



**DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation on  
10<sup>th</sup> May 2005**

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11	66	05/0689/PT/H5	Land outside Bus Depot, Bloxwich	Prior Notification: Installation of an	Details Approved	

			Road, Walsall	11.7m high street works tower with 3 no. Antennae and associated equipment cabinets		
12	71	05/0705/FL/H5	McDonalds Drive-Thru Restaurant, Crescent Road, Willenhall	Variation of Condition 3 of planning permission BC47210P (to change hours of operation from between 7.30am and 11.30pm to between 6.30am and 12.00 midnight – 7 days a week)	Grant Permission Subject to conditions	
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15	87	05/0343/FL/H5	30 Victory Avenue, Wednesbury, Walsall	Change of Use from highway verge to private garden	Grant Permission subject to conditions	
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17	93	05/0333/FL/H5	Calderfield Golf Club, Aldridge Road, Walsall	Extension to Golf Shop to Provide for Custom Fit Area and Professional Teaching Area (Resubmission of 04/2548/FL/E2)	Grant Permission subject to Conditions	



**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: WRC Application**

**Application Number:** 05/0183/RM/W5

**Case Officer:** Karon Hulse

**Application Type:** Reserved Matters

**Telephone Number:** 01922 652436

**Applicant:** Vishal Properties Limited

**Agent:** Nicol Thomas Architects And  
Armstrong Burton Planning

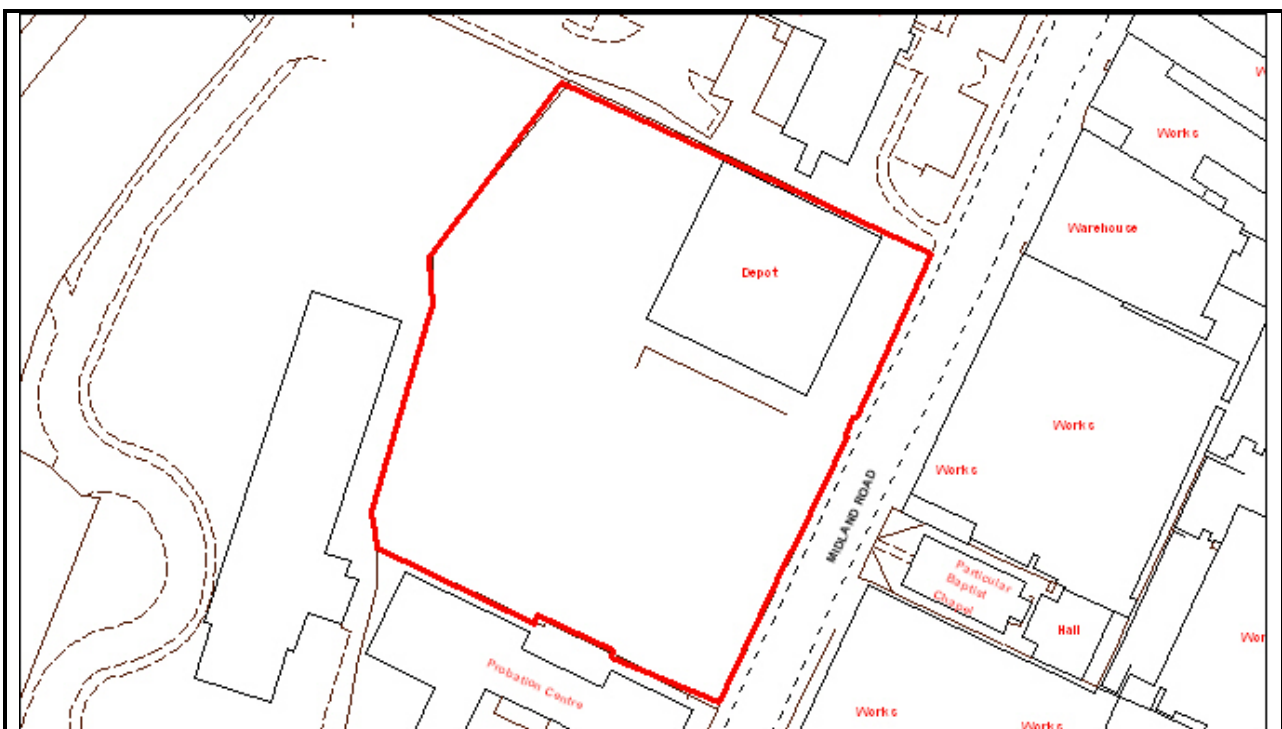
**Proposal:** Reserved Matters Application  
(Siting and Access) for the erection of 107  
Apartments and Associated Works (Pursuant to  
Outline Permission 03/1265/FL/W5)

**Location:** MIDLAND ROAD,(FORMER  
WEST MIDLANDS CO-OP  
DAIRY),WALSALL,WEST MIDLANDS

**Ward:** Walsall Central

**Expired:** 04 May 2005

**Recommendation Summary:** Approved Reserved Matters Conds



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## **Application and Site Details**

This application seeks approval of reserved matters following the outline consent for residential re-development of land known as the former Co-op dairy site on Midland Road, Walsall.

The details are for the siting of the buildings and access to the site for the erection of 107 apartments consisting of one, two bedroom apartments and a number of duplex units (two storey, three bedroom flats).

The proposed buildings would be sited around a courtyard with the front of the site (onto Midland Road) being three and a half storey increasing to four and a half storey to the rear of the site (reflecting the levels difference on the site).

Vehicular access to the site would be around the perimeter of the site and would have an in / out arrangement with parking available around the outside of the buildings on three sides, the Midland Road frontage being only occupied by a row of buildings contributing to the streetscene. A total of 107 parking spaces are to be provided of which 20 would be provided in under croft parking along the rear elevation. There would be limited access points to the central courtyard area for pedestrians which would be a landscaped amenity area for use by the occupiers of the premises.

The appearance and design of the frontage along Midland Road (which will be subject of a separate reserved matters application) would be designed to contribute and provide a striking feature within the streetscene.

All other matters are reserved or conditioned for a later stage.

## **Relevant Planning History**

03/1265/FL/W5 - Outline Residential. Granted Subject to Conditions 4<sup>th</sup> November, 2003.

The outline consent approved simply the principle of use of the site for residential, but advised that due to surrounding uses it would be likely that the form of development would take on a courtyard appearance with inwardly facing habitable room windows.

02/2399/FL/W2 - Outline for residential. Refused on grounds of potential noise issues, 6<sup>th</sup> March, 2003.

## **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**

The adopted Unitary Development Plan policies identify an increased emphasis on the quality of design as an important environmental issue and the following are specifically relevant.

3.6...Development / redevelopment schemes help to improve the environment

3.7...proposals for development/redevelopment will seek to protect people 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, reference to character and quality of existing environment... require high quality of built and landscape design

Env 32...(a) Poorly designed development/proposals not be permitted unless take into account context or surroundings

Env 32...(b) quality of design subject to appearance, height, proportion, scale, and mass of proposed buildings/ structures, materials, integration, Community safety/security, effect on the local character of the area, vehicular and pedestrian circulation patterns, integration of existing natural and built features of value

ENV33...Good landscape design to be integral part of design

GP2...expect developments to contribute to quality of environment... not permit development which would have an unacceptable adverse impact on the environment

GP7...designing out crime through promotion of mixed use developments...ensure presence of people, maximise surveillance of public areas from the living areas of homes and amount of defensible space, design and layout of buildings, landscaping and structures.

H3...encourage additional housing through re-use of previously developed windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises...conversion of appropriate buildings into dwellings - flexibility in standards for parking and amenity space.

H4...Affordable Housing to be provided based on an expectation of 25% of development.

H9..Minimum Densities (a) net density should be at least 30 dwellings per hectare (c) higher densities, exceeding 50 dwellings per hectare, will be encouraged if close to a town, district or local centre or other location with good accessibility by transport... small units for people such as single persons or the elderly.

H10... Layout, Design and Dwelling Mix ...(a) expect the design of residential developments to ensure good integration with surrounding land uses, provide adequate additional open space, or improvements to existing open space.

T13(iv)...Town / District Centres will negotiate appropriate level of parking provision

The Council has also adopted the residential Design Standards guidance.

## **National Government Policy**

Planning Policy Guidance Note 3 (Housing) promotes the redevelopment of previously developed land for housing within urban areas, while protecting green spaces. It allows for some flexibility in the application of standards to achieve development. Its other objectives are :

- ~ to meet the housing needs of the whole community, provide affordable housing
- ~ create more sustainable patterns of development,
- ~ make more efficient use of land,
- ~ promote good design,
- ~ reduce car dependence.

## **Consultations**

**Transportation** - no objections to 100% parking provision in this location. Visibility splays to be kept clear of obstructions over 0.6 mts in height.

**Pollution Control Division** - No objections

**Fire Service** - Unsatisfactory - need to demonstrate that fire appliance can gain access to within 45 metres of all flat doors (*the applicants are seeking to satisfy the Fire Service on this - see also Observations*)

**Drainage** - No objections

**Central Networks** - No objections

**National grid** - No objections

**Education Walsall** - No requirements for financial contribution to education facilities

**Lifelong Learning & Community** - No positive or negative comments

**Walsall Regeneration Company** - No objections. The scheme includes a variety of unit types which is welcomed and will increase housing diversity and choice, improve sustainability and level of housing in the area. The central courtyard will function as an area of amenity space and car parking is better related to the apartments.

**Regeneration & Built Conservation & Design** - No objections

**Energis** - No objections

## **Representations**

None received

## **Determining Issues**

- principle of the development
- siting and
- access to the site

- parking
- fire service access
- affordable housing

## **Observations**

### **Principle of the development**

The principle of residential development on this site has already been considered acceptable at the outline stage and its redevelopment will make an efficient use of the land which has been vacant for sometime.

It is also considered that the development will act as a catalyst in promoting and enhancing the area and through its careful design become a flagship for the future regeneration and development of the area.

The density of the site is shown as approximately 164 units per hectare based on the current proposals (107 units for 0.65 ha), this density would accord with both policies of the Unitary Development Plan and government guidance in so far as developments close to town centre locations should not only aim to meet housing needs of the whole community and create more sustainable patterns of development but also make more efficient use of the land.

### **Siting**

The siting of the buildings is designed around a courtyard with the residential units occupying all four sides, overlooking the main open space area in its centre. This arrangement will alleviate any potential environmental issues such as noise from nearby industrial uses. The access road would run around the outside perimeter of the site and provide car parking on three sides (not the sites frontage). There would be a number of residents access points into the central courtyard which forms the central focus of the development and provides areas for sitting out, children's play areas and general meeting and relaxing areas. This area would be clearly defined and enclosed providing better privacy and security, the site would be self policed by overlooking from all the units around the courtyard.

The principles of the residential Design Standards are met.

The Midland Road frontage would consist of a three and a half storey building (in the illustrative plans) containing the duplex units (two and one and a half storey, three bedroom apartments). This row of buildings is set back from the footpath which will allow for the development of the streetscene.

The illustrative drawings also show that buildings along Midland Road would include panels of differing textures and corner features consisting of windows from floor to ceiling creating transparent corners. This imaginative and interesting approach will again enhance the area and aid its regeneration.

Small patios and balconies would further enhance the quality of the courtyard open space and overall would provide open space in an otherwise urban environment which will be able to be enjoyed by children through to the elderly providing safe and secure areas to walk or sit in.



## **Access to the site**

Access in and out of the site will be controlled by a one way system allowing parking to be provided on the access road around the three sides. This provides a satisfactory circulatory arrangement around the site which will reduce any conflicts in respect of vehicular movements. It would be beneficial for each access point to be gated and the perimeter boundary to be secured to provide security for persons using the parking and for vehicles parked. There would also be a level of security and natural surveillance by the apartments overlooking these areas.

## **Parking**

In accordance with the Unitary Development Plan, sites which are within town centre locations can benefit from a negotiated level of parking. This site is within 500 metres of the centre of the town where all the usual facilities, services and access to public transport are readily available. The proposed level of parking on this site will be 100% (107 spaces for 107 flats) I consider the application to be acceptable.

## **Fire Service access**

Should domestic sprinkler systems be installed in the development such that no flat entrance door is further than 90 metres from the point where the fire appliance parks, then this would be acceptable alternative to requiring all flat doors to be within 45 metres or the necessity to provide full turning head for the fire service vehicles. A condition requiring this would be attached to any consent.

## **Affordable housing**

This is a Reserved Matters application. The outline permission contains no requirement for affordable housing, and accordingly that is not to be pursued.

## **Conclusion**

The siting of the proposed units takes into account the need to protect the amenity of future residents, creation of a safe and secure environment and provision of units of a type, scale and design which will benefit the area and enhance its regeneration and therefore I support the proposals.

## **Recommendation: Approved Reserved Matters Conds**

1. This decision approves matters submitted under the following conditions as set out and defined by the outline planning permission 03/1265/FL/W5, dated 4<sup>th</sup> November, 2003 :-

- 2 (a) - siting of the buildings
- 2 (d) - means of access

*Reason :* To ensure the satisfactory development of the site and to enable the Local Planning Authority to retain effective control over the future development of the site.

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 03/1265/FL/W5, dated 4<sup>th</sup> November, 2003 :-

- 2 (b) - the design of the buildings
- 2 (c) - external appearance
- 2 (e) - landscaping
- 4 - proposed boundary treatment
- 5 - detailed landscaping scheme
- 7 - external lighting scheme
- 8 - levels
- 9 - schedule of facing materials
- 10 - noise insulation measures
- 11 - pedestrian access to the buildings

*Reason : To define the permission*

3. Notwithstanding the above, prior to any part of the development first being occupied details of domestic sprinkler systems and a scheme for the control of security gates shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and thereafter retained in good working order.

*Reason : To ensure the satisfactory functioning 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 3.6, 3.7, 3.16, Env 32 (a & b), ENV33, GP2, GP7, H3, H4, H9 (a & c), H10 (a), and T13(iv) of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Major application.**

**Application Number:** 05/0315/RM/W3

**Case Officer:** Mrs J Scrivens

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** Harron Homes (Midlands) Ltd

**Agent:** Harris Lamb Limited

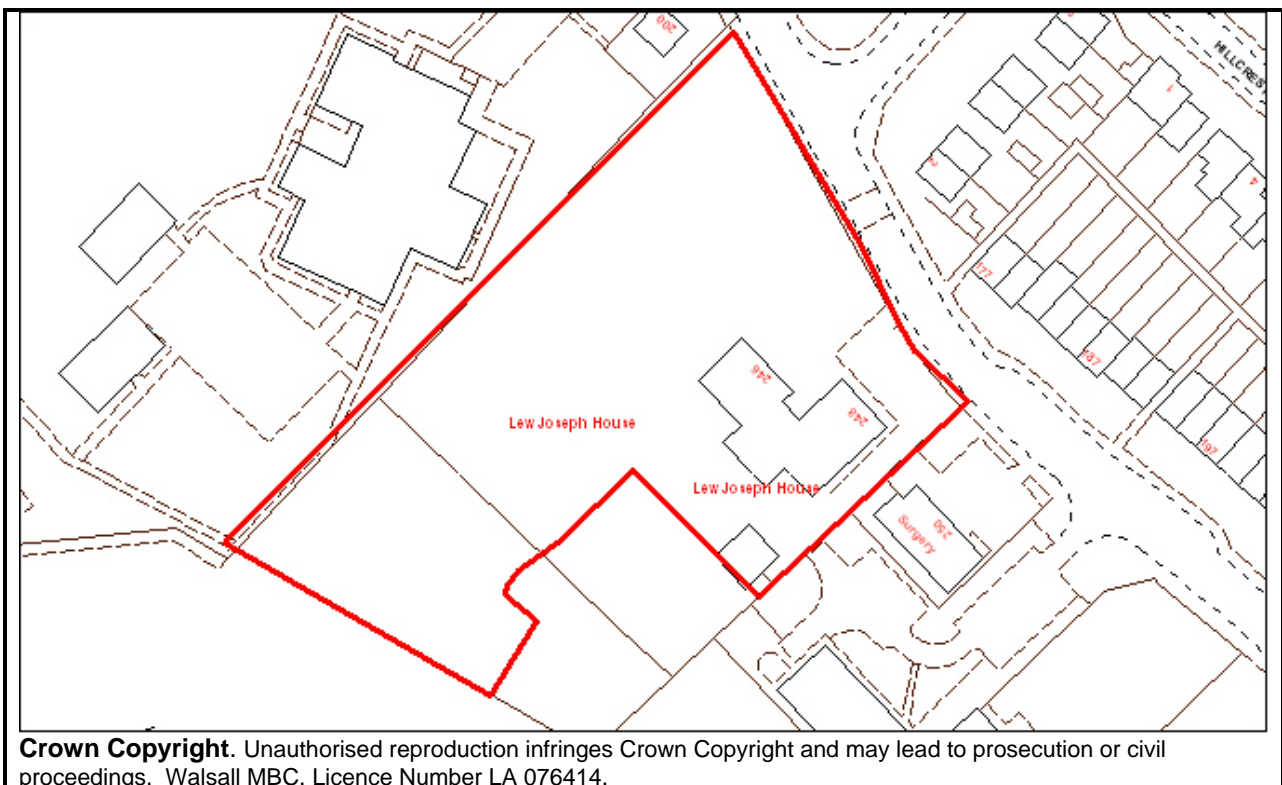
**Proposal:** Erection of 30 dwellings (Reserved  
Matters to 04/0579/OL/W3)

**Location:** LAND AT STROUD  
AVENUE, OPPOSITE JUNCTION WITH  
LONGWOOD RISE, WILLENHALL

**Ward:** Short Heath

**Expired:** 20 May 2005

**Recommendation Summary:** Approved Reserved Matters



## **Application and Site Details**

This application relates to land fronting Stroud Avenue which was formerly occupied by a children's home and an area of rough grassland to the rear.

The site adjoins an infants school to the north west, with a caretaker's house on the site boundary. An area of open space adjoins the south west boundary together with the site of a new children's home. To the south east the site adjoins a former surgery and family centre. There are residential properties on the opposite side of Stroud Avenue.

The application is a reserved matters submission providing details of siting, design, and landscaping. The means of access to the site, consisting of a cul-de-sac (to be shared with the new children's home) was approved as part of outline application 04/0579/OL/W3.

The application proposes the erection of 30 houses, five of which would be detached properties and the remainder in four blocks. Car parking is provided to Council standards. There is sufficient distance between habitable room windows to ensure privacy between dwellings. Length of garden varies between the plots. Fourteen of the houses would have garden lengths of 13 metres or above; seven have garden lengths of 11 and 12 metres and nine have between 9 and 10.5 metres. All the houses achieve rear access to the gardens.

Landscaping and boundary treatment details have been supplied.

The application is accompanied by a supporting statement which describes the development and sets out the policy background to the application

## **Relevant Planning History**

### **Adjacent site.**

04/0582/FL/W3 Erection of two storey, 6 bedroom children's home. Granted subject to conditions 2004.

### **The site.**

Development guidelines for the site were approved on 2003.

04/0579/OL/W3 Outline residential development. Granted subject to conditions 2004

## **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 GP1 supports maximising the re-use of underused urban land.  
Policy GP2 and policy statement 3.6 relate to environmental improvement.  
Policy GP3 relates to the use of planning obligations.  
Policy H3 encourages the use for housing of previously developed sites.  
Policy T13 relates to parking provision.  
Policy LC1 relates to open space

The recently adopted Residential Design Standards seek garden lengths of 12 metres and an area of 68 sq.m.

National Policy.

Planning Policy Guidance Note PPG3 supports the re-use of previously developed sites for residential development, among a range of issues..

### **Consultations**

**Transportation:** No objections. Adequate parking provision is proposed to comply with the Council's standards.

**Pollution Control:** No objections.

**Fire Service:** No objections.

**Drainage:** No objections.

**Education Walsall:** No objections. No requirement for a financial contribution towards education facilities.

**Police Architectural Liaison Officer:** Expresses concern that

i) the area suffers regularly from anti-social behaviour, particularly from youths congregating at the nearby shops. These youths may be attracted to the development by the presence of the adjacent children's home. The developer should be encouraged to provide facilities for the children of the home and the new estate to avoid the problems which arise when children have nothing to do.

ii) the houses at the rear of the site (plots 10, 11 and 12) will not be sufficiently overlooked, making them vulnerable to crime. Recommends that the developers make every effort to implement Secured By Design standards.

iii) the occupiers of the houses on plots 24 to 30 may not use their allocated parking spaces at the rear and may park on Stroud Avenue, causing congestion.

**Energis Communications:** No objections.

**Central Networks:** No objections.

### **Representations**

None.

### **Determining Issues**

- highway/parking issues
- amenity of future occupiers
- amenity of the surrounding area

## **Observations**

### **Highway/parking issues**

The position and form of the cul-de-sac access has been approved as part of the outline permission for the site.

The number of parking spaces provided meets Council standards. The Police Architectural Liaison Officer is however concerned that the parking spaces provided in the rear gardens of plots 24 to 30 would not be used, leading to vehicles parking on Stroud Avenue, causing congestion.

The approved planning brief for the site prohibited any direct frontage vehicular access to Stroud Avenue, with the result that either vehicles have to be parked at the rear or the dwellings or (with frontage parking) on houses turned to face the cul-de-sac. The latter option would detract from the appearance of Stroud Avenue at this point, since the development would appear to be isolated from its surroundings.

It is likely that the occupiers of these plots will wish to use their rear parking spaces, for security reasons.

