parking and management.

National Policy

PPS1 seeks to locate development in sustainable locations, PPS6 seeks strong, vibrant and sustainable town centres, and PPG13 seeks to encourage alternative modes of transport to the car.

Consultations

Transportation - Object - no transport assessment has been submitted. The car and coach parking layout is impractical. The servicing facilities are inadequate. The UDP standard is for a maximum of 210 car parking spaces.

Walsall Regeneration Company - Object, the proposals would harm the wider regeneration objectives of the Town Centre and the delivery of conference and leisure facilities within the town centre boundary (e.g. on the Waterfront and in the Office Quarter) and it is considered that the building is unsuitable for such a use due to the poor quality environment and neighbouring industrial premises.

Pollution Control - No objections but advised to consult Environmental Health

Highways Agency - In the absence of a Transport Assessment the Highways Agency were not consulted as part of the original application. As a result of the applicant's refusal to submit a Transport Assessment (as required by officers) the Highways Agency have been consulted recently. Their comments will be reported in the supplementary paper.

Engineering and Transportation - The adjacent TCTP roadworks are programmed to continue to the summer of 2008. During this time the access arrangements to the site may be restricted. Following this the Manor Hospital redevelopment may affect traffic access along Pleck Road.

Fire Service - Satisfactory access.

Environmental Health - No impact on amenities of nearby residential properties.

Representations

None.

Determining Issues

- Impact on Town Centre/Sequential Approach
- Impact on Pleck Road/Transport Network and car parking requirement.
- Relationship to neighbouring industrial uses
- Reuse of the existing building

Observations

Impact on Town Centre/Sequential Approach

Paragraph 3.4 of PPS 6 indicates that applicants should demonstrate:

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

In addition paragraph 3.15 indicates that in considering alternative sites, developers should be able to demonstrate that in seeking / testing a more central site they have been flexible about their proposed business model in terms of the following planning considerations:

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

The applicant has shown that there is only one similar facility within Walsall. However, the applicant has also submitted a statement saying that locations within the Waterfront, Station Street, Office Corridor and St Matthews Quarter are all in the pipeline prior to the end of the plan period (i.e. 2011). These have been ignored in the submitted sequential test.

In addition, the amount of development (i.e. size of the proposed facility in relation to other facilities elsewhere in the region) and whether more centrally located sites are available within a reasonable period has not been demonstrated.

The Council's position is that the delivery of leisure facilities such as this are:-

1. essential to the success of the Waterfront;
- and
2. leisure, and conferencing and banqueting uses will be a significant key to the successful regeneration of the town centre.

Many development proposals are expected in advance of 2016 and have the scope to start to deliver conference and banqueting facilities prior to 2011/2012. As such, the need for the development could be satisfied by developments in more sustainable and sequentially preferable locations in the near future. In addition the provision of such facilities outside the town centre boundaries could compromise the overall regeneration aims and objectives for the Town Centre.

Within the Town Centre, there is the maximum scope for disaggregation of the uses proposed, such as moving car parking to other sites and using existing town centre car parks, thereby reducing the site area needed.

Officers conclude the application is not supported by an adequate sequential test exercise, and it can not be approved on present information.

The applicant has submitted, in support of their assessment of the suitability of the site, details of the other facilities in the region. With the exception of the Conference Centre in Sandwell at a capacity of 1,000 people, it is noted that none of the facilities shown are of the scale proposed. On the evidence submitted, the average size of such facilities in the region is

to accommodate 518 people (based on the capacity of the 18 facilities in the region). No evidence has been submitted to justify the size of the unit.

The format of the building does not allow for flexibility or subdivision in the footprint if servicing and emergency access is to be maintained. The flexibility and format of the building should be considered and paragraph 3.16 of PPS6 indicates developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas.

Impact on Pleck Road / Transport network and car parking requirement

The application is not supported by a transport assessment; as the applicants do not consider it is necessary. Such an assessment was required by officers, and ordinarily a refusal (under delegated powers) would follow the applicants' refusal to comply. The call-in has precluded that action.

As background information, the proposals total 1,726 square metres and it is noted that the proposals would be capable of accommodating 1048 people. In the UDP standards Use Class D2 would require a maximum level of 210 car parking spaces (1 space for 5 people). The existing use (B1(c)) would require a maximum 58 car parking spaces based on 1,726 square metres of floorspace. Based on this car parking requirement, trip generation could be at least 3 times the level of the existing use. Because no transport assessment has been submitted the applicant has not demonstrated that the proposal is acceptable in its impact on the highway network. Pleck Road is part of the Strategic Highway Network and the lack of a transport assessment is a significant concern.

The impact of the proposals on Manor Hospital redevelopment proposals (reference 07/0606/RM/W1) would also need to be assessed as part of any transport assessment. The new access to the redevelopment proposals would be almost directly opposite the Industrial Estate.

The maximum parking requirement within the UDP is 210 spaces. The proposals include 78 spaces and 2 coach parking spaces. Whilst the site is in an edge of centre location the proposals are over 1km from the railway station and therefore the likelihood of people walking and using the railways station to get to the site. It is therefore considered that the parking provision is low and the opportunity to use alternative town centre car parking is limited.

The proposed coach parking is, in part, directly in front of the access to the north-eastern portion of the industrial estate, preventing access to that area. In addition other coach parking is outside the doors of other industrial units on the estate.

In addition the parking layout proposed does not take account of the parking provision for existing users and existing allocations for users of the industrial estate (including an existing portakabin). Either the parking will not be capable of being used (a reason to resist the application) or it will obstruct other users (also a reason to oppose the application).

The service arrangements for the proposed use are very small, with turning and manoeuvring in this area difficult for any vehicle larger than a car.

The proposed disabled car parking to support the proposal currently serves the unit at the front of the site.

All of these are reasons to refuse the application.

Relationship to neighbouring industrial uses

The applicant states in the Design and Access Statement that 'no other users operate over the weekends'. No hours of operation are suggested by the applicant (though these could be imposed by conditions, if appropriate).

There are no restrictions on the hours of operation of the neighbouring industrial users. They therefore have scope to extend their hours. That could conflict with the application proposal.

However, there is a further aspect to this issue. The applicants intend very limited hours of operation, simply 'outside normal working hours and traffic times'. It can be argued that this is a waste of the resources that are to be invested in the site (if the scheme is approved). The question for the Council is therefore should this facility be available for use as conferencing and banqueting and other such uses during the week, with conferences in particular commonly held during the day and in the week. This would make the impact of the use on neighbouring uses much more significant.

Conversely, it can be argued that the hours of operation, and the economic implications are matters for the applicant.

Overall, officers conclude that it is not appropriate to force longer hours on the applicant. However, given the proposed conflict between the necessary parking for the proposal, and access to the other units, it would be necessary, if the scheme is to be approved, to restrict operation to hours when the industrial estate is not used, or little used. Given the current unrestricted hours it is, also, not clear what restriction would be appropriate. This inability to properly control the hours of operation of the site as a whole means there is scope for parking problems. As the site is well used for parking by the industrial units, there is scope for parking to overflow onto the street and onto the neighbouring hospital car parking. It is noted that it is proposed for Pleck Road to be designated a Red Route upon completion of the current roadworks, this will prevent intermittent parking and loading and unloading from taking place.

The existing users are typical factories, and do not create an attractive environment, with open storage of metals and car repairs being carried out on site. A high quality environment is usually particularly important for weddings and conferences. While this might be seen as an issue for the applicant, officers conclude that the poor image would adversely affect the image of the Borough as a whole, and that this site is inappropriate for a high profile, public use.

The neighbouring industrial unit to the north might be affected by any realignment or changes in levels to the car park. The premises is brick built and structural supports are located on the boundary with the application site. The details of this and relationship of the car park re-alignment constitute further evidence of thorough consideration that would need to be submitted and clarified.

Reuse of the existing building

Many conference facilities market themselves on high quality environments and the quality of the local environment.

The existing building is in a poor state of repair and upgrading the building and creating an environment that would be attractive for the business community (e.g. conferences) and for

personal events (e.g. weddings) would require significant changes. It is considered that the existing building would not be appropriate for such a use and that a purpose built venue, or a generally more attractive building, would be more appropriate. Such buildings would be better provided in town centre schemes such as Waterfront or the St Matthews Quarter.

In addition to the poor building, the industrial estate is similarly poor in appearance. The location of a use as proposed in such a poor environment would be likely to reflect adversely on the image of the use, and of the Borough as a whole.

Conclusion

It is considered that the proposals are in the wrong location and would seriously compromise the redevelopment and leisure provision in the town centre and on the Waterfront development, for example. The submitted sequential test is inadequate and has not considered sites that are allocated for leisure use and will be brought forward in the near future. The use has significant transportation problems that will arise from the poor quality layout and the lack of consideration of the Strategic Highways Network. Officers are also of the opinion that the environment will be of such poor quality as to detract from the use and raise conflict with other neighbouring industrial users.

There is no policy support or justification for this proposal or use in this location and as such the application should be refused.

Recommendation: Refuse Permission

1. The applicant has failed to consider
 - a) sequentially preferable sites that would be available within a reasonable timescale.
 - b) whether the scale of development is appropriate in this location and whether there is need for the scale of development proposed.
 - c) the scope for disaggregation of the proposal.

As such the proposals are contrary to the aims and objectives of the wider regeneration of Walsall Town Centre including key sites such as the Walsall Waterfront, Office Corridor, St Matthews Quarter, Town Wharf Business Park regeneration developments, the tests contained within paragraphs 3.4 and 3.15 of PPS6, the aims and objectives of PPS1 in locating development in sustainable locations, policies PA10, PA11 and UR3 of the Regional Spatial Strategy for the West Midlands (RSS11), policies GP1, GP4, S1, S2 and S7 of the Walsall Unitary Development Plan and the aims of the 'Prospectus for Growth 2006' of the Walsall Regeneration Company.

2. The applicant has failed to demonstrate that the proposals would not have an adverse impact on Pleck Road and that the traffic generation from the proposed use would not have a negative impact on highway safety. As such the proposals are contrary policies T4(a) and (b), T7(a) and (b), T13(A) and GP2 VII of the Walsall Unitary Development Plan.

3. The use of the building for leisure use would not be capable of creating a high quality environment around the building (notwithstanding the applicant's expressed intent to improve the exterior of the building), because of the character of the industrial estate surrounding the site. The poor quality of the surroundings of the site would also reflect poorly on the image of the town as a whole. As such the proposals would be contrary to Policies 2.2, GP2 (I, XIX and XX), 3.6, ENV32 of the Walsall Unitary Development Plan.

4. The proposed car parking does not meet the Council's standards defined in the Unitary Development Plan, and would be inadequate to serve the proposed use. This would lead to conflict between users of the Manor Park Industrial Estate and potentially with users of the public highway. As such the proposals would compromise the future use of neighbouring occupiers for industrial and employment uses and compromise highway safety. The proposals are contrary to policies T4(a) and (b), T7(a) and (b), T13(A) and GP2 VII of the Walsall Unitary Development Plan.

5. The proposed car parking and servicing layout would lead to potential conflict between users of the Manor Park Industrial Estate as:-

- a) the proposal has not taken into account the site levels, retaining walls and existing structures in and adjacent to the proposed car parking provision
- b) proposed parking spaces obstruct access to buildings or areas of the site
- c) there is no control in place to prevent the existing users of the industrial estate extending their hours of operation into the hours which are envisaged in the proposal.

As such the proposals would compromise the future use of neighbouring occupiers for industrial and employment uses, and the effective operation of the proposed use. As such the proposals are contrary policies T4(a) and (b), T7(a) and (b), T13(A) and GP2 VII of the Walsall Unitary Development Plan.

6. The proposed car parking and servicing layout would be inadequate to serve the proposed use and is contrary to Policies T4 (a) and T7 (b) and T12 (A) and (F) of Walsall Unitary Development Plan (March 2005). As such the proposals would compromise the future use of neighbouring occupiers for industrial and employment uses.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 06/1873/RM/W5

Case Officer: Karon Hulse

Application Type: Reserved Matters

Telephone Number: 01922 652492

Applicant: Persimmon Homes (west Midlands) Ltd

Agent: Development Design Partnership

Proposal: Erection of 70 number dwellings consisting of 2, 3 & 4 bedroom houses and flats including all necessary road and sewer works.

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

Ward: Darlaston South

Expired: 20 June 2007

Recommendation Summary: Approve Reserved Matters Subject to Conditions



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Application and Site Details

This application seeks reserved matters approval following the grant of outline permission for the erection of dwellings on land at Stafford Road, Darlaston. The number proposed on the site is 70 dwellings, one more than was indicated at the outline stage.

It proposes a mix of units consisting of 18 flats and 52 dwellings over two, two and half, and three storeys.

The reserved matters to be considered are siting, design, external appearance and landscaping.

The layout reflects that which was submitted as information for illustrative purposes only at the outline consent to demonstrate the sites capability to be developed.

The access point is approximately central along the Stafford Road frontage which was the only detail, other than the principle, to be approved at the outline stage.

A three storey apartment block is proposed for the north western corner of the site which is a change from the outline which showed them sited along the Stafford Road frontage. The apartment block is fronted by car parking (allowing natural surveillance) and private amenity space to the rear and side overlooking the playing fields.

The Stafford Road frontage will be made up of two storey dwellings with the exception of a block of 3 three storey dwellings at the eastern corner. Pedestrian access will be provided directly off Stafford Road with parking to the rear (some dwellings have a garage, other parking is within private courtyards).

Parking is provided at 200% for houses and 26 spaces for 18 flats which is nearly 150% provision.

The density on the site is 49 dph.

The site has now been remediated.

Relevant Planning History

The outline consent, 06/0126/OL/W1, for the erection of 18 apartments and 51 houses including access which was granted 16th March, 2007.

Relevant Planning Policy Summary

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

Unitary Development Plan

2.1, 2.2 and GP1: Sustainable Location of Development - Development will be guided by the principles of sustainability.

GP2: Environmental Protection - Requires new development to contribute to the improvement of the environment.

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

GP7: Community Safety - Development is expected to design out crime whilst maintaining good urban design.

Para 3.113, 3.114 & 3.115 Seek good design and high quality architectural and landscape design to improve access, discourage crime and create a distinctive environment.

Para 3.16 The Council will consider development in relation to its setting.

ENV14: Development of Derelict and Previously-Developed Land and **3.9** The Council will encourage the reclamation and development of derelict and previously developed land.

ENV32: Design and Development Proposals - Poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings - Encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved.

H9: Minimum Densities - Housing densities in the range of 30 -50 dwellings per hectare.

H10: Layout, Design and Dwelling Mix - High quality living environment to be created, well integrated with surrounding land uses and local character.

T7 and T13 - Car Parking - development to comply with car parking standards : 1, 2 and 3 bedroom houses: 2 spaces per unit, 4 bedroom houses and above: 3 spaces per unit

Para 8.8 and 8.9 - Residential development only permitted where adequate school capacity exists or can be provided.

LC1: Urban Open Spaces - residential developments will be required to make a financial or other contribution which will enable the provision of new, or the improvement of existing urban open spaces.

LC8: Local Community Facilities (including Para 8.37) - Loss of local community facilities including public houses should demonstrate there are other facilities in equally convenient location or no longer a need for the facility

Residential Development Standards (RDS)

These include guidelines relating to design and space around dwellings including garden dimensions, habitable room separation and boundary treatments.

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

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

National Policy

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, PPG24 - Planning and Noise, PPG25 - Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation - no objections

Fire Service - no objections

Pollution Control Division - no objections subject to recommendations being fully implemented.

