



## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 29<sup>th</sup> July 2010

### Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	10/0315/FL	VACANT LAND TO THE NORTH-WEST OF MAYBROOK ROAD,WALSALL,W S8 7DG	Erection of B2 (General Industrial) factory premises with ancillary offices and car parking	Grant Permission Subject to Conditions
2	19	09/1469/FL	CORNER OF MORETON AVENUE & BEACON ROAD, GREAT BARR, B43 7BW	Demolish existing petroleum filling station and erect a new dental surgery building.	Grant Permission Subject to Conditions
3	33	10/0367/FL	FORMER WAGON AUTOMOTIVE,PEL SALL ROAD,BROWNHILL S,WALSALL,WS8 7HP	Redevelopment of part of the former Wagon Automotive site to form North Walsall Council Highways Depot - a sui generis planning use class including; vehicle parking, vehicle fuelling & washing, MOT testing, workshops, storage and ancillary offices.	Grant with conditions, subject to no new information raising new material issues
4	53	10/0613/TE	37-38 Bradford Street, Walsall, WS1 3QA	Time Extension Application: Four storey development to provide 22 flats with	Grant Permission Subject to Conditions

				associated under croft car parking	
5	65	10/0674/FL	FORMER BLOXWICH ENGINEERING LTD,BELL LANE,BLOXWICH, WALSALL	Substitution of house type to replace Emerald 2.5 storey 4 bed house with Sapphire 3 storey 4 bed house on plots 12, 13, 18, 21, 66, 69, 71, 92, 97 & 98 (10 plots in total).	Grant Permission Subject to Conditions
6	75	10/0339/OL	THE EAGLE P.H.,CRESSWELL CRESCENT,WALSALL,WS3 2TS	Outline: Residential apartment block (all matters reserved)	Grant Permission Subject to Conditions and a Planning Obligation
7	91	09/1086/FL	WALSALL ARBORETUM,LICH FIELD STREET,WALSALL	Proposed demolition of single storey buildings & erection of new visitor centre.	Grant Permission Subject to Conditions
8	105	09/1789/FL	FORMER FIELD SERVICE STATION,LICHFIELD ROAD,BLOXWICH, WALSALL	Erection of Convenience Goods Store (Class A1) with associated car parking	Refuse
9	121	10/0516/FL	ABU-BAKR TRUST,154-160 WEDNESBURY ROAD,WALSALL,WS1 4JJ	Proposed construction of main prayer hall on ground floor and women's prayer hall on the first floor as an annexe to the rear of existing buildings at 154-160 Wednesbury Road.	Refuse
10	131	10/0294/FL	COLE OF BILSTON,GREAT BRIDGE ROAD,BILSTON,WE	Extension to store to form new entrance and alterations to car	Grant Permission Subject to Conditions

			ST MIDLANDS,WV14 8LB	park	
11	147	10/0602/TE	NEW INVENTION HEALTH CENTRE, 62-66 CANNOCK ROAD,NEW INVENTION,WILLE NHALL,WV125RZ	Time Extension of Planning Application No. 07/0859/FL/W3: Demolition of 2 no houses (62 and 64 Cannock Road) and existing Health Centre (66 Cannock Road) and construction of new Health Centre with dispensary and associated parking.	Grant Permission Subject to Conditions
12	153	10/0601/FL	62-66 CANNOCK ROAD,NEW INVENTION,WILLE NHALL,WALSALL,W V125RZ	Demolition of nos. 62 & 64 Cannock Road and existing Health Centre and erection of new Health Centre and associated parking.	Grant Permission Subject to Conditions

13	167	10/0553/FL	10 PARK HALL ROAD,WALSALL,W S5 3HG	Two storey side and single storey front and rear extensions and loft conversion	Grant Permission Subject to Conditions
14	175	10/0353/FL	21 BLUE CEDAR DRIVE,SUTTON COLDFIELD,B74 2AE	Proposed single storey rear extension.	Grant Permission Subject to Conditions
15	183	10/0679/FL	109 NETHER HALL AVENUE,BIRMINGH AM,B43 7ET	Conservatory at rear	Grant Permission Subject to Conditions



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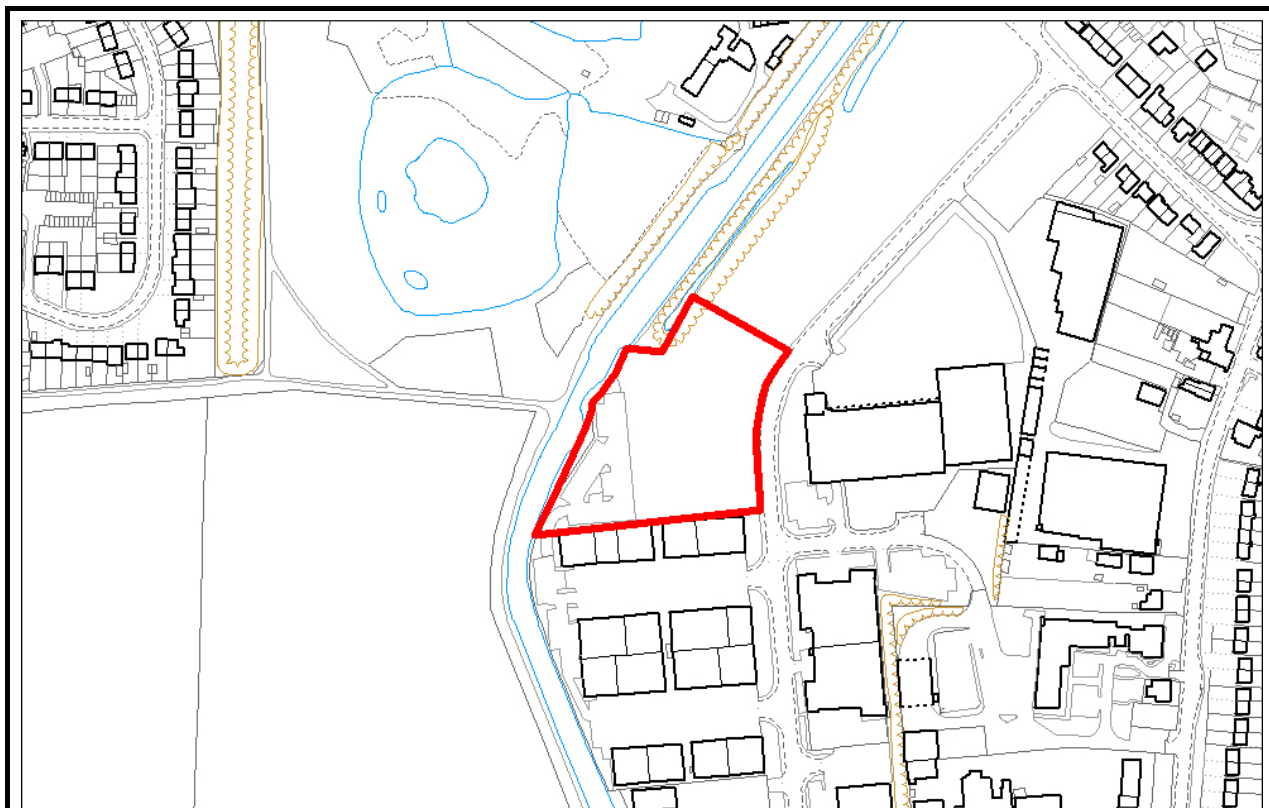
### Reason for bringing to committee: Major Application

**Application Number:** 10/0315/FL  
**Application Type:** Full application

**Applicant:** Keelex 337 Ltd  
**Proposal:** Erection of B2 (General Industrial) factory premises with ancillary offices and car parking  
**Ward:** Aldridge North and Walsall Wood

**Case Officer:** Barbara Toy  
**Telephone Number:** 01922 652429  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** NSW Architects  
**Location:** VACANT LAND TO THE NORTH-WEST OF MAYBROOK ROAD, WALSALL, WS8 7DG  
**Expired Date:** 05/10/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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### **Application and site details**

The site is open, vacant land within the designated core employment area situated on the north western side of Maybrook Road.

The Daw End Branch canal and two ponds form the north western boundary of the site and these are designated Sites of Local Importance for Nature Conservation (SLINC) and wildlife corridor. The Clayhanger urban open space (also a SLINC) is situated across the canal. Immediately to the north east is further open vacant land with a modern residential development beyond. To the south and east are industrial premises within the Maybrook Industrial Estate, including a large freight depot (currently vacant) immediately opposite the site.

The application proposes a large general industry factory sited to benefit from the canalside location and respect the adjacent wildlife habitat.

The building would have a footprint of approx 4000sqm, including fitting and assembly area, bending and forming bay, enclosed yard, final assembly shop as well as ancillary offices and staff facilities. A crane system is included within the building and yard to meet the needs of the applicant.

The offices are to the rear of the building facing the canal. The rear elevation is stepped and the height of the building varies from approx 7.2m to 11.6m maximum height.

Two vehicle access points to the highway would be provided, one to the south of the building to provide access to 34 parking spaces (including 2 disabled spaces), motorcycle and cycle parking and the main pedestrian entrance to the building and a further access towards the north of the site to provide access for commercial vehicles for servicing.

Landscaping would be provided to the canal boundary as well as habitat re-creation to the north of the building.

The building would have a dark brick plinth with a combination of vertical and horizontal cladding above.

The proposals would provide a purpose built facility to allow the applicant to bring together on one site two existing arms of the company, one currently in Derbyshire and one elsewhere within Maybrook Road. The business involves high integrity welding and pipe bending used within the power industry, which is specialist and highly skilled work. The new premises would provide a state of the art facility and allow the company to develop, penetrate overseas markets, increase the range of products, increase capacity and staff and is essential to the long term future of the business. It is envisaged that not all the staff would relocate from Derbyshire, adding to the new jobs that would be created in this Borough, with a large percentage of the new jobs being in the form of apprenticeships, to train new staff to take over from the existing aging workforce.

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

- Design and Access Statement
- Transport Statement (and Addendum)
- Noise Assessment
- Site Investigation report
- Habitat Survey and Protected Species Report
- Method Statement for Habitat Re-Creation
- Method Statement for Public Art Provision

The method statement for habitat re-creation and an amended layout and boundary have been submitted in response to the recommendations in the habitat survey and protected species report, to provide habitat for the Dingy Skipper butterflies found in and around the site.

The applicant proposes to provide public art within the site, through a competition in local schools/colleges, the winning piece produced by the apprentices within the factory and installed on the street frontage of the site.

#### **Relevant planning History**

BC58943P, erection of B1, B2 and B8 industrial units, granted subject to conditions 18-08-1999.

04/0574/FL/E6, variation of condition 1 attached to BC58943P to extend the time limit for a further 5 years, granted subject to conditions 28-05-2004.

09/1574/FL, erection of B2 factory with ancillary offices and car park, withdrawn 22-02-2010.

#### **Relevant Planning Policy Summary**

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

#### **Saved Policies of Walsall's Unitary Development Plan (2005)**

Policies 3.6 and 3.7 states that development should help to improve the environment of the Borough whilst seeking to protect people from environmental problems.

GP2 – Environmental Protection

All development to make a positive contribution to the quality of the environment and principles of sustainable development.

ENV10: Pollution

Development of an industry will only be permitted if it would not release pollutants into the air, water, soil, whether on site or elsewhere, which would cause unacceptable harm to health and safety of the natural environment.

ENV21: Sites of Local Importance for Nature Conservation (SLINC)

Development which would destroy, damage or adversely affect a SLINC will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh its level of nature conservation value.

#### ENV23: Nature Conservation and New Development

Layout of all new development must take account of potential for enhancement of the natural environment through habitat creation. The Council will require habitat creation to encourage the conservation of wildlife in proximity to a SSSI, LNR, SINC or SLINC and in proximity to wildlife corridors.

#### ENV24: Wildlife Corridors

New development which would sever or unacceptable harm the integrity of a wildlife corridor or of linear features such as rivers, streams, canals etc will not normally be permitted.

#### ENV26: Industrial Archaeology

(C) The Council will seek to protect and improve the canal heritage and new development adjacent to the canals should take full account of the opportunities created by the setting in terms of design, layout, landscape detail and boundary treatment.

#### ENV32: Design & Development Proposals

- (a) Poorly designed development or proposals that fail to properly take account of context or surroundings will not be permitted. Particularly significant locations include V. Water frontages.

Criteria when assessing design include: height, proportions, scale and massing of buildings, integration and co ordination of buildings and external space and integration of existing natural and built features of value.

#### ENV33: Landscape Design

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

#### ENV34: Public Art

The Council will require the provision of public art to enhance the quality and individuality of existing buildings, spaces and new development.

#### ENV40: Conservation, Protection & Use of Water Resources

- (d) The environment of canals will be protected and enhanced in a comprehensive way.

3.113 New development provides opportunities for high quality architectural and

landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

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

#### JP5 – Core Employment Areas

Locations of strategic importance and good accessibility.

Paragraph 4.4 defines core employment uses as industrial and distribution, Use Classes B1 (b), B1 (c), B2 and B8. Proposals for other uses will only be



permitted when they are uses that are ancillary or complimentary to the development of an existing business.

T13 – Parking Standards

B2 – 1 space per 50msq up to 250msq then 1 space for every 100msq of gross floorspace.

LC9: Canals

Encourage environmental improvements to enhance the attractiveness and recreational potential of the canal network. All development alongside canals should relate positively to the opportunity presented by the waterway, to achieve high standards of design.

### **Designing Walsall (SPD) (February 2008)**

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

Appendix D and Policy DW9 refer to Public Art. A contribution is required for non-residential developments over 1,000sqm and the policy provides details of the requirements, the commissioning process, maintenance etc. A public Art contribution can be paid through a S106 or provided on site.

### **Conserving Walsall's Natural Environment (SPD) (April 2008)**

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for European Protected Species survey requirements.

### **National Policy**

PPS 1: Delivering Sustainable Development

Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

PPG9: Nature Conservation and Geodiversity

Circular 06/2005: Biodiversity and Geological Conservation

PPG13: Transport

Promotes sustainable patterns of development which reduce the need to travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

### **Consultations**

**Planning Policy** – Support in principle, in line with JP5 (Core Employment Areas) assuming the office accommodation is ancillary.

**Transportation** – no objections subject to conditions re: bin storage, cycle storage, construction of vehicle footway crossing, surfacing and signage to the access points. Policy T13 would require a maximum provision of 43 spaces based on the floorspace to be provided. The application provides 34 spaces including 2 disabled spaces, plus motorcycle parking and cycle storage. However taking into account the numbers of staff, shift patterns and

motorcycle and cycle parking the level of parking proposed is considered acceptable.

**NATURAL ENVIRONMENT** – Whilst the development is acceptable in principle some details are still to be resolved in order to retain and enhance wildlife habitats in accordance with UDP policies. Final surveys on reptiles, invertebrate and breeding birds are still outstanding therefore final comments in connection with these surveys will need to be included in the Supplementary Papers at Committee.

An interim habitat survey and protected species report has however been submitted which identifies a colony of dingy skipper butterflies on the site, together with open mosaic habitat, a habitat type of national interest. A scheme for the management and conservation of the dingy skipper colony has been submitted and is acceptable.

**Enterprise and Business Support** – support the proposals. The Council is seeking to encourage new inward investment. The proposals would create new employment and create a modern industrial premises fit for purpose.

**Pollution Control Scientific Team** – no objections providing measures are put in place to address potential noise issues, safeguarding conditions recommended.

**Contaminated Land Team** – support the proposals. The site investigation submitted identifies the need for remediation measures on the site, therefore a remediation statement is required to be submitted and the approved works fully implemented. Conditions recommended.

**Fire Officer** – Satisfactory, however a fire hydrant will be required within 90m of the new building.

**West Midlands Police** – no objections, pleased that the applicant intends to obtain Secure by Design accreditation.

**Environment Agency** – No objections subject to conditions to ensure no adverse impact on Controlled Waters.

**British Waterways** – No objections subject to conditions.

**Severn Trent Water** – no objections subject to conditions regarding drainage.

**Landscape Officer** – no objection, subject to condition to secure a detailed landscaping scheme

**Drainage** – no objections, no surface water from the site should be discharged into the canal.

**Arboricultural Officer** – no objections, no arboricultural implications.

**Urban Design** – no objections to the design and layout subject to the proximity of the building to the canal not impinging on the ecological and

landscape value of the canal corridor. With regard to public art there are no objections in this case to an on site provision providing an appropriate methodology is used which needs to include the involvement of an artist within the process. An appropriate condition should be attached to any approval to ensure the process and implementation of the art provision.

### **Public Participation Responses**

None

### **Determining Issues**

- Principle of the use
- Design and Layout
- Impact on the canal and protected species
- Access and Parking
- Public Art

### **Observations**

#### **Principle of the use**

The site is situated within a Core Employment Area, on the edge of a well established industrial area. To both the east and south of the site are purpose built industrial premises. Core employment uses are defined as industrial and distribution, Use Classes B1 (b) Research and Development, B1 (c) Light Industry, B2 General Industrial and B8 Storage and Distribution. The proposals would provide a B2 general industrial use which would comply with policy and be appropriate for the area. The principle of industrial development of the site was established under previous planning approvals. There are therefore no objections in principle to the proposed use.

The proposals will secure investment in the Borough and allow for the expansion and long term future of an existing company and transfer of another company into the Borough, securing existing employment and an increase of approx 10 jobs.

The setting of the site adjacent to the Daw End Branch Canal, Green Belt land and with urban open space on the opposite side of the canal makes this a visually sensitive location, with design, impact on the canal and the natural environment being key considerations.

#### **Design and Layout**

The layout of the site and building has been designed to ensure separation from the canal and provide increased habitat to the north of the building for the Dingy Skipper butterflies.

The overall height and size of the building has been dictated by the height requirements of the internal crane system required to move products around within the building and for loading etc. The rear elevation has been stepped in

height and depth to reduce the overall impact of the building on the canal and views from the Clayhanger Urban Open Space opposite and allow for landscaping and species habitats adjacent to the canal.

The offices for the company have been positioned to the rear so that they overlook the canal and make best use of the views, as well as adding interest to the elevation. The building is of a modern industrial nature. The mass of each elevation has been broken up by the use of both vertical and horizontal cladding panels set on a dark brick plinth, together with a variation of eaves height.

The yard area is set between the bending and forming bay and the final assembly area and is screened to the rear by cladding panels with exposed steelwork and bracing as a feature to break up the elevation, this feature is also used on the frontage together with a roller shutter door, to ensure the yard is fully enclosed. The position of the yard has been dictated by the position of the existing surface water sewer that cannot be built over.

The closest point of the building will be approx 240m from the residential properties on Clayhanger Road to the north and would therefore have no adverse impact on the amenities of the occupiers in terms of outlook or loss of light.

**Impact on the Canal and protected species** The site is immediately adjacent to the Daw End Branch Canal and close to Clayhanger Village SLINC's as well as adjacent to a wildlife corridor. This is a site that has been left undeveloped for many years and nature conservation interest has developed. A colony of dingy skipper butterfly has been discovered on the site, together with open mosaic habitat, a habitat type of national interest. A scheme for the management and conservation of the dingy skipper colony has been submitted and includes transfer of habitat from the site onto the land to the north of the new building and appropriate planting of breeding habitat along the canal edge.

The proposals comply with guidance within policies LC9, ENV26 and ENV40 and would have no adverse impact on the canal and its environment.

### **Access and parking**

The proposed layout incorporates two separate vehicle access points from Maybrook Road which will allow for separation of cars and commercial vehicles.

Policy T13 would require a maximum provision of 43 parking spaces based on the floorspace to be provided. The proposals provide 34 spaces including 2 disabled spaces, plus motorcycle parking and cycle storage. Taking into account the proposed number of staff, approx 35 during the busier day shift, estimated only 75% would travel by car and the motorcycle parking and cycle storage facilities proposed and the applicant's intention to promote other

sustainable travel measures such as car/lift share and bus travel the proposed level of parking is considered acceptable.

Tracking diagrams submitted show adequate manoeuvring space within the site for commercial vehicles.