### **Amenity of future occupiers.**

The issue of security for the houses on plots 10 to 12 can be resolved by the imposition of a condition requiring additional security measures for these dwellings. The rear access drive to plots 24 to 30 would also benefit from security gates, which has been suggested to the applicant. The applicant has also been requested to make changes to the proposed boundary treatment to improve the security and appearance of the scheme.

Some of the gardens are below the standards adopted in the Residential Development Standards. However, the site is surrounded on two sides by open land and is relatively high in comparison with adjoining land. There would be no sense of enclosure or overlooking and in this instance the reduced gardens would be acceptable provided that future extensions to the properties concerned are restricted by condition.

The appearance of the scheme is acceptable.

### **Amenity of the surrounding area**

The outline permission contained a condition which required the provision of open space to meet the needs of the development. This application makes no provision, the applicants anticipating that a Section 106 Agreement would be required to secure a financial contribution towards the improvement of open space in the vicinity of the site (Policy LC1). This requirement has now been abolished and the description of the application is to be amended to remove the relevant condition.

## **Recommendation: Approved Reserved Matters**

Approve reserved matters 2a, 2b subject to the following conditions:

1. No development shall be carried out until details of security measures for the dwellings on plots 10 to 12 inclusive has been submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall be implemented prior to the occupation of the dwellings.

*Reason:* In the interests of maintaining the security of the occupiers of these dwellings.

2. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions to plots 13 to 23 inclusive; 3 to 9 inclusive and 23 to 30 inclusive of the development hereby permitted shall be constructed without the prior submission and approval of a planning application.

*Reason:* To enable the Local Planning Authority to retain effective control over future development of this site in the interests of maintaining the amenity of adjacent occupiers. These plots have a narrow width and either short garden lengths or incorporate parking spaces within their gardens, which would potentially result in extensions having a disproportionate effect on amenity.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, H3 of Walsall's Unitary Development Plan and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: MAJOR APPLICATION**

**Application Number:** 05/0171/FL/E2

**Case Officer:** Ron Moss

**Application Type:** Full application

**Telephone Number:** 01922 652420

**Applicant:** Commercial Development Projects  
Ltd

**Agent:** Building Management Services  
Ltd

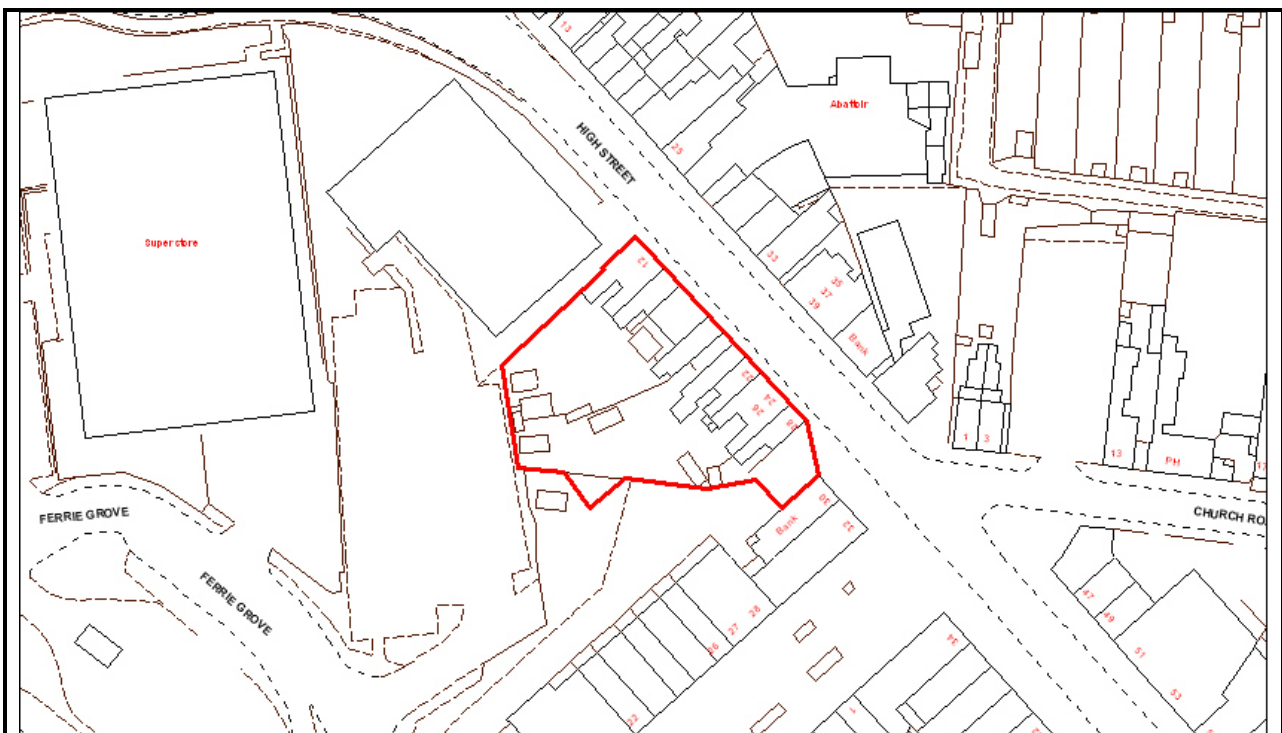
**Proposal:** Proposed redevelopment to form  
A1 open foods and non food retail units

**Location:** LAND BETWEEN 12-28, HIGH  
STREET, BROWNHILLS, WALSALL, WEST  
MIDLANDS

**Ward:** Brownhills

**Expired:** 16 May 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The application site lies within the district centre of Brownhills. It is on the south western side of the High Street adjacent to the Aldi store. The site is 0.156 hectares in area and currently contains a number of dilapidated retail units.

The proposal is to provide four retail units, three small units of 87 sq m., 88 sq m , and 85 sq m and one large unit of 1100 square metres that potentially could be divided in to three smaller units. Above these retail units would be office units. Similar floor area units would be positioned above the smaller retail units, while three office units with a total floor area of 465sq m would be positioned above the front section of the larger unit.

The proposed two storey front element facing the High street would be covered by a pitched roof, while the rear single storey element would be flat roofed. The building would be in brick work with a slate roof. The offices are shown with windows in all four elevations. The first small unit to the east would have an angled frontage. Servicing of the proposed units would take place to the rear in the area behind the three smaller units.

## **Relevant Planning History**

None

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

Adopted UDP -2005

Policy 3.6 states that redevelopment schemes should contribute towards the environmental improvement of the area.

Policy S2 identifies Brownhills as a District Centre.

Policy S3 states that proposals should be of a scale and nature appropriate to the size and function of the centre concerned to ensure the proper integration.

Policy S4 states that the Council will seek to sustain and enhance the range and quality of shopping and other town centre uses, which these centres provide. Furthermore that in some centres there is scope for an increase in these uses, which would help those centres maintain their vitality and viability.

Policy BR8 identifies the application site as an opportunity for retailing development.

Policy BR13 brings attention to the pedestrian route identified on the inset map to run down the east of the site from the High Street to Silver Street.

Government Policy

Planning Policy Guidance Note 6 supports retail development within District Centres

## **Consultations**

**Transportation** - No Objection

**Pollution Control** - No objection subject to conditions on any permission, requiring a method statement for demolition and a ground contamination survey with any necessary remedial measures to be submitted to and approved by the Local Planning Authority before works are commenced.

**Property and Development Services** - Although the development would build over the proposed pedestrian link from High Street to Silver Street, the line of the pedestrian link is impractical and precluded by the existing service yard. An alternative link is required, but this should not prevent redevelopment going ahead, the benefits of which outweigh the need for this pedestrian link.

**Urban Regeneration** -(Verbal) Support the scheme. No objection to the loss of the possible pedestrian link

**West Midlands Fire Service** - Access for fire appliances would be satisfactory

**Drainage** - No objection, but there is a storm water sewer very close to the back corner of the site.

### **Representations**

1 letter of objection received on behalf of Aldi stating the following:-

- a) The vehicle tracking for a service vehicle shows it touching kerbs and buildings on its access and egress. This does not even take account of potential bin cages, level conditions and other vehicle servicing. Highways should therefore be consulted.
- b) Two fire escapes go on to Aldi land.
- c) Consider that triangular area of land to the rear of the site is within Aldi ownership.
- d) Any cladding on building would overhang neighbouring land.
- e) The Committee should carry out a site visit before making a decision.

### **Determining Issues**

The determining issues are whether:-

- a) The principle of the proposal is acceptable
- b) The proposal would have any detrimental impact on the amenities of the area and neighbouring occupiers
- c) Servicing/Parking

### **Observations**

#### **a) The Principle of the Development**

The proposal is for a medium sized retail development within a district centre upon a site identified for this purpose. The proposed development is therefore acceptable in principle. Policy BR13 does however bring attention to the line of a pedestrian access that is proposed to go down the east side of the development to link the High Street with Silver Street. This proposal would prevent this access being constructed. However as indicated by Property and Development Services the pedestrian link is not ideal, passing the backs of commercial units in Ravenscourt and through an existing service area. An alternative better route for the path needs to be sought. The economic investment that the development would bring to Brownhills is considered to outweigh the footpath concern.

**b) Impact On Amenity**

The proposed development would be a benefit to the area in visual terms, replacing currently derelict buildings with a brick and slate building. The two storey pitched roof frontage element of the scheme would enhance the appearance of the High Street. The proposal would have no detrimental impact on the amenities of neighbouring site occupiers, which are predominantly commercial. The proposal also indicates concealed roller shutter boxes and that the shutters themselves would be open grille. Full details of the shutters would however form a condition on any approval.

**c) Servicing and Parking**

With respect to servicing and parking, the proposal is replacing retail units with no existing parking within a district centre. Transportation consider that this acceptable. In response to the neighbours concerns over servicing the units, Transportation have viewed the submitted vehicular tracking drawings and raise no objection. It is noted however that this area will need to be clear of obstruction to allow this manoeuvre to be made.

**d) Other Material Considerations**

In response to the neighbour's concerns the brick building would not overhang the boundary of the site and the applicant has re confirmed that none of the application site is within the ownership of this neighbour. The plans have been revised to delete the fire doors that were shown to open on to the pathway in the ownership of the neighbouring property, Aldi.

**Conclusion**

In conclusion it is considered that the proposed retail development would be a positive benefit to Brownhills, both economically in respect of bringing vitality to the centre and in terms of its visual appearance.

**Recommendation: Grant Permission subject to conditions**

1) This development must be begun not later than 5 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) No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land, and any drainage or other works necessary to facilitate this development.

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

4) No development shall be carried out until a survey and site investigation has been carried out to assess the likely hazards to the proposed development of any contamination of the land resulting in the presence of potentially toxic substances or combustible fill materials, the possibility of chemical attack on building materials, the emission of toxic and flammable gases, or general problems of stability, drainage, odour, leachate production, and surface run-off.

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

*Reason:* In the interest of health and safety.

5) Before demolition work commences a method of works statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of the measures to be utilised to prevent, mitigate, or otherwise control emissions of noise, vibration, mud and dust. The demolition shall then be conducted in accordance with this approved statement.

*Reason:* In the interest of health and safety.

6) Details of the shutters on the shop front elevations shall be submitted to and approved in writing by the Local Planning Authority before any shutters are erected. The proposal shall then be constructed and retained in accordance with these approved details.

*Reason:* To protect the visual appearance of the area.

7) 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 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 proposal is considered to accord with policies 3.6, S2, S3, S4, BR8 and BR13 of the adopted Unitary Development Plan - 2005.

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Major Application**

**Application Number:** 05/0384/RM/E2

**Case Officer:** Ron Moss

**Application Type:** Full application

**Telephone Number:** 01922 652420

**Applicant:** Deleste Ltd C/o Harper Group PLC

**Agent:** The Design Box

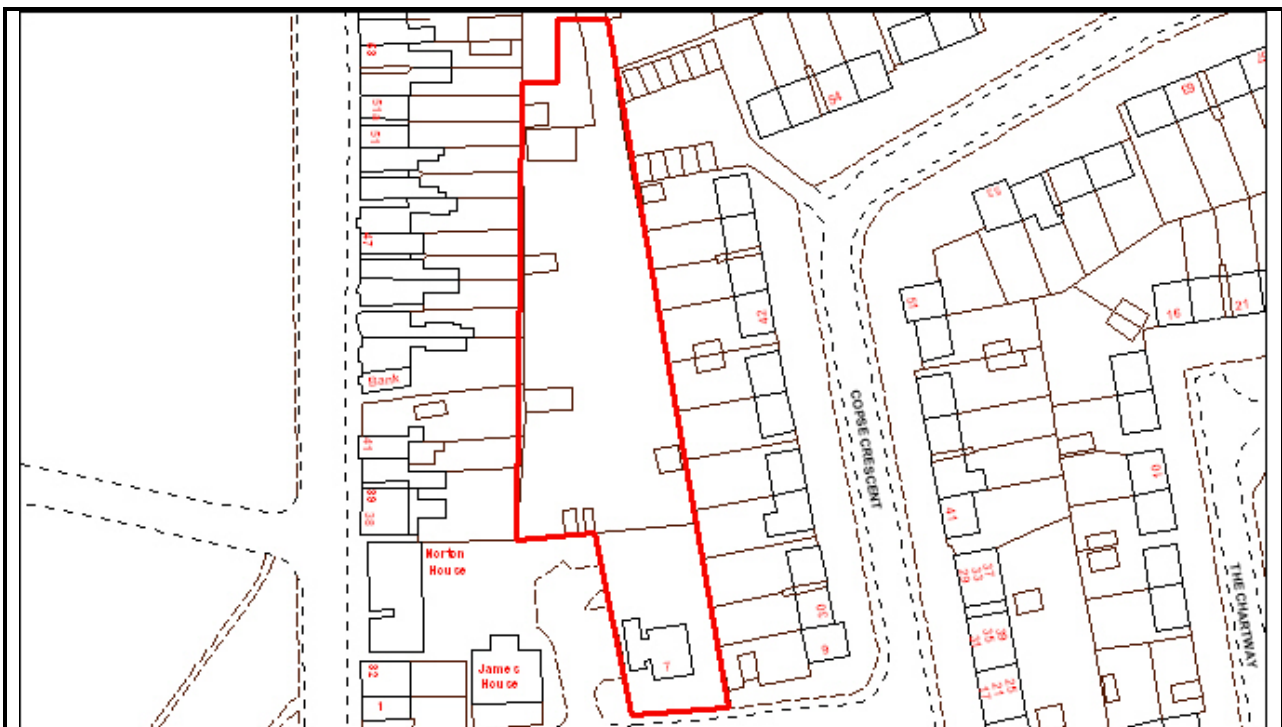
**Proposal:** Erection of 4 no. 2 Storey Apartment Blocks containing a total of 14 flats with parking and driveways to serve (Reserved Matters to Approval of 03/1308/FL/E4 - External appearance and Design )

**Location:** LAND TO THE REAR OF 7, STACKHOUSE DRIVE, PELSALL, WEST MIDLANDS, WS3 4DX

**Ward:** Pelsall

**Expired:** 30 May 2005

**Recommendation Summary:** Approved Reserved Matters Conds



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## **Application and Site Details**

The application site is just to the north east of the Pelsall local centre and adjacent to the Pelsall common conservation area. It is now vacant, except for the dwellinghouse, no.7 Stackhouse Drive to the south, which would be demolished to provide access to the site. The rest of the site was previously used as a coalyard. To the west the site borders the rear of predominantly ground floor commercial/ first floor residential properties in Norton Road, while to the south, north and east are all residential properties.

The application is a reserved matters application for the erection of 4 two storey apartment blocks containing a total of 14 flats with parking and driveways. Outline planning permission with siting and access was granted for 14 two bed apartments in January 2005. The current application is to approve the details of external appearance and design.

The proposal shows four blocks, There is smaller block facing Stackhouse Drive that would contain 2 x two bed units and three larger blocks set in a line behind one another, containing 4 x two bed units .In terms of design, the blocks would be brick built and are shown with small gable end roofs above windows and front gable features. The larger blocks would be covered by half hipped roofs and the smaller block with standard pitched.

Parking spaces for 22 cars are shown located in between the apartment blocks, to be accessed from the already approved access point from Stackhouse Drive.

## **Relevant Planning History**

Outline: Residential Development for 14 two bed bedroom apartments. Matters of siting and means of access to be considered. - Granted 19.01.05

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

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

Policy 3.6 requires development to make a positive contribution to the environment.

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

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

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

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

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

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

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

### Government Policy

PPS 1 states that :

Para 33 ' Good design is indivisible from good planning '

Para 34 ' Good design should contribute positively to making places better for people '

Para 35 ' High - quality and inclusive design should be the aim of all those involved in the development process.'

Planning Policy Guidance Note 3: Housing, promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments. Aims to achieve more efficient use of land and to increase the density of development above that generally achieved to date, it is also stated in paragraph 56 that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

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

### Consultations

**Transportation** - No objection subject to conditions requiring the relocation of the existing road humps as shown on the submitted drawing and revised positioning of the bin store. The visibility splay and the parking levels are considered acceptable.

**Pollution Control** - No objection subject to submission of ground contamination and site investigation survey as well as any necessary remedial measures. Condition on hours of construction and demolition as well as no open fires as well.

### **Urban Regeneration**

Conservation - No objection in principle. Samples of facing materials should be submitted for approval. Windows should be timber and there should be no false balconies or double doors at first floor.

**Drainage** - No objection

**West Midlands Fire Service** - No objection

**Central Networks** - No objection

**Centro** -No objection. None of infrastructure would be adversely affected and the development site is within the Passenger Transport Authority's minimum standards for accessibility by public transport.

### Representations

Three letters received, objecting on the following grounds:-

- a) Already have flats in area, see no reason to build more.

- b) Traffic flows in the area are already bad, this proposal would exacerbate the situation. Norton Road/ Stackhouse Drive junction is already hazardous.
- c) Proposed wall should be higher than 6 feet to ensure security, particularly if there are any levels change to make development site higher.
- d) Loss of privacy
- e) Loss of light
- f) Loss of wildlife

### **Determining Issues**

The determining issues are the acceptability of the following:

- a) Design
- b) External appearance
- c) Other Material Considerations

### **Observations**

#### **a) Design**

The siting of the blocks has been agreed under the previous outline application. The proposed two storey blocks are similar to the illustrative drawings previously submitted. The proposal has also ensured that there are no windows in the east and west elevations of the apartment blocks to prevent overlooking of existing neighbouring properties. The layout with parking areas positioned between the blocks is considered acceptable. The Conservation officer has no objection to the design of the scheme.

#### **b) External Appearance**

The Conservation officer has agreed that the external appearance of the apartment blocks are acceptable, now that the previously shown Juliette balconies and first floor doors have been shown replaced by windows. The materials would be covered by condition under the outline application.

#### **c) Other Material Considerations**

With respect to the contamination issues raised by Pollution Control, this was covered by condition on the outline application and the applicants have submitted a survey, which is currently being assessed. The parking levels accord with Council standards and the access has been previously agreed. The alteration to the positioning of the road humps as shown would need to be covered by a condition on this reserved matters application as their relocation did not form part of the outline application. The refuse storage details are covered by condition. With respect to the neighbour's concerns on highway safety, it should be stated that the access and number of units had already been agreed at the outline planning stage.

### **Conclusion**

It is recommended that approval be given for details submitted in relation to external appearance and design.



**Recommendation: Approved Reserved Matters Conds**

1) The proposed apartments shall not be occupied until full details of the relocated speed humps along Stackhouse Drive are submitted to, approved in writing and constructed to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety

2) Notwithstanding the details shown on the submitted drawing 01, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with these approved details.

Reason: To ensure adequate servicing of the site.

2) This development shall be built in accordance with the planning conditions on the outline application 03/1308/OL/E4

Reason: To ensure the satisfactory appearance of the development.

**Reason for granting planning permission:** The proposal is considered to accord with policies GP2, 3.6, ENV14, 6.3, H3, H9 and H10 of the adopted Unitary Development Plan - 2005

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Major application**

**Application Number:** 05/0217/RM/W2

**Case Officer:** Marilyn Kowalski

**Application Type:** Full application

**Telephone Number:** 01922 652488

**Applicant:** Lingfield (Walsall) Ltd

**Agent:** Reid Architecture

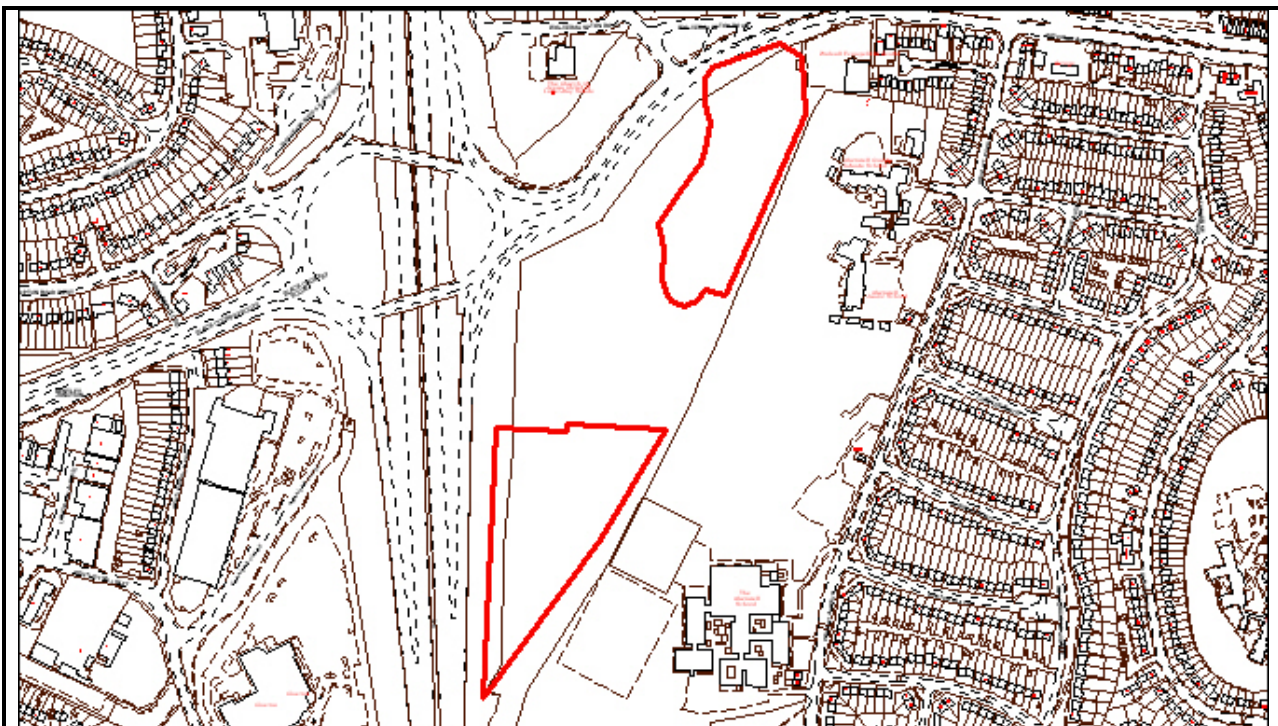
**Proposal:** Reserved Matters to BC56152P -  
B1 office development.