Regeneration & Built Conservation & Design (trees) - objects on grounds of limited replacement trees being proposed

Police Architectural Liaison Officer - concerns over the relationship of parking for plots 1-7 and 63-70

Land drainage - no objections

Centro - no objection

Public Participation Responses

One letter received with 14 signatures in support of the application

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

Determining Issues

- Principle of the development
- Design and layout
- Noise
- Financial contributions
- Trees

Observations

Principle of the development

The principle of the use of this site for residential development has been determined by the outline consent. The number of units has been increased by one since the original outline approval. That submitted scheme was illustrative only but the grant of the outline consent in the specified terms is confirmation that the site is clearly capable of accommodating the proposed units.

Design and layout

The proposed frontage along Stafford Road will give a very active street frontage with all pedestrian access being directly off Stafford Road. Parking to the rear will either be within the curtilage of each dwelling or within a private courtyard. The courtyard (plots 1-7) is accessed via an archway where there is an apartment above. Whilst the police Architectural Liaison Officer has concerns over this arrangement the apartment has dual frontages with habitable rooms overlooking both the rear parking area and the access/egress to it. It will act as a

sentry to the courtyard, providing natural security and good visual surveillance of residents vehicles. Similarly the parking area to the rear of plots 63 and 64 is overlooked directly by plots 59 to 62 which again will provide a sufficient level of natural surveillance.

Within the site residential units overlook the main access road which again offers active frontages and natural surveillance of the street frontages.

Units are sited around the rear perimeter looking towards the school playing fields and the open space to the west. The 2 apartment blocks are provided with adequate private amenity space and 26 spaces for 18 units which equates to 150% minus one space.

As a result of the remediation of the site there has been an increase in the ground levels particularly around where the apartments are to be sited. This has resulted in an embankment being created along the western boundary. This is currently stark and unpleasant with the steel reinforcement grid to support the raised levels being visible. The submitted landscape scheme does not address this satisfactorily, however it can be adequately controlled by the imposition of an additional condition. Access to that area is also important for maintenance therefore the scheme will need to take into account an access gate / route.

The density of the site relates well to the area generally and will provide a pleasant suburban area.

Noise

An acoustic scheme for the dwellings has been submitted and identifies measures which are recommended to be installed within each of the units. Subject to these measures being fully implemented the scheme is considered acceptable.

Financial contributions

The site has been subject to financial contributions for affordable, open space and education at the outline stage and therefore there is no further requirement for such.

Trees

The Tree officer has objected to the proposals on the grounds that there is a lack of replacement trees on the site.

However, a tree study was submitted at the outline stage and it was concluded that nothing on the site required preservation at that time. The replacement of trees is therefore a matter of achieving a good design for the new development. The landscape scheme does include a number of trees to be planted within the front garden areas to the dwellings to create street avenues and along the outside boundaries to the site which will give screening from other uses which adjoin the site. This is seen as satisfactory.

Recommendation: Approve Reserved Matters Subject to Conditions

1. This decision approves matters submitted under the following conditions as set out and defined by the outline planning permission 06/0126/OL/W1, dated 16th March, 2007 :-

2. a) The siting of the buildings;

- 2. b) The design of the buildings;
- 2. c) The external appearance
- 2. d) The landscaping of the site (with the exception of the western boundary along the embankment)
- 7. acoustic scheme subject to full implementation
- 8. secure cycle storage
- 9. drainage of the site, including off-site works as necessary.
- 10. drainage systems
- 11. flats and dwellings fronting Stafford Road not exceed 3 storeys.
- 12. boundary treatment
- 14. detailed landscaping scheme with the exception of the western boundary

2. This decision is also subject to the further submission of details of the following conditions as set out and defined by the outline planning permission 06/0126/OL/W1, dated 16th March, 2007 :-

- 4. mitigation measures to secure the well being of bats in the area
- 5. (a) details of landscaping beyond the western and northern boundaries of the site, to enhance the foraging for bats in the area and evidence that the developer has the ability to implement those details on the land in question have been submitted to and approved in writing by the Local Planning Authority
- (b) No dwelling shall be brought into use until the works approved under part (a) of this condition have been implemented and completed.
- 13. schedule of facing materials
- 15. scheme for external lighting
- 16. protocol to ensure that the immediately surrounding highways are not adversely affect by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase.
- 17. details of proposed operation and management of any gates to be installed on the site

Reason : To define the permission

3. Notwithstanding the above, building works for plots 13 to 24 shall not commence until a landscaping scheme for the embankment created by the remediation works carried out along the western boundary to the apartments no.s 13 - 24, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a gated access for continued maintenance of the embankment. The approved details shall be fully implemented and thereafter retained in good working order prior to any occupation of those plots.

Reason : To ensure the satisfactory functioning of the development.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

Reason for bringing to Committee: Significant community interest

Application Number: 06/1722/FL/E6

Case Officer: Paul Hinton

Application Type: Full application

Telephone Number: 01922 652420

Applicant: Sheffield Sports and Community College

Agent: Total Solutions Portacabin Ltd

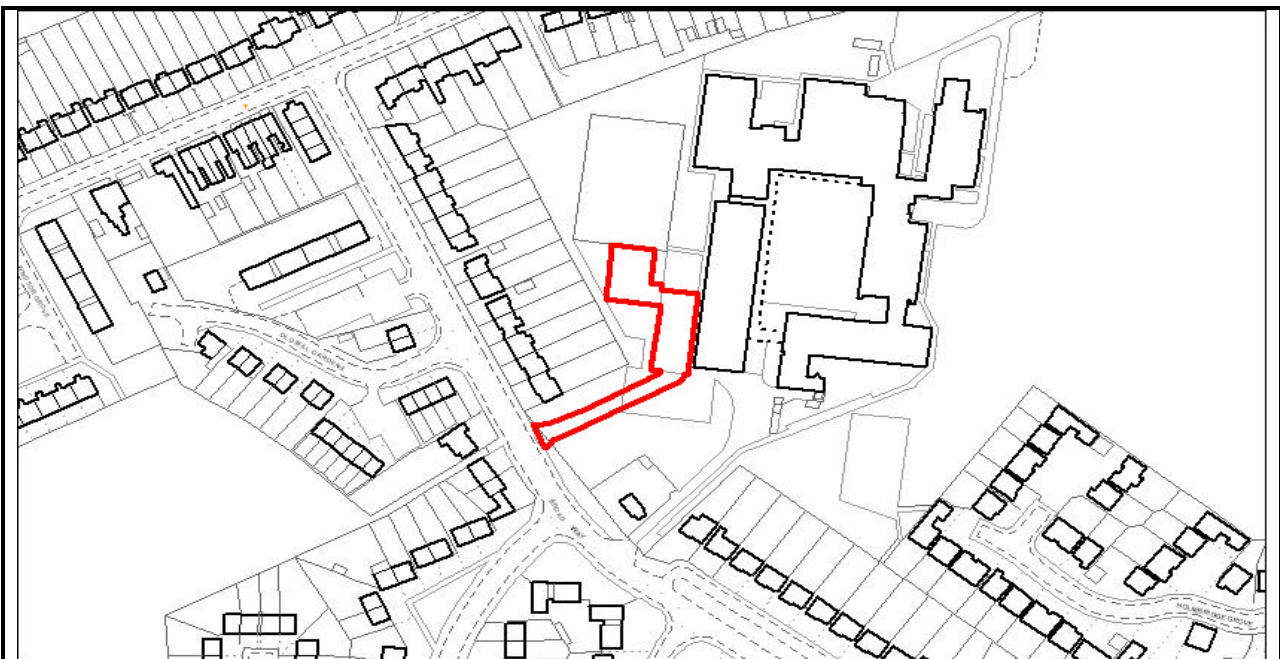
Proposal: Relocation, extension, and renovation of an existing single-storey temporary Portakabin Duplex Building to be used as a nursery facility for a period of 3 years and provision of a hard and soft play area

Location: SHELFIELD SPORTS & COMMUNITY COLLEGE, BROAD WAY, PELSALL, WALSALL, WEST MIDLANDS, WS4 1BW

Ward: Rushall-Sheffield

Expired: 01 May 2007

Recommendation Summary: Grant Permission subject to conditions



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Current Status

This application was due to be reported to the Development Control Committee on 9th January 2007, however due to concern over conflicting issues within the proposal it was recommended to withdraw the application from the plans list and seek further clarification from the applicants. The description of the application has been amended, amended plans have been submitted and additional supporting information has been presented.

Application and site details

The application proposes a temporary single storey 'portakabin' to be used as a nursery at Shelfield Sports and Community College and follows the refusal for a similar development towards the front of the school in July last year. The applicants are seeking a period of three years for the siting of the 'portakabin' on a grassed area to the rear of 15-19 Broad Way.

At present, a single storey portakabin is located on playing fields to the rear of the school. In May 2003 planning permission was granted subject to conditions for temporary accommodation and teaching areas on the school playing field to accommodate students while the school was being redeveloped. This included a portakabin to be used for a crèche. The permission specified that within 3 months of the occupation of the new school buildings the areas used for the location of the temporary buildings shall be re-instated to grass playing fields. The crèche is the only building still on the playing fields; as a result the school are in breach of a planning condition.

The application proposes the relocation, extension and renovation of this building.

The college and agent have provided the following information in support of the application:

- An Early Years Grant has been secured to finance the relocation and refurbishment works.
- The project would be a temporary solution for a period of no longer than 3 years. The college is presently in negotiation with the DfES to secure additional funding to further develop the College site. A permanent structure is a high priority in any further developments.
- Subject to funding the permanent building is planned to be started in 2008/2009 and should take 6 to 9 months to complete.
- The portakabin would have to be relocated again to accommodate the permanent building programme.
- The ground levels are not being changed for the proposed installation of the portakabin.
- The nursery would provide an additional 3 spaces for toddlers, taking the capacity up to 18.
- There will be no extra staff rather two existing part-time staff being increased to full-time hours.

The amended plans now include an 18m in length, 2m high heavy duty timber fence running parallel with the neighbour's boundary. Six of the eight existing parking spaces located directly in front of the proposed nursery are shown to be dedicated for nursery staff and visitor parking, where two spaces are proposed to be used as a drop off point.

The application site has been recently landscaped and is located to the rear of residential properties along Broad Way, next to the college's tennis court and car park.

The applicants' state that the building would be a temporary measure while the college accumulates the funds for a permanent building in the same location. In February 2004 planning permission was granted for the part redevelopment of the college, this included a permanent single storey nursery in the same location as this current application. The permanent nursery could be constructed without further consent from the Local Planning Authority.

The proposed temporary building is a modular flat roofed construction, 3.4m high, with a width of 9.9m and length of 11.9m, with a total external floor area of 118m². The proposal would house 5 staff and 18 children. An external light grey colour scheme is proposed. The application includes a hard and soft play area between the proposed building and tennis courts which would be secured by 1m rail fencing. Two access ramps and steps are proposed.

Due to its orientation, the building is proposed to be between 2m and 4.8m from the rear 1.8m boundary hedge of no. 17 Broad Way and 30m from the rear windows of no. 17. The floor level of the properties along Broad Way are lower than the application site by approximately 1m.

The building would be 3m from the adjacent car park. The nursery's opening hours are proposed to remain the same as they are now (8am to 5.30pm).

The applicant's state the existing temporary nursery is located in an isolated position on the college field needs to be relocated as it is on the sports field and raises health and safety concerns. In the summer term the activity of athletics games, namely javelin and shot putt means that nursery staff cannot take the children outside when these activities are going on in close proximity. In the winter months there are concerns about the safety of parents and staff when picking up children in the dark evening. The college state that parents have informed them that they do not feel safe walking around the back of the college during dark evenings.

Relevant Planning history

06/0163/FL/E4 - Single storey portakabin to be used for 5 years as a nursery. Refused at the Development Control Committee on 3rd July 2006:

03/1138/FL/E3 - Erection of new two-storey Administration & Technology block, new assembly hall and new single storey nursery, associated civil work within the site including new road and parking areas. Refurbishment and re-cladding of existing school buildings. Creation of new playground. Granted subject to conditions 12 February 2004.

Under this permission the permanent nursery building was on the landscaped area at the rear of 17 Broad Way, on a similar siting as this proposal.

03/0376/FL/E3 - Temporary accommodation for use as administration and teaching areas. Granted subject to conditions. 7/5/2003. Condition 2 states "Within 3 months of the occupation of the new school buildings the areas used for the location of temporary buildings shall be re-instated to grass playing fields. *Reason:* To ensure that the development does not result in the loss of sporting facilities at the site".

This application included a portakabin to be used as a crèche. This portakabin remains in the same location and now forms the unit proposed to be relocated and extended as part of this application. Therefore the college is currently in breach of condition.

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

Unitary Development Plan

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

3.6 schemes should, as far as possible, help to improve the environment of the Borough.

3.16 consider development in relation to its setting, and will require high quality built design.

ENV32 says that 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 within or adjacent to Green Belt, agricultural or open land.

Policy 8.1 The Council, in collaboration with appropriate partners, will seek to safeguard, improve and expand facilities for education, health and community activities.

Policy 8.7 The enhancement of existing, and the provision of new facilities for education, health and other community needs will be encouraged.

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

Policy QE1 - Environment

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

National Policy

Planning Policy Statement 1: Creating Sustainable Communities both emphasise the need for good design, and development which is sustainable.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, states that local authorities should give very careful consideration to any planning applications involving development on playing fields planning permission for such developments should not be allowed unless:

- ii. the proposed development only affects land which is incapable of forming a playing pitch (or part of one);

Consultations

Transportation - no objections subject to conditions to revise the parking bays to achieve the required standard measurements of 4.8m by 2.5m and the parking bays to be demarcated on the ground.

Sport England - no objections. The information provided in the revised plans will not affect current playing field or sports facilities at the site and will affect an area incapable of forming a playing pitch.

Natural England - no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application and with all associated development works being undertaken within the curtilage of the property.

Police - no objection subject to a 2m boundary fence instead of a 1m fence around the outdoor play area and note for applicant.

Pollution Control - no objections.

Landscape - no objections subject to the erection an appropriate fence to the boundary shared with properties along Broad Way.

Fire Service - at the time of writing have not commented on the amended description and amended plans, however their original comments stated satisfactory access for fire appliances.

Representations

Neighbours have been re-consulted due to the description change and amended plans. Three letters of objection have been received from the same residents who objected during the previous consultation and one additional letter. Residents object on the following grounds:

- Devalues properties.
- The proposal would impinge upon resident's privacy.
- Increased noise nuisance.
- The proposed screen fence is 1.4m below the height of the proposed building.
- The relocation will require a costly connection to the sewage system on Broad Way.
- The current site of the temporary building has little effect on residential property.
- The additional traffic will add to an already dangerous situation.
- Children attending the nursery will be at risk being so close to the existing car park.
- The proposal takes away existing car parking facilities.
- A more suitable site would be located at the entrance/exit at Mob Lane.
- It is unclear why the proposal is necessary.
- Does the proposal have the necessary long-term funding to replace the temporary building with a permanent building in the future?
- The plans incorrectly refer to the application site as a grassed area and trees will have to be uprooted and cannot be replaced due to the location of the proposed building.
- Destroy the outlook from neighbouring gardens.

A petition of support with 156 signatures was received during the original consultation. The petition stated that the present location of the nursery is not good, situated in a logistically

difficult position within the College grounds. Access for parents is difficult with no close parking, necessitating a lengthy walk through and around the College, which poses health and safety issues in terms of lighting and suitable footpaths.

Two letters of support were received during the original consultation from parents whose children attend the nursery saying:

- The nursery in its current location on the main playing field is isolated, at this time of year very dark, wet and slippery.
- Not ideally suited on the sports field
- Children deserve to feel safe in their environment and have the room to be able to learn and play inside and outdoors.