A Transport Statement has been submitted in support of the proposals. It is estimated that the development will potentially generate 40 - 60 two-way trips per day. However the day shift staff will arrive before 0730, therefore outside the recognised am peak period of 0800 – 0900. Likewise, the day shift staff will leave at 1630 which is outside the recognised pm peak of 1700 – 1800. The applicant has provided a TRICS analysis (a nationally recognised data base for calculating trip generation) based upon the gross floor area to make an approximate comparison between the operators potential trips and surveyed B2 trip data. This shows that, potentially, the development could generate 15 trips in the am peak (0730 to 0830) and 12 trips in the PM peak (1630 to 1730). The operation would generate a higher number, 26 trips between 0700 – 0800 and 26 between 1600 and 1700, but these are outside the normal highway peak hours.

In addition, the applicant has provided information on the potential trip distribution to determine the potential impact of these additional trips on the B4152 Brownhills Road/A461 Lichfield Road signalised junction. Based upon a 50/50 split north and south of the site entrance, this shows that there would be a maximum of 7 vehicles passing through the junction during the operators am peak and pm peak (7:00 to 8:00), compared to the TRICS data showing 4 trips during the main highway peak ( 16:00 to 17:00). It is considered that this number of potential trips generated by the development is unlikely to have a significant detrimental impact on the present capacity of the junction and it would therefore be unreasonable to require the applicant to provide a financial contribution towards any future improvements to this junction.

### **Public Art**

The applicant proposes to provide a public art contribution within the site. They are looking to work with local senior schools and colleges in the form of a competition to design a piece of art based on the business, which can then be produced on site by the company apprentices. A site for the piece has been identified on the layout plan just to the north of the car park entrance on the frontage of the site, fully visible from Maybrook Road. The company wish to engage with the local community in particular young people, to promote both the business and art. Training and learning opportunities within the local community will therefore be maximised.

This process is considered an acceptable way of providing the required public art contribution and an appropriate condition is attached to ensure that the art piece is provided through a recognised and structured process in collaboration with an artist, to ensure a high quality piece of art work is designed and delivered.

## **Summary of Reasons for Granting Planning Permission**

The proposals would provide a purpose built modern B2 industrial premises within a designated core employment area which would comply with guidance within Policy JP5 of the UDP, securing investment within the borough and providing new employment opportunities. The principle of the development is therefore considered acceptable.

The building has been designed to meet the requirements of the end user whilst addressing the canal and its environment. The building has been designed and sited to ensure no undue impact on the canal.

The amended proposals provide increased landscaping and habitat to the canal and habitat re-creation on the land to the north of the building to ensure no adverse impact on the natural environment and protected species.

The car parking level, access arrangements and vehicle manoeuvring space within the site are considered satisfactory and the estimated trip generation and distribution would have no significant detrimental impact on the present capacity of the Brownhills Road/Lichfield Road junction sufficient to justify a financial contribution towards improvements of that junction.

The proposal would have no adverse impact on the amenities of the surrounding occupiers.

The proposals include the provision of public art on site in compliance with Council policy.

The proposed development is therefore considered to accord with the aims and objectives of the development plan, in particular saved policies GP2, 3.6, 3.7, ENV10, ENV21, ENV23, ENV24, ENV26, ENV32, ENV33, ENV34, ENV40, 3.113, 3.115, JP5, LC9 and T13 of Walsall's Unitary Development Plan (2005), Supplementary Planning Document: Designing Walsall (2008) in particular Policy DW9 – Public Art and Supplementary Planning Document: Conserving Walsall's Natural Environment (2008).

## **Recommendation: Grant Permission Subject to Conditions**

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

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

2. Prior to any works commencing on site, details of the external materials proposed shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

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

*Reason:* To ensure the satisfactory appearance of the development and to comply with policy ENV 32 of Walsall's Unitary Development Plan.

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

I. Prior to built development commencing a "Remediation Statement" setting

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

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

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

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

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

4. Prior to the commencement of any development on site a plan shall be submitted for approval in writing by the local Planning Authority showing the location of the bin storage area to serve the development. The location of the bin store should be in a position acceptable to Walsall Waste Management in terms of waste collection.

*Reason:* To ensure satisfactory bin storage provision

5. Prior to the development first coming into use, the proposed vehicular footway crossings shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

*Reason:* To ensure satisfactory access to the site

6. Prior to the development first coming into use, appropriate signage shall be provided at each vehicle entrance to clearly differentiate between the staff / visitor car parking entrance and the HGV entrance, the full details of which

shall be submitted to the Local Planning Authority for approval in writing. The approved signage shall thereafter be retained.

*Reason:* To ensure the satisfactory operation of the site.

7. Prior to the development first coming into use, all vehicle hardstandings, parking and manoeuvring areas shall be fully consolidated, suitably surfaced and drained and the parking bays clearly demarcated on the ground. The areas shall thereafter be retained and used for no other purpose.

*Reason:* To ensure the satisfactory operation of the site

8. Prior to the commencement of the development, full details of the cycle storage facility shall be submitted to the Local Planning Authority for approval in writing and the approved details shall be implemented prior to the development first coming into use and thereafter retained.

*Reason:* To ensure satisfactory cycle storage facilities within the site

9. Prior to commencement of any development on site, details for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

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

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

*Reason:* In order to safeguard the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

11. Notwithstanding the details shown on figure 3.1 of the Method Statement for Habitat Re-creation submitted on 15<sup>th</sup> July 2010, no development shall be carried out until a detailed landscaping scheme for the frontage planting, the natural planting treatments to the canal boundary and land to the north of the building has been submitted to and approved in writing by the Local Planning Authority. All landscape treatments must be shown within the land controlled by the applicant. 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:* In order to safeguard the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.



12. Prior to commencement of any development on site a scheme for the monitoring and management of the habitat creation areas shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* In order to ensure that the habitat creation has the required affect.

13. The habitat creation shall be carried out in accordance with the details and timing contained within the Method Statement for Habitat Re-creation submitted 15<sup>th</sup> July 2010.

*Reason:* In order to ensure that the habitats for protected species are retained and provided.

14. Notwithstanding the plans submitted, prior to the commencement of development details of the proposed storage of hazardous substances shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing and thereafter retained.

*Reason:* To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and materials in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005

15. Notwithstanding the plans submitted, prior to the commencement of development details of the proposed lighting for the development including details of foundations, luminance in candelas, hours of operation etc. shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason:* The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protects the integrity of the waterway infrastructure in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

16. Within 12 months of the date of this approval a Public Art Statement shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the following:

1. A description of the relationship between the Public Art Statement and the Local Authorities' public art policies and or strategies
2. Details of the appointed artist's contribution to devising the public art proposals
3. Description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects, other design

- professionals, community members and/or other individuals as appropriate to the proposals
4. Timescales for the development and implementation of all the public art
  5. Training opportunities where available for less experienced artists or other professionals
  6. Details of ownership, maintenance and de-commissioning of public art
  7. Budget allocations relating to all of the above criteria.

The piece of art shall be provided and thereafter retained in accordance with the details approved within the Public Art Statement and once installed shall be thereafter retained and maintained.

*Reason:* In order to meet the requirements of saved policy ENV34 of the UDP and policy DW9 of Designing Walsall in relation to public art provision.

17. Plant and equipment used for the purpose of heating, ventilation, air conditioning, refrigeration and/or freezing shall be situated within building structure(s), or acoustically designed enclosures, or at suitable locations approved in writing by the local planning authority, and thereafter retained in accordance with any approval for the period of their use.

*Reason:* To ensure the satisfactory operation of the premises

18. Noise from fixed plant and machinery associated with this industrial development shall not give rise to a Rating Level exceeding 5 dB as determined in accordance with the methodologies contained British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

*Reason:* To safeguard the amenities of the surrounding occupiers

19. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

*Reason:* In the interests of the amenity of the surrounding residents of the proposed development.

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

1. A preliminary risk assessment which has identified;

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

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

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

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

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

*Reason:* To ensure the protection of controlled waters.

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

*Reason:* To ensure the protection of controlled waters.

22. This permission relates to the following submitted information: Drawing Nos; 3062/17A and 3062/111F submitted on 6<sup>th</sup> July 2010, 3062/100B, 3062/16C and 3062/103B submitted on 29<sup>th</sup> June 2010, 3062/19 and 3062/21 submitted on 16<sup>th</sup> April 2010, Design and Access Statement, Transport Statement, Noise Assessment and Site Investigation Report submitted on 16<sup>th</sup> April 2010, Habitat Survey and Protected Species Interim Report submitted on 12<sup>th</sup> July 2010, Method Statement for Habitat Re-creation submitted on 15<sup>th</sup> July 2010 and Addendum to Transport Statement submitted on 28<sup>th</sup> June 2010.

*Reason:* In order to define the permission.

## **Notes for Applicant Contaminated Land**

### **CL1**

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing

risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

#### CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model

(Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human

health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

#### CL3

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

Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

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

#### CL4

The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on.

Further details on the matters to be addressed is available in “PPS 23 : Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

### **British Waterways**

The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with British Waterways’ “Code of Practice for Works affecting British Waterways”.

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

### **Severn Trent Water**

Advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

If you require further information please contact Miss Jaz Kaur Jeer on 01902 793883.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

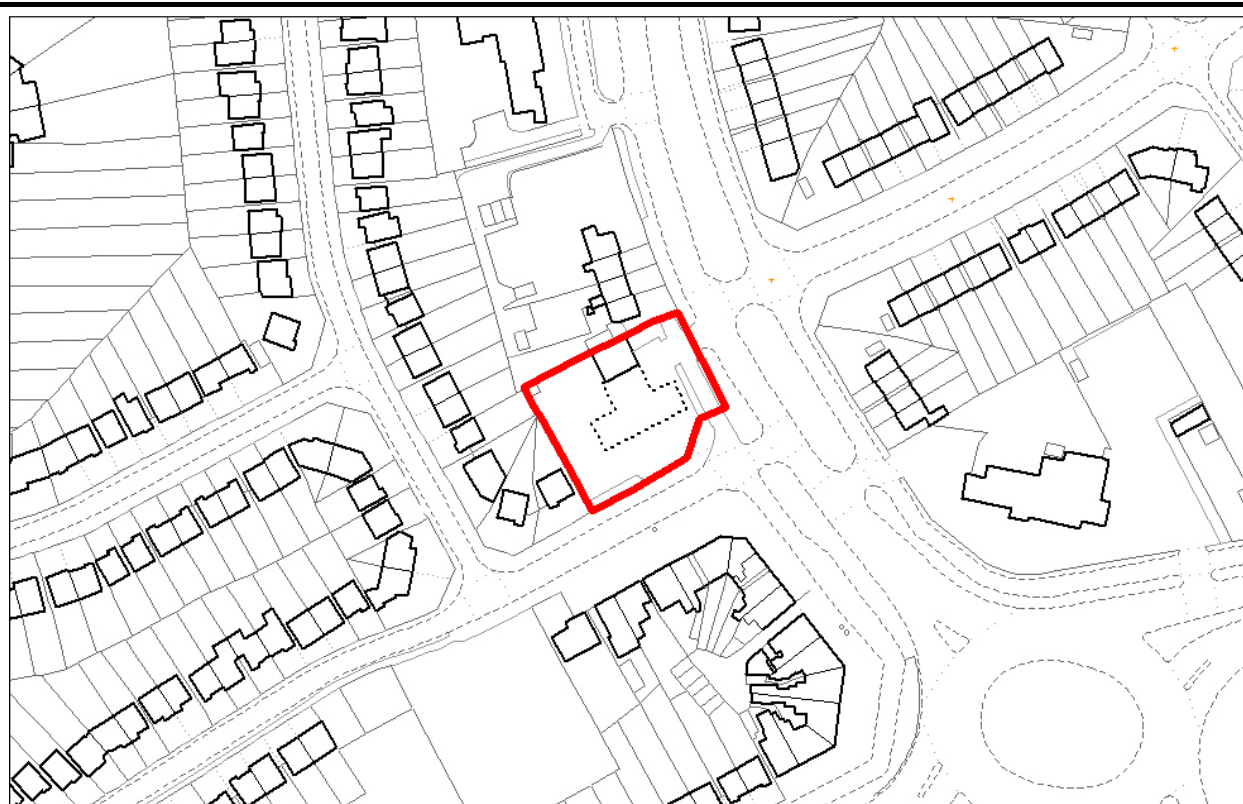
### **Reason for bringing to committee: Sensitive site with history**

**Application Number:** 09/1469/FL  
**Application Type:** Full application

**Applicant:** Mrs Gurpreet Duggal  
**Proposal:** Demolish existing petroleum filling station and erect a new dental surgery building.  
**Ward:** Pheasey Park Farm

**Case Officer:** Devinder Matharu  
**Telephone Number:** 01922 652487  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Masonwood Design Ltd  
**Location:** CORNER OF MORETON AVENUE & BEACON ROAD, GREAT BARR, B43 7BW  
**Expired Date:** 20/07/2010

### **Recommendation Summary: Grant Permission Subject to Conditions**



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### **Application and Site Details**

The site is situated on the corner of Moreton Avenue and Beacon Road and was last used as a petrol filling station. The site is currently derelict with security fencing around the boundary.

Immediately to the north and west of the site are houses in Beacon Road, Moreton Avenue and Stonehurst Road. The nearest property to the site on Moreton Avenue is a house that does not overlook the site. The house at No. 32 Beacon Road has two principal habitable room windows on the ground floor facing the boundary wall between number 32 and the application site. To the east on the opposite side of Beacon Road are further houses with a public house to the south east on the corner of Beacon Road and Queslett Road. To the south on the opposite corner of Moreton Avenue is the commercial element of the local centre with shops and services with residential above.

Queslett Road (A4041) forms the boundary between Walsall MBC and Birmingham City Council, with a large busy Asda Superstore situated on the opposite side of Queslett Road, in Birmingham.

Beacon Road (B4154) is a busy through route from Queslett Road (A4041) towards Barr Beacon and Aldridge.

The application proposes the demolition of the petrol filling station building and canopy and reclamation of the site prior to the erection of a new dental surgery. The proposed dental surgery fronts both Beacon Road and Moreton Avenue within Queslett Road/Beacon Road, Pheasey Local Centre. The proposed building is two storeys high, 7.8m in total and has a central entrance point consisting of a glass atrium at the junction of Moreton Avenue and Beacon Road. A total of 18 car parking spaces are proposed, the majority of these spaces are located around the perimeter of the site with landscaping as a mitigation measure for the adjoining residential occupiers. The entrance to the site would be from Moreton Avenue and the exit would be via the slip road fronting Beacon Road.

The ground floor would accommodate a reception area and four surgeries with associated facilities, for example : sterilisation rooms, staff shower room and WC's. The first floor would accommodate a staff training area, oral education suite, WC's, shower room, office and staff room, accessed via a staircase or a lift. Access to the building would also be available from the rear of the premises from the car parking area.

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

A Transport Assessment

A Design and Access Statement

A planting schedule

A shadowing plan

A model of the proposal has also been submitted and has been on public



display at the Collingwood Centre.

### **Relevant Planning History**

05/2481/FL/E3- Residential development for apartments. Application Withdrawn. 11-04-06.

06/0006/FL/E3- Retrospective application for change of use to hand car wash and valeting centre. Refused 12-07-06

06/1289/FL/E12, Erection of block of 12 apartments. Withdrawn 28-09-06. The applicant was unable to sign the S106 as they were unable to secure indemnities because of problems with land ownership.

07/0041/FL/E12- Change of Use to hand car wash and valeting centre. Refused 06-03-07.

07/2738/FL/E12, amended application for change of use to hand car wash and car valeting centre, including erection of protective screen and revised layout. Refused 20-03-08.

Enforcement Notice issued 22<sup>nd</sup> March 2007, appeal submitted on behalf of the applicant and dismissed and enforcement notice upheld 16<sup>th</sup> November 2007.

07/2342/FL/E10, ground floor retail units with first and second floor offices above. Refused 12-12-07.

Reason for refusal:

The proposed development fails to provide adequate parking, delivery and servicing facilities contrary to the aims of the development plan. As such the proposal is contrary to Policies, T7, T13 and GP2 of the Walsall Unitary Development Plan March 2005.

Subsequent appeal against the refusal allowed, subject to conditions 20-06-08

08/0695/FL, 12 x 2 bed and 2 x 1 bed apartments within a 2 ½ storey block and provision of one way access and 18 parking spaces, granted subject to conditions 18-07-08.

### **Relevant Planning Policy Summary**

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

### **Saved Policies of Walsall's Unitary Development Plan (2005)**

2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement.

GP1 - location of development will be guided by the principles of sustainable development and will involve locating facilities where they are accessible to everyone to minimise the need to travel, particularly by car.

GP2, 3.6 and 3.7 expects all developments to make a positive contribution to the quality of the environment by enhancing a high quality environment.

GP7 and 3.114 seeks to design out crime and increase safety

GP6 seeks to provide disabled access for disabled customers

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

3.115, ENV32, 3.116 and 3.16 - Poor design will not be acceptable and lists detailed criteria are listed for consideration when assessing the quality of design of any development and seeks to ensure a high quality design.

ENV33 and 3.117 Landscape design is an integral part of good design; opportunities to create and enhance environmental quality.

ENV39: Renewable Energy and Energy Efficiency  
Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

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

T13: Parking Provision  
Health centres and surgeries      4 car park spaces per consulting room  
S1 town centre uses incorporate community and health facilities in D1.  
Paragraph 5.2 The prime concern will be to sustain and enhance the vitality and viability of the local centre.  
S2 local centres – main concern to meet the day to day local needs of the community.  
S5 the boundaries of local centres are drawn tightly to concentrate investment and enhancement within them.

### **Supplementary Planning Document “Designing Walsall” (Feb 2008)**

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

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

DW2 – all new development must contribute to creating places that feel safe.

DW3 – all new development must be designed to respect and enhance local identity

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

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

DW9 new development must seek to ensure it creates places with attractive environmental quality

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20m<sup>2</sup> per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

### **National Policy**

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

PPS4: Planning for Sustainable Economic Growth, policy EC2 seeks to make the most efficient use of land, Policy EC4 supports small scale economic uses and services and Policies EC8 and EC10 seek to promote sustainable forms of transport, walking and cycling.

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

### **Consultations**

**Planning Policy** - No objection

**Transportation** – No objection subject to a condition relating to layout and highway works.

**Pollution Control Scientific Team** – No objection subject to a condition to address noise.

**Pollution Control Contaminated Team** – No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the former petrol station.

**Fire Service** – No objection

**Landscape** – No objection

**Environmental Health** – No adverse comments

**Building Control** – Notify building control of intention to demolish under section 80 of the Building Act 1980

**Severn Trent Water** – No objection subject to a drainage condition

**Access Officer** – No objection

**Urban Designer** – No objection

**Drainage** – No objection

**Arboricultural Officer** – No objections. There are a small group of trees on this plot and they are of little merit and they are not worthy of a TPO.

**Police** – No objection but mentions that the Design and Access Statement (DAS) does not make any reference to security. It is advised that the development is completed to Secure by Design and the following recommendations have been made:

- The gates and fencing adjacent the car park entrance and exit are of a sufficient height and robust construction to prevent unauthorised access outside of opening hours
- The gates should be lockable and have no climbing aids
- Any planting at the front of the should be maintained so as not to impede on surveillance
- Low level planting should be incorporated by car parking bays 1 and 15 to allow views into the rear of the site
- Consideration given to CCTV to cover the reception and car park
- Intruder alarm installed
- Minimum level of security to conform to PAS24 or LPS and windows to conform to BS7950

### **Public Participation Responses**

None

### **Determining Issues**

- Principle of development
- Design and impact on the character of the area
- Landscape
- The impact on neighbouring amenities
- The impact on parking and highway safety

### **Observations**

#### **Principle of Development**

Policy S1 of the UDP identifies health facilities as appropriate uses in local centres. Policies S2 and S5 seek to support investment in local centres and ensure any new development meets the day to day needs of local residents. In this case, the proposal would transform a derelict site into a dental surgery. Policy ENV14 seeks to encourage development on previously developed sites. It is considered that the development would enhance the vitality and viability of the Queslett Road/Beacon Road, Pheasey, Local Centre as outlined in policy 5.4 and therefore the proposal should be supported.