**Location:** Land adjoining Junction  
10, Wolverhampton  
Road, Walsall, Walsall

**Ward:** Pleck

**Expired:** 15 June 2005

**Recommendation Summary:** Approved Reserved Matters Conds



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## **Application and Site Details**

The site adjoins the recently opened Village Hotel at junction 10. It is between the hotel and Wolverhampton Road.

The application is for Reserved Matters approval, pursuant to an outline permission (see History for details).

The proposal is for three buildings, all for B1 offices. One stands on the road frontage (a three storey building). The other two (both two storeys) are at the rear of this part of the site (a design choice to create a small group). Between the buildings, and between all three and the brook, is the car parking for these buildings. The car park has 228 car spaces (plus 12 for the disabled).

The designers advise the intent is to create a sense of place, and for each unit to have its own character while remaining part of the whole. The parking area contained by the three buildings is designed to a high standard as part of the intent to create a sense of place.

The buildings are in a mix of traditional and modern materials. Their designs are striking (large, glazed curtain walls in some areas, and sharp, prominent corners are striking features, as are projecting windows in places, and the use of areas of cedar cladding).

Landscaping areas are proposed around the edges of the site, plus planting (feature trees, and hedges) through the area of the car park. The landscaping to the Wolverhampton Road frontage is deliberately simple, a hedge and lawn, to frame the building.

Also included in the application are submissions under a range of conditions in the outline.

The application also included, originally, a B8 unit at the rear of the Village Hotel. During the course of the application, that element was withdrawn.

Outline planning permission was granted in 2002. The approved uses were a 3 storey budget hotel, a 5 storey hotel complex (including conference and leisure uses), B8 (warehouse) use, B1 office use and A3 (restaurant / takeaway) use.

The 5 storey hotel has been built, and an A3 use. Three key areas of the site of the outline remain undeveloped. One of those is the subject of this application.

The period for submission of Reserved Matters has been extended by a further 2 years to reflect progress to date.

**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**

The recently replaced Unitary Development Plan had a specific policy for the site (E\$). This set out some timing issues (no longer relevant), and required ground stability, landfill gas and access solutions. It specified **'high quality business uses in Class B1 ... or for appropriate high quality service uses such as a hotel.'** It also required particularly high quality design.

The outline permission reflects this policy situation.

The newly adopted Unitary Development Plan also has a site specific policy (JP4.1). The new plan also seeks high quality development and design. Gateway landmark buildings are sought.

### **National Policy**

PPG1 seeks good design, and sustainable development.

PPG13 continues the theme of sustainability, and seeks to locate uses attracting large numbers of people, in centres (to maximise use of transport other than the car).

However, the promotion of this site as hotel and office space was accepted as part of the old and the new Unitary Development Plan versions, despite this, given the importance of the site in creating an imposing entrance to the Borough from the M6.

### **Consultations**

**Transportation** - no objections. The proposal should have 250 car spaces (has 228) and should have 25 for the disabled (has 12), and 25 bike stands (has none). The shortfall in overall parking is acceptable. Approval can be given subject to conditions requiring increased parking for the disabled, and push bike facilities.

**Pollution Control** - no objections subject to detailed issues being addressed. Ground studies have been done on the overall site but only limited information is available for this part of the site. Ground studies are needed, with particular attention to ground gas controls (the site has been tipped). Conditions are recommended. Controls are proposed on hours of working (*already in outline*). Air quality should be the subject of a study to demonstrate minimal change as a result of the development.

**Highways Agency** - no objections.

**Environment Agency** - no objections.

**Severn Trent Water** - advise they do not comment on Reserved Matters applications, and rely on the conditions on the outline for control.

**West Midlands Police** - car park offers security problems as there are excellent escape routes along the cycle track and brook and the M6 (the absence of CCTV, guard patrols, controlled access are referred to as possible responses). Glazing could need high strength glass, to avoid undue burglary issues.

**Urban Regeneration Services Strategy Team** - no objection.

### **Environmental Regeneration Natural Environment**

Landscaped corridor along brook is inadequate, between a high fence and the brook course. Safety issues for cyclists close to a steep bank. Limited access to cycleway will not encourage use. Planting in brook course will impede brook subject to comments from Environment Agency and Severn Trent. Proposed wildflower planting is on nutrient rich land but need nutrient poor land. Some trees in the car park are in cramped locations.

**Environment Agency** - no objections.

**Wildlife Trust for Birmingham and the Black Country** - make comments on preferred planting, e.g. where this has wildlife implications.

**Drainage** - access required along brook for large machine for maintenance of the brook by the landowner.

**Black Country Archaeologist** - no objections.

### **Representations**

None.

### **Determining Issues**

1. Design
2. Security
3. Air quality
4. Disabled parking / bike spaces
5. Terms of outline conditions

### **Observations**

#### **Design**

The overall site needs to create very high standards for design, because of its position, and because that is enshrined in UDP policy. It is an important gateway into the Borough.

The buildings have common themes in the palette of materials and design elements, such that will create a coherent space around the site edges. Within that space, car parking mixes with landscaping, to create an attractive scheme.

The buildings vary in height, to create interest across the site. The combination of sharp, angular elements in the shape, coupled with the glazing and cladding are unusual. One approach to the needs of this gateway site is to create unusual design, but design that is good to look at and work in.

On the Wolverhampton Road frontage, the application concentrates attention on the buildings, by setting them in simple landscaping. Closer to, the paving and landscape details create interest.

Some landscaping details need revision, and I recommend that this element not be approved, and further discussions take place.

The cycleway is intended, by the outline, to be a route to land beyond the M6, which would follow at some point in the future. Until then it is a cul-de-sac, and use will inevitably therefore be limited to accessing the site. Within that limitation, restricted access to it is acceptable. The issue of safety turns on whether cyclists would cross the intervening planted strip, into the area of the brook course. While it is only 1/5 to 2 metres wide, I regard this as reasonable.

Overall, I am satisfied that the scheme meets the expectations set out, and should be supported.

## **Security**

The applicants have set out their intention to comply with the principles of Secured By Design.

The Police have set out some concern about crime in relation to the car parking.

The scheme is specified as including a 2.1 metre security fence alongside the cycle track and brook. No reference is made to other fences elsewhere on the site, or to controlled access.

Such things as CCTV should have been conditions on the outline and can not be added now. Security patrols could not be required by condition.

The fence is a submission under the boundary treatment condition. I have recommended that you decline to approve that submission made in this application, as the submission has only limited information in relation to the site as a whole. I would then propose (in seeking a more complete submission) to call the applicant's attention to the concerns of the Police, and seek to resolve these matters in further discussions about boundary treatment overall.

## **Air quality**

Pollution Control suggest a condition. There is no such condition in the outline, which is the planning permission for the site. It is not possible to add such a condition at this stage.

## **Disabled parking / bike spaces**

Additional facilities are sought by Transportation. I concur in this. The idea that there may be some loss of parking to make such provision is also acceptable (should this be the case) as the overall provision is adequate.

A condition is proposed.

## **Terms of outline conditions**

The application seeks approval to the requirement of 13 of the conditions on the outline permission.

Some submissions are acceptable (e.g. building design). Others need further work (e.g. boundary treatment).

I have set out in the recommendation a response to each of these submissions.

## **Conclusion**

A number of details need to be resolved, and these are identified in the report.

The submissions under some of the conditions need further work. However, the essence of the scheme, new buildings of a quality design, in a quality setting, is met.

### **Recommendation: Approved Reserved Matters Conds**

Approve the submissions made under conditions 13, 14, 18, and 23 of BC56152P.

Approve the matters reserved by condition 1B(i), (ii), and (III) of BC56152P, subject to the following conditions:-

1. No development shall be carried out until revised details of disabled car parking spaces and bike stands have been submitted to and approved in writing by the Local Planning Authority. The revisions will provide for an increase in the number of disabled parking spaces to 25, and an increase in the number of bike stands to 25. The approved details shall be implemented before the development is brought into use, and shall be thereafter retained.
2. No development shall be carried out until
  - a) details of the appearance of the proposed bin stores
  - b) revised details of the location and arrangement of the bin stores to provide for safe and effective collection of bins 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 shall be thereafter retained

3. This permission relates to drawings and documents designated / numbered:-

033049-D-31B      033049-D-31B      033049-D-32A      033049-D-33

033049-D-33      033049-D-34      033049-D-35      033049-D-38

033049-D-39      033049-D-40      033049-D-41      033049-D-42

033049-D-45      033049-D-46      033049-D-47      033049-D-48

033049-D-51

03309-OT1BF-SA110305 Architectural statement March 2005

Landscape Design Statement dated February 2005

WT739-L03C      WT739-L04C      WT739-L05B      WT739-L06C

WT739-L07B      WT739-L08A      WT739-L09B      WT739-L10B

WT739-L13-R2 dated March 2005      WT739-13-S1A

### **Summary of reasons for approving the application 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, GP2, 3.6, 3.9, 3.12, and JP4.1 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](http://www.walsall.gov.uk)

#### NOTES FOR APPLICANT

A) Insufficient information has been submitted in relation to submissions under conditions 3 (in relation to levels), 19 (in relation to security where fencing is shown, and proposed fencing on other boundaries), 27 and 40 to enable a decision to be made. The submissions under 1(b)(iv) and 20 need further detail on certain issues.

B) The submissions under conditions 31 and 34 are unnecessary, as they are continuing requirements for the life of the development.

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Significant public interest**

**Application Number:** 05/0220/FL/E5

**Case Officer:** Della Templeton

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** Mr Z A Choudhury

**Agent:** Architectural Services

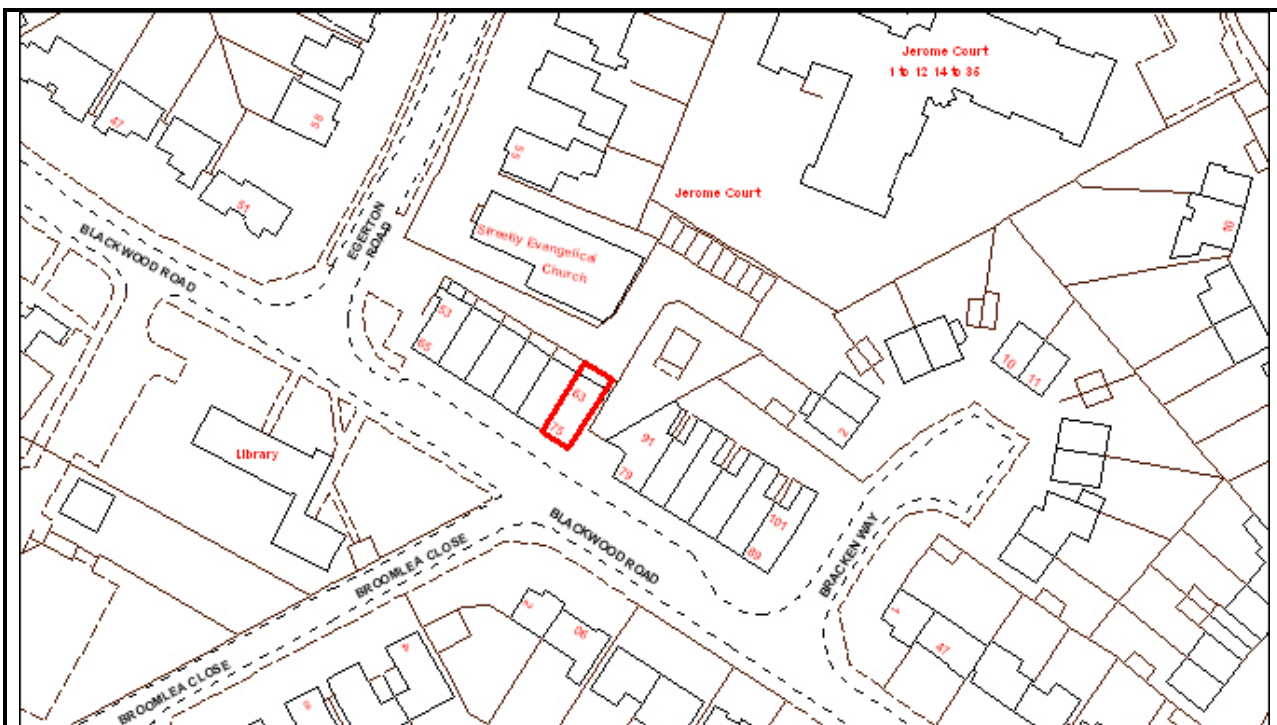
**Proposal:** Change Of Use From A  
Greengrocers to a Indian Takeaway

**Location:** 75, BLACKWOOD  
ROAD, SUTTON  
COLDFIELD, WALSALL, WEST  
MIDLANDS, B74 3PW

**Ward:** Streetly

**Expired:** 04 April 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The application proposes a change of use from a greengrocers shop to the to a food take-away falling within Class A5 to the Town and Country Planning (Use Classes) (amendment) Order 2005.

The only external change proposed would be a new stainless steel flue to be located on the south-eastern end elevation of the building.

Other premises in the parade of shops include a clothing shop, hair stylist, fish and chip shop, Chinese food take-away, tanning studio, kitchens/interior, newsagents, general store, opticians, chemist and butcher. The majority of these close at 5 or 5.30 with the exception of the chip shop (9pm), newsagents (7-7.30pm), Tanning Studio (8pm) and the Chinese take-away which has permission to open from 6pm until 10pm.

## **Relevant Planning History**

BC63061P for Change of Use from A1 to A3 (food and drink) at number 69 Blackwood Road was granted at Appeal. Conditions were imposed by the Inspector relating to the provision of extract ventilation equipment, refuse storage and limited opening hours (18.00 to 22.00 Monday to Saturday)

02/0201/FL/E3 for variation of condition 3 to allow opening from 17.30 to 23.00 was refused at Appeal on 13 February 2003.

## **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**

Amongst the general principles underlying the UDP policies is the aim to maintain and enhance established centres as the main focus for shopping, service, leisure and others aspects of community life (policy 2.2-b).

Policy GP1 requires the location of development to be guided by principles of sustainable development advocating a sequential approach whereby facilities having the potential to generate a significant number of personal trips should primarily be located within centres and only be accepted outside centres where it can be demonstrated that no suitable central location is available.

Policies 5.4/5.5 - Whilst the Council will apply a sequential approach to direct town centre uses towards existing centres, out-of-centre developments may be acceptable where there is a specific local need.

Policy S6 (a) Outside identified centres, existing local shopping facilities will be encouraged to continue to meet the day-to-day needs of their communities.  
(b) The Council will take account of the particular significance of local shops (including the accessibility of alternative provision) when considering applications for change of use of these premises to other activities. Where facilities (such as Post Offices, pharmacies and banks) are judged to serve an important local need, the Council may seek to restrict such changes of use.

NB - Part D of the Policy and part IV of Policy S7 refer to residential areas being left more than 500m from a food shop.

Part (c) of the policy recognises that eating and drinking places are a use for which there might be a local need outside of any existing centre.

Policy S10 - Hot Food Takeaways, Restaurants and Other A3 (Food and Drink) Outlets - sets out considerations relating to amenity, opening hours, car parking and ventilation and fume extraction.

Policy T13 sets out the Council's parking standards for takeaways. The application premise, with a floor area of around 73 square metres would require a minimum of 5 car spaces. (4 for the first 50 sq. m. then 1 per 22 sq. m.)

### **Consultations**

**Transportation** - No objection with condition to restrict the opening times from 5.30pm onwards.

**Pollution Control** - No adverse comments.

**Environmental Health and Consumer Services** - There are numerous takeaways already in operation in this immediate area with only occasional complaints of cooking odour. An appropriate and efficient odour and grease extraction system must therefore be put in place in order to reduce the possibility of such complaints.

**Fire Officer** - No access issues.

**Police Architectural Liaison Officer** - Comments awaited.

### **Representations**

44 letters of objection have been received raising the following grounds:-

- 1) Increased dirt and litter leading to increase in rats, seagulls and other vermin.
- 2) Noise and disturbance - particularly during the evening
- 3) Cooking smells
- 4) Increased traffic and inadequacy of parking. Would lead to an increase in travel as there is very little passing trade to this site
- 5) Encouragement of anti-social behaviour
- 6) Over-provision of takeaway uses in the area
- 7) Loss of important convenience retail provision and fear of precedence - A proliferation of hot food takeaways would deter other retailers from locating in this parade of shops thus further reducing the availability of convenience goods to the local population.
- 8) Devaluation of property
- 9) Inappropriate in a residential area

In addition, one neighbour states that should permission be granted, then the shop should not stay open later than the existing outlets so that families above can have some peace.

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

## **Determining Issues**

- Impact on local shopping provision
- Amenity issues
- Car Parking and highway safety

## **Observations**

### **Impact on local shopping provision**

The premise concerned is in a local shopping parade (not a local centre) in the centre of the residential area of Streetly. Streetly has only one designated local centre (at Chester Road / Bridle Road / Manor Road) and whilst there are several shopping parades, the amount of shopping provision is limited for such a relatively large and affluent area - Roger Tym & Partners (Walsall Retail capacity Study, para. 6.35) have previously commented there may be a genuine shortage of retail provision - although the development of Sainsbury's in the south of the area and permission for another food store at Foley Road to the northwest might indicate some changes to this position and the Somerfield store in the local centre has recently been upgraded.

Streetly is a relatively affluent area and residents are likely to be willing to travel to use stores operated by the major retailers, so I think it is relevant to consider the national trend towards the decline of small independent food stores. Thus, although the premise has not yet been vacated, it would not necessarily mean the loss of a local shop that would otherwise be viable. On the other hand, general trends are leading to an increase in the number of hot food takeaways.

In the circumstances, planning policy would only resist the change of use to a hot food takeaway if it could be shown that this would leave local residents without a local food shop (within 500m). This would not be the case here, however, as there is a general store elsewhere in the shopping parade, whilst the newsagent is likely to sell some convenience goods. There is therefore no basis in retail policy to resist the change of use to a hot food takeaway. This is a manifestation of trends in the market place. Any impacts upon trade in competing businesses would be a matter of competition and there is no reason to believe that the change of use would affect the numbers of people using the remaining shops in the parade.

### **Amenity issues**

Neighbours have expressed concerns relating to noise/anti social behaviour, odour, litter and devaluation of property.

There are already 2 hot food takeaways within the parade of shops. One, a fish and chip shop, opens until 9pm although it could open later, the other, a Chinese food takeaway, has permission to open until 10pm. Such uses will inevitably lead to a degree of noise and disturbance. In determining the appeal through which permission for the Chinese food takeaway was granted, the Inspector had regard to the impact on neighbouring residents' amenity and felt that to allow later opening would extend potential noise and disturbance into times when residents had a right to expect quiet. This approach was reinforced when the proprietors applied to extend opening until 11pm and the Appeal was dismissed. There have been no significant changes in circumstances since that time and it would therefore be appropriate to impose the same restrictions on opening hours.

The principle of this type of use within the parade of shops has been established in determination of previous applications/appeals where it was felt that issues relating to odour could be addressed by the installation of suitable extraction equipment and refuse storage facilities. Fume control equipment is also requested by Environmental Health Officers in relation to the current application. This would not have any material visual impact in the location proposed on the submitted plans but detailed specifications of this and grease trap equipment would be required.

The potential impact of a development on the value of nearby property is not a material planning consideration.

### **Car parking and highway safety**

There is a lay-by to the front of the parade of shops which, although no spaces are marked, would be sufficient to accommodate in the region of 24 - 25 vehicles if considerably parked. The shopping parade is generally busy during the day as evident by the fact that the car parking was all taken with vehicles over-spilling onto adjoining streets at the time of the site visit. There is a library opposite and a school within 100m of the site, both of which lead to increased demand for parking at certain times of the day. The heavy demand for parking was a contributory factor in determining the hours of operation on the Chinese food takeaway permission at number 69.