Five letters were received during the original consultation objecting on the following grounds:

- Increased parking problems.
- Increased noise nuisance.
- The proposed site is an escapement from the main building of the college.
- Devalues properties.
- Destroy the outlook from neighbouring gardens.
- Disrupt adjacent neighbour's quality of life.
- A more suitable site would be located at the entrance/exit at Mob Lane.
- The plans incorrectly refer to the application site as a grassed area, this has been landscaped with bark chip, shrubs and fast growing trees to enable screening of the main school building.
- The proposal would impinge upon resident's privacy.
- Children attending the nursery would be at risk being so close to the existing car park.
- Due to proximity of the proposal to the rear boundary of residential properties, it would be unsuitable to plant trees.

During the original consultation a letter from the Nursery Manager to Richard Shepherd MP states that they have received a grant for the relocation to move to a more beneficial position safer for staff, children and parents. If the funding is not used within the allocated timescale it will be withdrawn.

A letter received by Mr Shepherd MP from a local resident had already been received by the Local Planning Authority and formed part of the assessment. Mr Shepherd's letter cites support for the need for a nursery at the college, but also expresses sympathy with constituent's objections.

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

Determining Issues

- Principle of development
- Impact upon character and amenity
- Impact upon parking and access

Observations

Principle of development

The principle of a nursery being sited in this location was established as part of the planning approval for the extensions and alterations granted in February 2004. The college have confirmed their long-term intention for the permanent building to be constructed in this location once adequate funds have been made available.

Impact upon character and amenity

The nursery site is part of the existing college campus. The activities at the proposed nursery would not be significantly greater than the existing. There are levels differences between the properties along Broad Way and the landscaped area where the temporary building is proposed to be located, with Broad Way at a lower level. The grey 3.4m high building would exceed the height of the existing boundary hedge and would be clearly viewable from the rear of the adjoining residential properties. In comparison with the approved permanent nursery, while this would be located a further 3.5m from the rear boundary, the height would be roughly the same at 3.5m.

The applicants have proposed a 2m heavy duty timber fencing spanning 18m along the boundary. This would partially screen the appearance of the proposed portakabin. The college is prepared to include landscaping, however the Councils Landscape Team have commented that there is insufficient space between the proposed building and the boundary to achieve tree planting. Planting also raises concerns from the Landscape Team about over shading and overhanging areas where young children would be playing. The proposed building would be seen at the end of relatively long and established gardens, and set against the background of the much larger and higher existing school buildings.

The Landscape Team consider that a sturdy screen boundary fence would achieve more effective screening visually and for noise than planting. This has been shown on the amended plans and can be retained by condition. While the proposed fencing would not be high enough screen the whole of the proposed nursery building, a 3.4m fence would be an incongruous feature. At 2m high the screen fence would help soften the appearance of the proposal.

Complaints have been received from residents prior to the submission of this application about the harshness of the blue colour render used on the school; the boundary treatment would help alleviate residents concerns about visual impact of the existing school and the proposed temporary building, enhancing the outlook from the rear gardens and increasing privacy.

Residents have raised objections on the basis of an increase in noise from the activities as a result of a nursery in this location. The proposed building is adequate to ensure limited noise transfer. However, the proposed hard and soft outdoor play area may at times generate additional levels of activity to this part of the site. The nursery would be located next to the existing tennis courts, which are well utilised during the summer months and used as an additional playground during break and lunchtime. This is a large Sports and Community college where it is considered that the noise arising from small children at play in the relatively small space of a controlled nursery play area, as shown on the plans, will not materially add to the overall noise arising from activities at the school. The proposed boundary fence would act as a noise buffer.

The college has undergone a major refurbishment programme and the front entrance of the school now presents an attractive and legible approach to the college. The temporary structure would not make an architectural contribution to this scene and would appear as an inappropriate design sitting unrelated to its surroundings. The approved permanent building fits well within the setting of the modernised college. The college's long-term plan is to construct a permanent nursery in this location, which has been previously established as an appropriate design and construction. Due to the circumstances where the school at present cannot complete the permanent building, a temporary three-year permission is considered reasonable to enable the service to continue.

Impact upon parking and access

The college site already provides parking for nursery staff at the Mob Lane entrance to the rear of the college and a drop off/pick up area for pupils at the front entrance access off Broad Way. By relocating the nursery towards the front of the site traffic movements for the use will generally be moved from the Mob Lane entrance to the Broad Way entrance. There are two access points along Broad Way with one for ingress and one for egress, with dropping off points within the school grounds, particularly for buses and coaches. The proposal would encourage parents, particularly due to the age of the children, to drop children off next to the nursery. This would be off-street, having no additional impact on parking problems along Broad Way.

Transportation raises no objection to the proposal. The applicants propose the reduction of two car parking spaces to ensure safe pedestrian access to the nursery and to provide for a dropping off area. At present the parking layout does not indicate individual bays, but this can be secured by condition, as can the demarcation of the spaces.

Objection letters have commented that children attending the nursery will be at risk being so close to the existing car park. The ramped access adjacent to the car park has been designed to run parallel with the parking areas so that children would not run out onto the car park. The other ramped access is to be enclosed by appropriate fencing providing a secure playing area. It would be expected that due to the age of children when leaving the nursery they would be accompanied by parents/guardians.

Other issues

The objection letters refer to devaluation of properties; this is not a material planning consideration in itself. An alternative site on the school playing field next to the rear entrance at Mob Lane has been suggested by residents. This proposal can only be assessed to be suitable at the time of a planning application for the nursery in this position.

The letters of support and the school state that there are security concerns about the current location of the nursery. The proposal would mean parents and young children not having to walk through the college site or around the relatively unlit parts of the school. The application site would have greater surveillance than the present location of the nursery. The proposal would enable children to play outdoors in a controlled safe environment.

Objection letters have commented that the current site of the temporary building has little effect on residential property and it is unclear why the proposal is necessary. While the existing nursery appears to have little impact upon residential amenity, the building does not benefit from planning permission and is currently in breach of condition. The nursery is located within an area of the school playing field which can be considered capable of forming a playing pitch. Therefore should a planning application be submitted for the nursery to be

retained in this location, it would most likely be refused. On this basis an alternative location is required for the current nursery to operate in a lawful location.

The application site is not a grassed area as the plans state, but an area of wood chippings that has been planted with saplings to encourage a landscaped buffer area. This landscaping has been undertaken by the college and is not a requirement to be retained as part of any previous planning approval. The proposal would require the removal of half of these saplings as would be required by the permanent nursery building.

Objection letters have raised concern that the relocation will require a costly connection to the sewage system on Broad Way and question whether the school has the necessary long-term funding to replace the temporary building with a permanent building in the future. At present the college cannot confirm long term funding for the permanent nursery building. It is not for the planning system to determine a planning application on the cost of development and whether the applicants can implement any subsequent planning approval.

Conclusion

The previous application for the temporary nursery was refused on the grounds of being detrimental to the nearest neighbouring dwelling by way of its siting and location and the associated levels of activity. The principle of a permanent building and its use as a nursery has already been established at this site and could be implemented at anytime. The level of activity therefore would be no greater than what has previously been granted planning permission. The impact of the siting of the portakabin can be mitigated by an appropriate boundary treatment which would preserve residential amenity.

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 hereby permitted shall be removed prior to the expiration of 3 years from the date of this permission and the site left in a neat and tidy condition.

Reason: The permanent retention of the building would be inappropriate because a portakabin is a detrimental element to the college and the long-term solution to providing a permanent and suitable building on the site.

3. No development shall be carried out until full details of the proposed boundary treatment for the outdoor play area, including a 2m fence, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use and shall be thereafter retained.

Reason: In the interests of the amenity and in the interests of highway safety.

4. The 2m heavy duty timber fencing to be used along the boundary with Broad Way shall be erected before the development is brought into use and shall be retained throughout the duration of the planning approval.

Reason: In the interests of visual amenity.

5. No development shall commence until a revised car parking layout has been submitted to and approved in writing by the Local Planning Authority. The car park layout will detail the six car parking bays showing the standard size of 4.8m by 2.5m. The layout will also indicate how the parking bays and drop off area shall be demarcated on the ground and shown to be for nursery use only.

Reason: In the interests of highway safety.

6. The development hereby approved shall not be brought into use until the markings for car parking bays and drop off area have been completed and are available for use. The parking spaces and drop off area shall thereafter be maintained throughout the life of this permission.

Reason: In the interests of highway safety.

7. The premises shall not be open for business outside of the hours of 8am to 5.30pm Monday to Friday.

Reason: In the interests of the amenity of local residents.

8. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details and retained as such.

Reason: To safeguard the visual amenities of the area.

9. Before this development is brought into use, obscure glazing shall be installed to the windows facing 17 Broad Way, as identified on Elevation A on the approved plan drawing no. HD/2355/46 received by the Local Planning Authority on 2nd November 2006, and shall thereafter retained.

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

10. Before development commences the portakabin shall be painted in an appropriate colour to be submitted to and agreed in writing by the Local Planning Authority. The portakabin, throughout the duration of the planning approval, shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

11. This permission relates to the following plans: drawing no. HD/2355/46 received by the Local Planning Authority on 2nd November 2006 and PBCE332 Rev E received by the Local Planning Authority on 14th March 2007.

Reason: In order to define the permission.

Note for applicant

West Midlands Police encourages the use of good security lighting, strong window and doors locks and a good alarm.

Natural England have no objection to the development subject to the proposal being carried out in strict accordance with the details of the application and with all associated development works being undertaken within the curtilage of the property.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, 8.1 and 8.7 of Walsall's Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

Reason for Bringing to Committee: Major Application

Application Number: 07/0449/OL/W7

Case Officer: Andrew Thompson

Application Type: Outline Application

Telephone Number: 01922 652403

Applicant: JPE Holdings Ltd

Agent: Alliance Environment &
Planning Ltd

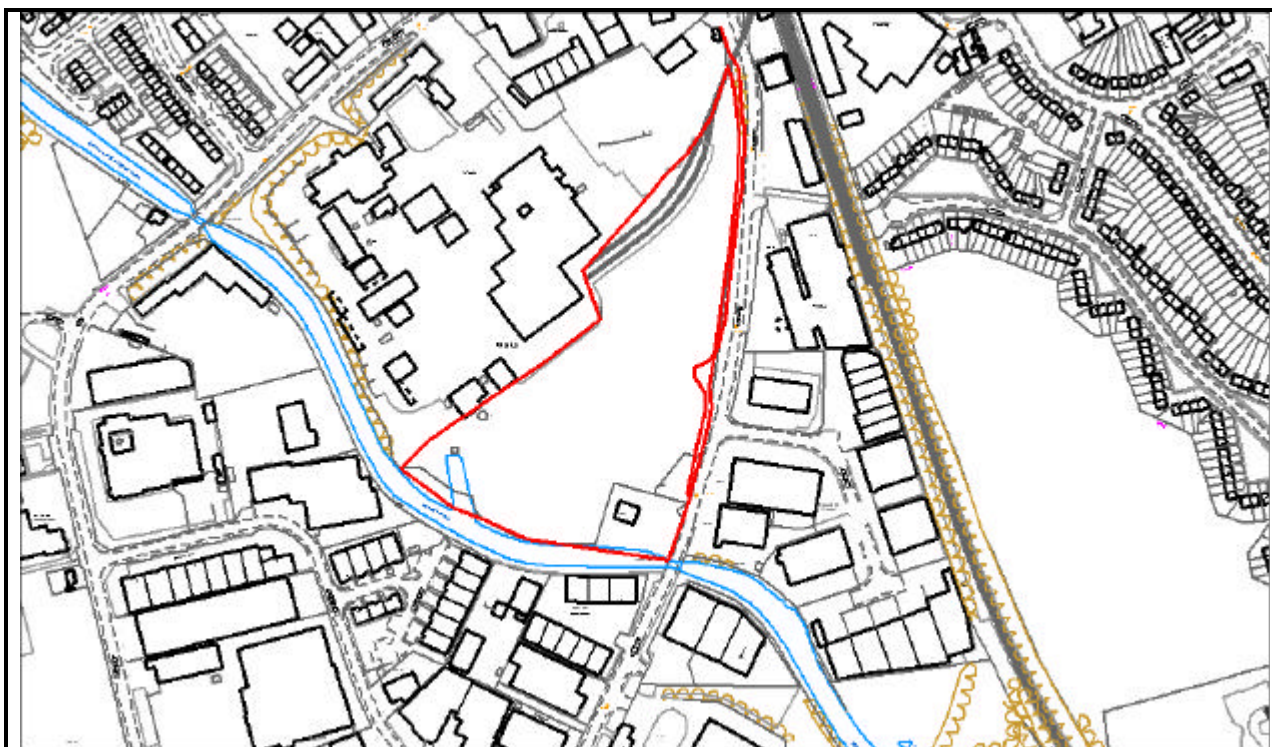
Proposal: Development of Industrial Units,
Additional Access, Associated Internal Access
Roads, Parking & Landscaping

Location: LAND OFF, FRYERS
ROAD, WALSALL, WEST MIDLANDS

Ward: Birchills Leamore

Expired: 08 June 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This is an outline application for 10,000 square metres of industrial premises (a mix of B2 and B8 uses) and an access. Scale, external appearance, layout and landscaping are reserved matters and therefore no consent is sought for these details at this stage.

The proposal is located on part of the Trident Alloys site with the application site, which is undergoing remediation under application reference 05/0641/FL/W2 (and which also involved new topsoil being imported onto the site and changes to levels).

The site is 3.4 hectares, and was formerly a landfill facility associated with the neighbouring smelting works. The proposals are immediately to the north of the canal. The site is in an area of past coal mining and is designated as Site E24 in the Adopted UDP, for employment uses.

Two access points are shown on the illustrative layout, The southern access has already been approved and implemented under application 04/1862/FL/W7. The northern is a new element.

Relevant Planning History

04/1862/FL/W7 - Creation of new entrance onto Fryers Road. Approved 30th September 2004.

05/0641/FL/W2 - Creation of new site surface, in places up to 6m above existing levels. Approved - 9th June 2005.

06/2115/ND/W7 - Screening opinion for the proposed development - No Environmental Statement Required - 23rd January 2007.

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

Adopted UDP

Policies GP1 and GP2 seek to encourage sustainable regeneration in appropriate locations and reuse brownfield land. Policy Env14 sets out the criteria for consideration of the reuse of derelict and previously developed sites. Policy Env10 considers pollution and the impact of industry on an area. Policy Env40 which relates to the conservation, protection and use of water resources also applies.

The site is identified within Policy JP1 as site E24, for employment use. The policy is supplemented by Policy JP5 as the site is located within a Core Employment Area. Policy JP5 encourages development of industry and employment uses within Classes B1(b), B1(c), B2 and B8. Policy JP3 (rail-served sites) applies and encourages development of land which has the capability of being served by rail.

Policy T13 promotes the appropriate level of car parking for employment activities with policies T7 and T8 promoting walking and cycling. Policy LC5 seeks to promote the use of canals as a green network through the Borough.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an

appropriate portfolio of land exists to meet the needs of the economy. Policy QE9 highlights the need to promote the water environment and improve such facilities, including canals.

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres. PPG4 seeks to promote and enhance industrial and commercial development.

Consultations

Transportation - No objection subject to conditions.

Pollution Control - No objection subject to conditions.

British Waterways - Siting, height and massing of the buildings would have to build a satisfactory relationship to the canal. Would prefer buildings set further away from the canal in relation to the indicative plans. Would seek a S106 agreement for works to the towpath on the opposite side of the canal.