### **Design and impact on the character of the area**

The built environment surrounding the site is two storeys high. The proposed dental surgery is in keeping with the surrounding development in that it is also two storeys high and provides a significant building with active frontage within the local centre. The entrance to the premises is a glass atrium which adds character and interest to the development. The building would be finished in render, vertical and horizontal cladding, which would ensure the building, stands out in this prominent location. The proposal would sit in line with the adjoining residential properties on both Moreton Avenue and Beacon Road, which would reflect the character of the area. The design of the proposed building would enhance the character and appearance of the area and as such should be supported. A small boundary wall with railings on top would be erected on the frontage to secure the site.

The proposal would provide level access into the building from the street which would provide good access for disabled people. As such the proposal complies with Policy GP6 of the UDP and the Access Officer has no objection to the proposal.

The proposal provides an inbuilt cycle store area, and an area for refuse bins.

The Police Architectural Liaison Officer (PALO) has made a number of suggestions to secure the site to meet the aims and objectives of Policy GP7; which can be achieved by way of a planning condition. With regards to the comments made on the boundary gate and fence, the front boundary is 1.8m high which is considered to be an adequate boundary. If these gates and fences were any higher they would look out of character in the area. The gates would be lockable when the premises are closed for business.

### **Landscape**

The proposal includes landscaping within the site, in particular along the rear boundaries of the site bordering 2 Moreton Avenue and 32 Beacon Road. There would be some landscaping towards the front of the site. The Landscape Officer has no objection to the proposal and the Arboricultural Officer has advised that there are a small group of trees on site but they are not worthy of protection through a Tree Preservation Order. It is considered that the proposed landscaping would adequately compensate for the existing trees to be removed.

The PALO has suggested that the shrubs by car parking bays 1 and 15 should be of a low level. It is also considered that works should be undertaken to the canopy of the trees proposed in this location to allow surveillance into the site. A suitable landscaping condition is recommended which would also ensure that any proposed landscaping on site is maintained.

### **The impact on neighbouring amenities**

The proposed building is two storeys high which is consistent with other buildings in the area. The building would be set off the boundary by 11.8m from the boundary with 32 Beacon Road and 12.6m from the boundary with

Moreton Avenue. From the side elevation of Moreton Avenue and the front elevation of 32 Beacon Road the separation distances to the side elevation of the proposed building exceeds 15 metres, which meets the separation distances as set out in the UDP. There are no habitable room windows on the side elevation of 2 Moreton Avenue facing the application site, or any habitable room windows on the front elevation at first floor of 32 Beacon Road that faces the application site.

There are two principle habitable room windows on the ground floor at 32 Beacon Road. The views from these windows are obscured by the existing boundary wall. As the proposed development is set off the boundary, it is considered that the proposal would not result in any additional loss of light or amenity to these windows or the occupiers of this property. The submitted shadowing plan illustrates that any shadowing from the building would be within the application site and only the shadow of the existing boundary wall would fall onto the front drive of 32 Beacon Road.

The existing boundaries around the rear perimeter of the site would remain. Car parking is proposed along the boundary, the existing boundary wall would provide a sound barrier and the landscape would provide a visual break.

The proposed building is slightly higher than 2 Moreton Avenue (by 0.04m) and 0.01m higher than 32 Beacon Road. It is considered that the proposal in terms of its height and being set back from the boundaries would not impact on adjoining residential occupiers in terms of loss of amenity. The only windows at first floor on the proposed building belong to the corridor; it is considered that there is unlikely to be any overlooking from a landing window, even if an employee did look out of the window they would only see the side elevation of 2 Moreton Avenue and the blank front elevation of 32 Beacon Road.

At the rear of the building there are two surgeries, one facing the rear garden of 2 Moreton Avenue and the other facing the rear garden of 32 Beacon Road. However, from these windows to the edge of the boundary there is a 24m gap and a 23.6m gap respectively, which is considered sufficient to prevent any adverse impact, furthermore, the landscaping and car parking along the perimeter would provide a visual break from any direct overlooking of private amenity areas. Once the planting has established any views towards the rear gardens would be obstructed. Along the boundary with 2 Moreton Road there is existing landscaping which already provides some screening.

It is unlikely the proposal would result in any significant loss of amenity for the adjoining residential occupiers.

### **The impact on Parking and Highway Safety**

The proposal seeks to provide 18 car parking spaces which include 2 disabled spaces, in excess of the 16 required to comply with policy T13. Furthermore, the site is located in a residential area and in the local centre where

customers can walk to the premises and utilise local bus services to get to the surgery.

The proposal provides an integral cycle store with staff shower facilities which would encourage the use of alternative transport for employees.

The applicant has provided a Transport Statement which sets out the basic transport implications of the development. The development, being a dentist surgery operating an appointment based system, is likely to generate fewer vehicle trips than the present petrol filling station use with about 18 vehicles per surgery visiting the development on a daily basis equating to about 4 two way trips every half hour during the surgery operating times of 09:00 to 19:00. This compares to about 75 -100 two-way vehicle trips that visited the former petrol station.

The Highway Officer and the Fire Officer have no objection to the proposal.

### **Summary of Reasons for Granting Planning Permission**

The proposals bring into use a derelict vacant site, which would assist in enhancing the vitality and viability of the Queslett Road/Beacon Road Pheasey, Local Centre. The proposed development is two storeys and the design is in keeping with the character of the area. Landscaping has been incorporated into the scheme to visually enhance the development. Level access to the site is provided for disabled access. The site is within the local centre, which means that it is accessible for local residents. A cycle store has been provided to encourage sustainable travel for staff. Adequate car parking levels have been provided to prevent on street car parking. The proposal would not impact on the amenities of the adjoining residents, as such the proposal complies with saved policies 2.1, 2.2, 3.6, 3.7, GP2, GP1, GP6, GP7, 3.114, 3.116, 3.16, ENV32, ENV14, 3.115, ENV33, 3.117, ENV39, T7, T13, S1, 5.2 and S5 of the UDP, Policies DW1, DW2, DW3, DW4, DW6, DW9 and DW10 of the Designing Walsall SPD, and the advice given in PPS1, PPS4 and PPG13.

### **Recommendation: Grant Permission Subject to Conditions**

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

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

2) The development shall be carried out in accordance with drawing numbers:

- 0923.007B and 0923.01H submitted on 6<sup>th</sup> May 2010
- 0923.004A, 0923.005, 0923.008A and 0923.009A submitted on 20<sup>th</sup> April 2010

- 0923.02F, 0923.03E, 0923.010A and 0923.011 submitted on 21 June 2010.

*Reason:* To define the permission

3) No development shall commence on site until details of the:

- facing materials
- roofing materials
- details of the finish of the front glass atrium
- external finish of the railings fronting Moreton Avenue and Beacon Road
- details of the materials to be used to construct the dwarf wall fronting Moreton Avenue and Beacon Road

have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained and maintained at all times.

*Reason:* In the visual amenities of the area.

4) No development shall commence on site until details of the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being first brought into use.

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

5) No development shall commence on site until full engineering details of all improvements to the public highway (including the raised pedestrian crossing point in the service road, closure of the service road access point to Beacon Road, closure and reinstatement of redundant access points back to full kerb height and the creation of the new vehicle access point have been submitted to and approved in writing by the by the Local Planning Authority in consultation with the Highway Authority (and an agreement under S278 of the Highways Act 1980 entered into). The agreed works shall be fully implemented prior to the first occupation of the development.

*Reason:* In the interests of highway safety.

6) Prior to the development first coming into use, all vehicle manoeuvring areas, access ways and car parking areas shall be fully consolidated, hardsurfaced and suitably drained and the car park bays shall be clearly demarcated on the ground. These areas shall thereafter be retained and used for no other purpose.

*Reason:* To ensure the car parking area is available for use and to avoid on street parking.



7) The development shall not be brought into use until the works to the slip road are carried out as shown on plan number 0923.01H submitted on 6<sup>th</sup> May 2010 to the written approval of the Local Planning Authority in consultation with the Highway Authority.

*Reason:* In the absence of these essential works, the development would present an unacceptable risk to highway safety.

8) The landscaping scheme hereby approved as shown on plan number 0923.004A submitted on 20<sup>th</sup> April 2010 shall be implemented within 12 months of any part of the development being brought into use, or other such period as may be agreed in writing by the Local Planning Authority. 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 species as that originally required to be planted.

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

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

- I. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- II. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- III. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- IV. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- V. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

10) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

### **Notes for Applicant**

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

2) \* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

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

4) CL2 - When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land

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

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

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

Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

5) CL3 -Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. *This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.*

6) For the avoidance of doubt the Traffic Regulation Order would need to be secured and any outstanding costs must be payable by the developer

7) The following comments from The Police Architectural Liaison Officer should be taken into consideration in the development of the site:

- CCTV system to cover the reception area and rear car park
- An intruder alarm
- All doors to conform to PAS 24 or LPS 1175 security rating 2 or higher and all windows to conform to BS7950 with the performance standard relevant to the material of their construction
- The boundary treatment at the front of the site should have no climbing aids
- Landscaping adjacent car parking bays 1 to 15 should be maintained to allow surveillance of the site
- If the first floor is for staff use only, access control measures should be put in place to prevent unauthorised access into this area.

For more information and guidance please contact Mark Ledo at West Midlands Police on Tel 01922 439103





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### Reason for bringing to committee: Major application

**Application Number:** 10/0367/FL  
**Application Type:** Full application

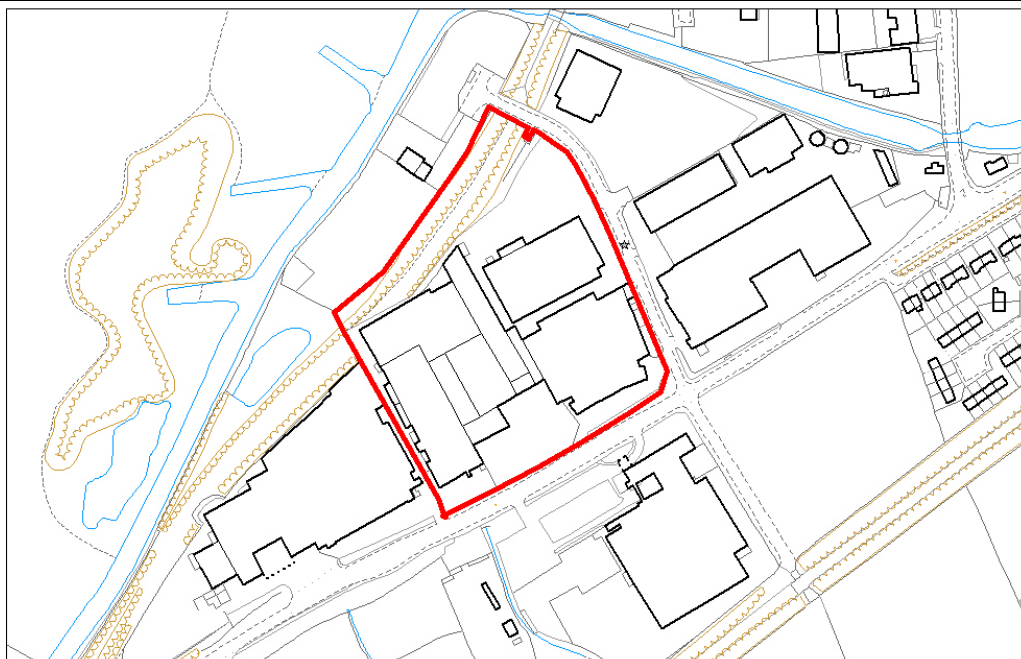
**Applicant:** Mar City Developments Ltd  
**Proposal:** Redevelopment of part of the former Wagon Automotive site to form North Walsall Council Highways Depot - a sui generis planning use class including; vehicle parking, vehicle fuelling & washing, MOT testing, workshops, storage and ancillary offices.

**Ward:** Brownhills

**Case Officer:** Andrew White  
**Telephone Number:** 01922 652429  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Mar City Developments Ltd  
**Location:** FORMER WAGON AUTOMOTIVE, PELSALL ROAD, BROWNHILLS, WALSALL, WS8 7HP

**Expired Date:** 12/07/2010

**Recommendation Summary:** Grant with conditions, subject to no new information raising new material issues



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## **Application and Site Details**

The proposal is to redevelop the former Wagon Automotive site in Pelsall Road, Brownhills to the North Walsall Depot facility for Walsall Council. The proposals include provision of administration offices, maintenance workshops, internal and external storage areas, parking for fleet vehicles and an MOT testing facility. The site will also accommodate highways contractor's operations including offices, fleet parking, storage facilities and a salt barn. These operations are being relocated from the current facility at Norfolk Place, Leamore.

The application site is 3.06 hectares and is located within a Core Employment Area at the junction of Pelsall Road and Apex Road. There is a scrap yard to the north of the site and other industrial/warehousing premises opposite the road junction. Part of the land owned by the applicant to the north west of the application site is within the Brownhills Common and the Slough Site of Importance for Nature Conservation (SINC). There is a dismantled railway line at the northern end of the site. The Wyrley & Essington Canal lies immediately beyond. The surrounding land beyond the industrial site to the north, south and west is Green Belt.

The site previously contained large industrial buildings and extensive areas of hardstanding for associated storage and parking. Following demolition only one building (marked as building A on the plans) is to remain. It would be refurbished to provide offices, a crush hall, office filing/storage, workshop, and MOT testing area. There are three new buildings proposed. Building B is a salt barn, building C is for storage and building D is the contractor's offices relocated from the Leamore depot, totalling 1057 sq m of additional floor space.

It is proposed to have separate entrance and exit points for the various component uses on the site in both Apex Road and Pelsall Road. The proposals show 136 spaces for fleet parking, 180 spaces for car parking, 30 spaces for the contractor's fleet parking and 32 spaces for contractor's parking (378 total spaces).

The external storage area is 2250 sq m and is located in the northwest corner of the site. A vehicle wash and fuel pump are indicated within the centre of the site and cycle plus smoking shelters proposed near to building A.

The proposed landscaping is limited to new tree planting and low level planting within a small landscaped strip along the Pelsall Road frontage.

The depot is to operate between 05.00 hours and 17.00 hours Mondays to Fridays and out of hours use between 17.00 hours and 21.00 hours Mondays to Fridays and between 05.00 hours and 19.00 hours Saturdays, Sundays and Bank Holidays.

The following documents submitted in support of the proposals: Design & Access Statement, Traffic Impact Assessment, Geo-Environmental Assessment, Flood Risk Assessment, Ecological Survey & Evaluation Report plus the applicants are now offering a strip of land to mitigate ecology, Arboricultural Report, Report on Noise Impact and Bat Survey.

### **Relevant Planning History**

None.

### **Relevant Planning Policy Summary**

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

### **Unitary Development Plan**

GP1: Supports the sustainable location of development.

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

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

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

ENV2: Highlights considerations of proposals within or adjacent to the Green Belt and states development is inappropriate if it conflicts with the openness and purposes of the green belt.

ENV3: Identifies more detailed considerations for proposals in the Green *(the site is adjacent to the Green Belt)*.

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

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

ENV19: Seeks to protect Sites of Importance for Nature Conservation from development that would directly or indirectly destroy, damage or adversely affect them.

3.16, GP7, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

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

ENV34: Requires provision of public art to enhance the quality of the public realm

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

4.4 & JP5: Core Employment Areas are locations of strategic importance and will be safeguarded for core employment uses. Proposals for other uses will

only be permitted where; a need would be met which could not be satisfied elsewhere in the Borough or, the range and quality of employment opportunities would be significantly increased.

7.1: Seeks to promote an efficient highway network;

T4: Stringent traffic calming measures will be used to deter through traffic and reduce traffic speeds and ensure the environment and safety of these streets is protected.

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

T10, T11 & T12 – Specifies accessibility standards for new developments

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

## **Supplementary Planning Documents**

### **Designing Walsall SPD**

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

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

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

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

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

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

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

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

### **Conserving Walsall's Natural Environment SPD**

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.

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

## **National Policy**

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

PPS9: Seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

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



PPS24: Seeks to minimise the adverse impact of noise.

PPS25: Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

## **Consultations**

**Planning Policy** – No objections in principle provided the site could be returned to core employment use in the future. The proposal is for a sui generis use on a core employment site that has come forward as a “windfall” case. Policy JP5 (b) states that where such cases come forward for reuse or redevelopment they will normally be safeguarded for core employment uses including Class B1b (research & development), B1c (light industry), B2 (general industrial) and B8 (storage or distribution). The proposed use therefore falls outside these categories.

However, the following exceptional circumstances apply:

- The relocation of the Council depot from its present site, which is constrained by housing (and is indeed an allocated housing site), to a site within an industrial area is in the interest of amenity in the north Walsall area will help to realise longstanding UDP objectives in this area.
- The urgent need for improvement of the layout and arrangement of the existing depot, and the relative cost and difficulty of upgrading the existing facility to meet acceptable standards.
- The previous difficulties of finding an appropriate site for this use.
- In the long term, the emerging Core Strategy sees the Coppice Side/Apex Rd area as providing capacity for local quality employment uses, which would include sui generis uses (although this is of limited weight, given that it has not yet been adopted).
- The emerging Core Strategy (policy WM3, Table 18) identifies a need for a new waste management depot in Walsall Borough, which this proposal would address (see Core Strategy Policy WM3, Table 18).
- The depot is an essential element of the Council’s waste management infrastructure
- Although Brownhills is not an ideal location for a Council depot as it is not central within the Borough, sites of sufficient size for a new depot are few and far between, given that it requires a site of at least 2–3 hectares.

On balance the exceptional circumstances relating to this proposal are sufficient to outweigh JP5’s restriction to core employment uses, and the proposal should be allowed. However there should be a condition to ensure that if the site were to be vacated by the proposed operator at a later stage, it should return to core employment uses, in view of the need to comply with policy JP5 (b).

**Transportation** – No objections subject to safeguarding conditions

**Pollution Control (Scientific Team)** – No objections in principle. At the present time there are no noise implications for this site as noise sensitive development is sufficiently distant from the site. However, a noise assessment report has been provided to record present levels for future reference.

**Pollution Control (Contaminated Land)** –No objections subject to further details of ground gas ingress protection measures and surface water drainage to be agreed with Local Planning Authority prior to their implementation. Conditions to ensure satisfactory development and protection to both site users and the wider groundwater environment have been submitted for attachment to any approval granted

**Environment Agency** – No objections subject to safeguarding conditions relating to flood risk/drainage, contamination, fuel delivery system and pollution

**Arboricultural Officer** – No objections.

**Ecology** – No objections subject to conditions. However, the design and layout takes no account of the site location adjacent to a Site of Importance for Nature Conservation (SINC) and partially within a wildlife corridor. It is also only a short distance away from the Clayhanger Site of Special Scientific Interest (SSSI) on the south side of Pelsall Road. The vegetation along the disused railway embankment along the northern boundary of the site has also been removed.

Policy ENV23 requires habitat retention and enhancement in key locations such as this site. There is scope for habitat creation on land within the applicant's control immediately to the west of the application site.

It is recommended that a strip of land adjacent to the western boundary of the application site is set aside for habitat creation. This would replace the loss of wildlife habitat on the railway embankment and provide a wildlife corridor between the Brownhills Common and the Slough SINC and Clayhanger SSSI. Land within the applicant's ownership within the SINC should be brought into management as part of this application. Both these amendments to the scheme can be secured through planning conditions.

Consideration should also be given to strengthening the quantity and quality of the landscape treatment along the road frontages to the south and east of the application site.

**Landscape** – No objections subject to provision of a detailed landscape scheme showing plant species. This should demonstrate how planting will be established on the steep embankment/noise bund and narrow strip along the site boundary. Green walling on the blank elevations of the depot building is recommended. Landscaping should take account of existing trees to be retained and ecological requirements.

**Drainage** – No objections.

**Natural England** – Objects on the basis that there is no evidence of a further bat emergence survey being carried out, incorporation of land within the SINC within the application site and potential run-off from the car park and salt storage that could impact on the SINC, insufficient compensatory wildlife habitat and potential increases of illumination on protected habitats

**Severn Trent Water** – No objections.

### **Public Participation Response**

None received

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

### **Determining Issues**

- Principle of development in Core Employment Area
- Layout and Design
- Impact on the character and appearance of the surrounding area
- Access and parking
- Ecology and Landscaping
- Public Art

### **Observations**

#### **Principle of development in Core Employment Area**

The proposal is for a sui generis use within a core employment area that is safeguarded for Class B1b, B1c, B2 and B8 purposes. Whilst the use does not strictly accord with policy JP5 (although it is industrial in character and includes elements of B2 and B8 use) there are exceptional circumstances to justify this proposal that outweigh the need to protect the site for the above employment uses.