The majority of premises are closed by 5.30pm with only 4 (including the Chinese food takeaway) open beyond this. Based on adopted standards, each takeaway use would require 5 spaces with 6 required by the newsagent and 4 by the tanning studio. Thus, from 5.30 onwards the current demand is for 20 spaces and a new takeaway would increase this to 25.

It is not considered that the introduction of a third takeaway would increase the need to travel. It would simply mean that customers already visiting this site would have a wider choice of cuisine available to them.

### **Recommendation: Grant Permission subject to conditions**

1. This development must be begun not later than 5 years after the date of this decision.

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

2. The use hereby permitted shall not commence until the premises have been provided with an extract ventilation system for the control of fumes, the details of which shall be submitted to and agreed in writing by the local planning authority. The agreed system shall be operated and maintained in accordance with the manufacturers instruction and shall be retained unless agreed otherwise in writing by the local planning authority.

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

3. The use hereby permitted shall not commence until details of a method to prevent grease entering the drainage system have been submitted to and approved in writing by the local planning authority. The premises shall not be open for business until this approval has been given and the approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirements.

*Reason:* To prevent grease entering into the drainage system in the interests of the free flow, capacity and the prevention of pollution of the system.

4. The premises shall not be open for business outside the hours of 17.30 to 22.00 Mondays to Saturdays and shall not be open at all on Sundays.

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

5. The use hereby permitted shall not commence until details of proposed refuse storage and disposal facilities have been submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be retained unless agreed otherwise in writing by the local planning authority.

*Reason:* To safeguard the amenities of occupiers of adjoining premises and ensure the satisfactory appearance and functioning of the development in the interests of public health and safety.

**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, 5.4, 5.5, S6, S7, S10 and T13 of Walsall's Unitary Development Plan adopted 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. 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](http://www.walsall.gov.uk)

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Departure from development plan**

**Application Number:** 04/2551/FL/E5

**Case Officer:** Della Templeton

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** The Establishment Unit

**Agent:** PRC Advisory Services Ltd

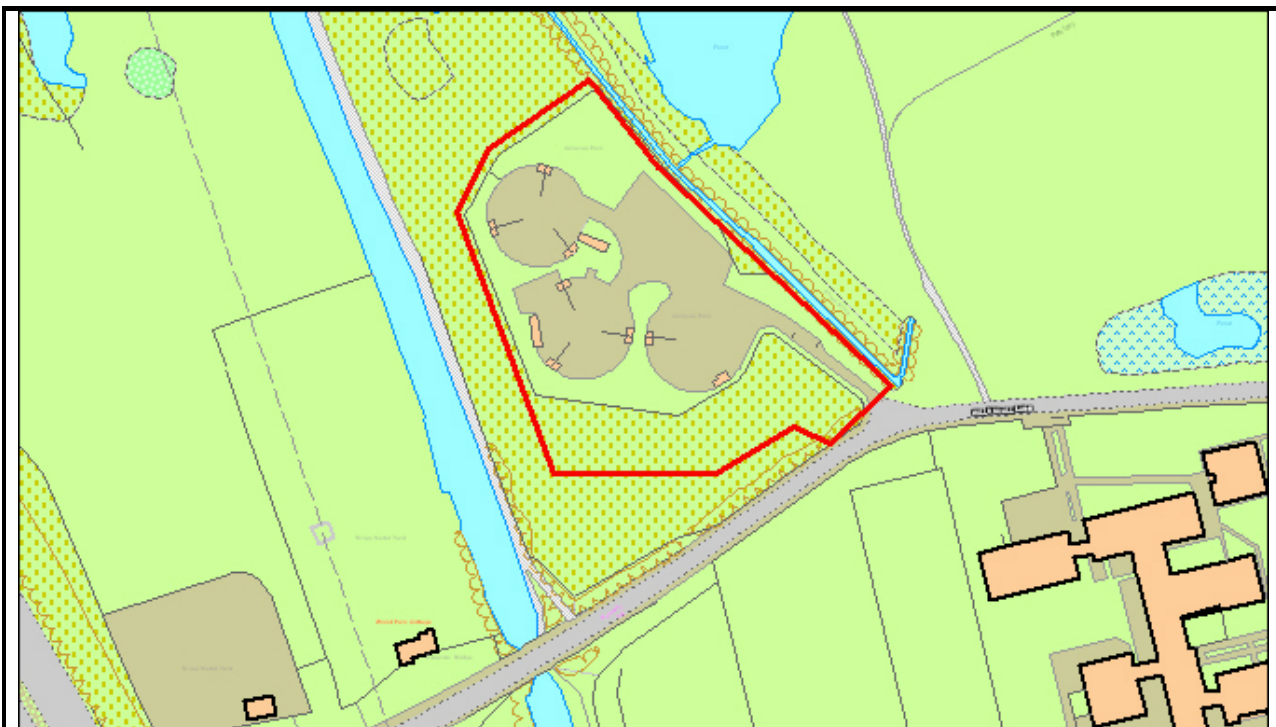
**Proposal:** Refurbishment Of Travellers Site, &  
Construction Of Office / Community Building &  
19 New Utility Blocks.

**Location:** TRAVELLERS  
SITE, WILLENHALL  
LANE, WALSALL, WEST MIDLANDS

**Ward:** Bloxwich West

**Expired:** 10 May 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The application proposes refurbishment of the travellers site including removal of the existing 17 utility buildings and replacement of these with 19 brick built detached buildings to create 2 extra pitches, and provision of a new office/community building.

The layout of the site would involve 19 pitches radiating from a loop road surrounding an open grassed area in the centre of the site upon which would stand the site office/community building. The roadways would be surfaced in tarmac with the pitches to have concrete surfacing from back of footway to a gravelled service strip running around the perimeter of the site. The hard-surfaced pitches would provide sufficient space for parking of vehicles for residents and there would be space for a further 3-4 vehicles to the front of the community building.

The existing double utility blocks would be demolished and a single unit would be erected within each of the proposed 19 pitches. No increase is proposed to the overall size of the site.

The site would be bounded by a 2.1m high palisade fence with 1.2m high hit and miss fencing between plots. The existing vegetation between the site and the Sneyd Brook course along the north-west boundary of the site would be retained and strengthened with native species planting. Beyond the 2.1m high site perimeter fence there would be a 3m wide native species hedge planting strip including individual trees and groups of trees within a double staggered row of hedging plants. This would be protected by a 1.2m high timber post and chestnut pale fence. This treatment would bound the site on its north and west sides, the south of the site with the hedge planting continuing around the south of the site. In addition, there would be a block of native species woodland to the south of the site

## **Relevant Planning History**

P38266 outline for use of land for caravan site was granted on 17 October 1973.

P39464 for caravan site granted on 22 May 1974.

BC64371P for refurbishment of travellers site was approved on 7 December 2001. This permission was connected to an unsuccessful bid for grant aid and has not therefore been implemented.

02/2255/OL/E5 for outline planning permission for refurbishment of travellers site was granted on 8 January 2003.

03/0065/RM/E5 for approval of reserved matters following approval of 02/2255 was granted on 5 March 2003. The development involves the demolition of the 17 existing utility buildings and construction of office/community building and 18 new utility blocks.

## **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 and 3.6 seek environmental protection/improvement in relation to development. Policy GP4 promotes local area regeneration.

Policy 3.3 seeks to safeguard the character and function of the Green Belt and will not allow inappropriate development unless justified by very special circumstances.

Policy 3.16 requires a high quality of built and landscape design.

Policy ENV2 outlines a presumption against new buildings in the Green Belt with a number of exceptions including limited infilling or redevelopment of existing major developed sites.

Policy ENV4 goes on to say such infilling/redevelopment should have no greater impact on the Green Belt. The policy applies to certain specified sites which do not include the Travellers site.

Policy ENV3 requires proposals to be evaluated to ensure minimum impact on the Green Belt

Policy ENV9 aims to direct environmental improvement initiatives to areas including housing areas with a poor quality environment.

The site is within the Forest of Mercia (ENV15/17) and the Black Country Urban Forest (ENV16/17). The planting of new trees, woodlands and hedgerows will be encouraged in these areas. Policy ENV18 advocates the positive management of existing woodlands etc.

Policy ENV19 seeks to protect Sites of Importance for Nature Conservation (SINC's)

Policy H8 encourages the provision of accommodation for travelling people but states that exceptional circumstances must be demonstrated to justify development within the Green Belt or protected urban open spaces.

## National Planning Guidance

Planning Policy Guidance Note 2 (Green Belts) does not specifically provide for travellers sites in the Green Belt.

Circular 1/94 (Gypsy Sites and Planning) states at paragraph 13 that gypsy sites are not regarded as being among those uses of land which are normally appropriate in Green Belts. However, paragraph 12 states that development plans should identify suitable locations for such accommodation and in the absence of any additional provision within the Borough it would seem beneficial to facilitate the improvement of this, the only existing site.

Paragraph 16 highlights the preference for many travellers to run their businesses from the site on which their caravans are stationed and local planning authorities should seek to identify suitable sites for mixed residential and business uses having regard to the safety of occupants and their children.

## Consultations

**Pollution Control** - No adverse comments.

**Transportation** - No objections.

**British Waterways Board** - No specific objection raised, however, additional information is requested relating to scale, height and materials for buildings, external lighting, protected species survey, site clearance/demolition, details of foundations, boundary details and there are a number of concerns relating to potential discharge to the canal, protection of BWB property, pollution prevention, access to BWB property and adequate investigation for hidden canal related works, all of which should be brought to the attention of the applicant.

**Inland Waterways Association** - IWA welcomes the Council's initiative to upgrade and tidy the site and supports the proposals.

**Fire Officer** - No access issues.

### **Representations**

None.

### **Determining Issues**

- Visual impact on the area and on the openness and character of the Green Belt.
- Opportunity to improve provision for travellers within the Borough.
- Impact on adjacent Canal.

### **Observations**

#### **Visual impact**

The use of the site is already established and has been in existence for many years although it is not specifically identified in the Unitary Development Plan. The site currently makes provision for 17 pitches, each accommodating a single family unit. The proposed refurbishment would allow an additional two pitches to be provided without extending the boundary of the site. There would however be a significant increase in built footprint from 196 square metres to 584. This would however, represent a reduction in built floor area compared to what was approved in December 2002 (BC64371P)

The existing site is set back from Willenhall Lane and partially screened by embankment planting adjacent to the road. This would be reinforced by a wide belt of woodland planting once the refurbishment is complete. The site would be so screened as to have no additional visual impact over that of the existing use. In fact the works proposed would result in a more organised site which in turn would improve the visual amenity of the area. In view of the fact that this application proposes improvements to an existing site I consider that it would improve the visual character of the Green Belt whilst having no material impact on its openness.

The external appearance of the buildings would be an improvement over the existing flat roof brick buildings which have, over the years, fallen into disrepair giving an overall impression of dereliction. Furthermore, the proposed siting for the buildings around the perimeter of the site would provide a visual screen to activities and general clutter associated with the established use of the site. The appearance of the buildings would in turn be broken up and partially screened by site perimeter planting, particularly along the southern edge where the woodland planting screen would, over time, completely block them from view.

The adjoining Site of Importance for Nature Conservation (SINC) would be protected by the retention of security fencing and provision of new boundary planting.

#### **Opportunity to improve provision for travellers**

Government policy encourages local planning authorities to make provision for travellers within development plans. The need to provide such sites is accepted in the Borough's UDP policy however no new sites are identified. Accommodation for travellers is generally a sensitive issue in planning terms. I consider this to be a valuable opportunity to improve facilities in the Borough without any additional land take.

The application seeks to make more efficient use of an existing site, increasing its capacity without any increase in site area and the proposed development would improve the visual character of the area and thus would not cause any harm to the Green Belt. In view of the lack of alternative identified sites, I consider this an opportunity to improve existing provision for travellers in the Borough, consistent with the general aims of UDP policy.

### **Impact on canal**

With regard to BWB concerns, all works except planting would be wholly contained within the existing developed site. Conditions are suggested to secure necessary controls where appropriate. It is noted that the Inland Waterways Association welcomes the proposals.

### **Recommendation: Grant Permission subject to conditions**

1. This development must be begun not later than 5 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 whatsoever shall be carried out on this site until protective fencing has been erected along the entire length of the site adjacent to the Site of Importance for Nature Conservation. Such fencing shall be retained until the development is entirely complete. The land so protected shall be kept clear of all contractor's materials, vehicles and machinery at all times.

*Reason:* In the interests of nature conservation.

3. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been approved by the Local Planning Authority. The scheme shall include details of surface water drainage of hard surfaced areas. The scheme shall be implemented in accordance with the approved details prior to the occupation of any unit on the site.

*Reason:* To ensure that the development is provided with a satisfactory means of drainage and to prevent pollution of the water environment.

4. No development approved by this permission shall be commenced until a scheme for the disposal and storage of waste generated by the development has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.

*Reason:* To prevent pollution of the water environment.

5. The approved landscaping scheme, as shown on drawing number ETP 40791/1, shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.  
All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:  
(a) grassed areas shall be maintained in a tidy condition 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.

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

*Reason:* To safeguard the amenity of occupants and to ensure the satisfactory appearance of the development.

7. 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 amenity of occupants and to ensure the satisfactory appearance of the development.

8. The materials used shall only be those indicated on submitted documents and plans or alternative material which have been approved in writing by the local planning authority.

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

9. 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.

*Reason:* To prevent pollution of the water environment.

10. 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 be at least equivalent to the capacity of the largest tank, vessel or the 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.

11. The development hereby approved shall not be brought into use until access improvements as shown on submitted drawing number T-01A, including widening the access to a minimum of 5.5m width and providing 3.7m height clearance along its entire length, have been carried out.

*Reason:* In the interests of highway safety and to provide satisfactory access for emergency service vehicles.

12. 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:* In the interests of highway safety.

13. This development shall not be carried out other than in conformity with drawings numbered T-01A; T-02; T-03; T-04; T-05 and T-06 together with documentation regarding materials, submitted on 30 November 2004 and Location Plan T-07 and drawings ETP 4079a/1 and ETP 40791/2 submitted on 15 March 2005, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

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

NOTE FOR APPLICANT: British Waterways Board has been consulted on this application and your attention is drawn to the attached reply.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, GP4, 3.16, ENV3, ENV4, ENV16, ENV17, ENV18, ENV19 and H8 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
on 10 May 2005

**REASON FOR BRINGING TO COMMITTEE: Significant Community Interest**

**Application Number:** 04/2589/FL/E5

**Case Officer:** Della Templeton

**Application Type:** Full application

**Telephone Number:** 01922 652487

**Applicant:** Accord Housing Association

**Agent:** Richard Whittern

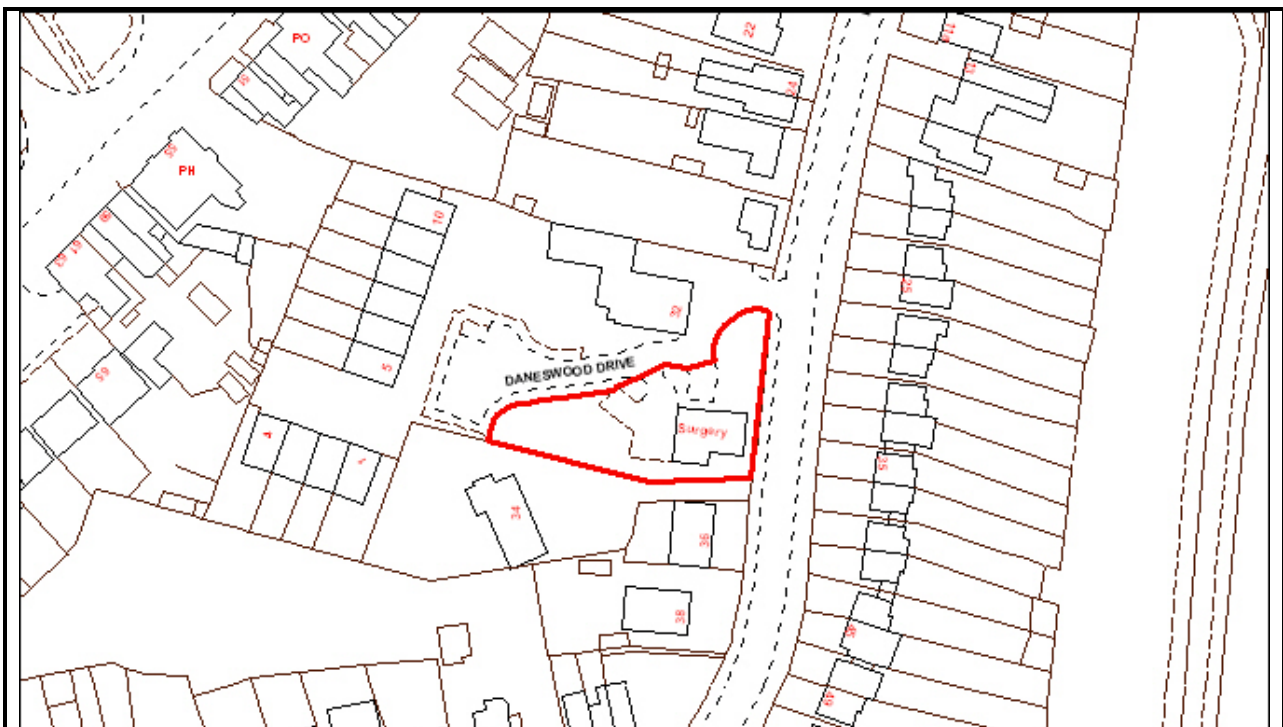
**Proposal:** Demolition Of Existing Surgery And Construction Of 4 No. 1 Bed 2 Person Flats Together with Common Lounge Assisted Bathroom And Staff Sleepover And 4 No. Car Park Spaces For Use By Residents With Supported Needs.

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

**Ward:** Aldridge North and Walsall Wood

**Expired:** 13 May 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The application proposes the demolition of an existing single storey brick built surgery and the erection of a one and two storey building to house four flats providing accommodation for residents with supported needs.

The building would occupy approximately the same position as the surgery it would replace but would extend some 10m further back into the site to the west and 3m to the north. The proposed would also have 2 storey elements whereas the existing is single storey only.

The development would provide three flats, communal lounge/kitchen, assisted bathroom and office on the ground floor and a fourth flat plus staff bedroom with en-suite on the first floor. Each flat would comprise bedroom, bathroom, living/dining room and kitchen area. Two of the ground floor units, fronting Daneswood Drive would have small external yards. A total of four car parking spaces and an ambulance pull-in bay would be provided for the new development with access off Daneswood Drive. In addition, the car parking that would be displaced by the new development would be compensated for by the introduction of a further 7 spaces around the turning head of the cul-de-sac.

The original details submitted with this application related only to the new building and the additional car parking which was required for this. The applicant had overlooked the fact that the building itself would displace parking spaces intended for the bungalows and flats already existing on the site. Neighbours objected to the lack of parking and to the fact that there would be no pedestrian route to Beechtree Road and also raised privacy issues. The applicant responded with the current scheme which addresses the car parking shortfall, provides a pedestrian route and includes measures to maintain privacy.

## **Relevant Planning History**

BC13150 for the conversion of the existing Beechtree House (number 32 Beechtree Road) to five flats and the erection of 10 aged persons bungalows was granted on 4 October 1979. The scheme provided 18 car parking spaces including an existing car port space for the doctor's surgery.

There have been three previous refusals for residential development on this site for reasons relating to lack of amenity space provision for future residents, impact on neighbours, highway safety implications and impact on protected trees. The latest of these, BC63983P, was refused in October 2001 for reasons relating to highway safety, impact on protected trees, inadequate amenity space and over development of the site.

## **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 and 3.6 seek environmental improvement/protection in relation to new development.

Policy GP5 is concerned with meeting the needs of all sections of the community and increasing social inclusion.

Policy ENV32 will not permit poorly designed development or proposals which fail to properly take account of their surroundings.

Policy 6.5 expects development to take account of the needs and characteristics of different groups in need of housing such as the elderly and disabled people.

Policy H3 encourages the provision of additional housing through re-use of previously developed land. In considering proposals for re-use, the Council will be flexible in the application of standards for parking and amenity space.

Policy H5 encourages the provision of housing for people with special needs.

Policy H6 is concerned with the provision of nursing homes and rest homes for the elderly which will normally be appropriate in residential areas. Facilities should be provided for access by a medium sized van or ambulance, including turning space. Residents should be afforded access to private garden space, away from car parking areas, access and roadway.

Policy H10 seeks to provide an appropriate mix of housing types, size and tenure, which provides a high quality living environment, well-integrated with surrounding land uses and local character. Residential Development Standards are set out in a supplementary document which stipulates the need for a minimum of 24m separation between all facing windows of habitable rooms and a minimum of 13m between habitable room windows and blank walls exceeding 3m in height.

Policy T13 sets a requirement for 1.5 to 2 spaces each for flats and 2 spaces per dwelling.

#### National Policy

Planning Policy Guidance Note 13: Transport encourages the adoption of maximum rather than minimum standards for parking and states that local authorities should not require developers to provide more car parking than they feel is necessary.

#### Consultations

**Transportation** - No objections. The proposal generates the need for 6 parking spaces whereas the application proposes 4 resulting in a shortfall of 2 spaces. The flats are only one bedroom each which the applicant indicates would be used by residents with supported needs. This may result in low car use therefore the 100% parking provision proposed is deemed acceptable on balance.

**Pollution Control** - Recommend conditions to prevent unnecessary inconvenience during demolition and construction works.

**Environmental Regeneration Services, Arboricultural Officer** - Additional information requested to demonstrate tree protection measures. An objection is maintained until this information is received.