Inland Waterways Association - Concerned that the application is in outline and does not address siting. Impact of scheme on canal and landscape buffer should be included as part of reserved matters application. Concerned about the impact on flora and fauna in the canal.

Drainage - This site is adjacent to the canal bridge, so no work to undermine the bridge wing wall.

Fire Service - No objection in principle subject to satisfactory access at detailed stage.

Representations

None received.

Determining Issues

- The principle and amount of development proposed;
- The transport assessment and additional access point;
- Comments of British Waterways and Inland Waterways Association;
- The reserved matters.

Observations

The principle and amount of development proposed

The site is allocated as Site E24 in Policy JP1 with a site size of 3.27hectares. The application site covers this entire allocation and in this respect the application proposals promote the objectives of comprehensive development of a previously developed sustainable site as progressed in Policy GP1 and GP2 of the Adopted UDP.

Policy JP5 defines Core employment uses as industry and distribution in Classes B1b, B1c (light industry), B2 (general industry) and B8 (storage distribution) of the Use Classes Order. The proposals are consistent with this.

The amount of development proposed equates to 30% of the site area being used for buildings. This is not considered to be excessive and the amount of development being proposed would be appropriate and allow for adequate servicing and access to the site. With regard to providing adequate servicing the existing layout may need to be amended to accommodate suitable servicing capability without compromising highway safety.

The application has been the subject of previous remediation agreed under planning permission reference 05/0641/FL/W2, this agreed strategy changed the site levels of the site significantly and the remediation is now nearing completion.

The transport assessment and additional access point

The application proposes two accesses from Fryers Road. The southern access (closest to the canal) was approved under planning permission 04/1862/FL/W7 and has now been constructed. The primary issues are therefore whether the northern access point is appropriate and the amount of development served from each access.

In addition it should be noted that the northern section of the site benefits from being served by an independent railhead that currently serves Trident Alloys. It is possible that the site could be designed to utilise this for a potential end user and promote sustainable freight travel. This could be designed as part of the reserved matters application.

Comments of British Waterways and Inland Waterways Association

The comments of these interested parties are noted. Both respondents are concerned about the layout of the proposals and the impact of the development, however the application is in outline and the details of siting and appearance of the buildings are not yet to be considered. It is feasible that the concerns of the waterways bodies can be overcome in reserved matters.

The Council does not currently have a policy framework (e.g. a Supplementary Planning Document) for seeking Section 106 contributions for commercial developments and it is noted that the towpath is on the opposite side of the canal. Contributions can only be sought where there is a justification, in planning terms. No justification appears to exist in this case. As such, no Section 106 is considered to be necessary, reasonable, or relevant in this instance.

The reserved matters

Whilst it is recognised that the development is in outline at this stage the basis for considering the reserved matters of the siting, scale and appearance are important factors. Equally ensuring that the development is a successful commercial development is important.

Officers recognise the importance of the canal as a strategic green network and will seek a design that creates active frontages and design features that create a positive frontage to the canal. In addition to the design of the building, the use of landscaping and public art could be used by the applicants to add distinction to the proposed development.

Officers will also seek to develop a scheme that creates an entrance from Fryers Road and ensure that the proposed development will be a modern, high quality, employment site that will add distinction to the stock of employment facilities in the Borough.

Conclusion

The proposals are acceptable in principle and would create an opportunity to develop a high quality employment facility as defined by the allocation in the Unitary Development Plan and bring forward a previously underutilised and contaminated site.

Recommendation: Grant Permission subject to conditions

1. Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years beginning with the date of this permission. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the Reserved Matters application, or the last Reserved Matters approval.

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

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

- a) The layout of the building(s);
- b) The appearance of the building(s);
- c) The scale of the building(s)
- d) The landscaping of the site

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

2. The permitted development shall meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, unless otherwise agreed with the local planning authority. Details submitted in accordance with Condition 2 [the reserved matters], shall include details of eco friendly measures to be incorporated within the construction of the building. These shall be approved in writing by the Local Planning authority and provided prior to occupation and retained at all times in the future in accordance with details approved. These measures should address the following: a scheme for rainwater harvesting for reuse as part of the day to day functions of the building and landscaping maintenance within the design of the permitted development, details of rainwater discharge, details of a solar/photovoltaic system and/or micro wind energy system on roofs.

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

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

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

4. No development shall be carried out until full details of the proposed boundary treatment of the site (including the boundary treatment to the proposed water features and roof terraces) have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

6. Prior to the commencement of development the details and locations of cycle stores and bin stores shall be completed submitted to and approved by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

8. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out.

Reason: To ensure the satisfactory functioning of the development.

9. Prior to the commencement of development details of street furniture (including proposed signage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve and enhance the Conservation Area and neighbouring listed buildings.

10. Prior to the commencement of development the applicant shall submit to and agree in writing with the Local Planning Authority a Travel Plan, including measures taken to promote sustainable travel to and from the development. The approved Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to promote the use of alternative modes of transport.

11. Prior to built development commencing details of a survey and assessment of ground gas conditions shall be undertaken following completion of the reclamation works and the results provided to the Local Planning Authority. Details of ground gas mitigation or ingress prevention measures identified by the survey and assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to built development commencing. Buildings shall not be occupied until agreed works have been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

Note for applicant

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; British Standard BS10175: 2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings' (CIRIA C659); 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.

12. Prior to the commencement of development:

- (a) An air quality survey and modelling has been undertaken, which demonstrates the impact or otherwise on air quality objectives in respect of Nitrogen Dioxide and PM₁₀ required by the provisions of the Environment Act 1995.
- (b) the methodology for such a survey and modeling has been submitted to and agreed in writing by the Local Planning Authority. The survey and modelling shall be undertaken in accordance with the approved details
- (c) Suitable mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved timetable, which should be no later than the first occupation of the development.

Reason To ensure the satisfactory development of the site.

13. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises shall not be used solely for B1(a) office purposes. Any office use shall be ancillary to the primary use of the proposed buildings as B1(b), B1(c), B2 and/or B8 as defined the Town and Country Planning (Use Classes) Order 1987.

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

14. The development shall not be occupied until visibility splays shown on the approved plans have been provided at the junction with the public highway. The visibility splay(s) shall thereafter be kept free of all obstruction higher than 900mm above the adjoining carriageway level.

Reason To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.

15. The access hereby approved relates only to the position and size of the northern access point off Fryers Road and not to the internal road layout. The internal layout including parking, service areas and turning facilities are to be considered as a Reserved Matter as defined by Condition 2 of this permission.

Reason: In order to define the permission.

16. Built development shall not commence until a validation statement confirming the nature, extent and outcome of the works undertaken to implement reclamation of the site under Planning Approval 05/0641/FL/W2 has been provided to and accepted in writing by the Local Planning Authority. This document shall contain sufficient detail to demonstrate that risk to groundwater has been removed or reduced to an acceptable level.

Reason: To ensure the satisfactory development of the site.

NOTE FOR APPLICANT: The applicant/developer is advised to contact Steve Lugg, British Waterways Third Party Works Engineer, in order to ensure that any necessary consent is obtained and that the works comply with British Waterways' 'Code of Practice for Works affecting British Waterways'.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV29, ENV32, ENV33, JP1, and JP7 of the Adopted Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA6, QE3, QE4, QE5 and QE9 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

Reason for bringing to committee - Major Application

Application Number: 07/0440/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: St. Modwen Developments Limited

Agent: Hing and Jones Limited

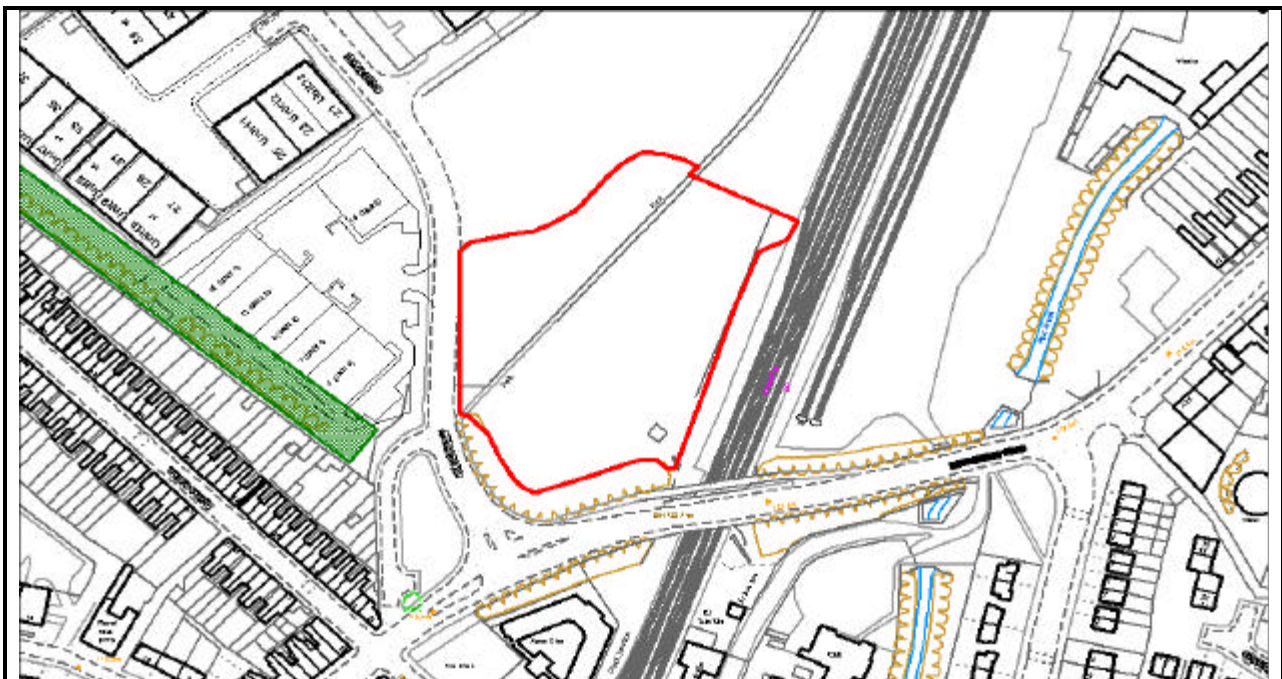
Proposal: Construction of 3,330m² of B1, B2
& B8 light industrial/warehouse buildings

Location: FORMER PLECK GAS
WORKS, REGAL DRIVE (OFF
WEDNESBURY
ROAD), PLECK, WALSALL, WEST
MIDLANDS, WS2

Ward: Pleck

Expired: 04 June 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application seeks consent to develop the last vacant plot on Walsall Enterprise Park, Regal Drive off Wednesbury Road, Walsall (formerly the Pleck gas works site). The site is in the angle between Wednesbury Road and the railway line.

The proposal is for the construction of 9 small industrial units for a B1, B2, B8 ranging between 204 and 628 square metres floor area. They will be sited around a central courtyard.

Access is from a new access drive into plots 1 and 2. This in turn connects to Regal Drive.

The design is similar to those units already erected around the estate and will create a nearly continuous boundary facing towards the railway line. The units will be constructed with vertical bands of coloured cladding on top of a brick base, which continues the general theme adopted around the estate.

Fifty-eight car parking spaces are provided for the development, some of this parking is directly related to the units whilst other is situated around the boundaries and would be communal.

The units have a maximum ridge height of 8.4 metres.

Relevant Planning History

Outline permission for the creation of this industrial estate was given in 1995.

There have been a number of applications for units since that time, and a series of variations of conditions.

Most relevant to this particular plot is the recent decision to grant consent for a single large unit and two smaller units on the plot adjoining this one and which would utilise the same access point. 06/1170/FL/W5 refers and was granted in 2006. The larger unit is for G.H. Stafford.

Planning Policy

Unitary Development Plan

3.6...improve the environment of the Borough

3.7...protect from unacceptable noise, pollution and other environmental problems...encourage relocation of bad neighbour uses from residential and other sensitive areas

3.16...consider development in relation to its setting, character and quality of the existing local environment and require a high quality of built and landscape design.

ENV14...encourage reclamation and development of derelict and previously developed land where feasible,

4.1...seek to improve the local environment and enhance the image of the area, introduce security improvements to reduce crime and vandalism and create new, and safeguard existing, job opportunities.

4.2...promotes investment and diversification to meet the needs of both inward investors and existing firms

4.4...Core employment uses defined as industry and distribution in Classes B1b, B1c, B2 and B8...in locations of strategic importance and good accessibility...better quality buildings and/or development opportunities... safeguarded for core employment uses.

JP1...New Employment Sites...sites (of at least 0.4 hectares) are allocated for employment use as defined in Policies JP5 and JP7.

JP5(a and b)... areas safeguarded for core employment uses...windfall sites or buildings in core employment areas will be safeguarded for core employment uses according to the above policy

JP6...Best Quality Sites : (a) sites will be safeguarded for core employment uses. Development of these sites will be expected to achieve a high quality of design and landscaping

GP1... location of development guided by principles of sustainable development

GP2... expect all developments to make a positive contribution to quality of the environment...development having adverse impact on environment will not be acceptable

GP4...promote and encourage comprehensive local area regeneration

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

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy QE1 - Environment

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

National Policy

PPG4...seeks a positive approach to the location of new business developments and assisting small firms....economic growth and high-quality environment to be pursued together....the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

Consultations

Transportation - no objections

Pollution Control - no objections

Centro - no objections

Fire Service - no objections

Landscape - the amended scheme is satisfactory.

Representations

None.

Determining Issues

- Principle of the development within the context of the approved outline permissions
- Landscaping / design
- Parking

Observations

Principle of the development within the context of the approved outline permission

The original outline permission specified the location of use classes across the site by zones. These provide separation distances between the rear boundaries of residential properties in Princes Street and any new built development on the site.

The proposed use of this plot is for B1, B2 or B8 which accords with that outline approval and will have no significant detrimental impact on those residents in Princes Street, the nearest one being approximately 150 metres away.

Landscaping / design

The landscape scheme has been amended as much as it can be to take into account the landscape officers comments. However, the siting of the buildings and proposed landscaping is constrained by the presence of an existing large gas easement and drainage easement which crosses the middle of the site.

This site forms the right hand side of the gateway to the industrial estate and is visible from the public realm and in particular along Wednesbury Road. The site is again therefore important in terms of its appearance.

With this in mind and with due consideration to the previous consent on the plot on the other side of the access drive (Regal Drive) where the emphasis was placed on the part of the site which is first encountered the use of landscaping will again play an important part. Therefore the scheme has been designed to both enhance the existing planting which has already been carried out and provide additional landscaped area at the entrance. The landscaping will also include further improvements and additions to the existing street trees along Regal Drive which with tree planting on the other side will eventually create a tree lined avenue into the estate. The scheme is therefore considered appropriate and satisfactory for this important part of the site.

This plot also has an important boundary and frontage with the main railway line into Walsall town centre. As such the boundary treatment, elevations and landscaping are equally as important. The boundary along the railway line continues that which is shared with the adjoining site (G.H. Stafford site). The landscape scheme submitted for this site is a continuation of the treatment along the G.H. Stafford site. There will be minimum tree planting due to the line of the existing gas easement which makes it difficult to plant potentially large trees, however it is intended to plant a continuous hedge of mixed evergreen and deciduous plants, this will provide a satisfactory foil to the rear elevations of the proposed units.

The landscape scheme also provides a wildflower meadow at the entrance which will have path and staff seating areas mown into it. The theme provided by the scheme is continued along and into the new access drive off Regal Drive.

Parking

This is a speculative development for B1, B2 and B8. The requirement for B1 is 111 spaces, the requirement for B2 and B8 is 31 spaces. It is considered that due to the nature of the development, the level of parking of 58 spaces is acceptable.