The present Council depot in Leamore is constrained by surrounding housing and is an allocated housing site in the UDP. There is a need to improve the layout and arrangement of the existing depot but the relative cost and difficulty of upgrading the facility to meet required standards has proved difficult. There has also been difficulty in finding an appropriate alternative site for the depot use. In the long-term the Core Strategy sees this area in Brownhills as providing capacity for local quality employment uses, which would include sui generis uses. Policy WM3 of the emerging Core Strategy identifies a need for a new waste management depot in Walsall. The depot is essential to the Council's waste management infrastructure. It is also noted that the site would provide employment for 300 employees.

It is considered that for the reasons above and given the proposals offer employment opportunities and re-use of a vacant brownfield site within the urban area that they are acceptable in principle.

### **Layout and Design**

The proposal seeks to refurbish the existing building near the road junction with parking to the north and south west of the site, external storage in the northwest corner of the site and new landscaping alongside the Pelsall Road frontage. The highways contractor operations are located to the north of the main depot operations and the buildings are in alignment broadly with the edge of the external stores for the main depot. The retention and refurbishment of the building at the road junction allows a presence to be retained to the site frontage.

The character and design of the buildings is typical of industrial buildings being utilitarian in appearance, there maybe scope to enhance their appearance with additional landscaping.

Pollution control is aware of contamination issues on the land and it is anticipated that provision of details on the construction methods and drainage from the site can address potential issues. At this time details of the salt barn and storage building do not specify foundation design. In addition, details of surface water drainage on the site have also not been confirmed. These highlight issues relating to the control of salt and other contaminants from proposed site activities in the environment and also via drainage in to ground water. Secondly, elevated levels of carbon dioxide have been recorded in the ground in areas of the site. The ground investigation undertaken previously advised that gas ingress protection measures should be implemented in buildings. Whilst the buildings are not for habitation, due to the largely hard-scaped nature of the site, which effectively limits natural dispersion of gas, foundations may enable preferential pathways for ground gas in to enclosed spaces and therefore present potential hazard to site users entering the buildings. It is therefore considered necessary that gas ingress protection measures are incorporated in their design.

### **Impact on the character and appearance of the surrounding area**

The character of the immediate vicinity of this part of Pelsall Road and Apex Road is industrial and part of the core employment area. The nearest surrounding occupiers are industrial and commercial premises. The site was formerly used for industrial purposes and the proposed use of this site as a Council depot is also industrial in character there will not be any significant adverse effect in terms of the proposed uses on site or character of appearance of the site within the surrounding area.

Whilst the proposal is confined to the existing industrial/commercial envelope of land, beyond this to the north, south and east there is Green Belt land. There would be fewer buildings and the proposals are considered to not have

an adverse impact on the character and appearance of the Green Belt or canal corridor.

### **Access and parking**

In terms of the parking requirement the proposed development is considered to be sui generis and the level of parking provided needs to be based upon the requirements of the user. 184 parking spaces are proposed (excluding the service vehicle parking) which is slightly above the present 180 spaces at the current depot site. Motor cycle and cycle parking is also to be provided.

With regard to the potential impact of the development on the local highway network, information contained within the Transport Assessment from the end user provides details of the expected shift patterns and hence expected vehicle trips to the development. This shows that the trips generated will be mainly outside the normal highway peak periods of 8:00 am to 9:00am, 5:00pm to 6:00pm. A TRICS analysis (a nationally recognised data base for calculating trip generation) compares the existing trip generation based upon the former factory use of over 15,000sqm gross floor area with the proposed use and the number of car parking spaces (there is no Depot category on the database for a direct comparison). This comparison shows that, as a worst case scenario, there will be a potential increase in vehicle trips in the am peak hour from 109 to 118. Taking into account the proposed development will have shift patterns that will mainly generate trips outside the main peak hours. It is considered that the small potential increase in trips as a result of the proposed development is unlikely to have a significant detrimental impact on the local highway network.

There are no personal injury accidents recorded at the junction of Apex Road and Pelsall Road in the last five years and, whilst there is physical evidence that the geometry of the signal junction is not entirely satisfactory in that guard railing has been damaged on the radii presumably by HGV's accessing and egressing Apex Road, it is unlikely that the proposed development will make the present situation any worse and therefore it could be considered unreasonable to request the applicant to enter into S278 works for improvements to the junction.

### **Ecology and Landscaping**

Proposed landscaping is limited to the Pelsall Road frontage as a necessity for space within the site to accommodate the proposed uses.

The Bat Survey concludes that no bats were roosting in any of the buildings and the emergence survey confirmed that heavy illumination of the existing site and high noise levels were likely to prevent occupation of any of the buildings by bats. The Council's ecologist accepts that a further bat emergence survey is unlikely to highlight the presence of bats. However, Natural England maintains an objection on this basis.

The proposals are immediately adjacent to the SINC and are partially within a wildlife corridor (northern boundaries). The Ecology officer recommends that

compensation for development within these areas and removal of vegetation along the disused railway embankment should be sought from the developer to provide a replacement area of land for creation of a wildlife habitat. This is recommended to be along the western boundary of the site within land owned by the applicant. This would provide a wildlife corridor between Brownhills Common and the Slough SINC and the Clayhanger SSSI to the south. A revised layout plan has been sought to illustrate this compensatory wildlife habitat.

Natural England are also concerned that run-off from the car parking areas and the salt barn has the potential to adversely affect the SINC during periods of heavy rain. A drainage scheme is to be provided at a later date which should ensure that satisfactory drainage is accommodated that would not detrimentally impact the SINC.

On balance it is considered that suitable mitigation measures can be implemented to compensate for the potential impact upon the SINC and wildlife corridor and that the benefit the facility will offer to the borough in terms of providing this essential piece of waste management infrastructure weigh in favour of the proposals.

### **Public Art**

Under the requirements of policy GP3 and ENV34 of UDP and DW9 of SPD: Designing Walsall the proposals attract the need for provision of Public Art. The threshold for non-residential development given in policy DW9 is 1000 sq m and above specifying that a developer contribution is required. It is recommended that this is secured through a condition.

### **Summary of Reasons for Granting Planning Permission**

Whilst the introduction of a sui generis use into the core employment area does not strictly accord with policy JP5, the proposed use is industrial in character and would support 300 jobs. There are also considerations that outweigh the need to safeguard the land for B1b, B1c, B2 and B8 purposes including the relocation of the Council depot from its present constrained by housing site, to an industrial area to protect amenity of existing residents, whilst realising longstanding UDP objectives, the urgent need to improve the layout and arrangement of the existing depot, the cost and difficulty of upgrading the existing facility to meet acceptable standards, the difficulties of finding alternative site for the depot use, the emerging Core Strategy (policy WM3, Table 18) which identifies a need for a new waste management depot in Walsall Borough, which this proposal would address. The depot is an essential element of the Council's waste management infrastructure and although Brownhills is not an ideal location for a depot as it is not central within the Borough, sites of sufficient size for a new depot are few and far between, given it requires a site of at least 2–3 hectares. The site can still revert to core employment uses in the future.

The proposed layout utilises the existing building at the highway junction with parking and storage areas throughout the site. The proposed new buildings would not be out of place in this industrial area and would not be prominent within the street scene. The proposed landscaping to Pelsall Road would improve the visual appearance of the site whilst screening some of the car parking areas. The proposal has no greater impact on the character of the area than the previous industrial use.

The development is considered to be sui generis and the level of parking, 184 spaces, to be provided is based upon the requirements of the user, which is slightly above the present 180 spaces at the current depot site. Motor cycle and cycle parking is also to be provided.

The proposed development will have shift patterns mainly generating trips outside the main peak hour. It is considered that the small potential increase in trips as a result of the proposed development is unlikely to have a significant detrimental impact on the local highway network. There are no personal injury accidents recorded at the junction of Apex Road and Pelsall Road in the last five years and, whilst there is evidence that the geometry of the junction is not entirely satisfactory it is unlikely that the proposed development would not make the situation any worse.

The bat survey states no bats were found on site and given the proposed illumination of the site and high noise levels, a further emergence survey is unlikely to highlight the presence of bats. Despite the objection by Natural England the Council Ecology officer accepts there is no need for a further survey. It is recommended that 0.47 hectares of land is provided adjacent to the site as compensation for loss of vegetation along the railway embankment and that this is used to create a wildlife habitat and wildlife corridor between the SINC and Clayhanger SSSI. Natural England's concern over drainage can be resolved via a suitably engineered solution.

In light of the above, the proposals are considered to accord with the aims of policies GP1, GP2, GP3, GP7, 2.2, 3.6, 3.7, 3.21, 3.16, 3.116, 3.117, ENV1, ENV2, ENV3, ENV14, ENV18, ENV19, ENV23, ENV24, ENV32, ENV33, ENV34, ENV40, 4.4, JP5, 7.1, T1, T4, T7, T10, T11, T12 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

**Recommendation: Grant with conditions, subject to no new information raising new material issues**

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

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

2. The works hereby approved shall only be carried out in accordance with details contained within the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject;

Location Plan (1025-100 Rev B) received 19/07/10  
Site Layout (1025-101 Rev F) received 19/07/10  
Building A Plans Existing & Proposed (1025-102) received 30/03/10  
Building A Elevations Existing & Proposed (1025-150) received 30/03/10  
Building B & C Plans & Elevations (1025-103 Rev B) received 12/04/10  
Building D Plans & Elevations (1025-104) received 12/04/10  
Landscaping (1025-104) received 30/03/10  
Design & Access Statement Revision A (March 2010) received 30/03/10  
Traffic Impact Assessment prepared by Elite Engineering Design Services Ltd (Jan 2010) received 30/03/10  
Geo-Environmental Assessment prepared by WSP (Nov 2008) received 30/03/10  
Flood Risk Assessment prepared by Chris McTague (February 2010) received 30/03/10  
Draft Ecological Survey & Evaluation Report prepared by Mar-City (September 2008) received 30/03/10  
Arboricultural Report prepared by Jonathan Hazel of Parkwood Consultancy Services (09065/1) received 30/03/10  
Tree Survey Drawing 001 received 30/03/10  
Report on Noise Climate prepared by Hoare Lee Acoustics received 30/03/10  
Bat Survey prepared by Biocensus (October 2008) received 30/03/10  
Habitat Plan received 30/03/10

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

3. The approved tree protection measures detailed in the Arboricultural Impact Assessment by Parkwood Consultancy Services dated 9 January 2010 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005

*Reason:* To safeguard the trees on the site.

4. Prior to the commencement of development details of replacement and new tree planting (including species, size and location) shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be planted within one year of the commencement of this development and maintained thereafter unless the local planning authority agrees in writing to any variation.

*Reason:* To safeguard the future of the trees on site after completion of the development.



5. Prior to commencement of development a scheme for the incorporation of new wildlife habitat is submitted to and approved in writing by the Local Planning Authority. The scheme shall cover at least the area detailed in green illustrated on the location plan (drawing number 1025 100 rev B received 19/7/10) in extent and reflect the habitats present on the Brownhills Common and the Slough Site of Importance for Nature Conservation and provide both habitat and structural diversity. The scheme shall be implemented within 6 months of any part of the approved development being brought into use and retained and managed thereafter.

*Reason:* To replace and enhance wildlife habitat in the neighbourhood in accordance with UDP policy ENV23: Nature Conservation and New Development.

6. Prior to commencement of development a management plan for both the part of the Brownhills Common and the Slough Site of Importance for Nature Conservation within the application site and the new habitat created required as part of planning condition 5 is submitted to and approved in writing by the Local Planning Authority. The management plan shall cover a period of at least 10 years and follow a nationally approved format for ecological management plans. Practical management works shall commence within 6 months of any part of the approved development being brought into use.

*Reason:* To manage and enhance wildlife habitat in the neighbourhood in accordance with UDP policy ENV23: Nature Conservation and New Development and the Council's Supplementary Planning Document: Conserving Walsall's Natural Environment (2008)

7. Prior to the commencement of the development a scheme of lighting for the whole site shall be submitted to and approved in writing by the local planning authority and thereafter maintained in accordance with the agreed details unless agreed in writing by the local planning authority. The scheme shall demonstrate that no additional light spill will illuminate the Site of Importance for Nature Conservation.

*Reason:* To protect the Site of Importance for Nature Conservation.

8. Prior to commencement of development a detailed landscaping scheme (that includes an ecological dimension), including spatial arrangement of proposed soft landscaping, species, numbers and size of all shrubs and trees, topsoil depths and specifications and staking details of proposed trees as well as any necessary phasing of implementation, are submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall

be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

*Reason:* In order to safeguard the visual amenity and natural environment of the area.

9. Prior to the commencement of the development full details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such unless otherwise agreed in writing by the local planning authority.

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

10. Prior to the commencement of the development Autotrack swept paths shall be submitted for approval in writing by the Local Planning Authority, in consultation with the Highway Authority, demonstrating that the largest vehicles expected to use the new vehicle access points to the proposed 'Highways Contractor Area' from Apex Road, can satisfactorily access and egress the site. Any revisions to the access/egress points required as a result shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved details of the access, egress to the highways contractor area shall be fully implemented and maintained there after.

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

11. Prior to the commencement of the development full structural details of the fuel delivery system illustrating the installation, including the tank, its surround, associated pipework and monitoring system must be submitted to and approved by the Local Planning Authority. The development shall be completed with the approved details and retained as such unless otherwise agreed in writing by the local planning authority.

*Reason:* To protect the groundwater quality in the area.

12. Prior to the commencement of the development, full details of the proposed cycle shelter (to be covered, secure and illuminated) shall be submitted for approval in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such unless otherwise agreed in writing by the local planning authority.

*Reason:* In the interests of supporting sustainable modes of transport

13. Prior to the commencement of works, details of ground gas ingress protection measures for the proposed salt barn and storage building shall be agreed in writing with the Local Planning Authority. Validation of satisfactory

installation shall be submitted to the Local Planning Authority prior to the buildings coming in to use. (See not to applicant.)

*Reason:* to ensure that satisfactory protection from ground gas ingress to the buildings is achieved.

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

1. A preliminary risk assessment which has identified:

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

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

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

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

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

*Reason:* To prevent the pollution of controlled waters.

15. Prior to the development first coming into use, the following works within the public highway;

- the proposed vehicular footway crossings to serve the northern-most access/egress points in Apex Road,
- the reinstatement of the redundant existing footway crossing in Pelsall Road back to full kerb height and footway levels,

Shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

*Reason:* In the interest of the satisfactory completion of the development.

16. Prior to the development first coming into use, all car parking areas, access ways and vehicle manoeuvring areas shall be fully consolidated, hard surfaced, suitably drained, the parking bays and roadway directional markings shall be clearly demarcated on the ground. These areas shall be retained and maintained for these purposes only.

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

17. Prior to the commencement of the development a surface water drainage scheme for the site, based on sustainable drainage principles (to include details for provision for surface run-off from the car park and salt barn) and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

*Reason:* To prevent the increased risk of flooding, to improve and protect water quality, in the interests of the amenity, to protect the SINC and ensure future maintenance of the surface water drainage system.

18. Within 12 months of the date of this approval a Public Art Statement shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the following:

1. A description of the relationship between the Public Art Statement and the Local Authorities' public art policies and or strategies
2. Details of the appointed artist's contribution to devising the public art proposals
3. Description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects, other design professionals, community members and/or other individuals as appropriate to the proposals
4. Timescales for the development and implementation of all the public art
5. Training opportunities where available for less experienced artists or other professionals
6. Details of ownership, maintenance and de-commissioning of public art
7. Budget allocations relating to all of the above criteria.

The piece of art shall be provided and thereafter retained in accordance with the details approved within the Public Art Statement and once installed shall be thereafter retained and maintained.

*Reason:* In order to meet the requirements of saved policy ENV34 of the UDP and policy DW9 of Designing Walsall in relation to public art provision.

19. Notwithstanding the details provided the southern-most vehicle access point in Apex Road to serve the proposed 'Highways Contractor Area' shown on the approved plan titled site layout 1025/101/Rev E, shall be a vehicle entrance only. At no time shall vehicles exit the site at this point.

*Reason:* In the interests of highway safety.

20. Notwithstanding the details provided the northern-most vehicle access point in Apex Road to serve the proposed 'Main Fleet Parking' area shown on the approved plan titled site layout 1025/101/Rev E, shall be a vehicle entrance only. At no time shall vehicles exit the site at this point.

*Reason:* In the interests of highway safety.

21. Notwithstanding the details provided the existing southern-most vehicle access point in Apex Road, closest to the Pelsall Road junction, shown on the approved plan titled site layout 1025/101/Rev E, shall be a vehicle entrance only. At no time shall vehicles exit the site at this point.

*Reason:* In the interests of highway safety.

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

*Reason:* To prevent the pollution of controlled waters.

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

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

## **NOTES TO APPLICANT**

Condition 13: When designing ground gas ingress protection measures regard shall be had to British Standard BS8485:2007 "Code of practice for the characterization and remediation from ground gas in affected developments"; Building Research Establishment guidance BR 212 "Construction of new buildings on gas contaminated land"; or any relevant successors of such guidance. Validation reports will need to contain details of the "as installed" remediation. For example photographs of ground gas membranes, and structure details should be provided.

Condition 17: Information submitted to discharge this condition must be in accordance with the recommendations of the Flood Risk Assessment, produced by Mar City Developments and dated February 2010.

Condition 19: There is inadequate visibility along Apex Road in a southerly direction at this point as a result of the boundary fence and bend in the road.

Condition 20: There is inadequate visibility along Apex Road in a northerly direction at this point as a result of the boundary fence and bend in the road.

Condition 21: Whilst this is existing, the position of this access is beyond the stop line to the signalised junction and therefore any vehicle exiting the site at this point will be blind to the phasing of the signals which is detrimental to highway safety.

### **Vehicle Wash Down Area**

Vehicle wash-down waters are classified as "trade waste", and as such should be disposed of to the main foul sewer with the prior approval of the Local Sewerage Undertaker. New connections to the sewerage system may be subject to Building Regulation approval. The Environment Agency would recommend that the installation of a water recycling system should be considered where large volumes of water are used or no foul sewer is available.

If detergents are to be used for degreasing cars, the effluent should be discharged to sewer and not via the surface water system.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

All foul drainage, including contaminated surface water runoff, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse.

The Agency wishes the applicant to comply with Pollution Prevention Guidance Note 13, a copy of which is enclosed.

<http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-e.pdf>

### **Environmental Permitting Issues**

An Environmental Permit or an exemption from the requirement to hold a permit may be required. The applicant is advised to contact the Environment Agency's National Permitting team via the Customer Contact Centre on 08708 506506 to discuss this.

### **Installation of New Fuel Delivery Systems**

We recommend that fuel dispensing facilities should be installed in accordance with the recommendations and good practice detailed within the following publications:

- ☐ Pollution Prevention Guidelines (PPG) 7: 'Fuelling Stations – Construction and Operation' and PPG 27: 'Installation, Decommissioning and Removal'

- of Underground Storage Tanks’.
- ‘Guidance Note for the Control of Pollution (Oil Storage) (England) Regulations 2001’ DEFRA.