**Fire Officer** - No objections in regard to access for fire fighting.

**Drainage** - No objections.

**Building Control, Safety and Access** - recommend an informative advising applicant to contact building control regarding demolition.

#### Representations

Twenty-one letters of objection have been received from neighbouring residents, one of which is accompanied by a petition of 68 signatures. The following objections are raised:-



- Loss of privacy and outlook
- Proposals would not be in keeping with surrounding character.
- Over-development
- Increased traffic.
- Potential loss of trees.
- Pedestrian link in the wrong place.
- Over provision of parking at the expense of open amenity land. Additional parking will attract non-residents to park at the site and will encourage anti-social behaviour.

Also Cllr Anthony Harris has objected on various grounds as included in the above list but also states that it is not appropriate to locate people with learning difficulties close to vulnerable elderly residents.

In addition, one letter of support has been received and there is a general expression of support in the majority of letters, for something to be done with the building.

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

### **Determining Issues**

- Car parking and access.
- Impact on protected trees.
- Impact on amenity of neighbouring residents.
- Provision of a satisfactory residential environment.

### **Observations**

#### **Car parking and access**

Daneswood Drive is a private drive serving 10 bungalows and a house converted to 5 flats all of which are in the ownership of the current applicant and house predominantly elderly residents. There is a turning head/car parking area at the end and space to manoeuvre to the front of the converted house. In addition an ambulance pull-in would be provided in accordance with policy H6.

Having requested additional car parking when consulted on the original submission, some neighbours are now concerned that the level of car parking would be excessive, resulting in the loss of too much green space and would encourage non-residents to park on the site. The existing flats, surgery and bungalows have access to around 12 to 13 spaces comprising 6 in front of the bungalows at the head of the cul-de-sac, 4 or 5 around the existing surgery building and 1 or 2 adjacent to the existing flats. Residents in the bungalow are remote from much of the parking, having only 6 spaces between 10 units and find there is not enough for their own and visitors use. The existing dwellings are single bed units for elderly persons whilst the proposed are for persons with supported needs both of which are likely to attract a higher than average proportion of non-car users. Furthermore, guidance from Central Government seeks a general reduction in car parking provision. In this case the additional parking at the head of the cul-de-sac would only replace what is displaced and would be in a more useable part of the site to serve the needs of the bungalows. Overall, an increase in provision is proposed to serve the needs of both existing and potential future users. On this basis, and due to there being no objections from Transportation, I would consider it appropriate to accept the reduced standard as proposed.

**Impact on protected trees**

The building proposed would be no closer to protected trees than the building as existing. The applicant has not provided sufficient information to demonstrate that no harm would result to protected trees and an objection is therefore maintained by Arboricultural Officers. In order to address the concerns the applicant has been asked to provide a full tree survey, an arboricultural implication study and a plan showing all proposed, temporary and current levels, tree protection measures, site access, storage, delivery points, mixing/fueling areas and welfare facilities, all service runs, both current and proposed and details of a sustainable Urban Drainage System and it is anticipated that the issues can be addressed before the date of the meeting or by conditions attached to any permission, if need be, to secure the information before development takes place.

**Impact on amenity of neighbouring residents**

The closest neighbouring property is number 36, a bungalow to the south. The new building would project at 2 storeys around 3.5m in front of this property at a distance of around 6.5m and to the rear would project, at single storey, some 12m at a distance ranging from around 5m to 8.5m. The orientation is such that there would be little or no overshadowing either to the building or its garden and the only impact would be visual. Furthermore, the northern side boundary to number 36 is well screened to a height in excess of 2m. At the distances involved this is not considered to be overbearing.

The occupants of number 36 have expressed concern at loss of privacy resulting from south facing side windows overlooking their rear garden. The 2 windows in question are a secondary window serving a living/dining room and the sole window serving a kitchen area. Neither of these are primary windows to habitable rooms and on that basis there is no reason why they could not be obscure glazed if this were to be considered necessary. However, the direct view in both cases would be over the roof of the neighbouring bungalow rather than into its garden and it is not considered that the overlooking would be any worse than would be experienced in a conventional form of development where neighbouring units have oblique views over each others gardens from rear windows.

There are windows facing towards flats in Lydall Court which would compromise the 24m separation standard. These are all either secondary windows or windows to non-habitable rooms. It would be appropriate to impose a condition requiring them to be obscure glazed with only small high level opening lights.

Separation standards would easily be met to properties on the opposite side of Beech Tree Road in the east and to bungalows behind, to the west.

**Provision of a satisfactory residential environment**

As stated previously, the nature of the proposed use would be similar to that of a residential care home and thus, it would be appropriate when assessing the amenity needs of the development, to consider the whole as a single unit with communal grounds rather than viewing each flat in isolation. The ground floor units would have external doors providing access onto small private yards or patios which could be used for sitting out or drying of washing but the majority of external space would be communal. The amount of space is considered to be sufficient for the use proposed.

With respect to the representations received, there is no evidence or policy context for resisting the proposed use adjacent to residences occupied by the elderly.

**Recommendation: Grant Permission subject to conditions**

1. This development must be begun not later than 5 years after the date of this decision.

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

2. This development shall not be carried out other than in conformity with drawings numbered ACC 10/05A; 10/01A; 10/02A; 10/06; 10/07A; 10/07; 10/08 and 10/09 received on 18 March 2005, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

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

3. 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 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.

4. Before this development is brought into use, all windows on the north elevation, facing towards Lydall Court, and those on the first floor southern elevation, facing 36 Beech Tree Road, shall be glazed in obscure glass, and permanently fixed. Thereafter the windows shall be maintained in that condition.

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

5. This permission grants consent for residential accommodation and care for people in need of care only and not for any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987.

*Reason:* To enable the Local Planning Authority to retain effective control over future development of this site which is not necessarily suitable for other uses.

6. 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 appearance and functioning of the development and in the interests of highway safety.

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

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

8. The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

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

NOTE FOR APPLICANT: Further guidance is available in the Unitary Development Plan, page 171, or from Engineering and Town Planning Services.

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

9. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years 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.

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

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

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

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

12. 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.

13. 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. The approved details shall be implemented before any site preparation, or construction work, is undertaken, and shall be retained until the development is finished, and all other equipment and installations have been removed from the site.

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

14. 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 visual amenity of the area.

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

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

16. At such time as this development has been completed, or appears to the Local Planning Authority to be substantially completed, an assessment of the remaining trees shall be undertaken in conjunction with the Authority. Any remedial work or replacement of trees damaged or destroyed during construction work shall be carried out as part of the implementation of an approved landscaping scheme.

*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 GP2, GP5, 3.6, ENV32, 6.5, H3, H5, H6, H10 and T13 of Walsall's Unitary Development Plan (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. 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](http://www.walsall.gov.uk)



**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Significant Public Interest**

**Application Number:** 05/0693/PT/E4

**Case Officer:** Val Osborn

**Application Type:** Prior approval of siting & Appearance of Telecommunications Apparatus

**Telephone Number:** 01922 652487

**Applicant:** Orange Personnell Communication Ltd

**Agent:** Lambert Smith Hampton

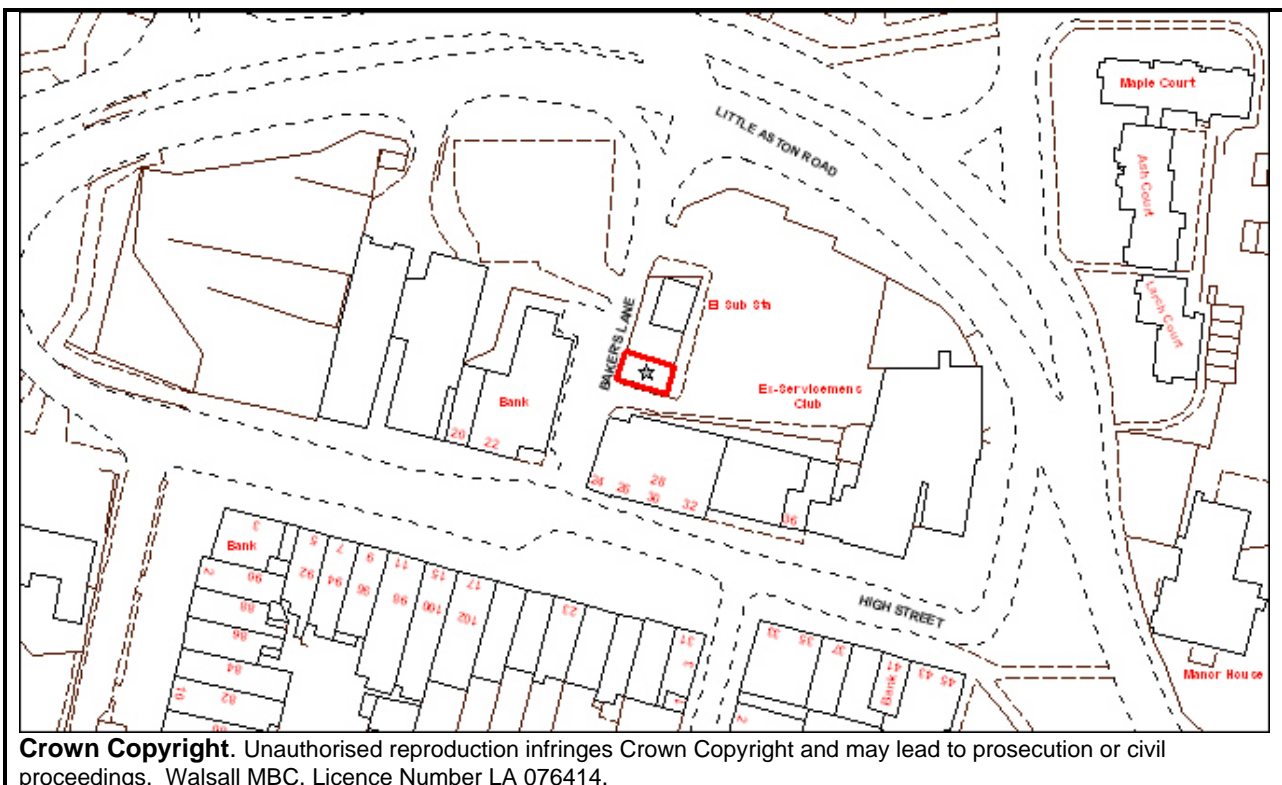
**Proposal:** 10 Meter monopole with antenna, microwave dishes and equipment cabinet at ground level.

**Location:** SUB STATION, BAKERS LANE, ALDRIDGE, WALSALL, WS9 8LZ

**Ward:** Aldridge/Central & South

**Expired:** 27 May 2005

**Recommendation Summary:** Details Approved



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## **Application and Site Details**

The application is for the approval of the appearance and siting of a 10m monopole (column structure) with antenna and microwave dish, and equipment cabinets at ground level, within an existing substation compound at Bakers Lane, Aldridge.

The sub-station site is on the northern side of Aldridge town centre, with the rear elevation of the 1960's shopping redevelopment to the south and west and car parks to the north and east of the application site. Further north of the site and Bakers lane, is Little Aston Lane, the northern by-pass for Aldridge town centre with the Youth Theatre beyond. To the east, beyond the car park is the Ex-servicemens' club and the three storey flats of Maple Court, Ash court and Larch Court,.

The substation site is surrounded by several trees, some with lower lateral branches that screen the substation site.

The proposed cabinets would measure in total 3.6m in width, 0.89m in depth and 1.3m in height and would be aligned as a group north of the proposed mast, within the compound.

The applicants have explained in accompanying documentation that the proposal is required in order that the network may receive third generation phone communications in this area. The applicants have submitted coverage plots to illustrate how the network coverage would be increased by the proposed development. At present 2G service is provided by mast antenna on the existing shopping centre roof area.

Additionally technical information includes a Declaration of Conformity with ICNIRP ( International Commission on Non-Ionising Radiation Protection) Public Exposure guidelines are submitted.

The site is to the south of and beyond the boundary of Aldridge Conservation Area.

## **Relevant Planning History**

None at the site.

## **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**

3.6 Development and redevelopment schemes should, as far as possible, help to improve the environment of the Borough. Relevant considerations to be taken into account are set out in Policy GP2

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV38; Telecommunications;

a) equipment including cabinets can have significant visual impact and are unlikely to be acceptable in visually sensitive locations.

b) Mast and site sharing and use of high buildings recommended

- c) measures to reduce the impact of the equipment
- d) all proposals should comply with ICNIRP requirements.

## **National Policy**

### Planning Policy Guidance PPG8.

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health.

In particular paragraphs 14 and 28 refer to effective landscaping for proposals and paragraphs 19 to 23 refer to mast and site sharing.

## **Consultations**

**Transportation** - raises no objection to the proposal.

**Pollution Control** - The applicant has considered likely levels of radiation for those in close proximity to the site and the likely health risks. Other suggested conditions are as appear in the recommendation.

**Environmental Regeneration, Conservation Officer** - No objections as there are various other items of street furniture in the locality and it will not have an adverse impact on the character of the Aldridge Conservation Area.

**Environmental Regeneration, Arboricultural Officer** - the trees surrounding the site will partially screen the site and their retention is therefore desirable. In order to safeguard the trees and control the extent of pruning works, a Tree preservation Order has been served on a provisional basis, to be confirmed at a later date. The position of the mast is also important as there can be no excavation in the root zone.

## **Representations**

4 letters have been received objecting on the following grounds;

- ☐ Health grounds- the proposal is considered to adversely affect health, as a 3G transmitter;
- ☐ Visual amenity - the mast is unsightly on the skyline;
- ☐ Character -residential property will overlook the site and such proposals are out of place in a residential area;

A petition of 21 signatures, from residents of Noddy Park Road flats objects on the grounds that the mast will be detrimental to the area, as it would be so close to their properties, inappropriateness in a residential area from which it will be clearly seen, and as a potential health hazard.

Before the planning application was submitted, as part of 'pre-application' community liaison advised in the Code of Best Practise for Mobile Phone Operators, Orange posted a notice at the site and a copy of a petition sent to Orange, '*against a mobile phone mast on Bakers Lane*', was received on 17 February, with 480 signatures.



## **Determining Issues**

- ☐ Policy;
- ☐ the siting of the proposal;
- ☐ the appearance of the proposal;
- ☐ the impact of the proposal on the character and amenity of the area;
- ☐ Health

## **Observations**

### **Policy**

The applicants have presented information to justify the need for improved 3G service in this locality and that information is considered sufficient, together with information about their search for alternative sites in the area. At Portland House, High Street, Anchor House, Anchor Road and beacon Buildings, Leighswood Road, owners of buildings would not allow the site to be used. The applicants have therefore considered the availability of sharing a site but cannot gain permission by site providers although, in one case, there are masts on the top of the shopping centre buildings of Aldridge Town centre. These provide the 2G service for the applicant and no further permission can be gained by the owners for more apparatus or up-grade of equipment to provide 2G and 3G jointly.

### **Siting**

The application site is within an electricity compound, surrounded by galvanized palisade fencing. The proposed mast and cabinets would be furthest east within the compound, so as to retain vehicular access to the sub-station site.

The sub-station site is surrounded by deciduous trees, some of which would provide a screen during the summer months. At the periphery to the car parks are 10m high lighting columns. The existing telegraph poles that are south of the site are also part of the street scene context within which the proposed 10m mast would be sited, although as 6m and 5m columns, they are significantly less in height.

### **Appearance**

The proposed mast would be seen against the backcloth of the rear elevations of the adjoining two storey shopping centre, with lighting columns at similar heights to the proposed mast nearby.

The monopole design is considered to be acceptably plain and can be painted in a colour to match the local street furniture. However the bland grey often used reduces the visual impact that would be created compared to a stronger, less neutral colour.

The proposed cabinets would remain relatively unobtrusive to view, at ground level and screened by the surrounding palisade fencing.

### **Impact on the character of the area**

The application site is part of a busy local centre with an old outbuilding partially screening the proposed mast from view from the north. Some 4m of the mast would project above the ridge line of this building.

The proposed mast would be sited in a backland area that is open to view from the Aldridge Conservation Area. However there are a significant number of street lighting columns on the conservation area boundary of Little Aston Road and it is considered that this 10m pole would make little difference to the overall appearance of the street scene, when viewed from the surrounding residential areas or the road frontages.

The trees that surround the site also provide a screen during the summer.

### **Health**

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them.

The applicant has provided graphs to show how the signal strength changes with distance from the mast. The rear gardens of the nearest residential properties, at 11 and 13 Walsall Wood Road, are 75m away at the closest point. Properties in Noddy Park flats, that is Maple, Ash and Larch Courts, are 120m away at the nearest point. At 75m the signal is less than 0.04% of the ICNIRP public exposure standard and at 120m distance the level is 0.015%.

### **Other matters**

The locality of the application site is identified on the UDP as a district centre, and the character of the area in the immediate vicinity of this application site is therefore one of a mixed use, with retail uses and residential properties as flats above the shops on the High Street and flats and houses being on the opposite side of Little Aston Road. It is therefore considered inappropriate to consider this proposal in the context of a residential area.

### **Conclusion**

The application is accompanied by the appropriate ICNIRP certificate and the applicant has demonstrated the lack of alternative available sites. The application site is considered to be at a location where trees can provide some screen for a part of the year and where the mast would be seen in the context of other similarly sized street lighting columns.

The proposed cabinets would be discretely located within the existing sub-station site, behind somewhat dominant galvanized palisade fencing.

### **Recommendation: Details Approved**

**RECOMMENDATIONS: Prior approval is required and hereby granted, subject to the following conditions, and promotion of a Tree Preservation Order for those trees surrounding the site.**

1. The development hereby approved shall not be carried out until details of the colours of the external surfaces of the mast and cabinets have been submitted to and approved in writing by the local planning authority. The agreed colours shall be applied within one month of the cabinets and mast being erected and shall not thereafter be changed without the written agreement of the local planning authority.

Reason; To ensure the satisfactory appearance of the proposal.

2. When the equipment becomes fully operational the company shall carry out post-installation tests to confirm that the telecommunications equipment complies with ICNIRP limits and supply written verification to the Local Planning Authority within 8 weeks of conducting the tests. .

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan March 2005.

3. In the event of future up-grades or equipment be installed that will have an effect on the outputs of the telecommunications equipment then tests shall be conducted to confirm that the equipment continues to comply with the ICNIRP guidance (as amended).

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan March 2005.

4. The equipment and/or telecommunications installation hereby approved shall maintained in compliance with ICNIRP and in the event that monitoring identifies none-compliance, the equipment shall immediately be removed.

Reason; In the interests of amenity and pursuant of PPG8 and ENV 38 of Walsall Unitary Development Plan March 2005.

5. 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 ; In order to safeguard the trees which screen the proposal and which are near to the site for the proposed mast.

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policy ENV 38 of Walsall Unitary Development Plan March 2005, 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 Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Significant Public Interest**

**Application Number:** 05/0590/PT/E4

**Case Officer:** Val Osborn

**Application Type:** Prior approval of siting & Appearance of Telecommunications Apparatus

**Telephone Number:** 01922 652487

**Applicant:** Vodafone Limited

**Agent:** Daly International (UK) Ltd

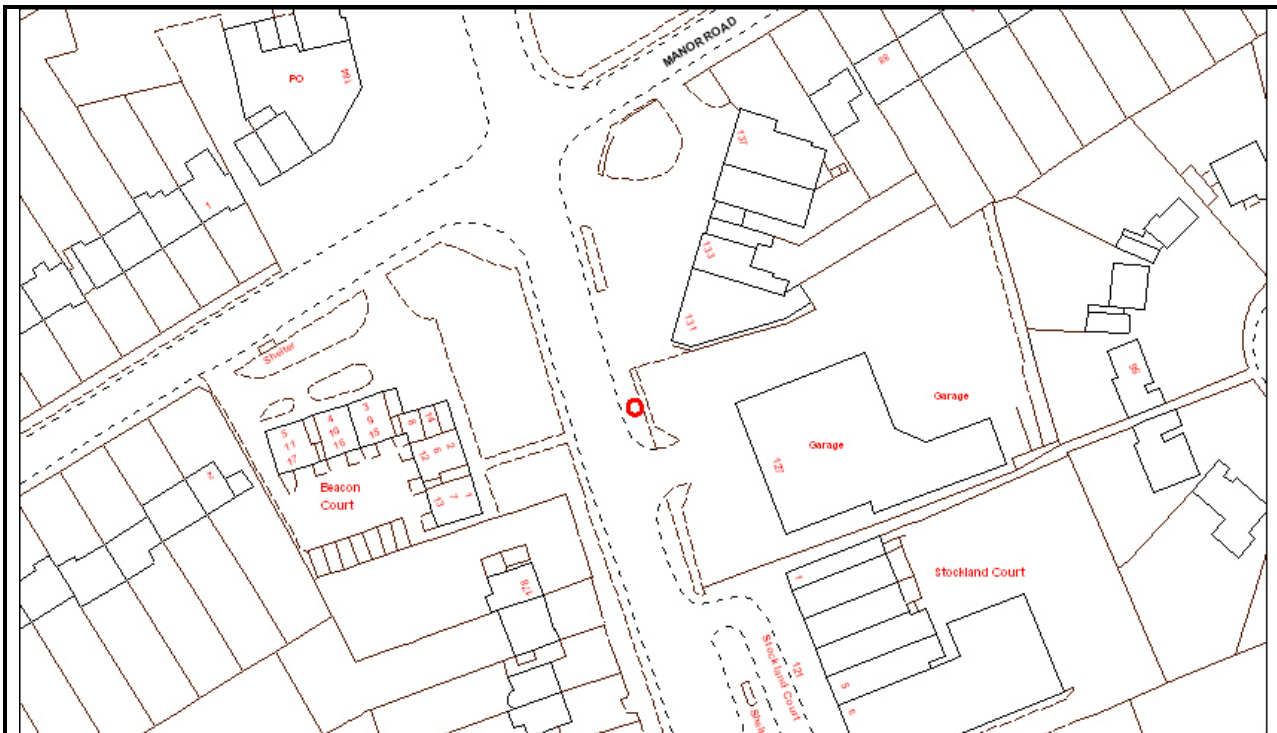
**Proposal:** Prior approval the installation of a 12m streetworks pole supporting three antennae within a GRP shroud, radio equipment housing and development ancillary thereto.