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 unless and until arrangements have been made for the satisfactory drainage of the site, such arrangements to have been previously approved in writing by the Local Planning Authority.

Reason : To ensure that the development permitted is provided with a satisfactory means of drainage.

3. Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and 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 the satisfactory development of the site.

4. Prior to built development commencing details of remedial measures to deal with any identified or 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 the satisfactory development of the site.

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

Reason: To ensure the satisfactory development of the site.

6. Prior to development commencing, the design and specification of foundations and sub floor structures for the purpose of preventing the ingress of ground gases to buildings, (if applicable), shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory appearance of the development.

8. No development shall be carried out until details of the provision of secure cycle storage (one per every ten parking spaces) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use, and thereafter retained.

Reason : To encourage greater cycle use and thereby reduce the number of car borne journeys to and from the site.

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

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

10. No development shall be commenced until a full scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The lights shall be installed in accordance with the recommendations issued by *The Institution of Lighting Engineers* for the reduction of light pollution and thereafter retained in accordance with the approved details.

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

11. No industrial process shall take place in the open on any part of the site.

Reason: To safeguard the amenity of adjoining and nearby occupants

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 shall have been clearly marked out.

Reason : To ensure the satisfactory appearance and functioning of the development and in the interests of highway safety.

13. 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 access as shown on the deposited plans, without the prior approval of a planning application.

Reason : To ensure the satisfactory functioning of the development and in the interests of highway safety.

14. There shall be no parking other than in the designated spaces, except for loading and unloading of goods which shall take place within the curtilage of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure the satisfactory functioning of the development and in the interests of highway safety.

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall at least be equivalent to the capacity of the largest tank, vessel or combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason : To prevent pollution of the water environment.

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 an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason : To prevent pollution of the water environment

17. All drainage from the service yard areas must be directed to the foul water sewer. There shall be no discharge whether direct or via soakaways to the surface or ground water systems.

Reason : To prevent pollution of the water environment

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

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

Reason : To ensure the satisfactory appearance of the development.

18. No amplification equipment shall be installed in the premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

Reason : To safeguard the amenities of occupants of adjoining and nearby residential premises.

19. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned to avoid interference with car parking spaces and vehicle manoeuvring on the site.

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

20. The materials used shall be those indicated on the approved plans.

Reason : To ensure the satisfactory appearance of the development.

21. The premises shall only be used for uses within Classes B2 and B8 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or succeeding orders and B1(b) and B1(c) of that Order. (NB. Ancillary retailing of products manufactured on site to the general public will be permitted, provided the proportion of the gross floorspace of the buildings on site which are used for retailing does not exceed 10% or 100m², whichever is the least. Conditions will be attached to planning permissions to prohibit change of use to, for example, class A1 retail)

Reason: To exclude use of the site for offices and retail (which are a town centre use in planning policy terms).

Note for Applicant : This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.

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

Note for applicant : Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; British Standard BS10175: 2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; 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.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, 3.7, 3.16, ENV14, 4.1, 4.2, 4.4, JP1, JP5, JP6, GP1, GP2 and GP4, of Walsall's Unitary Development Plan, and, Regional Spatial Strategy for the West Midlands and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0204/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Accord Housing Association Ltd.

Agent: Richard Whittern

Proposal: Demolition of existing surgery and construction of 3 x 1 bedroom two person flats together with common lounge, assisted bathroom and staff office and 3 car parking spaces, for use by residents with supported needs.

Location: SURGERY & LAND TO REAR, BEECHTREE ROAD, WALSALL, WEST MIDLANDS

Ward: Aldridge North and Walsall Wood

Expired: 30 March 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site is situated on the western side of Beechtree Road and comprises a vacant, boarded up single storey brick building, formerly occupied as a doctors surgery, set on the frontage of the site. The site is the subject of a Tree Preservation Order 26 of 1979 and includes two copper beech trees on the frontage of the site.

Daneswood Drive is set to the north and west of the site and comprises a cul-de-sac of 10 bungalows for the elderly and Lydall Court, a large two storey Victorian property converted into 5 flats for the elderly, all managed by Accord Housing Association Ltd (the current applicants).

The site and Daneswood Drive is surrounded by residential properties of varying sizes and designs including detached, semi detached and terraced properties both single and two storey. Three bungalows are set to the south and south west of the site and two storey houses set to the north, east and south.

The area is predominantly residential in character with the properties set back from the street.

Walsall Wood local centre is situated within walking distance to the west of the site and Streets Corner local centre to the north.

The application proposes the demolition of the existing single storey former surgery building and erection of a single storey building to provide three, one bed two person flats, together with a common lounge, assisted bathroom and staff office (with WC and shower facilities), for use by residents with supported needs. The proposals include three parking spaces and a minibus/ambulance drop off area, together with landscaping.

Each flat would be accessed from within the building via a main entrance door off Daneswood Drive (for security reasons) and would comprise bedroom, living/dining room, kitchen and bathroom and small enclosed yard area off the kitchen. A communal private amenity space for the residents would be provided to the side and rear of the building.

The parking and drop off area would be provided within Daneswood Drive, together with rearrangement of the parking provision within the Drive for existing residents. The layout has been amended during the course of the application in order to provide satisfactory access for the Fire Service to the existing bungalows.

A new footpath would be provided leading from Beechtree Road for use by both existing and proposed residents.

The proposals would provide assisted living for adults with learning disability, with 24 hour staff supervision for day to day living, to be managed by the applicants Accord Housing Association.

Relevant Planning History

BC13150, conversion of existing Beechtree House (32 Beechtree Rd) to 5 flats and erection of 10 bungalows for the elderly, approved 04-10-79.

BC61801P, residential development comprising 4 x 2 bed bungalows and 4 parking spaces, refused 15-12-00.

BC63237P, resubmission of BC61801P, residential development comprising 4 x 2 bed bungalows, refused 01-06-01.

BC63983P, 3 bungalows, parking and landscaping, refused 12-10-01.

04/.2589/FL/E5, demolition of existing surgery and construction of 4 x 1 bed 2 person flats together with common lounge, assisted bathroom and staff sleepover facilities for residents with supported needs and provision of 4 parking spaces. Application withdrawn 25-11-05.

05/2271/FL/E5, demolition of existing surgery and construction of 4 x 1 bed 2 person flats together with common lounge, assisted bathroom and staff sleepover facilities for residents with supported needs and provision of 4 parking spaces, refused 01-02-06.

Reasons for refusal

1. The proposed development would have an overbearing adverse impact on the amenity which local residents can reasonably expect to enjoy arising from the mass and siting of the building and the increased level of activity associated with the use contrary to Policies GP2, 3.6, ENV32, H3 and H10 of the Walsall Unitary Development Plan and Residential Development Standards.
2. The development of a supported needs facility at this location would result in the fear of crime arising from the risk that juveniles would target residents of the facility.

A subsequent appeal against the refusal (APP/V4630/A/06/2011276/NWF) was dismissed on 15-08-06.

Summary of the Inspectors Decision

1. No unduly harmful effect on the living conditions of the occupiers of nearby properties with regard to outlook, privacy, shadowing or general disturbance.
2. Two storey element would be very close to the front boundary and significantly taller than the existing building and would therefore appear unduly prominent within the street scene.
3. Concerns re fear of crime, no evidence provided and the Inspector agreed with West Midlands Police in that the proposals would have no more impact on police resources or performance than any other development.

Relevant Planning Policy Summary

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

Walsall UDP March 2005

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

GP2: Environmental Protection

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

GP5: Equal Opportunities

Concerned with meeting the needs of all sections of the community and increasing social inclusion.

GP6: Disabled People

Encourages good access for people with disabilities.

GP7: Community Safety

Development proposals will be expected to have regard for the objective of "Designing out Crime" including maximising surveillance of public areas and good pedestrian access.

Policy 6.5 concerns meeting housing needs, and states that the Council will take into account the needs and characteristics of the Boroughs population and particular requirements of groups such as disabled people.

H5: Housing for People with Special Needs

Encourages the provision of housing for people with special needs.

Policy 3.6 seeks environmental improvement resulting from development.

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

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

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

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

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.

T7 - Car Parking

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

T13: Parking Provision

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

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

National Policy

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

PPS3: Housing (released December 2006 and recently superseded PPG 3. The objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use

- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

Consultations

Transportation - no objections, subject to conditions regarding bin and cycle storage. The 3 parking spaces proposed are considered appropriate for the proposed use. Daneswood Drive is an unadopted private road and the proposals look to improve the existing parking arrangements with no proposals to alter the existing road layout to that of the previous application and appeal, which were considered satisfactory.

Pollution Control - no objections, subject to conditions regarding submission of a method statement for the demolition of the existing surgery building and to restrict the hours of work on site.

Head of Learning Disabilities - Fully support the proposals. The proposals support the Joint Strategy for People with Learning Disabilities in Walsall and Government Policy in White Paper 'Valuing People' and supports Walsall's Vision 2008 'Make Walsall a Healthy and Caring Place'.

There is a shortage of appropriate housing in Walsall, particularly where people might need extra support to live ordinary lives.

The population of adults with Learning Disabilities is increasing at a general growth of 1% per year.

The proposals would contribute to the specialist housing provision in Walsall increasing the potential for support and choice.

The development would mean that the residents could be supported economically and effectively in an Extra Care setting whilst offering the opportunity to live as tenants with the same rights as any citizen.

Learning Disability is a disabling condition which occurs before a person's 18th birthday and may be as a result of a genetic illness or other reason. It is a lifelong condition which means that people have difficulty learning and it is not an illness. Similar effects can be suffered after 18 years of age, by anyone who suffers a stroke for example. People with learning disabilities have the same rights, same value and same entitlements as anyone, but their lives can be blighted by unreasonable prejudice and discrimination leading to exclusion from society and loss of life opportunities.

The residents at Daneswood Drive would be over 18 years old and most likely aged between 40 and 55 years. All the residents would attend either day centres or sheltered employment. The residents are unlikely to be receiving high levels of prescribed medication. Residents will have lived in a Local Authority residential home for a long time as previously there has been no other choice available. The proposals would therefore provide a first experience of living in their own home and choice of who they live with, but supported on a 24 hour basis, similar to Extra Care housing, providing help with cooking, cleaning, budgeting shopping etc.

In Walsall over the last 3 years, nearly 100 people have been resettled from traditional services into more modern alternatives such as the proposals, and very few placements have failed, but there have been major improvements to people's quality of life.

There is no link with crime or fear of crime across such developments in Walsall. In many developments local residents have initially expressed concerns, largely due to misunderstanding the needs of the client group. There is no evidence however that the

proposals would raise crime or the fear of crime. It is considered that a 24 hour staffed residential facility would provide a greater crime deterrent than a disused building which serves to attract crime or vandalism.

The development would be supported by a very experienced housing association with an excellent reputation for providing housing for adults with learning disabilities and would continue to manage the remainder of the site with their existing tenants.

West Midlands Police - No objections to the development and its proposed use. Would concur with comments made by Sgt Yeomans on previous application that the proposed development would not place any additional strains or demands on police resources. The property has been vacant for some time and could have been targeted by criminals etc, but hasn't. This is an indication to the police that there isn't a problem in this locality or that levels of natural surveillance to it are such that criminals are deterred from such acts. Bringing the building back into use can only add to the overall security of the site. The amended scheme addresses some of the surveillance and security issues raised but fails to alter the internal layout to make best use of other surveillance opportunities, ie the communal lounge area.

Fire Officer - The amended plans provide satisfactory access for fire appliance to both the proposed building and the existing bungalows within Daneswood Drive.

Housing - support the proposals which would meet an identified housing need in the Borough and has attracted Housing Corporation grant funding.

Building Control - Notification of demolition required.

Landscape Officer - no objections subject to standard landscaping condition.

Tree Officer - Tree preservation Order 26 of 1979 includes 2 copper beech trees on the frontage of the site. No objections to amended scheme subject to conditions regarding tree protection measures and 'no dig' technique for the construction of the new footpath.

Representations

139 standard letters of objection and 5 individual letters of objection to the original plans and a further letter submitted to the amended scheme, submitted on behalf of all residents requesting that all submitted letters be considered as the objections remain unchanged by the amended plans.

Objections include:

- ? Over development of the site, already a crowded plot
- ? Detrimental effect on quality of life of surrounding residents
- ? Out of context with surrounding residential properties
- ? Attract and cause an increase in crime and anti social behaviour in the vicinity
- ? Take up a large area on the frontage of Beechtree Road
- ? Daneswood Drive restricted to over 55's, the proposals would introduce a younger age group to the site
- ? Concern over the type of residents and fear and uncertainty to existing elderly population, who may be afraid to leave their homes.

- ? Property devaluation
- ? Same objections as previous refusal but now larger floor area but 1 less unit
- ? Noise and disturbance
- ? Loss of light and overlooking
- ? Increase in traffic causing disturbance and a danger to pedestrians
- ? Insufficient parking provision leading to likely additional on street parking
- ? Possible damage to or loss of trees
- ? Adequacy of fire service access to Daneswood Drive
- ? Bungalows for the elderly would be a more appropriate use for the site.

Determining Issues

Whether the proposals address the comments made by the Planning Inspector within the previous appeal decision in terms of:

- ? Impact on the amenities of the surrounding occupiers
- ? Impact on the street scene
- ? Fear of crime

Observations

Whilst the proposals represent an increase in footprint from the existing surgery building they provide a very similar footprint to the previous refusal, but is now a single storey building only, with no first floor element and a reduction from 4 to 3 flats. Since the previous refusal and appeal decision there has been no change in circumstances in terms of policy. The site comprises previously developed land within a residential area and the principle of residential development is considered acceptable. The site is situated within walking distance of a local centre with good public transport facilities on High Street/Lichfield Road.

Impact on the Amenities of the Surrounding Occupiers

The Planning Inspector in his appeal decision commented that the previous use of the site as a surgery is likely to have been more intensive than the appeal proposals (4 x 1 bed flats) and the proposals would be unlikely to generate significantly greater activity outside the previous surgery hours, than any other form of residential development. The proposals would not have an unduly harmful effect on the living conditions of the occupiers of nearby properties with regard to outlook, privacy, shadowing and general disturbance.

The current proposals whilst a similar footprint to the previous application, has a reduced number of units, hence a potential reduction in the number of comings and goings from the premises. The overall height of the development has been significantly reduced, reducing the impact of the proposals further on the amenities of the surrounding residential occupiers in terms of overlooking, shadowing or privacy.

The proposals would fully comply with the RDS in terms of distance separation of 24m between habitable room windows to the existing residential premises in the vicinity.

Impact on the Street Scene

The Planning Inspector was concerned that the previous two storey element of the proposals would be significantly taller than the existing surgery building and would be positioned adjacent to the highway, and would therefore appear unduly prominent within the street scene, which would not be mitigated by the presence of the mature trees and regarded this as a reason for dismissal of the appeal.

The current proposals have been reduced to single storey only with an overall maximum height of 4.6m, lower than the existing bungalow adjacent at No 36 Beechtree Road which is 6m high. The design incorporates a hipped roof to reduce its massing and dominance within the street scene.

Whilst the proposed building would have a larger footprint than the existing building it would follow the same front building line as the existing building.

The proposed building would therefore not appear unduly prominent within the street scene, but is considered to be within scale, character and design with the surrounding residential premises and would overcome the previous objections raised by the Planning Inspector.

Fear of Crime

The Planning Inspector concluded that no evidence had been provided to demonstrate that similar developments have experienced problems of fear of crime arising from the risk of juveniles targeting the residents of the facility, and agreed with West Midlands Police who considered that the proposed development would have no more impact on police resources or performance than any other development at this location.