The oil storage facilities on site must comply with the Control of Pollution (Oil Storage) (England) Regulations 2001, by complying with all of the following general requirements:

- Oil should be stored in a container of sufficient strength and structural integrity
- The container should be situated within a secondary containment system either bunded to not less than 110% of the container's total storage capacity or 25% of the aggregate storage capacity, whichever is greatest
- The container must have an impermeable base and walls

Tanks and associated pipe work containing substances included in List I of the EC Groundwater Directive (80/68/EC) should be of double skinned construction and be provided with intermediate leak detection equipment.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

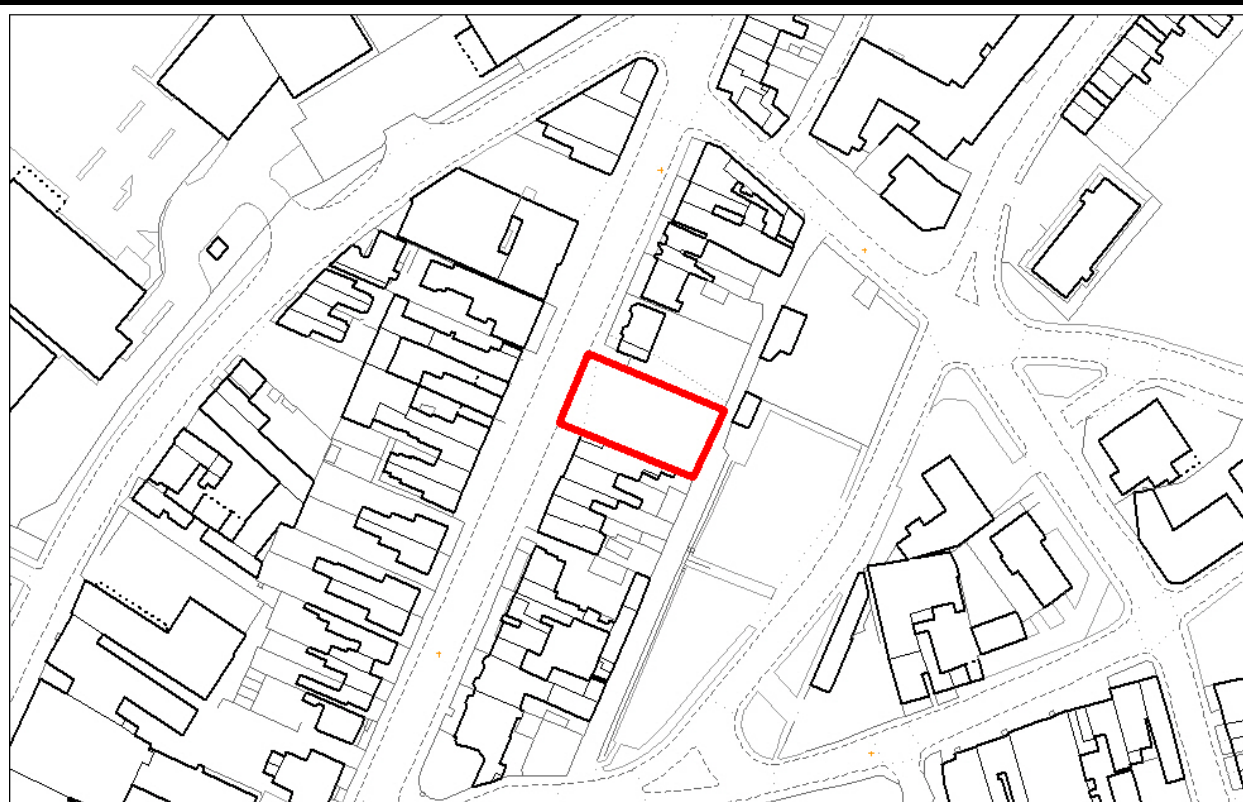
### Reason for bringing to committee: Major Application

**Application Number:** 10/0613/TE  
**Application Type:** Extend Time Limit

**Applicant:** Dennis Berry Ltd  
**Proposal:** Time Extension Application: Four storey development to provide 22 flats with associated undercroft car parking  
**Ward:** St. Matthews

**Case Officer:** Karon Hulse  
**Telephone Number:** 01922 652492  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Stanton Andrews  
**Location:** 37-38 Bradford Street, Walsall, WS1 3QA  
**Expired Date:** 17/05/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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## **Application and Site Details**

This application seeks consent to extend the time period to implement the previously approved application reference number 07/1795/FL/W5 to provide twenty flats with associated underground parking.

The previously approved details include the construction of a new four storey building to accommodate 20 flats with 20 parking spaces in an underground car park accessed from Bradford Lane, which also provides 9 bicycle stands. The Bradford Street frontage is four storeys with a pedestrian entrance to the side and the scale of the building has been designed to fit in with the existing streetscape and will mirror the heights of buildings on either side and replicate features of nearby buildings.

Clearly the current economic climate has impacted upon the ability of developers to act on planning decisions at the moment and in order to allow the planning consent to be pursued in the future the applicant seeks to extend the time period.

Other details of the previous approval include provision of an internal car lift to the underground car park and a slabbed front amenity area with metal railings around it to match adjacent properties. Some of the apartments will look out over Bradford Street and Bradford Lane whilst others will be inwardly facing over the small central courtyard area. The courtyard will be utilised for recreational purposes such as sitting out areas, meeting areas, as well as creating a visual focal point for the development. Access will be provided for some apartments onto private balconies and roof terraces which wrap around the front and side of the block fronting onto Bradford Street and above the apartments at the rear of the site.

All floors will be accessed by lifts.

## **Relevant Planning History**

09/1360/FL - Temporary change of use to public car park (For 3 Years).  
Granted permission December 2009

07/1795/FL/W5 - 4 storey development to provide 20 flats with associated undercroft parking. Granted December, 2007.

Other relevant planning history is as follows :

02/0219/FL/W4 - Outline Change of Use and extensions to provide 14 flats.  
Refused for reasons of impact on conservation area and regeneration scheme and poor quality of proposed development.

## **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 premises are within the Bradford Street Conservation Area.

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

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

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

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

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

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

3.6...Development and redevelopment schemes should help improve the environment...considerations set out in GP2.

3.7...proposals will seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV29: determine development (character and appearance of a Conservation Area) in terms of:-

- ~ degree of loss / alteration which makes positive contribution to character of area.

- ~ impact of new buildings on special townscape.

- ~ scale, massing, siting, layout, design or choice of materials used in any new building or structure.

- ~ use / anticipated levels of traffic, parking etc.

ENV14: Development of Derelict and Previously-Developed Land and 3.9

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

ENV29: Conservation Areas

ENV31: Continued Protection of the Historic Built Environment

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

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

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

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

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

above: 3 spaces per unit and in town centres will negotiate an appropriate level of parking provision.

T13 (a (vi))...in town centres will negotiate an appropriate level of parking provision.

S8... investment in housing development within and close to Town, District and Local Centres will be encouraged, both on new sites and through the conversion of existing buildings...proposals must achieve satisfactory residential environment, support not prejudice centre's retail, commercial and leisure functions, including the growth of the evening economy.

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

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

## **Supplementary Planning Documents (SPD)**

### **Designing Walsall SPD**

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

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

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

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

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

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

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

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

Appendix D: Sets out the thresholds and contributions sought towards public art from residential developments over 15 dwellings.

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

### **Affordable Housing SPD**

Sets out the thresholds, tenure, mix and type of affordable housing sought from residential developments to a maximum of 25% for developments over 15 dwellings.

### **Natural Environment SPD**

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

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

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

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

Protection is proposed for protected animals, plants etc.

### **Urban Open Space SPD**

Sets out the thresholds and contributions sought towards urban open space from residential developments over 10 dwellings.

### **Education SPD**

Sets out the thresholds and contributions sought towards education from residential developments over 10 dwellings.

### **Regional Planning Policy**

The Regional Spatial Strategy currently remains relevant though the Government are reviewing its status. Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes. The strategic implications of this application are, however, modest.

### **National Policy**

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS4 - Planning for sustainable economic growth, PPG13 - Transport, PPG24 - Planning and Noise, PPG25 - Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

### **Consultations**

**Transportation** - no objections

**Police Architectural Liaison Officer** - no objections

**Pollution Control, Contaminated Land** - no objections

**Pollution Control, Scientific Team** - no objection subject to condition numbers 10, 11 and 12 from the original planning permission 07/1795/FL/W5 being re imposed.

**West Midlands Fire Service** - no objections

**Environmental Health** - no objections

**Regeneration (Urban Design)** - no objections

**Regeneration (Built Conservation)** - no objections

**Walsall Children's Services (Serco)** - no objections subject to financial contribution of £25,418.69.

## **Public Participation Responses**

None

## **Determining Issues**

Material alterations to details

## **Observations**

### **Material alterations to details**

The principle of the development, density, urban design, conservation matters, car parking and access were all previously considered and with the imposition of conditions to restrict and control the site were considered acceptable, appropriate and in accordance with the town centre policies of the Unitary Development Plan which remains unchanged. No new development has taken place adjacent or close by which would have any influence on this site or development.

The economic downturn has resulted in the development being put on hold however to ensure that in the future the scheme can proceed it is necessary to request an extension to the time period for development to commence and be implemented. There have been no material alterations to the situation since the original planning consent was granted and whilst there is a permission for the use of the site as a car park it is only temporary which allows for the site to be operational until the economy improves and the development can be implemented providing housing and adding to the vitality and viability of the town centre.

A Section 106 Agreement has previously been entered into for financial contributions to open space and education

## **Summary of Reasons for Granting Planning Permission**

The extension of the time limit to allow implementation of planning application reference number 07/0476/FL/W45 dated 23<sup>rd</sup> April, 2007, within the current economic climate, is considered to be appropriate in order to support the vitality and viability of the town centre. There have been no material alterations to the proposals or the circumstances and no evidence submitted to suggest that the previously approved development will have a detrimental impact on crime and disorder in the town centre or the vitality and viability of the town centre. The use therefore continues to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP3, GP7, 3.113, 3.114, 3.115, 3.16, 3.6, GP2, 3.7, ENV29, ENV14, ENV29, ENV31, ENV32, H3, H9, H10, T7, T13, S8, 8.8 and 8.9 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the time extension is acceptable.

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

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

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

### **Recommendation: Grant Permission Subject to Conditions**

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

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

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

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

3. No development shall be carried out until full details of the proposed boundary treatment of the site, in particular the proposed metal railings on Bradford Street, 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 amenities of the occupiers of adjoining premises and future occupants and to ensure the satisfactory appearance of the development.

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

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

5. This development shall not be carried out until a schedule of facing materials to be used in the external walls and roofs and full details of proposed windows and window openings has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

*Reason:* In the interests of highway safety.

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

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

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

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

9. No development shall be commenced until a scheme for the security of the entrances for both pedestrian access points and the underground car park have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and operational prior to any first occupation of the site and thereafter retained in good working order.

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

10. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion.

*Reason :* To safeguard the amenities of future occupiers.

11. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

*Reason :* To safeguard the amenities of future occupiers



12. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall otherwise only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

13. The development shall be constructed in accordance with the Code of Sustainable Homes (April 2007) 3 stars 'very good' standard relating to energy efficiency / CO<sub>2</sub>, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

*Reason:* In order to provide high performance sustainable homes and protect the environment in accordance with policy aims 3.17 and 3.18 and policy ENV39 of the Walsall Unitary Development Plan

## **NOTES FOR APPLICANT**

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

a) internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 35 dB together with a maximum instantaneous level of 45 dB LAFmax, between the hours 23.00 to 07.00;

b) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hours), of 40 dB between the hours 07.00 to 23.00.

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

Specification for the verification of sound level meters' Part 1: 1996  
'Comprehensive procedure' within a preceding 2 year period.

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

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

This is not an exhaustive list.

Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

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

**B.** West Midlands Police Architectural Liaison Officer has been consulted on this application and you are advised to contact them on 0845 113 5000 (ext 7881 6573) with a view to the development achieving the Secure By Design award for security.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP3, GP7, 3.113, 3.114, 3.115, 3.16, 3.6, 3.7, ENV29, ENV14, ENV29, ENV31, ENV32, H3, H9, H10, T7, T13, S8, 8.8, 8.9 and LC1 of Walsall's Unitary Development Plan, the Residential Development Standards (RDS) and National Planning Policies PPS1, PPS3, PPG13, PPG24 and PPG25 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.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### Reason for bringing to committee: Major application

**Application Number:** 10/0674/FL  
**Application Type:** Full application

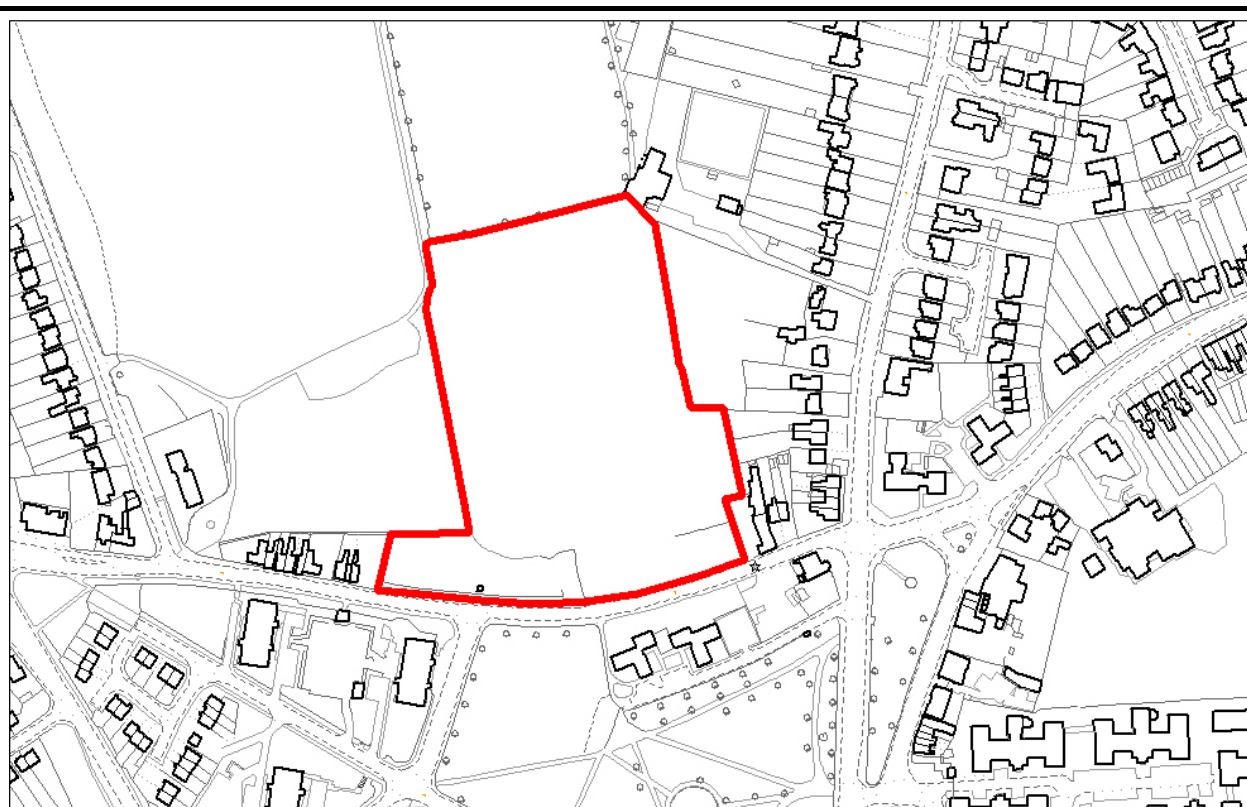
**Applicant:** Barratt West Midlands  
**Proposal:** Substitution of house type to replace Emerald 2.5 storey 4 bed house with Sapphire 3 storey 4 bed house on plots 12, 13, 18, 21, 66, 69, 71, 92, 97 & 98 (10 plots in total).

**Ward:** Bloxwich West

**Case Officer:** Alison Deakin  
**Telephone Number:** 01922 652487  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** RPS Planning & Design  
**Location:** FORMER BLOXWICH ENGINEERING LTD, BELL LANE, BLOXWICH, WALSALL

**Expired Date:** 25/08/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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### **Application and Site Details**

The proposal is to substitute house types for 10 plots within this approved residential development. The proposal is to replace 2.5 storey 4 bedroom houses with 3 storey 4 bedroom houses. The plots affected are plots 12, 13, 18, 21, 66, 69, 71, 92, 97 and 98. The plots are dispersed across the site and include two plots adjacent to the corner plots on either side of the main access, four plots at the first crossroads junction and two plots within road no.3 near to the central green space. The effect is that the substituted plots have a higher roof ridge level that is increased from 8.8m to 9.3m.

The proposed Sapphire houses type is a wide fronted three storey dwelling with central hallway, canopy above the main entrance and a pitch roof. A special Sapphire house type that is dual aspect and includes a bay window to the dining room in the side elevation is included for the four plots at the highway junction (plots 18, 21, 71 & 92).

The site was the former Bloxwich Engineering Limited on Bell Lane and construction works for the residential development have commenced under the earlier approval. The site is located immediately to the north of Bloxwich Town Centre. Bloxwich Park lies opposite the site on Bell Lane, King George V Playing Fields adjoin the site to the west and Stafford Road Sport Club and playing fields (including cricket ground) to the north. The eastern boundary adjoins garden land and that of existing premises fronting Bell Lane.

A Design & Access Statement has been provided in support of the proposal that states the proposed scheme has been considered in respect of its surrounding context so that it does not impact adversely upon neighbouring users or the wider townscape. An Arboricultural Appraisal has also been provided.

### **Relevant Planning History**

07/0358/FL/E11- Erection of 132 dwellings following demolition of buildings and structures. Provision of highway works incorporating a right turn facility on Bell Lane. Granted subject to conditions & S106-02/08/07

09/1695/FL – Erection of 108 dwellings – amendments to layout approved under 07/0358/FL/E11 to replace 30 apartments with a fewer number of houses – Granted subject to conditions & S106 with reduced contributions and fewer affordable housing units 10/03/10

### **Relevant Planning Policy Summary**

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

### **Unitary Development Plan**

GP1: Supports the sustainable location of development.

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

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

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

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

3.16, GP7, ENV32, H10 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

ENV29: Development should preserve or enhance the character and appearance of a Conservation Area.

ENV34: Requires provision of public art to enhance the quality of the public realm

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

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

H4: Seeks provision of affordable homes. The Council will normally negotiate with developers for 25% of total dwellings to be affordable homes on sites suitable for such provision.

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

7.1: Seeks to promote an efficient highway network;

T4: Stringent traffic calming measures will be used to deter through traffic and reduce traffic speeds and ensure the environment and safety of these streets is protected.

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

4 bed houses and above: 3 spaces per unit

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

8.9: On housing sites of 1 hectare or more (or 30 dwellings) developers should ensure adequate provision exists or is made available for accessible community healthcare facilities to serve the development.

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

LC6: Proposals resulting in loss or reduction of sports pitches will only be permitted if an assessment of current and future needs demonstrates an excess of sports provision on the site or at least equal compensatory provision is made.

### **Supplementary Planning Documents**

#### **Designing Walsall SPD**

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

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

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

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

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

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

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

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

#### **Conserving Walsall's Natural Environment SPD**

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.

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

#### **Supplementary Planning Document for Urban Open Spaces**

Identifies the requisite local standards and contributions that developers will be required to make towards provision and improvement of open spaces.

#### **Supplementary Planning Document for Education**

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

#### **Supplementary Planning Document for Healthcare**

Seeks to provide adequate healthcare facilities and sets out requirements for contributions from potential developers.

#### **Supplementary Planning Document for Affordable Housing**

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.



## **National Policy**

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

PPS9: Seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

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

PPG115: seeks to preserve and enhance the character and appearance of Conservation Areas.

PPS24: Seeks to minimise the adverse impact of noise.

PPS25: Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

## **Consultations**

**Transportation** – No objections. The parking requirement remains unaltered and the layout is identical.

**Conservation** – Objects. The frontage of the development to Bell Lane is important in the context of the setting of the Bloxwich Park Conservation Area. The approved development respects the amenity of the conservation area, offering a robust, active and attractive frontage along Bell Lane. Therefore it is considered that plots 12/13 and 97/98 that front onto Bell Lane, should not be increased in height as it is considered that this would have an adverse impact upon the character and setting of the conservation area. The plots should be retained as agreed under planning application 09/1695/FL. The corner residential units would remain as the tallest units, therefore distinct from the other proposed properties.

## **Public Participation Response**

No response.