**Location:** PAVEMENT OFF, OUTSIDE SUTTON COLDFIELD AUDI, CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 2HT

**Ward:** Streetly

**Expired:** 17 May 2005

**Recommendation Summary:** Details Approved



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## **Application and Site Details**

This application is for the approval of the appearance and siting of a mast and cabinets on the pavement frontage to a car dealership on the Chester Road, Streetly, known as Lancaster Audi. The application, submitted on behalf of Orange, proposes a 12m streetworks monopole, (located 0.6m from back of footpath) with shrouded tri-sector antenna on top and two associated slimline cabinets, at back of footpath on the pavement/public footway in front of the northern half of the frontage of Lancaster Audi.

The application site is the public footpath which is parallel with the frontage to a car sales and parking areas of the car showroom. The proposed mast, at an overall height including the antennae of 13.8m, would be between existing flag poles that are advertising for the Audi dealership and in line with a floodlighting column for the front showroom car park.

The proposed cabinet, measuring 1.3m by 0.9m and 1.9m high, would be sited on the northern half of the Audi frontage to the footway, between the vertical corporate advertising panels.

The car dealership frontage is landscaped with evergreen shrub planting and small rectangular hoops to define the site. To the south of the proposed mast site are two further corporate vertical advertising panels.

Across the Chester Road from the appeal site are three storey flats of Beacon Court, set back 17m from the Chester Road.

The local shopping centre of Streetly is either side of the application site, with three storey 1970's development (roof height approximately 11.5m) of a supermarket (Somerfield) and other local shops to the south. There are two antenna mast systems on the flat roofed front elevation of the supermarket.

The applicants have explained in accompanying documentation that the proposal is required in order that the network may receive third generation phone communications in this area. The applicants have submitted coverage plots to illustrate how the network coverage would be increased by the proposed development.

Additionally technical information includes a Declaration of Conformity with ICNIRP (International Commission on Non-Ionising Radiation Protection) Public Exposure guidelines are submitted.

The applicant has provided the following information to clarify signal strengths. 'The calculations have been undertaken to estimate the highest possible radio frequency fields and it is assumed that all channels are transmitting at full power, 24 hours a day. This is highly unlikely, so in reality, day-to-day measurements will be much lower. It is also assumed that there is no obstruction to the signal by way of structural materials so levels inside buildings are typically reduced by a factor of 10.

The maximum wave intensity from the antenna set at a bearing of 326 degrees would be at 0.055% of ICNIRP standard at a distance of 12.77m. The residential property 32m to the west of the site, facing an antenna set at 270 degrees, would be 0.0023% of the ICNIRP standard. In respect of the bus shelter, 54m south of the site, the signal would be 0.0013% of the ICNIRP standard'.

## **Relevant Planning History**

None at the site.

Application BC 59575P - 4 antennae and three dishes on the Somerfield rooftop, approved 8 November 1999

Application 04/0658/PT/E4 for a 12.5m monopole and associated cabinet for 'O2', at the junction of Manor Road and Chester Road, Streetly, was granted permission on appeal on 12 April 2005.

This appeal site is approximately 45m further north on Chester Road from the application site.

## **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**

3.6 Development and redevelopment schemes should, as far as possible, help to improve the environment of the Borough. Relevant considerations to be taken into account are set out in Policy GP2

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV38; Telecommunications;

- a) equipment including cabinets can have significant visual impact and are unlikely to be acceptable in visually sensitive locations.
- b) Mast and site sharing and use of high buildings recommended
- c) measures to reduce the impact of the equipment
- d) all proposals should comply with ICNIRP requirements.

## **National Policy**

### **Planning Policy Guidance PPG8.**

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health.

In particular paragraphs 14 and 28 refer to effective landscaping for proposals and paragraphs 19 to 23 refer to mast and site sharing.

## **Consultations**

**Transportation** - raises no objection to the proposal. The location has been considered having regard to the general layout and features of the highway including driver and pedestrian sightlines, the footway width, the proximity of other street furniture.

The proposed position of the cabinets to the rear of the footway would not obstruct the free movement of pedestrian (including wheel chairs) traffic or sightline visibility. The proposal is unlikely to have an adverse impact on public safety.

Pollution Control - The applicant has considered likely levels of radiation for those in close proximity to the site and the likely health risks. Other suggested conditions are as appear in the recommendation.

### **Representations**

Application reference 05/0590/PT/E4

16 letters have been received objecting on the following grounds;

- ☐ Health grounds- the proposal is considered to adversely affect health
- ☐ Visual amenity - the mast is unsightly
- ☐ Mast sharing - there are already masts on Somerfield's
- ☐ Value - the masts will devalue property
- ☐ Character - the area is predominantly residential and such proposals are out of place in a residential area.
- ☐ Consent has been given for one at Manor Road junction with Chester Road.

### **Determining Issues**

- ☐ Policy
- ☐ the siting of the proposal
- ☐ the appearance of the proposal
- ☐ the impact of the proposal on the character and amenity of the area
- ☐ Health

### **Observations**

#### **Policy**

The applicants have presented information to justify the need for improved 3G service in this locality and that information is considered sufficient.

The applicants have provided extensive information about their search for alternative sites in the area - Somerfield will not allow further antennae on their building and BT exchange on Hardwick Road is too far north of the centre of the cell for the site to be technically suitable. It is clear from the technical information that a mast in this locality is required to provide signal coverage for 3G.

#### **Siting**

The application site is part of a street scene typical of a local centre. There are 12m high street lighting columns, telegraph poles, a bus shelter and other street furniture in the vicinity of the proposed mast. The floodlighting columns and flag poles of the nearby car dealership add to the verticality of the street furniture. The proposed mast would therefore not be out of place in this part of the street and the proposed mast would be aligned with the existing floodlighting column and have as a back-cloth, the advertising columns, flag poles and floodlighting systems of the car dealership.

The proposed siting for the cabinets is on the Audi frontage of the site and would be of minimal obstruction to the visibility of the showroom from passing traffic.

The proposal is sited at a location to be least visually intrusive, at back of footpath and in association with other tall structures in the street scene. The applicants have been unable to use an existing tall building. In terms of mast sharing, a monopole would have to be significantly higher than the surrounding street furniture to accommodate two 3G systems and would be visually intrusive. Application 04/0658/PT/E4 was refused on grounds of visual intrusion and it would therefore be inappropriate to seek the increase of a mast on the corner of Chester Road/Manor Road.

In the determination of the appeal for application reference 04/0658/PT/E4 for a 12.5m monopole and associated cabinet for 'O2', on verges at the junction of Manor Road and Chester Road, Streetly, the Inspector did not consider the mast would be seen as an isolated or unduly intrusive feature in the street scene, given the surroundings of street lighting columns along the road side, telegraph poles, traffic lights, and other street furniture. The decision and reasons for the appeal being allowed are material considerations in the determination of this application, as the sites are 45m distant from each other.

### **Appearance**

The monopole design is considered to be acceptably plain and can be painted in a colour to match the local street furniture. However the bland grey often used does reduce the visual impact that would be created compared to a stronger, less neutral colour.

### **Impact on the character of the area**

The application site is part of a busy local centre street frontage, where there are many other columns and poles for communication purposes such as wooden telegraph poles on either side of Chester Road, street lighting columns and advertising structures for a car dealership. The character of the area is one of a commercial frontage.

The nearest overlooking properties at Beacon Court, some 30m from the application site, also have a view across the car park of the adjacent shops and the car showroom frontage. Whilst the proposed mast would be visible above other structures in the street furniture, it is considered that the view from these properties would not be seriously harmed, and amenity significantly reduced, sufficient to warrant the refusal of the application.

### **Health**

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them. In this case emissions levels are very low and well within the ICNIRP requirements.

### **Other matters**

The locality of the application site is identified on the UDP as a local centre, and the character of the area in the immediate vicinity of this application site is therefore one of a mixed use, with retail uses and residential properties being on either side of Chester Road. The impact of the proposal on the value of property is not a material consideration.



## **Conclusion**

The application is accompanied by the appropriate ICNIRP certificate and the applicant has demonstrated the lack of alternative available sites. The application site is considered to be on a commercial frontage on Chester Road, near to existing masts, and at a location that is considered visually sensitive in the street scene.

## **Recommendation: Details Approved**

### **RECOMMENDATIONS: Prior approval is required and hereby granted, subject to the following conditions;**

1. The development hereby approved shall not be carried out until details of the colours of the external surfaces of the mast and cabinets have been submitted to and approved in writing by the local planning authority. The agreed colours shall be applied within one month of the cabinets and mast being erected and shall not thereafter be changed without the written agreement of the local planning authority.

Reason; To ensure the satisfactory appearance of the proposal.

2. When the equipment becomes fully operational the company shall carry out post-installation tests to confirm that the telecommunications equipment complies with ICNIRP limits and supply written verification to the Local Planning Authority within 8 weeks of conducting the tests. .

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan March 2005.

3. In the event of future up-grades or equipment be installed that will have an effect on the outputs of the telecommunications equipment then tests shall be conducted to confirm that the equipment continues to comply with the ICNIRP guidance (as amended).

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan March 2005.

4. The equipment and/or telecommunications installation hereby approved shall be maintained in compliance with ICNIRP and in the event that monitoring identifies non-compliance, the equipment shall immediately be removed.

Reason; In the interests of amenity and pursuant of PPG8 and ENV 38 of Walsall Unitary Development Plan March 2005.

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policy ENV 38 of Walsall Unitary Development Plan March 2005, 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 Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Robertson**

**Application Number:** 05/0689/PT/H5

**Case Officer:** Owain Williams

**Application Type:** Prior approval of siting &  
Appearance of Telecommunications Apparatus

**Telephone Number:** 01922 652403

**Applicant:** T- Mobile (UK) Ltd

**Agent:** LCC UK

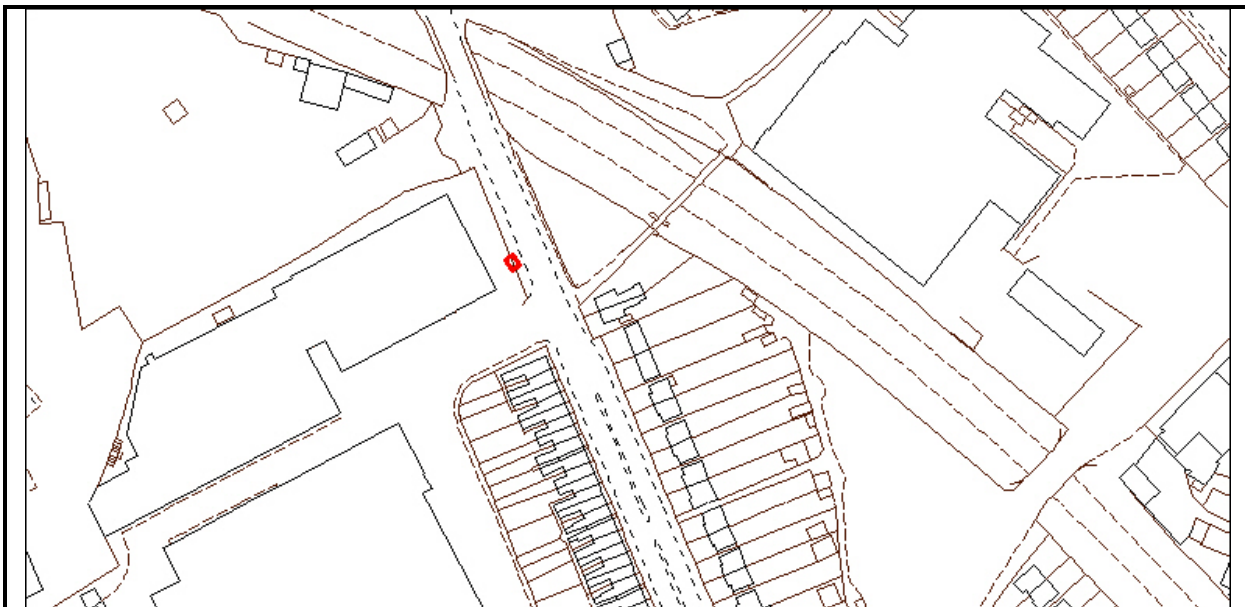
**Proposal:** Prior Notification : Installation of an  
11.7m high street works tower with 3 no.  
Antennae and associated equipment cabinets

**Location:** LAND OUTSIDE BUS  
DEPOT,BLOXWICH  
ROAD,WALSALL,WEST MIDLANDS

**Ward:** Birchills Leamore

**Expired:** 07 June 2005

**Recommendation Summary:** Details Approved



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## **Application and Site Details**

This is an application for the prior approval of the Local Authority for the installation of a 11.7metre street works style monopole and two equipment cabinets.

The proposed monopole would, effectively, have the appearance of a streetlight, the proposed antennae being enclosed within a shroud. Two equipment cabinets approximately 1.7m x 0.9m x 1.5m high and 0.5m x 0.6m x 1.3m high would be sited adjacent to the monopole.

The proposal would be sited to the back of the footpath on Bloxwich Road and will be directly in front of the Bus Depot. There are dwellings within the vicinity of the site, the closest being approximately 30 metres away to the South and South East. To the west of the site are industrial units and the bus depot. The railway to the north separates the site from more residential properties located approximately 100 metres away.

There are lampposts and telegraph poles with other pieces of street furniture in the vicinity such as bollards, bus stops and also advertisement hoardings.

In support of the application the applicant has provided:

- a) Plans showing the coverage areas
- b) A document indicating alternative sites which were considered but not chosen
- c) Details of Government advice set out in PPG8 with regard to health effects of telecommunications equipment; a summary of the estimation of radiofrequency electromagnetic energy levels on ground level emitted from the proposal
- d) A copy of the licence notice which advises that an application has been submitted
- e) A declaration that the equipment and installation complies with the requirements of the radio frequency public guidelines of the international Commission on Non - ionising Radiation (ICNIRP)

## **Relevant Planning History**

None

## **Relevant Planning Policy Summary**

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

### **Unitary Development Plan 2005**

3.6 Development and redevelopment schemes should, as far as possible, help to improve the environment of the Borough. Relevant considerations to be taken into account are set out in Policy GP2

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV38; Telecommunications;

- a) equipment including cabinets can have significant visual impact and are unlikely to be acceptable in visually sensitive locations.

- b) Mast and site sharing and use of high buildings recommended
- c) measures to reduce the impact of the equipment
- d) all proposals should comply with ICNIRP requirements.

## **National Policy**

### Planning Policy Guidance PPG8.

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health.

In particular paragraphs 14 and 28 refer to effective landscaping for proposals and paragraphs 19 to 23 refer to mast and site sharing.

## **Consultations**

Transportation - No objections.

Fire Officer - No objections.

Walsall Regeneration Company - No objections.

**Pollution Control** - A precautionary approach is taken to applications of this nature and the proposed location of the mast should ensure that electro-magnetic radiation generated by the telecommunications equipment will be within the guidelines set by the International Committee on Non-Ionising Radiation protection (ICNIRP) and will not pose a health hazard for people living and working locally. No objection subject to the following conditions.

- When the equipment becomes fully operational the company shall carry out post installation tests to confirm that the telecommunications equipment complies with the ICNIRP limits and supply written verification to the Local Planning Authority within 8 weeks of conducting the tests and;
- Should future upgrades/equipment be installed that will have an effect on the outputs of the telecommunication equipment then tests shall be conducted to confirm that the equipment continues to comply with the ICNIRP guidance (as amended)

## **Representations**

7 Letters and two petitions with 209 Signatures have been received to strongly object to the proposal with the following concerns:

- 1) The health risks involved with such a mast - There is not proven evidence of a danger to the Public Health
- 2) The impact on the value of the residents properties
- 3) The mobile phone companies decision to choose this site instead of others.
- 4) The cabinets of the installation will obstruct the pavement
- 5) Interference to Televisions and Telephones
- 6) The prospect of vandalism
- 7) The hazard caused by located the installation close to the access for work units which are frequented with heavy vehicles and the bus depot

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

### **Determining Issues**

The determining issues of this application are:

- i) The effect of the proposal on the visual amenity and character of the area
- ii) Potential health risks associated with telecommunications equipment

### **Observations**

#### **The effect of the proposal on the visual amenity and character of the area**

The proposal would be located on a busy road and therefore seen in the context of street lights and other types of street furniture. The design of the monopole, which has the appearance of a street light column, would make it less conspicuous in this residential area than any other type of mast. It is not industrial in character. The two small cabinets would have the same appearance as junction boxes or BT cabinets which are commonly seen in the street. There are various pieces of street furniture on this stretch of Bloxwich Road including an advertising hoarding and bus stop. All this furniture will help the pole blend into the street scene with minimal impact.

The siting of the monopole at the back edge of the pavement is typical of the location of street furniture. While the installation would be clearly in view, it would be seen against the backdrop of industry therefore masking out the potential for any impact on visual amenity.

This siting (coupled with the very modest size of the installation) would have no effect on highway safety

#### **Potential health risks associated with telecommunications equipment**

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them. A certificate of compliance with ICNIRP guidelines is supplied in this case.

### **Conclusion**

This application is for a determination as to whether prior approval will be required for the siting and appearance of the proposed works and a decision can only be made on those factors.

The siting and appearance of this proposal are satisfactory.

### **Recommendation: Details Approved**

1. This development must be begun not later than 5 years after the date of this decision.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order), no antennas, aerials, transmission dishes or other equipment (other than those expressly authorised by this permission) shall be installed without the prior written approval of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3. Within one month of the equipment becoming fully operational the applicant shall carry out post-installation tests to confirm that the equipment complies with ICNIRP limits and supply written verification to the Local Planning Authority within 8 weeks of conducting the tests.

Reason: To ensure the satisfactory functioning of the development in accordance with the terms of the application on the basis of which planning permission is granted.

4. Should any changes to or replacement of the installed equipment occur that will have an effect on its output, the equipment shall be tested within one month of the changes or replacement to confirm that it complies with ICNIRP guidance. Written verification of this shall be supplied to the Local Planning Authority within 8 weeks of conducting the tests.

Reason: To ensure the satisfactory functioning of the development in accordance with the terms of the application on the basis of which planning permission is granted.

**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 and ENV38 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Follow up application to a previous refusal at committee**

**Application Number:** 05/0705/FL/H5

**Case Officer:** Owain Williams

**Application Type:** Full application

**Telephone Number:** 01922 652403

**Applicant:** McDonalds Restaurants Ltd

**Agent:** Hepher Dixon

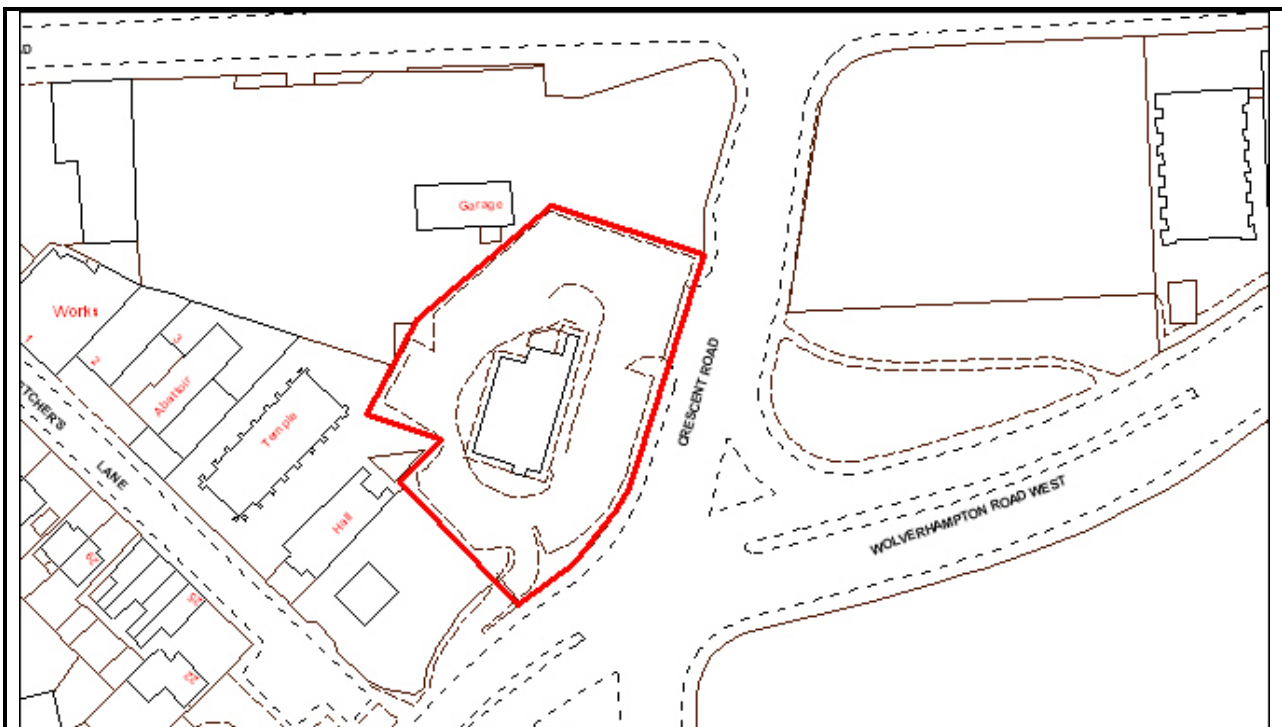
**Proposal:** Variation of Condition 3 of planning permission BC47210P (to change hours of operation from between 7.30am and 11.30pm to between 6.30am and 12.00 midnight - 7 days a week)

**Location:** MCDONALDS DRIVE-THRU RESTAURANT, CRESCENT ROAD, SHEPWELL GREEN, WILLENHALL, WALSALL, WEST MIDLANDS

**Ward:** Willenhall South

**Expired:** 01 June 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The McDonalds Restaurant is located on the junction of Crescent Road, Wolverhampton Road West and Shepwell Green. The area is of mixed use with the nearest residents located on Fletchers Lane.