West Midlands Police have reiterated their previous comments and consider that the current proposals would not place any additional strains or demands on police resources.

The existing surgery building has been unused and boarded up for some considerable time, providing no natural surveillance of the immediate surroundings, and may be perceived as a target for undesirables. However the Police have confirmed no particular problems in the area. The proposals now provide habitable room windows to each elevation providing good natural surveillance of the public space and improvements to the overall security of the site.

Learning Disability Service have confirmed that there is no link with crime or fear of crime across such developments in Walsall. In many developments local residents have initially expressed concerns, largely due to misunderstanding the needs of the client group. There is no evidence however that the proposals would raise crime or the fear of crime.

Other Issues

Parking and access

Daneswood Drive is a private drive serving 10 bungalows and 5 flats for the elderly, currently owned and occupied by the applicants.

The proposals include the rearrangement of the parking areas within the drive, including new spaces to replace the existing spaces which would be lost around the existing surgery building, and an additional 3 spaces for the proposed development, providing a total of 18 spaces.

It is envisaged by the applicants that the occupiers of the proposed 3 new flats would be unlikely to be car owners, therefore allowing the 3 spaces to be used by staff and visitors and is considered a satisfactory level of parking for the development, based on UDP guidelines for a residential home.

In addition to the more formalised parking arrangements proposed, the drive would also benefit generally from a new drop off area for mini buses and ambulances and a new pedestrian footpath linking to Beechtree Road, which is not currently provided.

Impact on Protected Trees

The proposals would have a similar footprint and location as the previous application, where no objections were raised regarding any adverse impact on the protected trees on the site.

The proposed new footpath, whilst situated close to one of the protected Copper Beech trees would have no adverse impact on the tree providing it is constructed using a 'no dig' technique, and an appropriate condition is attached.

Conclusions

The proposals would provide assisted living for adults with learning disability, to meet the needs of the people in Walsall in accordance with both local and national policy.

The proposals address all the comments made by the Planning Inspector within the previous appeal decision and would fully comply with planning policy.

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 commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

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

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

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

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

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

5. Prior to any demolition operations or activities commencing, a method statement shall be submitted to and agreed in writing by the Local Planning Authority, for the purpose of controlling grit, dust and fumes. The agreed method statement shall be fully implemented and thereafter maintained throughout the duration of demolition operations and activities.

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

5. No development shall be carried out until details of the design of a refuse storage area are submitted to and approved by the Local Planning Authority.

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

6. No development shall take place until details of a refuse management scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon the first occupation of any part of the development and maintained thereafter.

Reason: In the interests of securing the site.

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

Reason: To safeguard the visual amenities of the area.

8. No development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises.

Reason: In the interests of securing the development.

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

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

10. No development shall be carried out until a plan showing the species and location of all existing trees and hedges on the site, details of which trees and hedges are to be retained or removed, and details of the design and location of protective guards or fencing, and a tree constraints plan indicating the root protection area and above ground constraints (ie light) in compliance with BS5837 2005, has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

12. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees included in the Tree Preservation Order on the site has been approved in writing by the Local Planning Authority.

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

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

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no development of any kind, within the spread of any tree included in the Tree Preservation Order on the site without the prior approval of a planning application.

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

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

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

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

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

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

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

18. 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.

19. No development shall be carried out until details of cycle storage facilities have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first use of the building for the use hereby approved.

Reason: In order to secure the satisfactory development of the application site and ensure satisfactory provision of facilities for cyclists using the premises.

20. The new footpath hereby approved, shown on amended drawing No ACC10/12C shall be provided using a 'no dig' construction technique.

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

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

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

22. This permission relates to amended drawing Nos. ACC 10/04, ACC 10/05, ACC/13A, ACC 10/14A, ACC 10/15A, ACC 10/16, ACC 10/17, ACC 10/18, ACC 10/19 and ACC 10/20A submitted on 20th March 2007 and amended drawing No ACC 10/12C submitted on 14th May 2007 and Design and Access Statement submitted on 20th March 2007.

Reason: In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies of Walsall's Unitary Development Plan, policies GP2, GP5, GP6, GP7, 6.5, H5, 3.6, 3.9, 3.16, ENV14, ENV32 and T13 and Supplementary Planning Document Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

REASON FOR BRINGING TO COMMITTEE: Major Application.

Application Number: 07/0859/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Doctors Chandra, Cheriyan and Kumar

Agent: Brundred and Goode Ltd

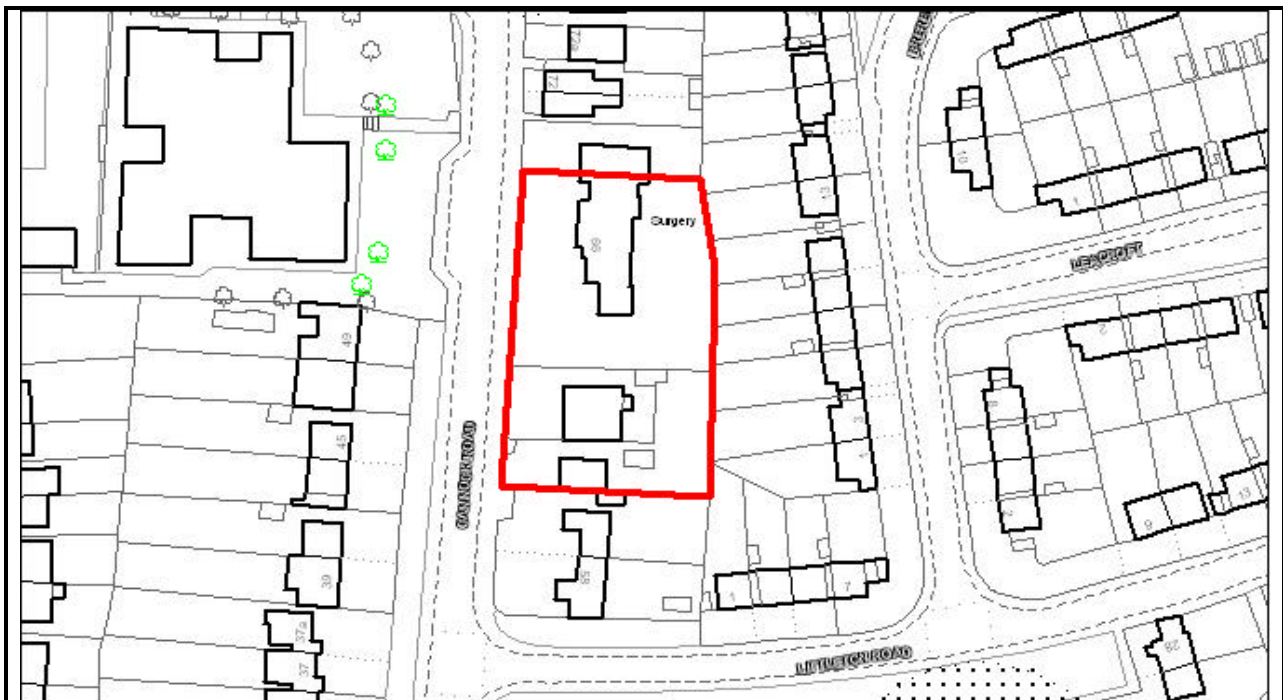
Proposal: Demolition of nos 62 and 64 Cannock Road and existing health centre (no 66) and construction of new health centre with dispensary and associated parking

Location: 62, 64 and 66, CANNOCK ROAD, WILLENHALL, WALSALL, WEST MIDLANDS, WV125RZ

Ward: Willenhall North

Expired: 25 June 2007

Recommendation Summary: Grant Permission subject to conditions



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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 existing medical centre would be retained in use until the new one is built, then be demolished and a replacement car park created.

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. A dispensary would be added to the facilities which could only be accessed through the health centre.

The proposed centre would be two storeys (with a lift) and is a maximum of 9.2m in height, reducing to 6.7m in a single storey projection at the rear.

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 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.

To the south the building would be 9m from the side of no.60 Cannock Road. The application proposes to reduce the site levels adjacent to no.60. That elevation of the health centre would contain windows which face that property at a distance of 9m. Four windows at first floor would face the side of the dwelling which contains a landing window. One of these would be to a staircase and one would be a high level window to a kitchen. Two windows would be to offices.

The application proposes a new access to Cannock Road, closing off the existing access points. A 44 space car park would be provided, including 6 spaces for disabled drivers. Cycle parking for patients and staff is also proposed. 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 to a point level with the front of that dwelling. Forward of this point and along the frontage of the site would be a dwarf wall with railings having a combined height of 2.3m.

The boundary treatment is intended for security. There would also be internal shutters to the windows and doors and restricted access to certain parts of the building for this reason.

The following information has been supplied in support of the application:

- i) The existing building falls below the NHS minimum standard for such buildings. Staff have to share rooms and clinical areas. It is uneconomic to try and update the building.
- ii) Current Government policy is to increase the role of primary healthcare to bring services to local areas. The doctors are unable to provide this due to the constraints of the existing structure.

- iii) It has not been possible to find an alternative site without increasing patient journey times
- iv) The size of the building has been reduced from the previous proposals and the car parking increased, to attempt to overcome the reasons for refusal
- v) The new access to the site gives a visibility splay of 4.5m x 70m. The gates will be kept open during working hours and are set back to enable a car to park off the highway while the gates are opened.
- vi) Security of the site will be achieved by railings and a brick boundary wall.
- vii) A dispensary is proposed to enable health centre staff to work closely with the pharmacist. A minor operations suite has also been proposed together with a room for physiotherapy/chiropractic and a health promotion suite. There are staff facilities and administration areas at first floor
- viii) The building has been designed to fit in with the surrounding residential area. The construction will be of brick and render, with a tiled roof and aluminium window frames.
- ix) A public meeting has been held to discuss the proposals with patients/neighbours. Comments from these parties have been supplied and indicate a generally supportive attitude to the proposal. Residents have requested secure boundary treatment, the removal of some conifers on the boundary and have expressed concern about potential overlooking.

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

These applications were refused for reasons relating to:

- the inclusion of an independent pharmacy shop in an out of centre location
- overlarge building having an overbearing effect on and overlooking adjacent dwellings
- increase in range of services resulting in an increase in activity
- loss of privacy/security due to chosen boundary treatment
- detrimental to visual amenity due to proximity to highway and lack of space for planting
- insufficient parking space for disabled drivers and gates which would obstruct parking spaces

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

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 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.

Consultations

Transportation: No objection. Recommends conditions regulating temporary parking on the site during construction works.

Pollution Control: No objection. Recommends conditions relating to hours of working and methods of dust etc. control during construction.

Fire Service: No objection

Primary Care Trust: Support the application.

Representations

None.

Determining Issues

- the location of the development
- amenity
- access/parking

Observations

The location of the development.

There is an argument that as a public service a medical centre is better located within a local centre which would be more easily accessible by alternative means of transport. It is also clear that such a use must be sensibly located in relation to the catchment area of its patients. The applicants indicate that they have searched for an alternative site, but within a fairly limited area to avoid increasing travel distances for patients.

In the absence of an identified alternative the existing site offers the only realistic opportunity for improving the accommodation for the health centre. The degree to which its expansion is acceptable depends however on its impact on amenity and highway safety.

The previous applications for this site proposed a pharmacy which would have been an independent retail unit with a separate external access. This application proposes the inclusion of a dispensary which would only dispense medicines supplied by a local pharmacy and offer advice on prescriptions. This part of the building would be accessed internally from the main reception area. This arrangement would minimise any adverse effect on the viability of the local shopping centre.

Amenity.

The new medical centre would be approximately 0.3m higher than the existing but would be further from the houses to the rear in Brereton Road. It would be much further from no. 70 Cannock Road and, on its southern side, the building would be 5.5m further away from no.60 Cannock Road than the existing house no.62. The site would be lowered at this point so that the height of the medical centre would approximate that of no.62.

The location of the building at the southern end of the site would result in a better relationship between the building and its residential neighbours. There would be more space for planting within the site and the application proposes greater security for both the site and adjacent residents by the provision of more substantial boundary treatment. The relocation of the building makes it possible to remove the conifers, as requested by one neighbour, without any loss of privacy.

The distance between the windows in the new medical centre and those of the houses at the rear would meet Council standards.

The applicant has proposed that the side facing windows which would look towards the landing window of no.60 Cannock Road would be obscure glazed and non-opening on one side so that only views towards Cannock Road would be possible.

The appearance of the building is satisfactory and locating it on the southern end of the site has allowed more space for planting to provide a better setting than the existing medical centre enjoys. This will also help to integrate this fairly substantial building into the street scene.

The range of facilities offered by the new health centre would be marginally increased by the addition of the dispensary and potentially by proposals for consultants to hold clinics at local health centres. These activities would take place within the normal working hours of the health centre and would have no adverse effect on the amenity of neighbours.

Access/parking

The proposed access would have satisfactory width and visibility. It would rationalise the several existing accesses onto Cannock Road. It meets Council standards for the number of parking spaces proposed.

Because the new medical centre would be built on the existing centre's car park there will inevitably be a period when very little parking is available on site. It may be possible to temporarily increase the space by using the existing lawned area at the rear of the surgery. 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.

Conclusion

This application overcomes the reasons for refusal of the three previous applications. The proposal for an independent pharmacy/retail unit has been dropped in favour of a dispensary; the building has been reduced in size and is better located in relation to its neighbours: the range of services provided has been clarified: security would be improved by the proposed

boundary treatment and the proposed access and parking are satisfactory. This application is therefore able to be recommended for approval.

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

Reason: To ensure the satisfactory functioning of the development.

6. No development shall be carried out until details of means of enclosing and securing the proposed cycle storage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the new medical centre being brought into use and thereafter retained.

Reason: in the interests of weatherproofing and securing the cycle parking 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.

14. Prior to the occupation of the new medical centre, the first floor and staircase windows in the elevation facing no.60 Cannock Road shall have been obscure glazed in the glazing approved under condition 2 of this permission. The window in the staircase shall have a fixed light and the windows to the secretary's and practice manager's offices shall have had the right hand pane of each window (when viewed from outside the building) permanently fixed shut. The skylights facing no.60 Cannock Road in the single storey part of the building shall also have been permanently fixed. All of the windows and the skylights shall be thereafter retained as fixed and/or obscure glazed as required by this condition.

Reason: In the interests of maintaining the privacy of the occupiers of the adjoining dwelling.

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. The proposed dispensary shall only be used for the purpose of dispensing medicine and not for the retail sale of any other product.

Reason: To define the permission in the interests of maintaining the vitality and viability of existing centres.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, 3.6, ENV32, S1, S2, S4, S6, S7, 5.2, 5.4, 5.5, 5.8, T13 and 8.7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

Reason for Bringing to Committee - Significant Community Interest

Application Number: 07/0424/FL/W6

Case Officer: Andrew Thompson

Application Type: Full application

Telephone Number: 01922 652403

Applicant: Mr. S.D. Samrai

Agent: Paul Clifton Associates

Proposal: Demolition of existing building and construction of a purpose built home for people with learning difficulties

Location: 55-57, WALSALL ROAD, DARLASTON, WALSALL, WEST MIDLANDS

Ward: Bentley & Darlaston North

Expired: 26 April 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application site is in an area of substantial, ornamented semi-detached and detached housing. 55-57 Walsall Road is a pair of semi-detached houses 13m wide on a plot with a street frontage width of 20m. The properties are elongated into the site. The site area is 776m². The properties have been converted into 4, 2-bedroom flats and 2 bedsits under planning permission reference BC05480P.