## **Determining Issues**

- Appearance within the conservation area
- Relationship to surrounding occupiers
- Access and Parking
- Provision of affordable housing/education/urban open space/community healthcare/public art

## **Observations**

### **Appearance within the conservation area**

The proposed substitution of house types replaces a 2.5 storey house type with a 3 storey house type increasing the height by 0.5m. As the site frontage falls within the Bloxwich Park Conservation Area, the changes to plots 12, 13, 97 and 98 will be visible along the frontage. The conservation officer objects

on the basis of the increase in height of these plots and considers that there is now less emphasis to the corner plots adjacent to the entrance.

The difference in height by 0.5m is considered to be insignificant and as the design of the substituted dwellings is similar to the design of adjacent dwellings and does not exceed the height of the adjoining plots at the site entrance it is acceptable on balance in the context of the overall scheme. In response to the Conservation Officers concerns, the developer has agreed to extend the amount of render on plots 14 and 96 at the site entrance to emphasise them more and distinguish them from the substituted plots.

Given the position and size of the plots remains the same there are no other concerns in relation to the substituted plots and the proposal is considered acceptable and has no adverse impact upon the character or appearance of the conservation area.

### **Relationship to surrounding occupiers**

The proposed replacement house types have an identical footprint and position to the earlier approved house types. The change is merely to replace a third floor within the roof space with a full storey height. This results in an increase in height of 0.5m but does not exceed the height of other approved dwellings on the site. The plots affected are mainly located within the central part of the site and therefore not prominent from existing surrounding occupiers outside the site boundaries. The proposals will have no adverse impact upon outlook, privacy or daylighting of adjoining occupiers.

### **Access and Parking**

The proposed substitution of house types replaces a four bedroom house type with another 4 bedroom house type and therefore has no requirement for additional parking. The position of the plots remains the same as approved and the means of access to the plots and driveways is also identical. In the circumstance there are no implications upon access and parking.

### **Provision of affordable housing/education/urban open space/community healthcare/public art**

The application is only for a substitution of house types. It does not alter the number or mix of house type and tenure at the site. In the circumstances the existing S106 agreement completed for 09/1695/FL to ensure provision of affordable housing, education, urban open space, healthcare and public art remains applicable. A note for applicant is recommended to refer to this matter.

## **Summary of Reasons for Granting Planning Permission**

The principle of redevelopment of the site for residential purposes is already established by the earlier permission 09/1695/FL. This application for substitution of house types on 10 of the approved plots to replace a 2.5 storey

house type with a 3 storey house type does not increase the number of units and has no requirement for further parking.

Although the conservation officer maintains an objection to any increase in height of the proposed plots fronting Bell Lane within the Bloxwich Park Conservation Area the difference in height of 0.5m is considered to be insignificant and the plots do not exceed the height of existing approved plots. A change to the extent of render to the upper floors of plots 14 and 96 will also help distinguish the corner plots at the entrance from the substituted plots on Bell Lane.

The size and position of the plots remains unchanged and as they are mainly located centrally within the site, would have no adverse impact upon outlook, privacy or daylight of surrounding occupiers outside the boundary of the site. The adjoining plots within the site are also unaffected.

As a requirement to provide for affordable housing and public art and to compensate for the additional demand placed on education, urban open space and healthcare facilities as a result of the development such provisions were secured by the earlier S106 Agreement. The proposals do not alter the mix of housing type or tenure therefore the completed S106 Agreement remains in force.

In light of the above the proposals are considered to accord with the aims of policies GP1, GP2, GP3, GP7, 2.2, 3.6, 3.16, 3.116, 3.117, ENV14, ENV18, ENV23, ENV29, ENV32, ENV33, ENV34, ENV40, 6.3, H3, H4, H9, H10, 7.1, T4, T13, 8.8, 8.9, LC1 and LC6 of Walsall Unitary Development Plan and Supplementary Planning Documents for Affordable Housing, Education, Urban Open Space, Healthcare, Conserving Walsall's Natural Environment and Designing Walsall.

### **Recommendation: Grant Permission Subject to Conditions**

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

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

2. The works hereby approved shall only be carried out in accordance with details contained within the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject;

- Location Plan received 26/05/10
- General Arrangement Layout (AAH4902/03 Rev A) received 26/05/10
- Street Scenes (AAH4902/21 Rev B) received 07/07/10

- House Type Sapphire (AAH4902/93) received 26/05/10
- House Type Sapphire Dual Aspect – plots 18, 21, 71 & 92 only (AAH4902/94) received 26/05/10
- Single Detached Garage (2006/DET/135A) received 26/05/10
- Design & Access Statement prepared by RPS (AAH4902 Nov 2009) received 26/05/10
- Arboricultural Appraisal prepared by Pegasus Environmental (Bir.2330) received 26/05/10
- Bell Lane Tree Survey Plan (BIR.2330\_02) received 26/05/10

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

3. No construction, demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall otherwise only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

*Note (\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).*

*Reason:* In the interests of the amenity of the surrounding residents of the proposed development.

4. No development shall be carried out until details of the facing materials (including colour and texture) for the external walls and roofs of the substituted plots and extended render on plots 14 and 96 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of the dwellings and retained thereafter unless otherwise agreed in writing with the local planning authority.

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

5. No development shall take place on the substituted plots until suitable noise mitigation measures to protect internal areas of dwellings fronting onto Bell Lane, as detailed by recommendations contained in the amended report on the existing noise climate dated 12/01/07 (no reference) from Hoare Lea Acoustics, have been agreed in writing with the local planning authority. The development shall not be occupied until such measures have been fully implemented and they shall be maintained thereafter.

*Reason:* To protect residential amenities.

Note for applicant

You are reminded of the obligations contained within the S106 Agreement completed in respect of application 09/1695/FL which still apply to this site.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

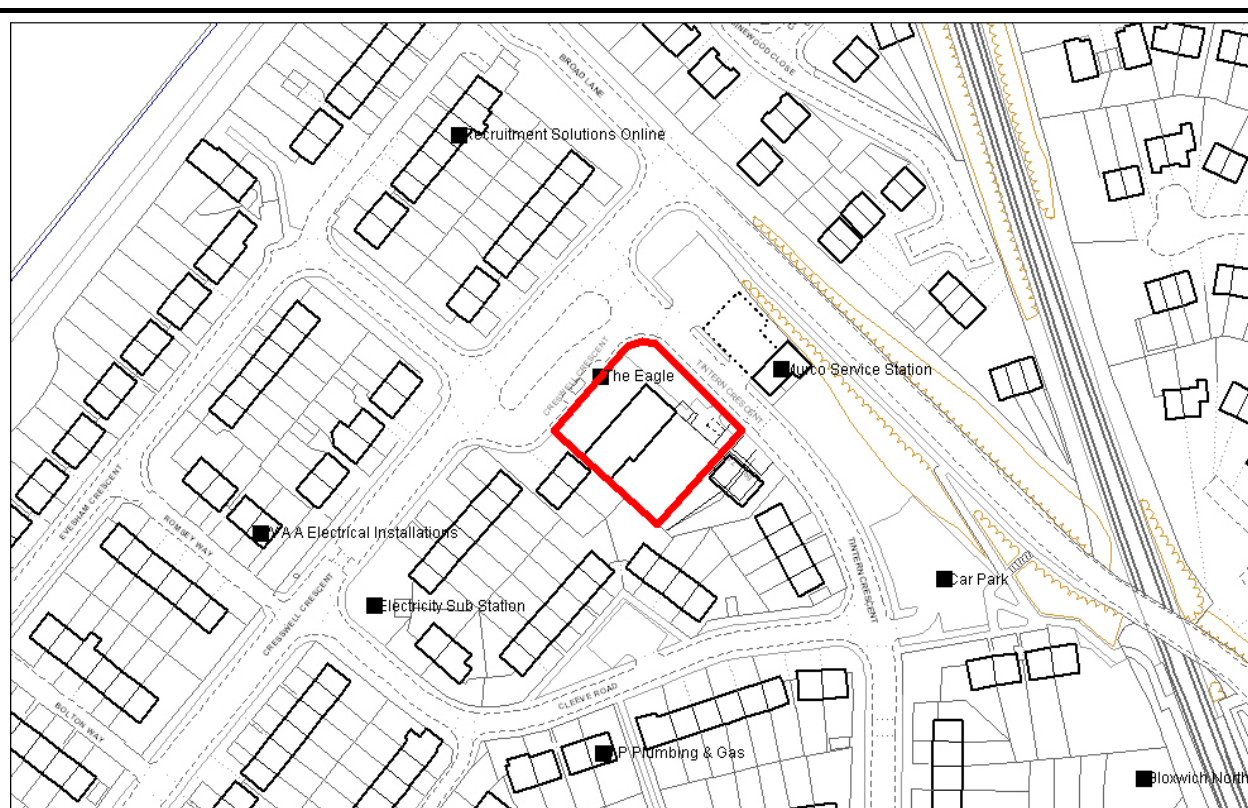
### Reason for bringing to committee: Major application

**Application Number:** 10/0339/OL  
**Application Type:** Outline Application

**Applicant:** SEP Properties Ltd  
**Proposal:** Outline: Residential apartment block (all matters reserved)  
**Ward:** Bloxwich West

**Case Officer:** Andrew White  
**Telephone Number:** 01922 652429  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Paul Lees Designs  
**Location:** THE EAGLE P.H., CRESSWELL CRESCENT, WALSALL, WS3 2TS  
**Expired Date:** 22/07/2010

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



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### **Application and Site Details**

The proposal is to demolish the vacant public house and seeks outline permission to erect a residential apartment block. All matters are reserved for subsequent approval but indicative drawings provided show a three storey block of 18 one bedroom apartments with chevron parking in front of the building direct onto the street and shared private amenity space at the rear.

The application site is located at the junction of Cresswell Crescent and Tintern Crescent and front a separate access road off Cresswell Crescent that is also used as a bus terminus. The surrounding area is residential in character comprising two storey housing with the exception of a petrol filling station opposite in Tintern Crescent. The existing public house is essentially two storeys with single storey extensions at the side and rear. Car parking is available to the front and side of the building and a beer garden at the rear.

This is a revised application following refusal of permission 09/0928/OL for a mixed retail and residential use. The indicative proposal shows an entirely residential building that wraps around the junction of Cresswell Crescent and Tintern Crescent with chevron parking in front and shared private amenity space at the rear. There are 15 car parking spaces (83%) shown plus two disabled spaces and floor plans indicate cycle parking provision within the lobbies of the building. Ten new trees are proposed along both frontages between the parking spaces.

The illustration of the proposed building would be 9.5m deep. The illustrative scheme shows three blocks each containing 6 apartments. The blocks are joined by communal lobbies where stairs, cycle stores and bin storage is located. Each apartment has one bedroom, kitchen, bathroom and living room. The applicant states that these will be low cost housing for private rental. The indicative elevations show a modern design with flat roof components and glazing patterns to break up the massing of the building.

A Design and Access Statement has been submitted in support of the proposals.

The site area is 1258 sqm (0.12 hectares) which equates to a residential density of 150 dwellings per hectare.

### **Relevant Planning History**

09/0928/OL - Outline: Erection of 3 storey building comprising 5 no. retail units at ground floor and 14 no. 1 bed flats at first and second floors – access, appearance, layout and scale to be considered – Refused 22/12/09 for 7 reasons broadly relating to the following: - (1) no evidence to justify loss of public house (2) no evidence to demonstrate a local need for shops in out-of-centre location (3) failure to achieve high quality design – over-dominant building, poor elevations, lack of surveillance (4) lack of amenity space for flats and poor residential environment (5) inadequate off-street parking and conflict with bus stop (6) lack of transport statement (7) lack of provision for urban open space



08/1901/FL – Demolition of existing public house and construction of 8 residential C2 supported living units for adults 18-65 years who have a learning disability in supported tenancies, in a single two storey block with car parking – Withdrawn 07/01/09 as the applicant had withdrawn their interest in purchasing the site and no longer wished to proceed with the application.

BC61275P – Erection of 2 semi-detached dwellings and alterations to existing car park – Granted subject to conditions 19/07/2000. This is the pair of houses at 69/71 Tintern Crescent which were built on part of the car park at The Eagle.

### **Relevant Planning Policy Summary**

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

### **Saved Policies of Walsall's Unitary Development Plan (2005)**

GP1: Supports the sustainable location of development.

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

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

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

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

3.16, GP7, ENV32, H10 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV34: Requires provision of public art to enhance the quality of the public realm

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

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

H4: Seeks provision of affordable homes. The Council will normally negotiate with developers for 25% of total dwellings to be affordable homes on sites suitable for such provision.

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

7.1: Seeks to promote an efficient highway network;

T2: the Council will work with Centro and bus operators in designing facilities.  
T13: sets maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport.

Flats with communal parking: 1.5 spaces per unit

7.62 – 7.64 refers to parking provisions for residential development.

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

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

LC8: Proposals involving loss of community facilities, including public houses, will only be permitted if it can be demonstrated that there are existing facilities in an equally or more convenient location, a replacement facility could be provided, there is no longer a need for the facility or it would not be possible to retain the facility because it is not financially viable.

### **Designing Walsall (SPD) (February 2008)**

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

DW1: New development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2: All development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3: Design to respect and enhance local identity;

DW4: Attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

DW6: New development should contribute to creating a place that has a clear identity;

DW9: New development must seek to ensure it creates places with attractive environmental quality;

DW10: New development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20m<sup>2</sup> per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

### **Urban Open Space (SPD) (April 2006)**

Identifies the requisite local standards and contributions that developers will be required to make towards provision and improvement of open spaces.

### **Education (SPD) (February 2007)**

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

### **Affordable Housing (SPD) (April 2008)**

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

### **National Policy**

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

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

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

Some of the specific outcomes that the planning system should deliver are well-designed housing built to a high standard and in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

### **Consultations**

**Planning Policy** – No objections to the loss of the public house which has been closed for some time with little prospect of re-opening and the availability of other licensed premises in the area.

**Pollution Control (Scientific Team)** – No objections in principle. However, it is recommended that a condition is included to protect nearby neighbours from construction noise and demolition traffic

**Pollution Control (Contaminated Land)** – No objections subject to a desk study and site reconnaissance being carried out to identify potential for contaminants and/or ground gases likely to be present on site. Should these be identified a ground contamination and site investigation should be carried out to identify risks to future occupants. Conditions are recommended to address these concerns.

**Housing Strategy**– An apartment scheme is not the preferred option but it is understood that there are design and financial viability issues for providing a smaller number of houses on the site instead. The scheme is for social rented units but this is not a priority area and would not be supported by HCA grant

funding. Policy requires 25% affordable housing on site, usually split 75% social rent and 25% shared ownership. However, this may not prove practical for an RSL and the affordable element should be considered for all social rented units.

**Transportation-** No objections to the principle residential development. However the indicative layout submitted (drawing No 10031.03) shows a number of areas of concern that would need to be resolved prior to any reserved matters application. These issues include:

- The proposed echelon parking along the bus lay-by frontage should be reversed or revised to 90 degree parking to take into account the previous comments from the bus operator Centro and the proposed one-way system should be removed.

- There should be at least one full height kerb length between every third parking space to avoid overlong dropped kerbs. (Excessive length dropped kerbs raise pedestrian safety concerns as it gives the impression of vehicular priority over the footways and leaves no safe position for pedestrians to wait whilst vehicle manoeuvre in/out of parking spaces)

- The footpaths from the proposed rear access gates to the highway should continue at full width for their entire length to the back of highway and not taper.

- The side access gates should be a minimum of 1100mm wide to allow wheelchair/ visually impaired access.

- There should be clear, unobstructed access routes from the proposed bin stores to the highway so that bins can be manoeuvred to the quickly and without obstruction on collection days.

- The applicant needs to fully justify a level of parking below 150% in accordance with UDP T13 parking requirements.

**Centro-** Object to the indicative layout plan submitted that shows alterations to the bus lay-by by reversing the access arrangements, which would have major safety implications. There is insufficient capacity at the junction to enable the bus to stay in the left hand lane and if any vehicles are parked at the corner then the manoeuvre from Tintern Crescent into Creswell Crescent would be impossible.

### **Public Participation Response**

Four objections received which are summarised as follows: -

- Loss of daylight and sunlight to residential property adjacent
- Overshadowing and loss of outlook due to the height of the building
- Overlooking and loss of privacy due to the height of the building
- Loss of visual amenity by overlooking neighbouring garden
- Layout and density of the building
- 3 storeys too high 2 storeys would be more in keeping

- size, massing does not respect or enhance the area
- Plans are misleading, looks four storey with roof elevation
- Neighbours would suffer construction noise, vibration, smell, fumes, dust and grit
- The site should be used as a car park for the train station as local roads suffer from in-discriminate parking causing disruption to residents
- Use of the site would provide passing trade for the filling station

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

### **Determining Issues**

Whether the proposals overcome the previous reasons for refusal in relation to:

- Principle of development
- Layout and design
- Relationship with surrounding occupiers
- Access and parking
- Provision for Urban Open Space, Education, Public Art & Affordable Housing
- 

### **Observations**

#### **Principle of development**

The site is situated within a predominantly residential area and the proposal offers the opportunity to make better use of urban land, efficient use of the existing infrastructure and reclaim a derelict site in accordance with saved policies GP1 and ENV14. The site is situated in a sustainable location with a bus terminus in front of the site and Bloxwich North railway station within easy walking distance. On this basis the proposed redevelopment of this derelict site for residential purposes is considered acceptable in principle.

The proposal would result in the loss of the existing public house as a community facility. However, it is currently closed, is becoming vandalised. The applicants have provided limited evidence relating to the loss of the public house, including that a man was shot inside the pub in March 2007, trade reduced and the enterprise was no longer commercially viable, competition from cheap canned beer through supermarkets and the general problem of antisocial behaviour related to the site. In addition, the applicants also state that within 610metres of the application site there are 6 other public houses including; 'One Man & his Dog', 'The Sneyd', 'Sir Robert Peel', 'The Romping Cat', 'The Bell Inn' and 'The Spotted Cat'. In terms of policy LC8, it is considered there are alternative public houses in the locality and the redevelopment of the site will offer a benefit to the regeneration of the locality and remove a site that is attracting anti-social behaviour. It is considered that there is sufficient evidence to justify the principle of the redevelopment of the site.

### **Layout and design**

The application site occupies a corner at the junction of two roads. This is an outline application with all matters reserved, the submission includes indicative layout and elevation drawings which show an L-shaped building, parking along the frontage and private amenity space to the rear of the illustrated building. It is considered that whilst the revised indicative scheme is an improvement over and above the previous proposal there are still issues to resolve relating to the design, appearance, mass, street scene, position of front doors, parking and highways. As the proposal is all matters reserved it is considered that the issues relating to design, appearance, mass, street scene, position of front doors, parking and highways can be dealt with at reserved matters stage. It is considered that in this instance the principle of residential is acceptable and that this application could be approved without approving any of the details.

### **Relationship with surrounding occupiers**

The indicative layout has been reduced from that of the previous scheme. The building depth is shown only 2-3m deeper than the existing housing adjoining the site. This may reduce any impact on the adjoining occupiers in terms of outlook and obtrusiveness and with the amenity area for the apartments illustrated at the rear of the building, adjoining the rear gardens of the surrounding houses, this may create a better relationship than the previous proposed service yard.

Residents concerns relating too Loss of daylight and sunlight to residential property adjacent; overshadowing, loss of outlook, overlooking, loss of privacy due to the height of the building, loss of visual amenity, layout, density, height, size, massing of the building would be dealt with at a later stage. The residents suggestion to use the site as a car park for the railway station is considered an unacceptable in this instance because it is considered that the use would provide a greater cause of noise and disturbance than the existing public house and the car park would expose adjacent residential properties to public realm reducing the level of security they enjoy currently.

The proposal is all matters reserved so any issue relating to relationship and impact with neighbours would be dealt with at reserved matters stage as there currently is no scheme to consider at this stage.

### **Access and parking**

The Highway Authority have raised no objections in principle to the provision of residential development on the site, however the indicative layout submitted has raised a number of concerns and deficiencies which would need to be addressed prior to the submission of any reserved matters application.