Planning permission was granted subject to conditions in August 1997 for redevelopment of the then existing petrol filling station. One of the conditions numbered 3 stated

'The premises shall not be open for trading outside the hours of 7.30 am to 11.30 pm on any day'

The applicants seek to amend the wording of this condition to extend the hours of trading from 6.30 am to 12.00 midnight. They state that the restaurant has been operating for some time without causing any amenity problems. The condition numbered 4 of the original planning permission restricting deliveries to outside the trading hours will still apply.

## **Relevant Planning History**

BC47210P - Erection of Restaurant (class A3) with Drive-Thru Facility - Granted permission subject to conditions on 06/08/97

04/1374/OL/W3 - Outline: Residential Development to the Holloway's site, Walsall Road (rear of McDonalds) -undetermined

04/2719/FL/H5 - Variation of Condition 3 of planning permission BC47210P (to change hours of operation 6.00am to 12.00 midnight - 7 days a week) - Refused by your Committee for the reason that the increase in trading hours would have a detrimental impact on the amenities of neighbours by means of noise, smells and general disturbance during anti social hours of the day

## **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 S10: Hot Food Take-aways, Restaurants and other A3 (Food and Drink) Outlets that these uses will be appropriate, in principle, in the Town, District and Local Centre and in some shopping and commercial frontages elsewhere, subject to considerations such as:

- The use should not adversely effect the amenities of nearby existing or potential dwellings, by reason of noise, smell disturbance or traffic impact
- The need to impose restrictions on late opening hours, and Sunday opening if near to existing or potential residential property



## **National Policy**

PPG 6 and PPG13 would relate to the development of a restaurant however they would have little relevance to this current application as the development is already established.

## **Consultations**

**Transportation** - no objections to the increase in opening hours however the delivery vehicles need to use part of the car park to manoeuvre, hence the condition requiring deliveries when the restraint is closed. If this condition is varied, there is the potential that HGVs will not be able to manoeuvre due to the presence of parked cars. This will have road safety implications.

It would be preferred this condition not to be varied but if it is, it is suggested an alternate condition to the effect that deliveries are restricted to times when the restaurant is relatively quiet and that staff are required to cone off the appropriate spaces on the car park to ensure the necessary area is available for the lorry to manoeuvre.

**Pollution Control** - No objections

**Environmental Health** - Comments regarding the previous application still stand which are as follows.

No complaints relating to noise or odour nuisance have been received by this division concerning the restaurant however, the extension of the trading period has the potential to create disturbance where it extends into the more sensitive times of the day namely the early morning and late evening, such disturbance may arise from noise from customers frequenting the premises and from deliveries.

A current condition requiring deliveries to take place outside trading hours affects the sensitive hours of the day.

In a Willenhall Area Planning Committee report dated 20<sup>th</sup> 1998 concern was expressed about 24 hour opening and at a time it was stated there was no indication that they would apply for such permission. This proposal would result in 17.5 hours of opening and it is therefore more likely that further extensions will be requested in future.

In addition to the previous comments another, depending on the outcome of the application, would be that deliveries would be better during opening hours but perhaps given restricted hours

Fire Officer - No objections

## **Representations**

None.

## **Determining Issues**

The noise and nuisance to residents

## **Observations**

### **Noise and nuisance to residents**

The restaurant is located on a busy junction within an area of mixed use. Noise will be generated from the road 24 hours a day 7 days a week and with the added noise generated from the other uses, increasing the hours would not increase the noise levels in the area any more than the existing ambient level. The restaurant is located in an isolated position on the junction over 50 metres away from the nearest residential property which would help reduce the impact that noise and nuisance would have upon the amenities of the residents.

The delivery times to the restaurant were conditioned to be outside trading hours in the interest of highway safety and to ensure the satisfactory functioning of the development on the original application for the restaurant. This means that deliveries currently can be made at any time between 11.30pm and 7.30am and comply with the condition. If the trading times were to change it is felt that the opportunity should be taken to adjust the delivery times. It is proposed to amend this condition restricting delivery times to the quieter hours during the day e.g. 10am - 12 midday and 9pm - 12 midnight.

Transportation have suggested that delivering in quieter hours when the car park is at its calmest and with a scheme put in place to cordon off an area to allow the delivery vehicle to manoeuvre clear of the highway may be a suitable option. This is an option that can be conditioned to allow for a submitted scheme to be approved in writing the Local Planning Authority

Although the previous application was refused for the reason of causing a detrimental impact on the amenities of neighbours by means of noise, smells and general disturbance during anti social hours of the day it is my opinion that the increase in trading hours will have a minimal impact on the amenities of local residents due to the location of the restaurant within a mixed use area and alongside a busy junction. I also feel that restricting delivery times will give a net improvement to the existing surrounding residents as it will remove any potential disturbances out of the more sensitive hours of the day.

### **Recommendation: Grant Permission subject to conditions**

#### **Grant Permission Subject to Conditions**

1. That Planning Permission to vary Condition 3 on the previous consent (BC47210P) be allowed, and the condition varied to read:

'The premises shall not be open for trading outside the hours of 6.30 am to 12.00 midnight on any day'

2. The wording for Condition 4 on the previous consent (BC47210P) shall be revised to say the following:

'Before the trading hours are altered, details of delivery times and a method of reserving an area within the site to allow delivery vehicles to manoeuvre clear of the highway shall be submitted and approved in writing by the Local Planning Authority

Reason: In the interest of highway safety and to safeguard the amenities of the local residents.

**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 S11 of Walsall's Unitary Development Plan, and policies S10 of Walsall's Unitary Development Plan Review Draft Deposit, 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)

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Disposal of Council Owned Land**

**Application Number:** 05/0414/FL/W5

**Case Officer:** Karon Hulse

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** K. Miah

**Agent:** Sueshire Services

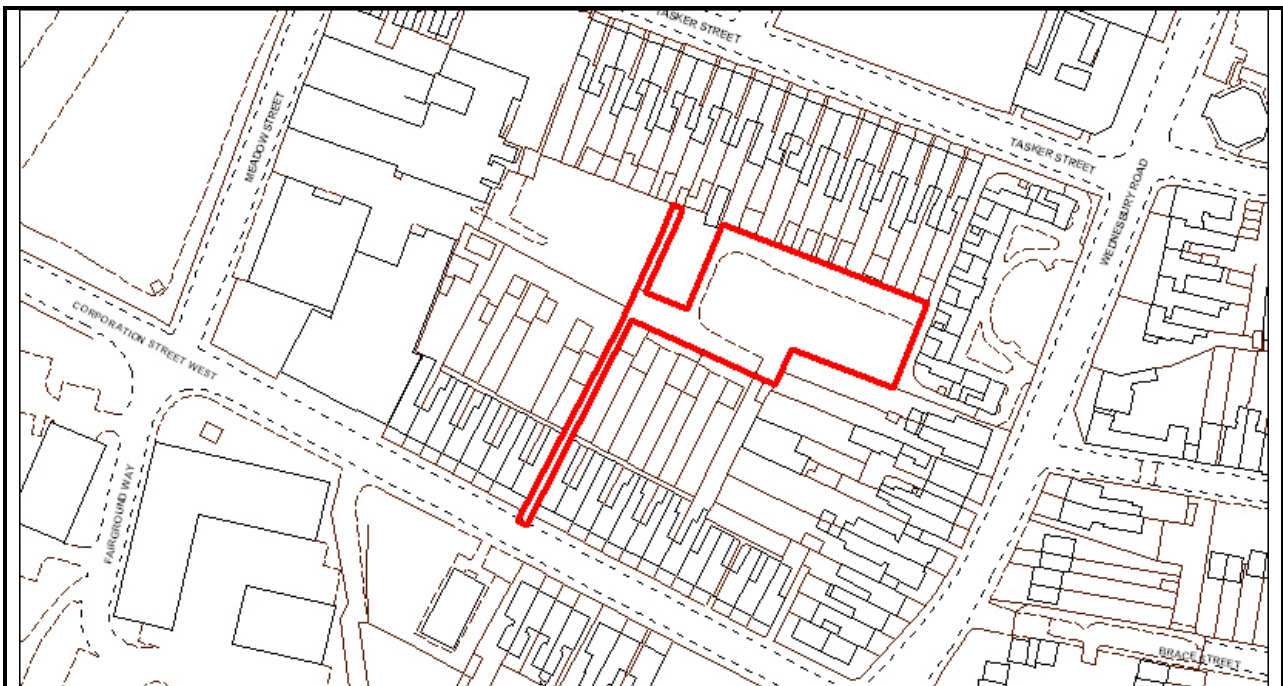
**Proposal:** Erection of 2 Dwellings

**Location:** LAND TO REAR OF  
CORPORATION STREET WEST AND  
TASKER STREET, WALSALL WEST  
MIDLANDS

**Ward:** St. Matthews

**Expired:** 27 April 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

An application for the erection of a single two storey dwelling on land to the rear of Tasker Street / Corporation Street West and Wednesbury Road, Walsall was recently approved in February this year.

This application seeks permission for two detached two storey properties on the same site. The site is currently a back land site having been previously used as a children's play area. The area around the site is mostly the back gardens, driveways and garages of the surrounding houses, and to the east the rear of a small commercial complex of buildings.

Access to the new dwellings would be via the narrow access between 82 and 84, Corporation Street West which provides the only right of way to garages at the rear of properties in Tasker Street / Corporation Street West and Wednesbury Road.

The two dwellings would each have four bedrooms and ample parking for three vehicles. Right of access for the surrounding properties would be maintained.

## **Relevant Planning History**

04/2676/FL/W5 - erection of one dwelling. Grant Subject to Conditions 16<sup>th</sup> February, 2005.

## **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**

The adopted Unitary Development Plan policies identify an increased emphasis on the quality of design as an important environmental issue and the following are specifically relevant.

3.6...Development / redevelopment schemes help to improve the environment

3.7...proposals for development/redevelopment will seek to protect people 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, reference to character and quality of existing environment... require high quality of built and landscape design

Env 32...(a) Poorly designed development/proposals not be permitted unless take into account context or surroundings

Env 32...(b) quality of design subject to appearance, height, proportion, scale, and mass of proposed buildings/ structures, materials, integration, Community safety/security, effect on the local character of the area, vehicular and pedestrian circulation patterns, integration of existing natural and built features of value

ENV33...Good landscape design to be integral part of design

GP2...expect developments to contribute to quality of environment... not permit development which would have an unacceptable adverse impact on the environment

GP7...designing out crime through promotion of mixed use developments...ensure presence of people, maximise surveillance of public areas from the living areas of homes and amount of defensible space, design and layout of buildings, landscaping and structures.

H3...encourage additional housing through re-use of previously developed windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises...conversion of appropriate buildings into dwellings - flexibility in standards for parking and amenity space.

H10... Layout, Design and Dwelling Mix ...(a) expect the design of residential developments to ensure good integration with surrounding land uses, provide adequate additional open space, or improvements to existing open space.

LC1... seek to retain and enhance existing urban open spaces... development resulting in loss of, or affect urban open space will not be permitted

The Council has now adopted Residential Development Standards, to control such matters as garden size.

#### National Government Policy

Planning Policy Guidance Note 3 (Housing) is relevant, its objectives are :

- to meet the housing needs of the whole community,
- create more sustainable patterns of development,
- make more efficient use of land,
- promote good design,
- reduce car dependence.
- greening the residential environment to enhance quality
- policies for the protection and creation of open space and playing fields, and

#### **Consultations**

**Transportation** - no objections

**Pollution Control Division** - no objections

#### **Environmental Regeneration Services**

**Conservation officers** - no objections (although the design of the dwellings is out of character with the surrounding area)

**Drainage** - satisfactory

**Fire Service** - sprinkler system acceptable

**Police Architectural Liaison Officer** - the previous comments made by the Architectural Liaison Officers are still relevant i.e. in the past there have been numerous incidents of disorder, drug taking and assaults, any development which fills the void or prevents misuse would deter activities and reduce loss of amenity to residents.

## **Representations**

None received

## **Determining Issues**

- Principle of the development
- Suitability of the site
- Access
- Design
- Security

## **Observations**

### **Principle and suitability of the development**

The development of this site for residential was previously and is still considered acceptable.

The site is surrounded by residential on all sides and effectively land locked with the only access being along an existing driveway between no. 82 and 84, Corporation Street West. The site has been used in the past as a children's play area, however the play equipment has for sometime been vandalised and is now being used for tipping rubbish and other anti social activities.

Whilst policies of the adopted plan aims to retain such facilities it is clear from the state of the area that this has not been achieved, probably due to the lack of natural surveillance. The site has been the source of nuisance and activities not usually associated with children's play areas for some time and in view of this the previous application supported its removal on the basis that its intended purpose no longer serves any useful function to the local community.

The Residential Design Standards document seeks a minimum rear garden of 12 metres in length and an area of 68 sq.m. The proposal complies.

### **Access**

Access to the proposed dwellings would again be through the existing driveway which gives access to the rear of residential properties around Tasker Street and Corporation Street West. This drive is also used by two small commercial properties at the rear of Tasker Street. Whilst the driveway can only allow for single file traffic this situation has existed for many years and I am of the opinion that the addition of two dwellings (i.e. one more than already approved) would have no further significant impact on that existing situation.

The Fire Service are satisfied that the installation of a domestic sprinkler system will allow for the acceptable development of this site.

### **Design**

The proposed design of the dwellings has no relationship to the character of dwellings in this area (an issue raised in the consultations), which is typified by Victorian type terraces, however the site has little visual relationship to those surrounding dwellings. The simple modern design fits comfortably in this backland area.

## Security

The development of this area would also remove the antisocial problems identified above and create a safer environment for both those residents who currently use the driveway to gain access to the rear of their properties and the future occupiers of the development.

## Conclusion

I do not consider the use of the site for two dwellings will be significantly different to its use for one dwelling and it will improve on the safety and security of this back land. The proposal is in accordance with Planning Policy Guidance 3, and policies of the Unitary Development Plan in so far as the proposal would support and promote residential within this area and therefore the principle is to be encouraged.

## **Recommendation: Grant Permission subject to conditions**

1. This development must be begun not later than 5 years after the date of this decision.

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

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

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

3. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

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

The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such period of time as may be agreed in writing by the Local Planning Authority

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

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

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



5. No development shall be carried out until details of car parking and manoeuvring areas have been approved in writing by the Local Planning Authority. The plans shall clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

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

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

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

7. 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 provision of off-street parking and functioning of the development and in the interests of highway safety.*

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

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

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

9. No development shall be carried out until details of the proposed domestic sprinkler system have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and in full working order prior to first occupation of any unit and shall thereafter be retained in good working order.

*Reason : To ensure the satisfactory functioning 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 3.6, 3.7, 3.16, Env 32 (a and b), ENV33, GP2, GP7, H3, H10(a) and LC1 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: The applicant is a senior council officer.**

**Application Number:** 05/0550/FL/H1

**Case Officer:** Neville Ball

**Application Type:** Full application

**Telephone Number:** 01922 652528

**Applicant:** Terry Blyde

**Agent:** Terry Blyde

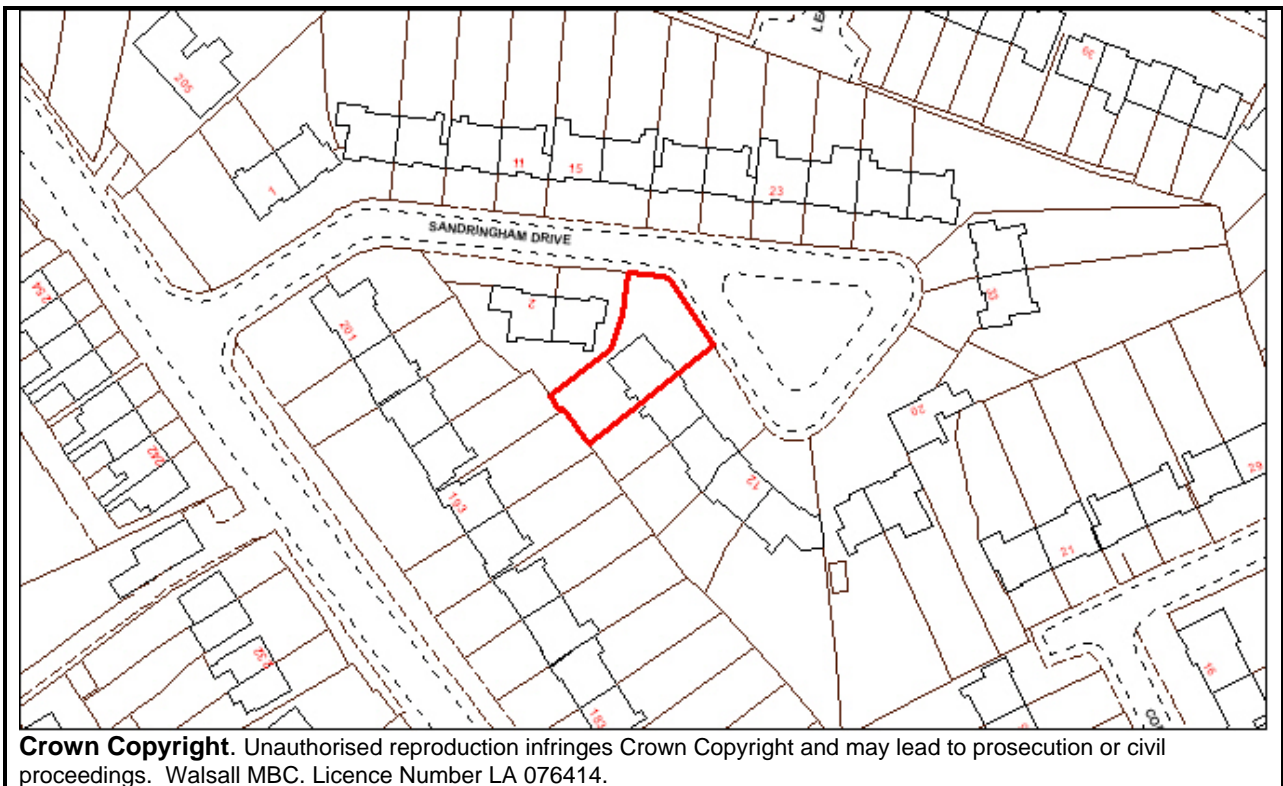
**Proposal:** Build a garage, and add canopy to front of existing garage and porch

**Location:** 6, SANDRINGHAM DRIVE, WALSALL, WEST MIDLANDS, WS9 8HD

**Ward:** Aldridge North and Walsall Wood

**Expired:** 12 May 2005

**Recommendation Summary:** Grant Permission subject to conditions



## **Application and Site Details**

This application is for a garage to the side and a canopy to the front of a detached house which lies in a cul de sac. A second canopy is to be added to the front of the existing garage and porch.

The new garage is to lie between the side of the house and the garage to the side of the adjoining house number 4. The front of number 4 faces away from number 6 at an angle of 45 degrees.

## **Relevant Planning History**

None

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

### **Unitary Development Plan Policies**

#### **GP2: Environmental Protection**

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

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

#### **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.

### **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**

None

## **Determining Issues**

The determining issues are whether the design of the extension would be compatible with the existing dwelling and the character of the wider area, and the impact on the amenities of nearby residents.

## **Observations**

The proposed garage is to have a flat roof with a parapet wall to the front. This would match the design of the existing garage and that at number 4.

The hipped roofs of the canopies would match the main roof of the house. There are similar canopies to the fronts of other houses in the street.

The new garage would adjoin the garage to number 4 and would have no impact on this neighbour. The canopy to the existing garage and porch would lie alongside the garage to number 8 and would not affect any windows in this house.

## **Recommendation: Grant Permission subject to conditions**

### **Conditions and Reasons for conditions, including relevant policies and proposals in the local development framework**

1. This development must be begun not later than 5 years after the date of this decision.

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

2: The external surfaces of the development hereby permitted shall match those used in the existing building before the development is brought into use, and shall thereafter be retained as such.

Reason: To ensure the satisfactory appearance of the development and to comply with policy ENV32 of Walsall's Unitary Development Plan.

3: 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.