To the west of the application site are 51 and 53 Walsall Road, a pair of linked Victorian houses where the frontage wall boundary has been removed to provide car parking. At the rear of these properties is Cedarwood (planning permission reference 02/1318/FL/W3) presents a blank gable elevation on the boundary.

Terraced houses are further from the site, beyond 20 Gordon Street and all of the surrounding properties have decorative details to front elevations and boundary walls of red brick with blue copings. 20 Gordon Street is a Victorian house, immediately adjacent to the northern boundary of the site and accessed from Gordon Street, surrounded by original red brick with blue tile coping over boundary walls. 20 Gordon Street is also at the rear of houses fronting Avenue Road and Gordon Street, with the driveway to the property alongside the boundary with 18 Gordon Street. 18 and 20 Gordon Street are set at a significantly lower level than the application site (between 0.8m and 2.5m), with differences from 850mm to 1350mm on the immediate boundary, falling away further to over 2m at the boundary with 18 Gordon Street.

The proposal is to demolish the existing buildings (which are two and a half storeys) and replace the building with a similar building with a central entrance feature. The proposals would be 2.5 storeys with velux windows on the front elevation to Walsall Road and dormer windows to the rear. The proposed footprint would be similar to the existing footprint of the building and would involve the demolition of the single storey garage/workshop building to the rear of the premises.

The proposed use would be in line with the permission granted in January 2002. This would be as a premises for people with learning disabilities for persons aged between 18 and 65 having medium dependency needs. The service would be managed in shift patterns throughout the day and night with a maximum of 2-3 staff necessary to be present on site during the evening shift (10pm to 7am) reducing the number of necessary movements from the site.

Relevant Planning History

06/1623/FL/W6 - Demolition of existing building and construction of a purpose built home for people with learning difficulties. Refused 29 November 2006

02/0266/FL/W3 - variation of condition, to extend permitted use, refused, 12 June 2002 and granted at appeal, 29 Jan 2003

BC57578P - change of use to residential care home for people with learning difficulties, granted 2 January 2002

BC26588P - change of use to nursing home, granted 12 June 1989

BC05480P - alterations and extensions to convert into 6 self contained flats, granted September 1982.

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

Walsall Unitary Development Plan March 2005

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

Policy GP2 expects development to make a positive contribution to the environment and considers (VI) overlooking and the effect on daylight and sunlight.

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

Policy GP5 seeks to maximise the opportunities for all sections of the community, paying particular attention to the needs of people who are in any way disadvantaged in order to maximise equality.

3.6 Development should improve the environment.

3.7 The Council will seek to protect people from environmental problems

3.16 Development will have regard to the character and quality of the existing local environment

Policy ENV18 ; existing trees- development would not be permitted if it would damage or destroy trees protected by a Tree Preservation Order.

Policy ENV 29 Conservation Areas- development should be preserve or enhance the character of the Area.

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted and refers at (b) to aspects of design such as appearance, height, proportion, scale, massing, relationships to external space, safety and security, effect on the local character, integration of existing built and natural features of value.

Policy ENV 33 refers to good landscape design

Policy 6.5 refers to the need to meet the housing requirements of particular groups

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

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

Policies T7 and T13 relate to car parking standards, setting out that parking should be well designed and sensitively integrated into townscape and landscape, respecting the character of the area, to meet operational needs.

Regional Spatial Strategy for the West Midlands (RSS11)

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

There is no need for this application to be considered under the Conformity Protocol. Relevant policies include Policy CF1 seeks to focus new home building in the Major Urban Areas. In Walsall the MUA is limited to the built-up areas and excludes the Green Belt. Policy CF4 aims to optimise opportunities for recycling land and buildings for new housing development. Policies QE3, QE4 and QE5 seek to enhance the quality of the built environment.

National Policy Guidance

Planning Policy Statement 1; development should be sustainable and seek to maintain and improve the existing environment.

Consultations

Transportation - No objection

Head of Learning Disabilities Service - Supports the application - the applicant has liaised closely with the Learning Disability Service and the service is happy with the revised proposals.

Arboricultural Officer - No objection subject to conditions.

Fire Service - satisfactory access.

Representations

Six letters (including letters from the Muslim Welfare Society and Fallings Heath Community Committee) have been received objecting on the following grounds;

- The proposal would create a poor quality living environment, with inadequate garden space
- Inadequate parking provision for staff and visitors
- The proposal adds to a fear of crime
- The demolition of the existing buildings is opposed
- The modern building would be incompatible with the local area
- The location on a busy main road is not the best position
- The close proximity to neighbours might lead to problems
- There are already three similar homes in the area
- The site is close to two pubs and a takeaway and these uses create an on-street parking problem.

Determining Issues

- suitability of the site, in principle
- previous refusal under application 06/1623/FL/W6
- impact on the character and amenity of the area;
- parking/highway safety
- landscape issues including the protected trees

- learning needs

Observations

Suitability of the site, in principle

The site is within a residential area and policy H5 advocates the provision of such facilities in such areas. Policy H7 also refers to such accommodation (hostels and premises in multiple occupancy) and requires that:

- I. There be no harm to the amenity of the occupants of neighbouring buildings or the intended occupiers of the proposed accommodation.
- II. There would be no harm to the character and appearance of the surrounding area
- III. It would not impair the free flow of traffic or highway safety.

It is considered that the proposals meet these criteria.

In addition, the principle of using the existing building has already been established to be acceptable under planning permission reference BC57578P which was approved on 2nd January 2002

Previous refusal under application 06/1623/FL/W6

The previous application was refused for a total of seven reasons, incorporating issues relating to overdevelopment, impact on neighbouring dwellings, the character of the Conservation Area, poor quality design, lack of car parking and the position of parking on the site, and impact on protected trees.

The proposed design has been reduced to match the existing footprint of the building and as such it is considered that issues relating to the impact on neighbouring dwellings and overdevelopment have been overcome by the revised design and proposals. In addition the use of obscure glazed windows on the side elevations reduces the opportunity for overlooking. The relationship would therefore not be materially different from the existing relationship.

Whilst the existing building is a pleasant building with good symmetry and attention the loss of interesting detail would not, in itself, harm the character of the area provided that the replacement building is of sufficient quality. The proposed building would copy many of the key features of the area such as strong ground floor detail, including bay windows and entrance features, and there is opportunity for detail within the proposed brickwork. The proposals match the symmetry progressed in the existing building and on similar buildings in the vicinity. The proposed building is also domestic in scale. Additional car parking and revised landscaping proposals are discussed later in this report.

Impact on the character and amenity of the area

As previously highlighted the front elevation of the existing building is characteristic of the area with positive design features and good symmetry. However behind the main façade the treatment is more functional and the building is in a poorer state of repair.

It is considered that the details applied to the proposals would build on the symmetry of the existing building and be of a domestic scale. The bay windows would break up the bulk and mass of the buildings and add features commonplace in the locality, echoing the style and character of the area. As such it is considered that the proposals would be in keeping with the character of the area.

Parking and highway safety

It is noted that the existing parking on site is haphazard and informal with no dedicated parking or turning facilities. An existing single storey prefabricated workshop/garage facility on site would be demolished and be replaced by 4 car parking spaces and turning facility. It would be possible to locate an additional parking space by the main building; however this would be an informal arrangement and is similar to the current arrangement, this would also be capable of being used as a disabled parking space. The proposals would be to accommodate 9 residents; however the parking spaces would be used primarily by staff and visitors.

Previous objections were that the parking and manoeuvring should allow the existing situation to be maintained and not cause detriment to highway safety. The proposals achieve this arrangement to the satisfaction of officers.

There is no parking standard for this use within the UDP. The closest is use is a nursing home use which calls for 1 space per 2 beds. As such, it is considered that the proposed provision of 4 formal spaces and one additional informal space would be an appropriate car parking provision in this instance.

Landscape issues including the protected trees

The Arboricultural officer is satisfied with the proposal subject to the recommended conditions.

The amount of open space and garden area on the site is a considerable improvement to the existing situation, and appropriate in this instance.

Learning needs

The Head of Learning Disabilities Service is supportive of the proposed scheme. The need for the facility is recognised, and whilst the comments of local residents are noted, a previous permission exists (reference BC57578P, granted 2002) which sets a precedent in this regard.

Conclusion

Overall it is considered that the proposals have overcome the previous design reasons for refusal. The concerns of residents are noted, however considering the partnership with the Learning Disabilities Service and the previous permission for such a use on the site it is considered to be an appropriate use in this location.

Recommendation: Grant Permission subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. The boundary treatment shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

5. No development shall be carried out until details of the access and materials storage area and tree protection methods, to be used during construction have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of any work on site and retained until completion of the development. The land so enclosed within the tree protection area shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005,

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

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

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

7. During demolition, site preparation and building operations, no storage of materials, equipment or waste, passage of vehicles, nor lighting of fires, shall take place beneath the canopy of any tree to be retained unless agreed in writing by the Local Planning Authority.

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

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

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

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the first floor windows on the east and west elevations of the proposals shall be retained as obscure glazed to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers.

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

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

11. Prior to the first occupation of the building details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be completed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

12. Prior to the commencement of development details of the proposed entrance feature and detailing around the windows on the front elevation to Walsall Road shall be submitted to and approved in writing by the Local Planning Authority at a scale of 1:20 or larger. The development shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP5, ENV18, ENV29, ENV32, ENV33, H5, H7, T7 and T13 of the Adopted Walsall Unitary Development Plan (March 2005) and Policies CF1, CF4, QE3, QE4, and QE5 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Sears

Application Number: 07/0149/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: K & S Milner Ltd

Agent: Detail Architectural Ltd

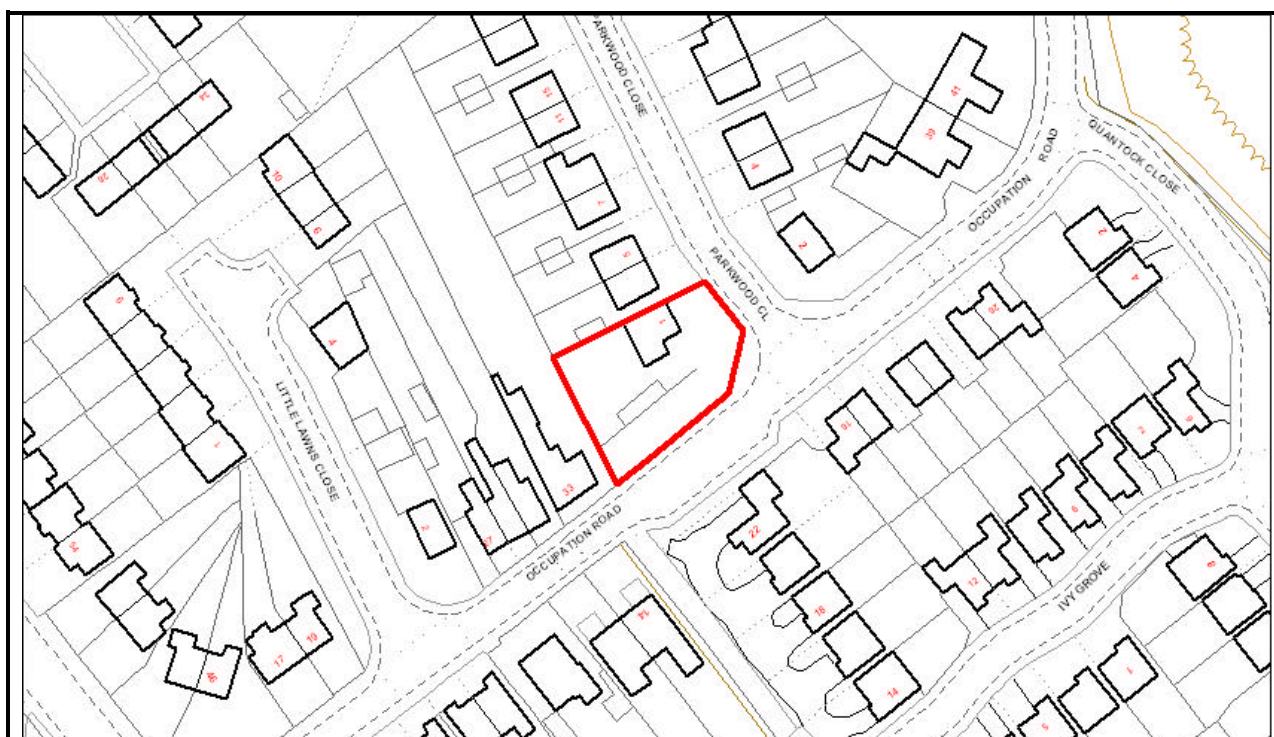
Proposal: Erection of a two storey three bed detached house.

Location: 1, PARKWOOD
CLOSE, WALSALL, WEST
MIDLANDS, WS8 7BU

Ward: Aldridge North and Walsall Wood

Expired: 26 March 2007

Recommendation Summary: Grant Permission subject to conditions



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Background

This application has been called in by Councillor Sears because the proposed development could cause demonstrable harm to the amenities currently enjoyed by the occupiers of neighbouring properties over and above a level they would reasonably expect to enjoy.

Application and Site Details

The application site is situated on the south western corner of Parkwood Close at the junction with Occupation Road. The site comprises land that currently forms part of No 1 Parkwood Close.

No 1 Parkwood Close comprises of a two storey detached modern house (1970's built) with existing single storey side flat roofed extension and a detached single storey garage set to the side/rear. The side of the garage forms the boundary to a wide grass verge set at back of pavement in Occupation Road. Parkwood Close comprises a cul-de-sac of predominantly semi detached 1970's houses with front driveways and detached garages set back to the rear of the houses.

No 2 Parkwood Close on the opposite corner is a detached corner house with frontages to both Parkwood Close and Occupation Road.

Occupation Road comprises a mix of residential properties, No 33 immediately to the rear of the site (west) comprises a traditional double fronted detached house c1900 with a single and two storey rear wing, whilst opposite the site are modern houses forming part of a new residential development.

The site is therefore situated within a predominantly residential area comprising of a mix of ages, styles and sizes of houses.

The proposals represent a revised scheme following refusal of a previous application for a pair of semi detached houses. The application proposes the demolition of the existing single storey side extension and detached garage at No 1 and erection of a two storey detached three bed house. Two off street parking spaces would be provided for the new house situated to the rear, accessed off Occupation Road and two spaces would be provided on the frontage of No 1 for the existing house.

Relevant Planning History

06/1518/FL/E9, erection of a pair of semi detached 3 bed houses on land adjacent to No 1 Parkwood Close, refused 06-11-06 for the following reasons:

1. The siting and design of the proposed dwellings would result in an overbearing and adverse impact on the general street scene and would be out of character with the surrounding pattern of development and would not provide an appropriate level of surveillance to Occupation Road. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies 2.1, 2.2, GP2, GP7, 3.114, ENV18, ENV32 and H10 and the Residential Development Standards, adopted Supplementary Planning Guidance.
2. The proposed development would have an adverse impact on the amenities of the surrounding residential occupiers in terms of outlook, overlooking and loss of light. The development would therefore be contrary to Walsall's Unitary Development Plan

(2005), in particular policies 2.1, 2.2, GP2, ENV32 and H10 and the Residential Development Standards, adopted Supplementary Planning Guidance.

3. The proposals fail to provide satisfactory access arrangements and would therefore have an adverse impact on highway safety and the free flow of traffic on the adjoining highway. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV32, H10 and T7.

Relevant Planning Policy Summary

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

Unitary Development Plan (2005)

Policy 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement.

GP2: Environmental Protection and Policy 3.6

Requires new development to contribute to the improvement of the environment.

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

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved.

H10: Layout, Design and Dwelling Mix

Requires a high quality living environment to be created, well integrated with surrounding land uses and local character.