The deficiencies on the indicative layout drawing include; the illustrated echelon parking along the bus lay-by frontage should be changed, the proposed one-way system by the bus lay by should be removed, at least one full height kerb length between every third parking space to avoiding long

dropped crossings raising pedestrian safety concerns, footpaths from the rear access gates to the highway should be full width for their entire length to the back of highway, side access gates should be a minimum of 1100mm wide to allow wheelchair/visually impaired access, clear, unobstructed access routes from bin stores to the highway. The proposed parking level is illustrated at 83%. A lower level of car parking may be appropriate for this development site, but the applicant would need to fully justify a level of parking below the UDP T13 parking requirements of 150% for this type of development.. The application site is located adjacent to the terminus for the 301 bus service. Both Transportation and Centro object to the indicative layout altering the bus lay-by so that the bus access operates in the opposite direction to its current layout, creating unmanageable manoeuvres for the buses and raising highway safety issues. The highway issues can be dealt with during the submission of the reserved matters application.

### **Provision for Urban Open Space, Education, Public Art & Affordable Housing**

**Urban Open Space-** For any development of 10 or more dwelling units a contribution towards urban open space shall be provided in accordance with saved Policy LC1 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Document: Urban Open Space (April 2006).

**Education** – For any development exceeding 10 dwelling units a contribution towards the provision of primary education facilities within 2 miles and secondary education facilities within 3 miles of the site shall be provided, however no contributions will be sought for dwellings with only 1 bedroom, in accordance with saved policies GP3 and 8.8 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Document: Education (Feb 2007).

**Public Art-** For any residential development of 15 dwelling units or more, a contribution towards the provision of Public Art shall be provided in accordance with saved policy ENV34 of Walsall's Unitary Development Plan (2005) and Policy DW9 of adopted Supplementary Planning Document: Designing Walsall (Feb 2008).

**Affordable Housing-** For any development comprising 15 dwelling units or more, 25% affordable housing shall be provided on site, with 100% provided in social rent, in accordance with saved Policy H4 of Walsall's Unitary Development Plan (2005) and adopted Supplementary Planning Document : Affordable Housing (April 2008).

### **Summary of Reasons for Granting Planning Permission**

The application site is in a predominantly residential area and the proposal makes better use of urban land, reclaiming a derelict site. The site is adjacent

to a bus terminus and Bloxwich North railway station within easy walking distance. On this basis the proposed redevelopment of this derelict site for residential purposes is considered acceptable in principle.

The proposal results in the loss of a public house which is currently closed, is being vandalised. The existing public house, has suffered from anti-social behaviour, was no longer commercially viable, competition from cheap canned beer through supermarkets plus there are 6 other public houses within 610metres of the site including; 'One Man & his Dog', 'The Sneyd', 'Sir Robert Peel', 'The Romping Cat', 'The Bell Inn' and 'The spotted Cat'. It is considered there are sufficient alternative public houses in the locality and the redevelopment of the site offers a regeneration benefit to the locality removing a site attracting anti-social behaviour. It is considered that there is sufficient evidence to justify the principle of the redevelopment of the site.

This is an outline application with all matters reserved occupying a corner and whilst the indicative scheme is an improvement over the previous proposal there are still issues to resolve relating to the design, appearance, mass, street scene, position of front doors, parking and highways which are is considered that in this instance the principle of residential is acceptable and that this application could be approved without approving any of the details. The use of the site as a railway station car park is considered an unacceptable in this instance because it is considered that the use would provide a greater cause of noise and disturbance than the existing public house exposing adjacent residential properties to the public realm reducing the level of security they enjoy currently.

The indicative layout shows a reduced proposal from that of the previously refused scheme. Residents concerns relating to loss of daylight and sunlight to residential property adjacent; overshadowing, loss of outlook, overlooking, loss of privacy due to the height of the building, loss of visual amenity, layout, density, height, size, massing of the building would be dealt with at a later stage.

The application is all matters reserved so any issue relating to the relationship and impact with neighbours would be dealt with at reserved matters stage as there currently is no scheme to consider at this stage.

Whilst Highways do not object to the principle of residential development on the site, they do have concerns about deficiencies in the indicative layout submitted which would need to be addressed prior to the submission of any reserved matters application which include; the echelon parking along the bus lay-by frontage should be changed, the proposed one-way system by the bus lay by should be removed because it creates unmanageable manoeuvres for the buses and raising highway safety issues, at least one full height kerb length between every third parking space to avoiding long dropped crossings raising pedestrian safety concerns, footpaths from the rear access gates to the highway should be full width for their entire length to the back of highway, side



access gates should be a minimum of 1100mm wide to allow wheelchair/visually impaired access, clear, unobstructed access routes from bin stores to the highway. The proposed parking level is illustrated at 83% and the applicant would need to fully justify a level of parking below the UDP T13 parking requirements of 150%. The highway issues can be dealt with during the submission of the reserved matters application.

No consent is granted for the indicative layout plans and elevations submitted.

The applicant has indicated that they are willing to enter into an agreement to ensure financial contributions towards Urban Open Space, Education, Affordable Housing and Public Art.

The proposals would accord with the aims and objectives of the development plan, in particular saved policies GP1, 2.2, GP2, 3.6, 3.7, 3.16, 3.116, 3.117, GP3, GP4, GP7, H3, H4, H9, H10, ENV14, ENV32, ENV33, ENV34, ENV40, LC1(d), LC8, 8.8, T2, T7, T13 and 7.62 -7.64 of Walsall's Unitary Development Plan (2005), Supplementary Planning Document: Designing Walsall (2008), Supplementary Planning Document: Urban Open Space (2006), Supplementary Planning Document: Affordable Housing (2008) and Supplementary Planning Document: Education (2007).

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

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

- A) The layout of the building(s);
- B) The scale of the building (s)
- C) The external appearance
- D) Means of access
- E) The landscaping of the site

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

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

- I. A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to built development commencing. (see Note for Applicant CL 4)
- II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- III. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- IV. Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- V. The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- VI. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional

remedial or mitigation works required and agreed in writing by the Local Planning Authority.

- VII.** A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

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

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

6. 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.

7. No development shall be carried out until details of drainage works for the disposal of both surface water and foul sewage (including a timetable for implementation) have been agreed in writing by the Local Planning Authority. The approved details shall have been implemented and completed in accordance with the agreed details.

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

8. 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 amenities of the occupiers of adjoining premises, the amenities of the occupants, and the satisfactory appearance of the development.

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

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

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

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

11. No development shall commence on site until details of a landscaping scheme are submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

*Reason:* In order to safeguard the visual amenity and natural environment of the area.

12. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(\*Bank and Public Holidays for this purpose shall be Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday)

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

13. No consent is given to the amended illustrative housing and access layout shown on drawing numbers; 10031.02, 10031.03 Rev A, 10031.04, 10031.05, 10031.06 and 10031.07 submitted on 17<sup>th</sup> June 2010.

*Reason:* In order to define the permission.

14. This permission relates to the following submitted information: Drawing No 10031.01 (OS Map showing existing/previous building), submitted on 24<sup>th</sup> March 2010.

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

15. The building shall not be occupied until the any car parking shall be drained and surfaced in accordance with details to be submitted and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

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

Notes for Applicant  
Contaminated Land

CL1

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

CL2

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

### CL3

*Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.*

### CL4

*The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23: Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.*

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### **Reason for bringing to committee: Requires delicate judgement**

**Application Number:** 09/1086/FL

**Application Type:** Full application

**Applicant:** Walsall Council

**Proposal:** Proposed demolition of single storey buildings & erection of new visitor centre.

**Ward:** St. Matthews

**Case Officer:** Jan Scrivens

**Telephone Number:** 01922 652436

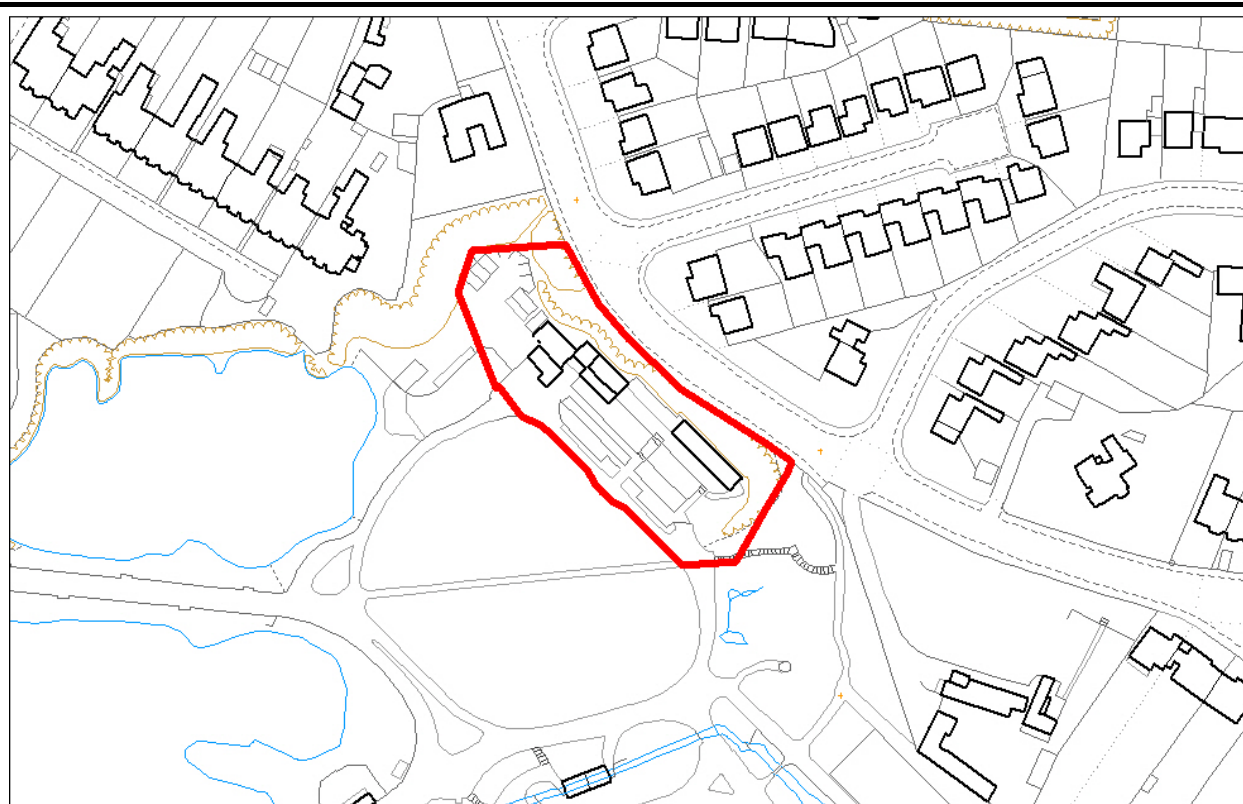
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Brownhill Hayward Brown

**Location:** WALSALL  
ARBORETUM, LICHFIELD  
STREET, WALSALL

**Expired Date:** 05/11/2009

### **Recommendation Summary:** Grant Permission Subject to Conditions



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## **Status**

This application was considered by Development Control Committee on 5/11/09 when it was resolved that it be approved subject to conditions and the resolution of any concerns raised by the Environment Agency. Matters have progressed since then, and the application is presented for a decision.

## **Application and Site Details**

This is for the erection of a new visitor centre with an existing brick storage building retained in the design (for its historic connections to the early days of the Arboretum).

The centre will provide educational facilities, changing rooms, meeting room, visitor café and toilets and staff facilities. The building would be of modern design (other than the retained element) and aims to enhance the Arboretum's historic buildings such as the boathouse and bandstand by providing a contrast.

The building has also been designed to incorporate energy saving technologies as well as being constructed from sustainable materials. The building will provide disabled access throughout.

The intention is not to bring users vehicles into the Arboretum due to the detrimental effect which it would have on pedestrians but the scheme includes three parking spaces for disabled users outside the building and for school minibuses, to improve access to the new facility for these groups.

As a result of the work on flooding, the application has been amended to provide for the replacement of a bridge. The demolition of the toilet block which sits astride the brook (already approved in November 2009) is also part of the work to the Arboretum, and the removal of some boulders in the brook. The implications of this work for flooding have been included in this application.

The application is accompanied by a Design and Access Statement, a Flood Risk Assessment, Arboricultural Assessments, Habitat and Botanical Surveys, Aquatic Invertebrate Surveys, Water Vole Surveys, White Clawed Crayfish Surveys and Bat Surveys. These show, in brief, that no plant species of national scarcity were recorded and the habitats/species are typical of a semi-formal amenity/recreational facility. No water voles were recorded but white – clawed crayfish and Bullhead fish were found to be present.

The buildings are within the Arboretum Conservation Area, the boathouse is a Grade II listed building and the Arboretum is a Registered Park and Garden (Grade II).

The Flood Risk Assessment relates to the Arboretum as a whole, rather than just the Visitor Centre, although particular attention has been given to this



proposed building. As a result it is necessary to focus only on those parts of the Assessment relevant to the present application. Detailed flood level data has been obtained from modelling undertaken by consultants and the extent of predicted flooding, and frequencies is now well defined.

The new building has been designed to incorporate part of an existing building complex, and this is a constraint on the floor level proposed.

The building will be equipped with mitigating features, such as locating electrical equipment above the 1 in 100 flood level and a sensor and alarm system. It is also proposed to adopt procedures for the evacuation of the building and the creation of an emergency access/egress which will ascend the bank to Buchanan Avenue at the rear of the visitor centre (to ensure the safety of occupiers in the event of a flood).

The design of the new building and the adoption of the procedures outlined above will minimise the consequences of flooding in the visitor centre. These outcomes are consistent with the advice given by the Environment Agency on their website (and they will not offer more specific advice).

### **Relevant Planning History**

Demolition of nearby toilet block granted 2009.

### **Relevant Planning Policy Summary**

#### **Development Plan**

GP2 and 3.6 require new development to make a positive contribution to the quality of the environment and the principles of sustainable development.

GP6 requires new development to be designed to provide good access for disabled people

GP7 requires development to 'design out crime'

ENV18 relates to the protection of trees within Conservation Areas

ENV23 requires new development to take account of the natural environment and nature conservation opportunities.

ENV29 requires development to preserve or enhance the character of a Conservation Area

ENV30 seeks to protect the Borough's Registered Parks and Gardens of Special historical Interest from the effects of inappropriate built development and insensitive alteration.

ENV32 requires new development to take account of its context or surroundings

ENV33 supports good landscape design

LC1 proposes the enhancement of urban open spaces

Conserving Walsall's Natural Environment Supplementary Planning Document adopted 16.4.2008

DW3 of designing Walsall Supplementary Planning Document

Arboretum Conservation Area Appraisal and Management Plan 2007

## National Policy

Planning Policy Guidance Note 9: Nature Conservation and Geodiversity  
Circular 06/2005 Biodiversity and Geological Conservation- statutory obligations and their impact within the planning system  
Planning Policy Guidance Note 15: Planning and the Historic Environment, paragraph 4.14

PPS25 on flood risk sets out that Positive planning has an important role in helping deliver sustainable development and applying Government policy on flood risk management by taking full account in decisions on applications including the statistical probability of a flood occurring and the scale of its potential consequences. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall, by working effectively with the Environment Agency, other operating authorities and other stakeholders.

LPAs in determining planning applications should:

- have regard to the policies in this PPS and, as relevant, in the RSS for their region, as material considerations which may supersede the policies in their existing development plan, when considering planning applications for developments in flood risk areas before that plan can be reviewed to reflect this PPS;
- ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate;
- apply the sequential approach (see paras. 14–17) at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
- give priority to the use of SUDS;
- ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

A risk-based approach should be adopted. Applying the source / pathway / receptor model requires:

- a strategic approach avoiding the causes of flood risk, by such means as avoiding inappropriate development in flood risk areas and minimising run-off from new development onto adjacent and other downstream property, and into the river systems;
- managing flood pathways to reduce the likelihood of flooding by ensuring that the design and location of the development takes account of its susceptibility to flooding, and appropriate flood defence infrastructure, and of the likely routes and storage of floodwater, and its influence on flood risk downstream; and
- reducing the adverse consequences of flooding on the “receptors” (ie people, property, infrastructure, habitats and statutory sites) by avoiding inappropriate development in areas at risk of flooding.

## **Consultations**

**Transportation:** No objection

### **Environment Agency**

They advise that the site is in Flood Zone 2, and that their Standing Advice is applicable. They offer no further comment.

*The Standing Advice sets out that for a project of this sort:-*

- *The Sequential Test in PPS25 needs to be satisfied*
- *There must be a Flood Risk Assessment (FRA) with the application*
- *The FRA must meet certain specifications*

**English Heritage:** No objection

**Conservation Officer:** No objection.

The new build is purposely a contemporary contrast to that of the retained Victorian structure; this is welcomed. The new build generally follows the same form and scale as that of the retained structure whilst allowing the historic section to remain as the main focal point from many views within the park. The glass section allows a neutral transition from the traditional and contemporary aspects. The use of glass also maintains the overall openness in relation to the whole park.

**Severn Trent:** No objection .. Recommend conditions requiring drainage details to be submitted.

**Drainage:** No objection..

**Pollution Control Contaminated Land Team:** No objection. Recommend a condition requiring a site investigation and remediation if appropriate.

**Pollution Control Scientific Team :** No objection.. Recommend a condition restricting hours of working.

**Environmental Health:** No objection.

**Fire Service:** No objection.

**Police Architectural Liaison Officer:** No objection. Recommendations made for improvements to security. The applicant should be encouraged to achieve Secured by Design accreditation.

**Landscape:** No objection but conditions need to be imposed relating to hard and soft landscaping.

**Tree Officer:** No objection. Conditions will be required to ensure tree protection.

**Centro:** No objection..recommend a Travel Plan is undertaken to ensure that the site promotes public transport.

**Structures:** No objection.

**Building Control:** No objection. Notice of intention to demolish should be given at least 6 weeks before commencement.

### **Representations**

One letter has been received from a neighbour in Glen Close which is on the opposite side of Buchanan Avenue to the proposed visitor centre, concerned that:-

- Buchanan Ave. is already full of parked cars belonging to town centre workers and visitors to the Arboretum
- Visitors to the properties in Buchanan Avenue find it difficult to park
- The culs-de-sac off Buchanan Avenue are narrow and not designed for extensive parking other than their own visitors
- There is the threat that these roads will become dangerously clogged with longer term parking.

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

### **Determining Issues**

- Flood risk
- Benefits to the Conservation Area, Listed Building and Registered Park and Garden, trees and protected species
- parking

### **Observations**

#### **Flood risk**

The role of the Environment Agency in this case is limited to making their standard response. Within that, the LPA is expected to secure a flood risk assessment, assess it and as appropriate, be satisfied that flood risk will be avoided, or that flood resilience and evacuation procedures are designed into the building, where this is appropriate.

The applicants have commissioned the initial flood risk study. From this initial work, it became apparent that the building was predicted to flood to a depth of 0.8 metre. In the 1 in 5 year flood scenario this was reduced to a flood of a depth of about 0.5 metre. The building has been designed such that all water sensitive installations such as electrics are above flood level, as a measure of flood resilience. This is acceptable within the EA guidelines for a building of this purpose.

The flood return periods are a measure of probability, and is a form of risk assessment. They predict the level of a design year flood (the norm is 1 in 100 years) on the basis that such a flood will occur once a century. But, the risk can be translated to the fact that there could be a 1 in 100 year storm immediately the building is completed. The inclusion of flood resilience in the scheme means that should such an event occur, the aftermath is one of cleaning up, rather than expensive restoration of the structure.

A further factor is that flood levels are now being adjusted to reflect the potential for increased levels resulting from climate change.

Officers have been working with the applicant to explore the implications and choices that underlie this situation. The objective has been to eliminate or minimise the risk of flooding.

The applicants are constrained by cost and by the need to be able to use the building, so there is a limit to how high the building can be raised to avoid flooding. Also, the more it is raised, the less it integrates with the retained part of the building. They have judged that they can raise the proposed floor level by 0.77 metre to 123.82 (all these numbers are AOD – Above Ordnance Datum). They have also identified that the flood level is artificially constrained in this area of the Arboretum by a bridge over the stream, by some boulders, and by a toilet block also over the stream. These form choke points. The project now includes the removal of all of these, and the construction of a new bridge which allows easier passage of water. These measures allow more water to move away more quickly. The 1 in 100 year flood level is therefore reduced.