### **Summary of reasons for granting planning permission and the policies and proposals in the local development framework which are relevant to the decision**

The proposed development is considered to comply with the relevant policies of the local development framework, in particular policies GP2, ENV32 and H10 of Walsall's Unitary

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

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

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

**REASON FOR BRINGING TO COMMITTEE: Disposal of Council Land**

**Application Number:** 05/0343/FL/H5

**Case Officer:** Owain Williams

**Application Type:** Full application

**Telephone Number:** 01922 652403

**Applicant:** Mr. Barry Richards

**Agent:** Mr. Barry Richards

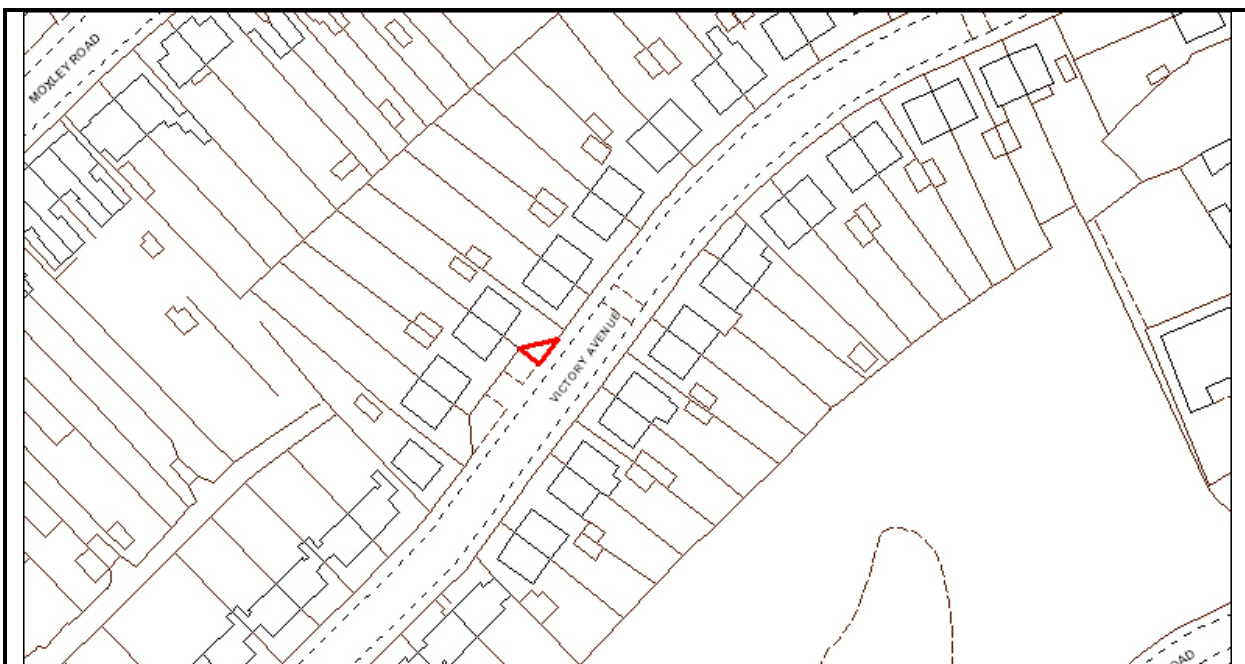
**Proposal:** Change of use from highway verge  
to private garden

**Location:** 30, VICTORY  
AVENUE, WEDNESBURY, WALSALL, WEST  
MIDLANDS, WS107RR

**Ward:** Darlaston South

**Expired:** 04 May 2005

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

This application is for the change of use from (Council owned) verge to private garden

The land to the front of the property is a small area of grass verge between the footpath and the front boundary of the house. The grass verge extends across four properties all of which are set back from the other properties in the street. (Another of these four has made an application, which is elsewhere on the agenda.)

The street is characterised by walls under a metre high abutting the back of the pavement enclosing the area of land in front of the houses forming a driveway. There are no details submitted of how the land is to be enclosed, however this could be done under permitted development rights.

There is a telegraph pole situated close to back of the pavement on the area of land to the front of number 30.

## **Relevant Planning History**

None

## **Relevant Planning Policy Summary**

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

## **Unitary Development Plan**

Policy 3.6 sets out that development and redevelopment schemes should as far as possible, help to improve the environment of the Borough. Relevant considerations to be taken into account are set out in Policy GP2

## **Consultations**

Transportation - No objections, subject to condition that proposed boundary treatment should not obstruct the 2.4m by 3.4m pedestrian visibility splays required at the access point which should be kept clear of any obstructions over 0.6m in height from carriageway level.

Environmental Health - No objections.

Fire Officer - No objections.

## **Representations**

None



## **Determining Issues**

1. Impact on the appearance of the area
2. Impact on highway safety
3. Telegraph pole

## **Observations**

### **Appearance**

The change from highway verge to private garden would have no significant impact on the appearance of the area. Apart from this short stretch, there are no other areas of grass verge in the street. This patch does not add to the character of street in any way. The area of land is small and insignificant in regards to the openness and appearance of the area.

### **Safety**

The land, if changed to private garden, will not impact on highway safety. If the area of land is to be enclosed at any time then the walls should not obstruct visibility splays and should be no higher than a metre. I recommend a condition.

### **Telegraph pole**

The pole stands on the grass area. The future of the pole is being addressed through the land transaction, and is a separate matter.

## **Recommendation: Grant Permission subject to conditions**

1. This development must be begun not later than 5 years after the date of this decision.

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

2. 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, except those included on the approved plans, shall be moved or erected without the prior approval of a planning application.

*Reason:* In the interests of highway safety

## **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 policy 3.6 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 Transportation  
on 10 May 2005

**REASON FOR BRINGING TO COMMITTEE: Disposal of Council Land**

**Application Number:** 05/0342/FL/H5

**Case Officer:** Owain Williams

**Application Type:** Full application

**Telephone Number:** 01922 652403

**Applicant:** Mr. Ian Cartwright

**Agent:** Mr. Ian Cartwright

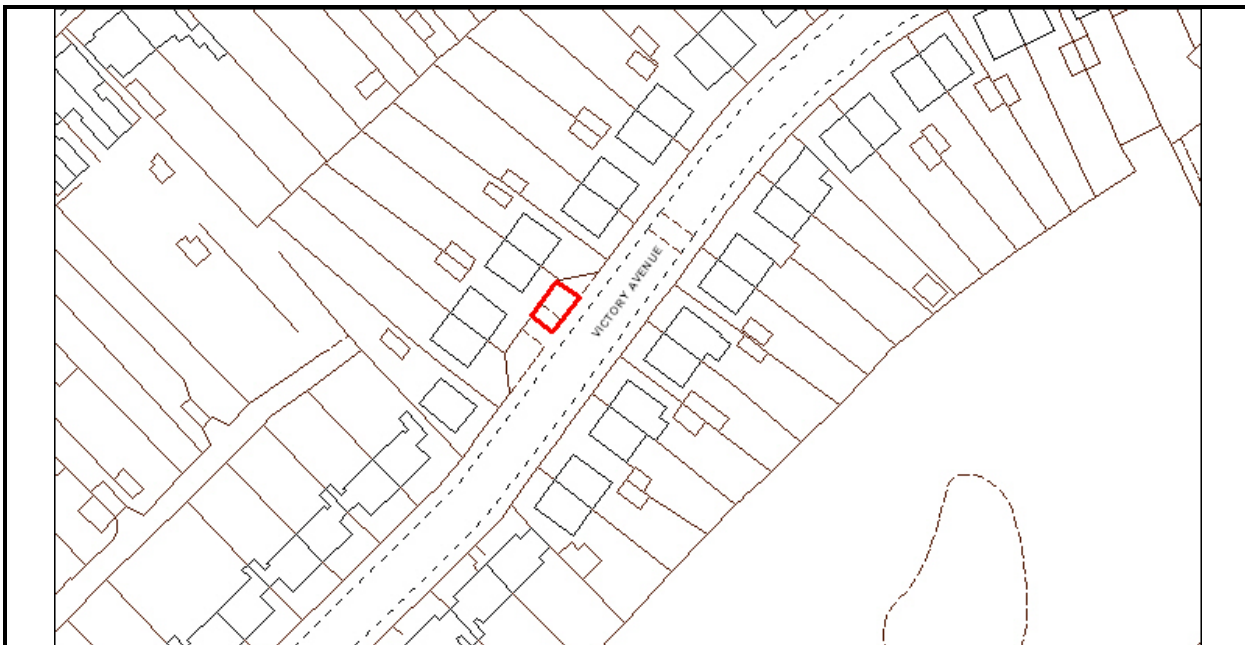
**Proposal:** Change of use from highway verge to private garden.

**Location:** 32, VICTORY AVENUE, WEDNESBURY, WALSALL, WEST MIDLANDS, WS107RR

**Ward:** Darlaston South

**Expired:** 04 May 2005

**Recommendation Summary:** Grant Permission subject to conditions



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### **Application and Site Details**

This application is for the change of use from (Council owned) verge to private garden

The land to the front of the property is a small area of grass verge. The grass verge extends across four properties all of which are set back from the other properties in the street. (Another of these four has made an application, which is elsewhere on the agenda.)

The street is characterised by walls under a metre high abutting the back of the pavement enclosing the area of land in front of the houses. There are no details submitted of how the land is to be enclosed, however this could be done under permitted development rights

### **Relevant Planning History**

None

### **Relevant Planning Policy Summary**

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

UDP

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough. Relevant considerations to be taken into account are set out in Policy GP2

### **Consultations**

Transportation - No objections, subject to conditions relating to the visibility splays

Any proposed boundary treatment should not obstruct the 2.4m by 3.4m pedestrian visibility splays required at the access point which should be kept clear of any obstructions over 0.6m in height from carriageway level

Environmental Health - No objections

Fire Officer - No objections

### **Representations**

None

### **Determining Issues**

1. Impact on the appearance of the area
2. Impact on highway safety

## **Observations**

### **Appearance**

The change from highway verge to private garden would have no significant impact on the appearance of the area. Apart from this short stretch, there are no other areas of grass verge in the street. This patch does not add to the character of street in any way. The area of land is small and insignificant in regards to the openness and appearance of the area.

### **Safety**

The land, if changed to private garden, will not impact on highway safety. If the area of land is to be enclosed at any time then the walls should not obstruct visibility splays and should be no higher than a metre. I recommend a condition.

## **Recommendation: Grant Permission subject to conditions**

### **Grant Permission Subject to Conditions**

#### **Conditions and Reasons**

1. This development must be begun not later than 5 years after the date of this decision.

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

2. 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, except those included on the approved plans, shall be moved or erected without the prior approval of a planning application.

*Reason:* In the interests of highway safety

#### **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 policy 3.6 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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**To: DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation  
on 10 May 2005**

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

**Application Number:** 05/0333/FL/H5

**Case Officer:** Owain Williams

**Application Type:** Full application

**Telephone Number:** 01922 652488

**Applicant:** Calderfields Golf Academy Ltd

**Agent:** Spooner Architects

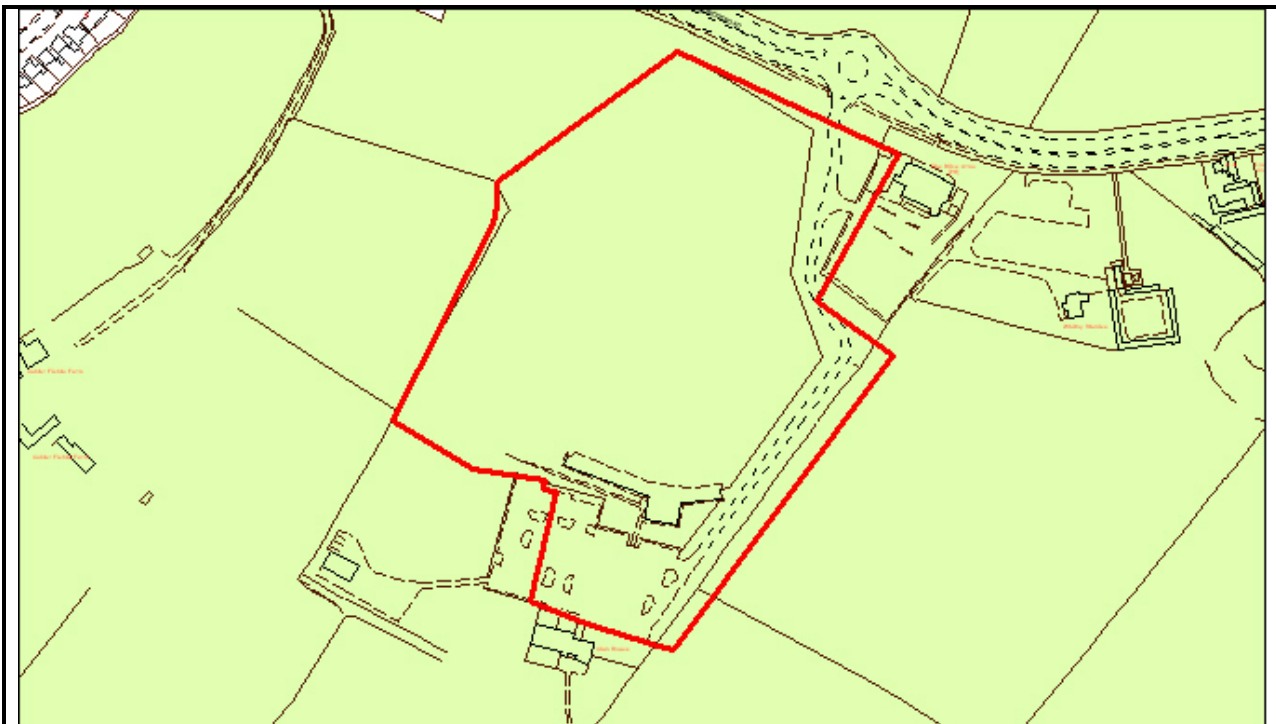
**Proposal:** Extension to Golf Shop to Provide  
for Custom Fit Area and Professional Teaching  
Area (Resubmission of 04/2548/FL/E2)

**Location:** CALDERFIELD GOLF  
CLUB, ALDRIDGE  
ROAD, ALDRIDGE, WALSALL, WEST  
MIDLANDS

**Ward:** St. Matthews

**Expired:** 13 May 2005

**Recommendation Summary:** Grant Permission subject to conditions



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**Application and Site Details**

The application is for a 196 square metre extension to the existing building on the site to provide a range of sales and training areas. The extension appears as part of the existing building in design.

### **Relevant Planning History**

BC39306P - Use of Land as Driving Range and Putting Green . Construction of Driving Range Building, Professionals shop, Maintenance Building, Locker Room extension , Safety Fencing , Lighting, Access and Car Parking  
GSC 23/12/1993

BC41473P - Amendments to Planning Application BC39306P involving extension, Alterations to Professionals shop, Relocation of Ball Wash and Additional Teaching Driving Bay  
GSC 24/05/95

04/2548/FL/E2 for similar proposal (slightly large floor area) refused in 2003, on green belt and shopping reasons.

Various other applications for alterations and signage.

### **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

Calderfields Golf club is located within the Green Belt.

Policy GP2 states that the Council will expect all developments to make a positive contribution to the quality of the environment, and that the following considerations will be taken in to account:

- i. Visual appearance
- vii. The effect on the environment of the countryside and Green Belt.

Policy 3.3 states that inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Policy 3.5 states that the use of the countryside for appropriate types of outdoor sport and recreation will be encouraged.

Policy ENV2 Control of Development states in paragraph a/ that  
'In the Green Belt there will be a presumption against the construction of new buildings except for the following purposes:-

- i/.....
- ii/ Facilities essential for outdoor sport or recreation. '

Policy ENV3 then states :-

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

- i The detailed layout of the site.

- ii The siting , design , grouping, height and scale of buildings , structures and associated outdoor equipment .
- iii The colour and suitability of building materials, having regard for local styles and materials.
- iv.....
- v The quality of new landscape schemes.
- vi....

Policy ENV34 states that any proposal which fails to take account of its surroundings will not be permitted, and that this will be particularly significant within a green belt location.

Policy 5.2 states that centres will be preferred location for town centre uses and public transport interchange facilities.

Policy 5.4 states that the Council will apply a sequential approach for the location of town centre uses starting within centre , then edge of centre and finally places with good accessibility to a choice of means of transport .

Policy 5.5 states that out of centre development will only be acceptable if it can be demonstrated that there are no alternative opportunities within or failing that ., on the edge of existing centres. Out of centre development may be acceptable where there is a specific local need, otherwise proposals for additional development for town centre uses outside of established centres will be considered against Policy S7.

Policy 5.6 states that the Council will apply the sequential approach in a flexible, realistic and sensible manner.

Policy 5.8 states that proposals in out of centre locations will be subject to the provisions of policy S6 and/or Policy S7.

Policy S6 refers to providing to meet local needs and states that new small scale local facilities, or extensions to existing facilities, will be permitted if there would be no adverse impact on the vitality and viability of any established centre, improved accessibility , no significant loss of amenity for neighbouring homes , proposal could not be met by investment in centre , and adequate servicing and parking.

Policy S7 states that proposals for out of centre locations will normally only be permitted where the following can be demonstrated

- a)
  - i) The development must be shown to accord with the sequential approach.
  - ii) There must be evidence to demonstrate the need for the facility.
  - iii) The scheme must not have an adverse economic impact on the vitality and viability of any existing centre.
  - iv) The scheme must not have an adverse economic impact on existing or planned provision to meet local needs.
  - v) Safe and easy access by walking, public transport and cycling. , not reliant primarily upon access by car, and not having an adverse traffic impact on the local highway network.
- b) For schemes under 2500 sq m evidence will be required on those tests for which , in the opinion of the Council, the proposal is likely to have significant adverse implications. In all cases developers will be required to demonstrate that the proposal accords with the sequential approach and that there is a need for the proposed facility.

Policy 5.16 states that the Council has resolved that established centres should be the primary location for all town centre uses and that all available policy mechanisms should be used to prevent out of centre development other than that which meets identified local needs.

### **National Policy Guidance**

PPG 2 'Green Belts' states that there is a general presumption against inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

PPG2 lists as possible appropriate development - Essential facilities genuinely required for uses of the land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it, such as small changing rooms or unobtrusive spectator accommodation for outdoor sport.

PPG6 'Town centres and Retail Developments ' was important in the last decision, seeking the sequential approach for retail development and the requirement to demonstrate need , retail impact, accessibility , and the effect on the need to travel.

PPS6 has now replaced that document. A crucial change is that a limit of 200 metres for shop extensions is set out. Under that figure the sequential test does not apply. Extensions should be genuinely ancillary to the main use.

### **Consultations**

**Transportation** - no objection.

**Pollution Control** - no objection.

**Fire Service** - satisfactory.

### **Representations**

Two residents have objected on the basis that this is simply a shop, not for the benefit of the golf club. It is four times bigger than any other golf shop. It encroaches on the green belt.

Ten residents have written supporting the application, on the basis it will not impact on anyone, will improve the golf facility, the instruction element of the scheme is valuable, it offers employment opportunities, enhances leisure uses, and enhanced shopping capability.

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

### **Determining Issues**

The determining issues are :-

- Acceptability of the principle of a retail use in this out of centre location - Sequential test/Need for proposal /Impact on the need to travel.



- Is the principle of the proposed development appropriate within the Green Belt?
- Is the design, scale and appearance of the proposal acceptable in a Green Belt location?
- Parking
- Landscaping

### **Observations**

#### **Acceptability of the principle of a retail use in this out of centre location - Sequential test/Need for proposal /Impact on the need to travel.**

The proposed training areas are obviously linked to the golf use of the site.

The sequential test no longer applies.

With respect to the need to travel , the application site is located outside of the built up area and up an access road some 80 -90m long , which is likely to deter people visiting the site by foot (though clearly this will remain, by its nature a largely car oriented site). I have recommended a condition requiring a footpath improvement to make the site more accessible from the bus route along the main road.

While the store is large, the new plans make clear that much of what was previously shown as retail space is not sales floor, though it is ancillary to the shop.

A sensibly sized golf shop is commonplace on golf facilities. The amended plans make that relationship better defined.

Overall, provided the shop remains ancillary to the golf facility (a condition is recommended), I consider it is now approvable.

#### **Is the principle of the proposed development appropriate within the Green Belt?**

There is a presumption against inappropriate development in the Green Belt. Appropriate development within the Green Belt includes development for outdoor sport and recreation purposes. Planning Policy Guidance Note 2 clearly states that the development needs to be an essential facility genuinely required for uses of the land which preserve the openness of the Green Belt. There is already a 230 sq m retail unit on the site and previously I was concerned that a further 202 sq m was not an essential facility required for the use of the overall site for golf purposes. The new plans make clear there is a better relationship, and I now support this aspect of the application.

#### **Is the design, scale and appearance of the proposal acceptable in a Green Belt location?**

The proposal would be an extension of the existing building on the opposite side to Aldridge Road and would be constructed of the same materials.

This was a concern, when the scheme was at odds with planning policy for other reasons. In isolation I would not see this as a refusal reason.

## **Parking**

In terms of parking , the proposal would involve the loss of 3 parking spaces , however there is a very large car park on site and notwithstanding the concern that the proposal would be creating a destination in its own right, it is not considered that the proposal could lead to any on street parking problems. This is a view supported by the Transportation Officer.

## **Landscaping**

The proposed development would also involve the loss of some of the landscaped border around the parking to allow for the entrance to the extended building. This is not considered to substantiate a reason for refusal.

### **Recommendation: Grant Permission subject to conditions**

1. This development must be begun not later than 5 years after the date of this decision.

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

2. The external surfaces of the development hereby permitted shall match those used in the existing building before the development is brought into use, and shall thereafter be retained as such.

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

3. At all times, this building and the existing golf shop on the site shall be used only as a single golf shop, and that use shall remain ancillary to the use of the golf facility of which it is part.

*Reason.* To define the proposal, in relation to planning policy on the location of shopping.

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