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV39: Renewable Energy and Energy Efficiency

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

ENV40: Conservation, Protection and Use of Water Resources

Developments should incorporate measures for the conservation of water resources, on site recycling of water and use of rainwater and minimise the watering needed to sustain landscaping.

T7 - Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

Residential Development Standards (RDS) (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and 68 sqm.

National Policy

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

PPS3: Housing (released December 2006 and recently superseded PPG 3. The objective of the revised guidance is to:

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

Consultations

Transportation - no objections subject to conditions to ensure the proposed footway crossing is constructed to specifications, the existing footway crossing be permanently closed and appropriate visibility splays be provided.

Fire Officer - No objections in terms of fire service access.

Representations

Five letters of objection received to original submission and two further letters received in relation to the amended plans which removed habitable room windows from the rear elevation.

Objections include:

- Close designed with open areas on each corner the proposals would change this
- Already considerable houses built in the immediate vicinity
- Noise and disturbance of construction
- Noise and disturbance from the new parking spaces
- Property devaluation
- Adverse impact on visibility splay at the road junction
- Overlooking and loss of privacy to adjacent premises
- Disturbance from an additional house and family
- Existing parking problems in Occupation Road
- Visitor parking would take place on the road causing danger and congestion
- Out of character and intrusive
- Possible damage/loss of existing trees
- Inconsistencies in plans submitted.

Determining Issues

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

- Design and impact on the street scene and character of the area
- Impact on amenities of surrounding residential occupiers
- Parking and access

Observations

Design and impact on the street scene and character of the area.

The application proposes a detached two storey three bedroom house with a front to back gable roof and front door canopy detail, similar to others in Parkwood Close.

Whilst Parkwood Close is predominantly semi detached houses with gable roofs, No 1 and No 2 (opposite) are detached houses on each corner of the close. No 2 is designed with main habitable room windows overlooking both Occupation Road and Parkwood Close with the front door onto Parkwood Close, which provides maximum surveillance to both street frontages. The proposed house would replicate this with frontage onto Parkwood Close and main habitable room windows facing Occupation Road.

The front corner of No 1 is currently set back 14m from the back of pavement in Occupation Road and No 2 is set back 7.5m. The proposed house would come to within 6.5m of the back of pavement in Occupation Road, similar to No 2 on the opposite corner. The proposed property follows the building line of Occupation Road and Parkwood Close and would reflect the architectural character of Parkwood Close. The proposals maintain the current character of the area and surrounding pattern of development, and would have no adverse impact on the general street scene.

The proposals would provide all the main habitable room windows to the front and side elevations overlooking both Parkwood Close and Occupation Road, which would provide a good level of surveillance of the street. The rear elevation would contain no main habitable room windows, only 4 small secondary windows. The distance separation of 21.5m to the rear wing of No 33 Occupation Road (including side facing windows of a habitable room), is considered acceptable and would comply with the 13m distance separation required by the RDS. A boundary wall exists between No 33 and the site.

The proposals would provide rear private amenity space for both the existing house at No 1 and the proposed house well in excess of the RDS requirements of 12m in length and 68sqm.

Impact on the amenities of the surrounding residential occupiers.

The proposals have been amended during the course of the application (and residents re notified) to provide all main habitable room windows to the front and side elevations and remove all main habitable room windows from the rear elevation. As a result the proposals now have only secondary and non habitable room windows on the rear elevation which would significantly reduce the prospect of overlooking of the private amenity space of the surrounding occupiers and would comply with the distance separation of 13m to the habitable room windows (kitchen) within the rear wing of No 33 Occupation Road behind the application site, which would fully comply with the RDS. The proposals are therefore considered to have no adverse impact on the amenities of the surrounding residential occupiers.

Parking and access

The proposal would provide two off street parking spaces for the proposed new house to the rear, accessed off Occupation Road, utilizing an existing footway crossing. A new footway crossing would be provided on Parkwood Close to provide parking for two cars on the frontage of the existing house and the existing footway crossing for No 1 on Parkwood Close would be permanently closed. The proposals would therefore move the footway crossing for No 1 further way from the road junction with Occupation Road than the existing, therefore providing improved access arrangements.

Conclusion

It is considered that the revised proposals for a single house would fully overcome the previous reasons for refusal for a pair of semi detached houses on the site. The siting and design of the house would not adversely impact on the general street scene or character of the area, nor have any adverse impact on the amenities of the surrounding residential occupiers and the access and parking arrangements are now considered satisfactory.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

4. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

5. Prior to the first occupation of the new dwelling hereby approved the new footway crossing for the existing house at 1 Parkwood Close shall be constructed to and in accordance with statutory requirements and the existing redundant footway crossing on Parkwood Close shall be reinstated with full height kerbs in accordance with statutory requirements, at the applicants expense.

Reason: In the interests of highway safety.

6. Prior to first occupation of the new dwelling hereby approved the new parking area accessed off Occupation Road shall be provided with a minimum width of footway crossing of 2.6m and the provision of a visibility splay of 2.0m x 60m with nothing erected, planted or allowed to grow in the splayed area over a height of 0.6m.

Reason: In the interests of highway safety.

7. There shall be no alterations to the windows on the rear elevation of the house hereby approved, as detailed on drawing no. 151-2006-100 Rev A, without the prior approval of the Local Planning Authority.

Reason: In order to safeguard the amenity of the surrounding residential occupiers.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, D and E shall be carried out to the house hereby approved, without the prior approval of a planning application.

Reason: In order to safeguard the amenity of the surrounding residential occupiers.

9. The works hereby approved shall only be carried out in accordance with details contained within drawing numbers 151-2006-11 submitted on 14th February 2007 and 151-2006-100 Rev A submitted on 21st March 2007.

Reason: In order to define the permission and ensure that only the approved works are implemented.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, GP2, ENV32, ENV39, ENV40, H3 and H10 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 31 May 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0608/FL/H5

Case Officer: Owain Williams

Application Type: Full application

Telephone Number: 01922 652486

Applicant: Mr Khalid

Agent: Cadman Design Ltd

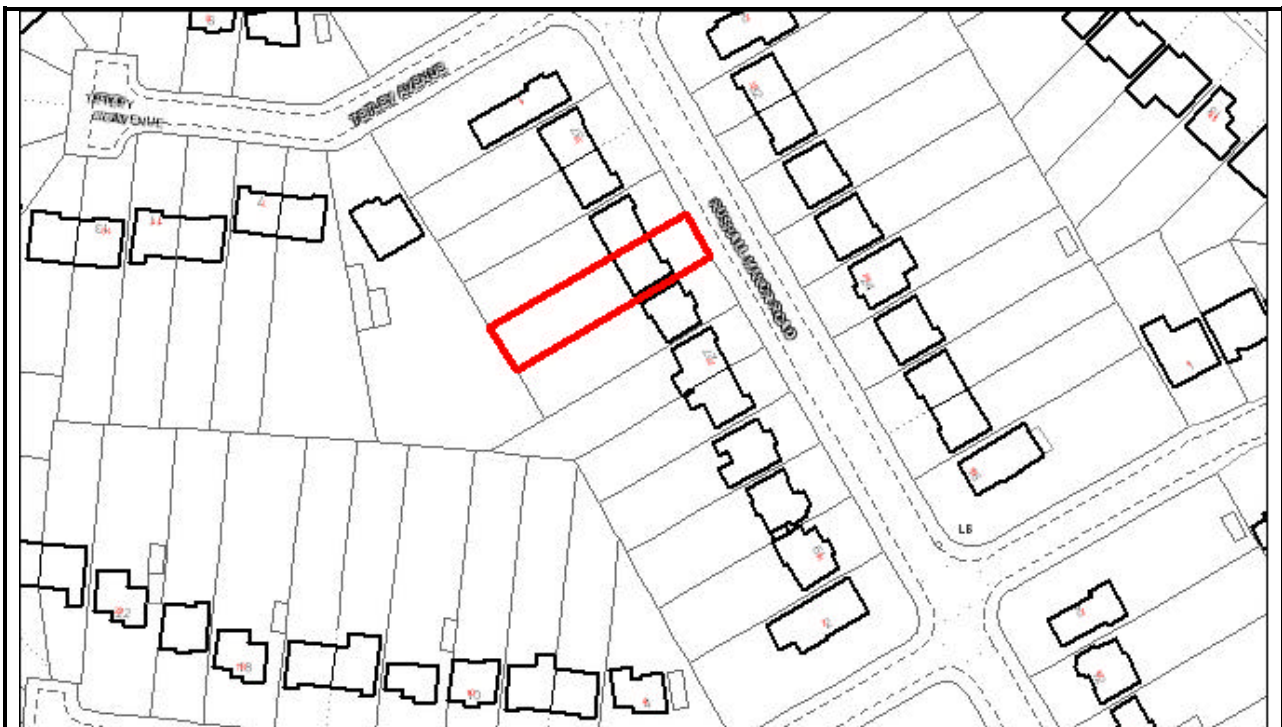
Proposal: Two-storey side and rear, and
single-storey rear extension

Location: 31, RUSHALL MANOR
ROAD, WALSALL, WEST
MIDLANDS, WS4 2HD

Ward: St. Matthews

Expired: 18 May 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for the erection of a two storey extension to the side and rear, and a single storey extension to the rear, of a semi detached house. The extension is to increase the total number of bedrooms from three to five, including a bedroom to be provided in the roof space, and will lie above and to the rear of the existing garage and utility.

On the ground floor, the garage and utility to the front and side are to stay unchanged, whilst the kitchen and dining room are to be extended 3 metres out across the full width of the rear of the house. The first floor part of the extension is also to project 3 metres out to the rear, but is only to lie above the kitchen part of the proposed ground floor. The front of the proposed first floor was originally proposed to be in line with the front of the existing first floor but amended plans have been received that show the front of the proposed first floor to be set back by 215mm.

The two-storey part of the extension is to have a hipped roof that will match the existing hipped roof of the house, whilst the single-storey part is to have a mono-pitch roof.

The two-storey part of the extension is to lie between the side of the existing house and the boundary with the adjoining house number 29. Number 29 is approximately 0.6 metres higher than the application house. The existing 1 metre gap between the side of the garage and the boundary is to be retained. There is a further 1 metre gap between the boundary and the side of number 29 itself. The front and rear of the main part of number 29 is approximately in line with that of the application property, but number 29 has a single-storey section on the rear corner which projects 0.1 metres beyond the existing rear of the application property. The rear of the proposed extension would therefore project 2.9 metres beyond this single-storey section.

Number 29 lies to the south and has a kitchen/ dining room on the ground floor to the rear nearest to the boundary. This room contains a rear-facing window to the dining room part in the single-storey section and a slightly wider window to the kitchen part in the two-storey section.

The single-storey part of the rear extension would abut an existing single-storey extension of a similar length to the adjoining house number 33, the other half of the pair.

The street comprises a mixture of detached and semi detached houses. Most houses have gaps between that are at least 2 metres in width.

Relevant Planning History

06/2147/FL/H5 - Two storey side & rear and single storey rear extension - Refused in January 2007 on the grounds that the rear part of the proposed two-storey extension would have an overbearing impact on the house and garden of the adjoining house number 29 due to its excessive length and height in relation to this house, and the proposed side-facing kitchen and bedroom windows would cause a loss of privacy to number 29; and the position of the front wall of the first floor part of the proposed extension to be in line with that of the existing house would, because of the likely difficulty in achieving a satisfactory match between the brickwork of the extension and that of the existing house, result in an unsatisfactory appearance that would harm the appearance of the house and area.

The application was similar to the current proposal except that the rear part was to project 3.5 metres out, 0.5 metres further than in the current one, and the front of the first floor part of the extension was to be in line with that of the existing first floor. A secondary bedroom window was also proposed to lie on the side elevation facing the boundary with number 29.

Relevant Planning Policy Summary

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

Unitary Development Plan Policies

GP2: Environmental Protection

The Council will 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.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

Residential Development Standards

These include guidelines concerning design, including roof shapes, terracing, the length of extensions in relation to adjoining dwellings and separation distances between facing windows.

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 Policies

PLANNING POLICY STATEMENT 1

Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

Consultation Replies

None.

Representations

Representations in respect of the original plans were received from the occupiers of 19 properties in Rushall Manor Road and Tetley Avenue. The occupiers of the houses to either side, numbers 29 and 33, objected on the following grounds:

- The two-storey extension is overbearing, and will cause a loss of light and outlook;
- Extension will overlook garden;
- Extra noise and disruption;
- The number of bathrooms, showers and toilets raises a question about the type of occupancy that can be expected;
- There is a mania for purchasers to buy and immediately alter properties;
- Extra strain on water supplies and sewage disposal;
- Extension will set a precedent and the nature of the area will change

The other representations also raises similar issues, together with concerns about the impact on traffic and parking.

Following notification of the amended plans, further representations have been received from the occupiers of 21 properties. These repeat the earlier concerns or advise that these concerns still stand.

The representations can be viewed on the application file in Planning and Building Control on publication of this report.

Determining Issues

- whether the design of the extension would be compatible with the existing dwelling and
- the character of the wider area;
- the impact on the amenities of nearby residents;
- parking;
- the other issues raised in the representations; and
- whether the amended plans for the current application have addressed the reasons for refusal of the previous application.

Observations

Whether the design of the extension would be compatible with the existing dwelling

The roof shape of the first floor part of the extension would match the existing house and the extensions when viewed from the front would be in proportion to the rest of the dwelling. Setting back the front of the first floor part of the extension, as shown on the amended plans, would make the extension subservient to the existing house and avoid the potential difficulty in achieving a satisfactory match of bricks between the existing building and the extension.

The character of the wider area

There have been several similar first floor side extensions in the street, including at least three to houses in the section between the junctions with Tetley Avenue and Regina Drive. These extensions have all retained a gap of at least a metre between the side of the extension and the boundary. The two metre gap that would remain between the side of the proposed extension and the side of number 29 would therefore retain this character. The resulting size of the application house would be similar to that of number 29, which is a detached property, and to the other extended semi-detached houses.

The impact on the amenities of nearby residents

The extension would lie to the north of number 29. This orientation and the two metre separation that would remain between numbers 29 and 31 means that the impact of the extension on number 29 would be acceptable, and the extension would comply with the 45 degree code in relation to number 29.

The side-facing bedroom window that formed part of the reasons for refusal of the previous application has been omitted. Although the side-facing kitchen window remains, this would be partly screened by the boundary fence.

The two-storey rear part of the extension would lie over 3 metres away from the boundary with number 33. The single-storey part would not project beyond the existing single-storey extension to number 33. The extension will therefore have little impact on number 33.

The total of five bedrooms that is proposed is similar to other houses nearby. As there is no indication in the application that the property is to be used other than as a single dwelling house, any disturbance from noise should be no greater than might be expected from any other dwelling.

Parking

There would be room to widen the driveway to provide an additional parking space which, together with the garage which is to be retained, would satisfy the Council's parking standards.

Other Issues Raised in Representations

Any other use would require the submission and approval of a further application.

The adequacy of the drainage and sewer system would be examined under the Building Regulations application that would be required for the extension.

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 brought into use until the driveway has first been enlarged to provide a total of at least 2 parking spaces, each hardsurfaced and measuring at least 2.4 x 4.8 metres. The spaces shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off-street parking and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

4. There shall be no alterations that would prevent the use of the garage for parking unless the driveway has first been enlarged to provide a total of at least 3 parking spaces, each hardsurfaced and measuring at least 2.4 x 4.8 metres. The spaces shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off-street parking and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

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

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

6: This permission relates to the amended plans deposited on 16 April 2007.

Reason: To define the permission.

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

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

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