Approval of the planning application as submitted and as now before you is consistent with your November resolution, even though the building can be predicted to be flooded with uncertain regularity, because that position is acceptably within EA guidelines for flood assessments. Equally, the applicants are clearly comfortable with the risks associated with these design principles. The Council as Local Planning Authority has to judge the advisability, in planning terms, of allowing the scheme while exercising due diligence in making the decision. On balance the application is recommended for approval.

Summarising the position:-

- Flood assessment is about probability – a 1 in 100 year event **might** occur tomorrow
- Applying available data in the submitted assessment and follow up work to the present project defines:-

Event	Level	Water level in building
floor level of the new building	123.82	

1 in 5 years flood level in the area of the visitor centre	123.69	None
1 in 50 flood level in the area of the visitor centre#	123.82	None
1 in 100 year flood level in the area of the visitor centre	123.82 metres	None
1 in 100 year flood level in the area of the visitor centre adjusted for climate change	123.87	50 m.m.

### **Benefits to the Conservation Area, Listed Building and Registered Park and Garden, trees and protected species**

The proposed visitor centre, which would offer replacement café/toilet / educational facilities, would incorporate an attractive Victorian building and add a modern surround.

The application has the potential to affect species identified in the survey work, but this can be addressed if appropriate protection measures and method statements for the demolition and other works are secured. This can be done by condition. The main concern is bats. The submitted material, and the terms of the recommendation mean this has been resolved.

### **Parking**

Apart from the three disabled parking spaces and the proposals to allow minibuses to park outside the visitor centre, there is no intention to provide additional parking. To do so in this location would be detrimental to the character of the Arboretum and potentially affect the safety of its users.

A neighbour has expressed concern about parking on Buchanan Avenue and in the culs-de-sac to the north of it and the possibility that this would prevent visitors to the houses parking on street. There is however no automatic entitlement for anyone to park on the highway outside their property. The visitor centre has some potential for such effects, but much of the use of the centre will be formal e.g. by school, and parking for such users is part of the scheme. Overall, the likelihood of parking problems as a result of this scheme is minimal.

The Arboretum is in a central location, within easy walking distance of some of its visitors and well served by bus routes. Parking is also available in the Arboretum extension and on Broadway itself for people who wish to come by car but the central location of the Arboretum makes any further provision unnecessary.

### **Summary of Reasons for Granting Planning Permission**

The proposed development would make a positive contribution to the quality

of the environment using the principles of sustainable development. It would enhance the quality of the Arboretum Conservation Area and Registered Park and Garden through the use of good design which takes account of its surroundings and protects the natural environment. The development would enhance the use of this urban open space, providing good access for disabled people and in accordance with the principles of designing out crime. The design minimizes the effects of any flooding that may occur. The approval of this application would be in accordance with policies GP1, GP2, 3.6, GP6, GP7, ENV18, ENV23, ENV29, ENV30, ENV32, ENV33 and LC1 of Walsall's adopted Unitary Development Plan.

**Recommendation: Grant Permission Subject to Conditions**

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

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

2. Details of ground gas protection measures to be installed in the proposed structure shall be provided to and agreed in writing by the Local Planning Authority prior to development commencing. The approved measures shall be installed prior to the development being brought into use and thereafter retained in working order.

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

3. No development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

4. No drainage works shall be carried out 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 brought into use 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.

5. No above ground building works shall be carried out until details of ventilation and fume control equipment have been approved in writing by the Local planning Authority. The approved details shall be implemented before this development is brought into use and thereafter maintained in working order.

*Reason:* To safeguard the amenities of the area and the visual amenity of the Arboretum Conservation Area and Registered Park and Garden.

6. Notwithstanding the details shown on the submitted plans no above ground building works shall be carried out until details of a proposed evacuation route or routes, including existing and proposed site levels, materials and all safety measures have been submitted to and approved in writing by the Local Planning Authority. The approved route or routes shall be constructed as approved (unless otherwise agreed in writing by the Local Planning Authority) and be available for use prior to the building being first brought into use and thereafter retained.

*Reason:* To provide a safe method of egress as recommended in the Flood Risk Assessment prepared as part of this application.

7. No above ground building works shall be carried out until details of the proposed surfacing of the areas of the application site to be used for pedestrians and vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development being brought into use and thereafter retained. The disabled car parking spaces shown on the deposited plan shall have been marked out and thereafter retained and used for no other purpose than disabled parking.

*Reason:* To ensure the satisfactory functioning of the site and the provision of disabled parking spaces.

8. No above ground building works shall be carried out until details of secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved details shall have been implemented prior to the development being brought into use and thereafter retained.

*Reason:* To encourage cycling as a means of travel.

9. No development shall commence until a method statement for the works to the existing buildings to be incorporated into the visitor centre has been received and approved in writing by the Local Planning Authority. The method statement shall demonstrate that sufficient steps have been taken to demonstrate that bats are unlikely to be present. It shall also describe the precautions to be taken to ensure that bats will not be harmed, if present. The proposals described in the method statement shall be followed exactly during building works. If bats are found either prior to or during development, Natural England (Birmingham Office 0121 233 0399) must be contacted. Work must



cease and it may be necessary to apply for a European Protected Species licence from Natural England.

*Reason:* To conserve local bat populations.

10. No above ground building works shall be carried out until a sample panel of all facing materials to be used in the development (other than the brickwork of the retained building) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the sample panel shall contain both new and weathered examples of the facing materials and colour finishes and demonstrate the proposed pointing and mortar mix. The development shall be carried out in accordance with the approved sample panel details.

*Reason:* To ensure the satisfactory appearance of the building and the visual amenity of the Arboretum Conservation Area and Registered Park and Garden.

11. No development shall be carried out until a method statement demonstrating how the glazed link will be fixed to the external brickwork of the Victorian building to be retained has been submitted to and approved in writing by the Local Planning Authority. The glazed link shall be fixed in accordance with the approved method statement prior to the development being brought into use.

*Reason:* In the interests of the satisfactory appearance of the proposed development and the visual amenity of the Arboretum Conservation Area and Registered Park and Garden.

12. No above ground building works for the visitor centre will commence until the toilet block has been demolished, the boulders have been removed from the stream, and the bridge has been demolished, as specified in the application. No replacement bridge work shall be carried out until details have been approved in writing by the Local Planning Authority.

*Reason:* To safeguard the building from the risk of flooding and ensure any new bridge is a satisfactory design.

13. All new external and internal works to the building to be retained, including works of making good, shall match the original work in respect of methods, detailed execution and finished appearance unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the proposed development and the visual amenity of the Arboretum Conservation Area and Registered Park and Garden.

14. No development shall commence until the arboricultural works specified in paragraph 9.4 of the Arboricultural Method Statement submitted in

connection with this application have been carried out in accordance with this Method Statement and British Standard 3998. No other trees within the application site shall be topped, lopped or felled without the prior written consent of the Local Planning Authority. Any tree within the application site which is removed, uprooted or dies within 5 years of the completion of the development, shall be replaced in the same location by a tree of a size and species and within a timescale to have been agreed in writing by the Local Planning Authority.

*Reason:* To preserve and enhance the visual amenities of the area in accordance with Policy ENV18 of Walsall's Unitary Development Plan.

15. The protective fencing and ground protection described in appendix A of the Arboricultural Method Statement submitted in respect of this application shall be installed following the completion of the arboricultural works referred to in condition 8 of this permission and before any equipment, materials or machinery are brought onto the site in connection with the development. The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. At no time shall anything be stored or placed within the approved protective fencing; there shall be no fires lit, tipping, refuelling, disposal of solvents, cement mixing or vehicular access within this area and its ground level shall not be altered.

*Reason:* To preserve and enhance the visual amenities of the area in accordance with Policy ENV18 of Walsall's Unitary Development Plan.

16. No above ground building works shall be carried out until a detailed landscaping scheme for the application 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 and the visual amenity of the Arboretum Conservation Area and Registered Park and Garden.

16. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Christmas Day; Boxing Day; New Year's Day; Good Friday, Easter Monday; May Day; Spring Bank Holiday Monday or August Bank Holiday Monday, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

## NOTE FOR APPLICANT

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





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### **Reason for bringing to committee: Significant Community Interest**

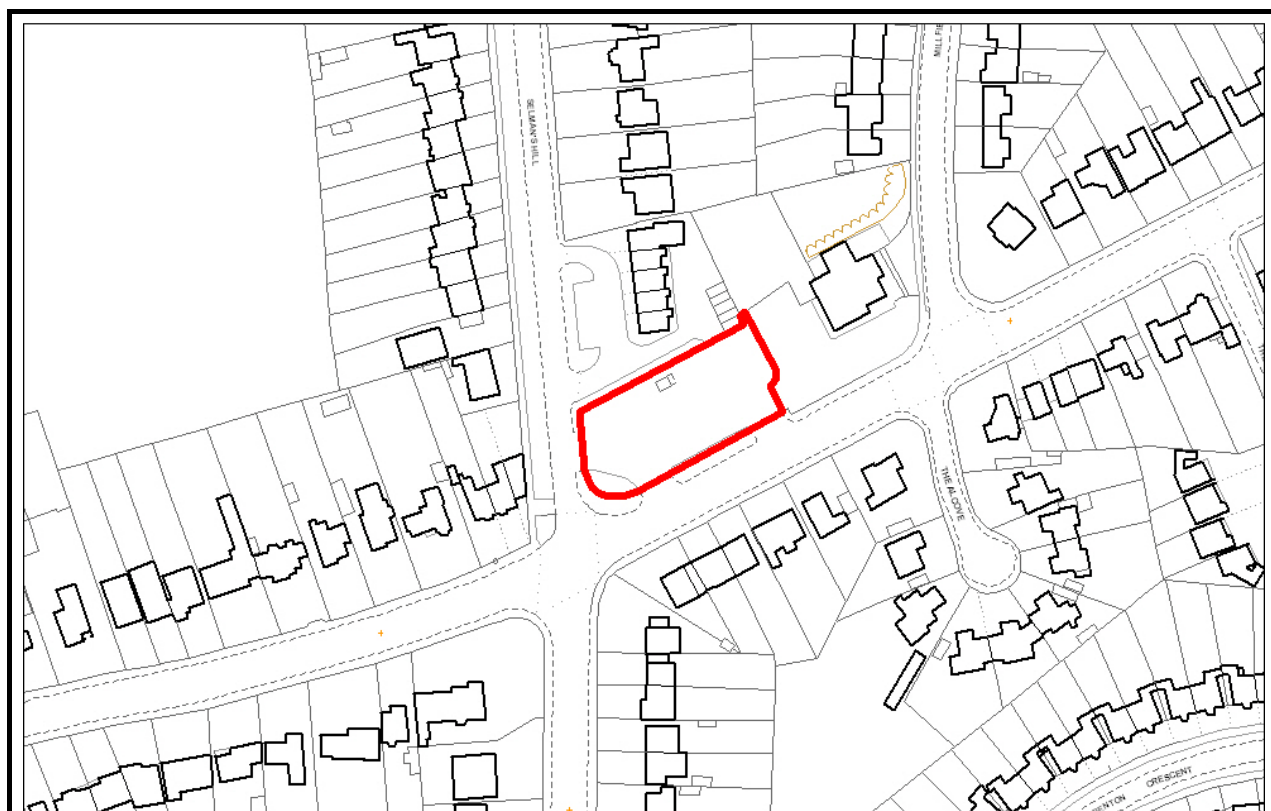
**Application Number:** 09/1789/FL  
**Application Type:** Full application

**Applicant:** Tesco Stores Ltd  
**Proposal:** Erection of Convenience Goods Store (Class A1) with associated car parking

**Ward:** Bloxwich East

**Case Officer:** Barbara Toy  
**Telephone Number:** 01922 652429  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** CgMs Ltd  
**Location:** FORMER FIELD SERVICE STATION, LICHFIELD ROAD, BLOXWICH, WALSALL  
**Expired Date:** 16/02/2010

### **Recommendation Summary: Refuse**



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### **Application and site details**

The site is situated on the northern side of Lichfield Road (A4124), on the corner of Selman's Hill. The site was previously comprised Field Service Station, a petrol filling station until 1997 and an MOT testing station prior to that. The site is currently vacant with all the underground tanks removed.

Lichfield Road, Selman's Hill and Field Road to the south forms a busy traffic light controlled crossroads. Lichfield Road forms part of the Strategic Highway Network (SHN) and Bloxwich District Centre is located approx 650m to the west of the site.

Immediately to the east of the site on Lichfield Road is The Knave of Hearts PH. Since submission of this application consent has been granted for extensions to the pub to square off the footprint. Work has started on the extension and Midland Counties Co-operative have formally notified the Authority that they have purchased the pub and intend to convert it into a convenience store. Legislation allows for change of use from a pub to a retail store without the requirement of a planning application. Work is underway with the conversion and approval has been granted for alterations to the frontage to create a shopfront and for signage, but the store had not opened at the time of completion of this report.

To the east, west and south of the site on Lichfield Road and Field Road are residential properties. Immediately to the north of the site in Selman's Hill lies Selman's Parade, a row of 4 shop units with two storey residential above. The remainder of Selman's Hill comprises residential properties of varying styles and ages. Walsall Academy is situated approx 200 m to the west of the site along Lichfield Road. Lichfield Road has a frequent bus service.

The application proposes the construction of a Class A1 retail convenience store (gross retail floor area 280sqm with a gross internal sales area of 210sqm) and associated parking. The building would be positioned to the eastern side of the site, bounding Selman's Hill and fronting Lichfield Road. The building would have a tiled pitched roof, facing brickwork and stone cills and be predominantly single storey with a two storey 'tower' element on the corner. The entrance door would face Lichfield Road with shop windows to the eastern (Selman's Hill), and western (car park) elevations as well as the frontage to Lichfield Road. Plant, three air conditioning units and one condenser (refrigeration plant) would be located on the roof of the single storey element.

The two existing vehicle access points to the site off Lichfield Road would be utilized with the access off Selman's Hill reinstated with full height kerbs to prevent use. The proposals include 18 parking spaces (including 2 disabled spaces), motorcycle parking and cycle storage on the frontage. The proposed opening hours of the store would be 0600 – 2300 hours daily. An ATM is proposed on the front elevation of the building. The applicants state that the store would employ up to 30 full time staff. The existing trees on the site would be retained.

The applicants have submitted a Transport Statement, Noise Impact Assessment, Planning, Design and Access Statement, Retail Capacity and Impact Statement (RCIS) and Statement of Community Involvement in support of their application.

Further to the RCIS and following officer consideration of the issues, the applicant's agent has made a further submission offering the following policy justification in support of their application:

- PPS4 does not require out of centre retail floorspace to demonstrate there is a need for its introduction. A requirement to demonstrate that the Express would address a need for floorspace is contrary to national policy.
- In terms of impact, to accord with national planning policy, the impact of the Express on the Buxton Road Local Centre has been considered. The centre includes a convenience goods store which we consider would still attract custom from customers in the immediate area, as opposed to persons travelling past this store to go to the Express. Overall its vitality and viability will be protected.
- The proposed Express will serve a local catchment area of 500m in accordance with Policy S6 of the UDP, which does not extend to the Bloxwich District Centre. Indeed, the convenience retail provision within Bloxwich Town Centre is located to the south of the defined centre boundary creating a greater distance in real terms from the Express store. It is therefore considered the Express would have no impact on the Bloxwich Centre as it is located a distance away from the existing convenience provision and the target catchment from the Express does not cover the centre.
- Considering the above the sequential assessment submitted has also not included sites within this centre as they are not within the catchment.
- Overall, as the Express is not a 'destination store', it will not attract trade from the larger district centre.

### **Relevant Planning History**

BC49327P, demolition of existing building and construction of new sales building, canopy forecourt and underground tanks, for petrol filling station approved 10-06-97.

BC56495P, proposed 24 hour opening, of petrol filling station by variation of Condition 13 on previous approval BC49327P, refused 04-11-98. Allowed on appeal 19-08-99, subject to condition to restrict deliveries to the site to between 0600 and 2400 hours daily.

03/1240/FL/E5, erection of 14 flats, Withdrawn 19-06-06.

07/0117/FL/E9, construction of Class A1 retail store and associated car parking. Withdrawn 24-09-07.

## **Relevant Planning Policy Summary**

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

### **Saved Policies of Walsall Unitary Development Plan 2005**

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

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

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

#### **GP7: Community Safety**

Pedestrian routes should as far as possible be unobstructed and follow a direct route.

Policy 3.6 seeks environmental improvement resulting from development.

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

#### **ENV14: Development of Derelict and Previously-Developed Land.**

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

#### **ENV32: Design and Development Proposals.**

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

#### **ENV35: Appearance of Commercial Buildings**

The design of frontages to shops should be appropriate to their setting and sympathetic to the building on which they are situated.

#### **S6: Meeting Local Needs**

Outside identified centres, existing local shops will be encouraged to continue to meet the day-to-day needs of their communities. Out of centre development may be appropriate to meet specific local needs. Criteria for the assessment of out of centre developments include: local need, local need cannot be better met by investment in a nearby centre, impact on established centre, improvements on local provision, improved accessibility, no adverse impact on surrounding residents and appropriate servicing and parking.

#### **S7: Out-of Centre and Edge-of-Centre Developments**

Demonstration of fulfilment of the following tests: sequential approach, economic impact, accessibility and the need to travel (especially by car) and



highway safety. UDP Policy S7(c) no longer applies following the publication of PPS4.

**S15: Banking and Cashpoint Facilities**

ATMs will be accepted in out-of-centre locations where a clear need can be demonstrated and it would not place at risk the continued provision of such facilities in an established centre.

**T7 – Car Parking**

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

**T11: Access for Pedestrians, Cyclists and Wheelchair users**

Developments which generate significant numbers of personal trips should have direct, safe and attractive access for pedestrians.

**T13: Parking Provision**

Food and Convenience Goods Shops – 1 car parking space per 14sqm of gross floorspace.

**Designing Walsall (SPD) (Feb 2008)**

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

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

**National Policy**

**PPS1: Delivering Sustainable Development**

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

**PPS4: Planning for Sustainable Economic Growth (Supersedes PPS6: Planning for Town Centres)**

For the purpose of the policy economic development includes B Use Classes, public and community uses, main town Centre uses which include retail,

leisure , entertainment, sports & recreation, offices, arts culture and tourism. Policies EC10, EC14, EC15, EC16 and EC17 are applicable in this case.

EC10: Determination of applications for Economic Development

LPA's should adopt a positive and constructive approach to applications that secure sustainable economic growth should be treated favourably. Impact considerations include: limit carbon dioxide emissions, accessible by choice of means of transport, high quality inclusive design, impact on economic and physical regeneration and impact on local employment.

EC14: Supporting Evidence for PAs for main town centre uses.

A sequential assessment is required for applications for town centre uses that are not in an existing centre or in accordance with an up to date Development Plan.

EC15: Consideration of Sequential Assessments for PAs for main town centre uses that are not in a centre and not in accordance with an up to date Development Plan.

Sites assessed for their availability, suitability and viability, ensure all in-centre options have been thoroughly assessed before less central sites are considered, where no town centre sites are identified preference is given to edge of centre locations with pedestrian access to the centre, developers must demonstrate flexibility in terms of scale, format car parking provision etc.

EC16: Impact assessment for PAs for main town centre uses that are nor in a centre and not in accordance with an up to date Development Plan.

Such applications should be assessed against:

- a. impact on existing, committed and planned investment in a centre or centres in the catchment area
- b. impact on town centre vitality and viability including customer choice, range and quality of comparison and convenience retail
- c. impact on allocated sites outside the town centre
- d. impact on in-centre trade/turnover and on trade in the wider area, taking account of current and future expenditure capacity in the catchment area up to 5 years in the future.

EC17: The consideration of PAs for development of main town centre uses not in a centre and not in accordance with an up to date development plan.

Such applications should be refused where:

The applicant has not demonstrated compliance with the requirements of the sequential approach

Or there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of the impact assessment (policies EC10 & EC16).

**PPG13: Transport**

Promotes sustainable patterns of development that reduce the need to travel, especially by car.

## **Consultations**

**Planning Policy – Recommend refusal.** The site is in an out-of-centre location and is unallocated in the UDP so the application should be considered against the saved UDP Policy S6 and the tests for out-of-centre development in Policy S7 and in PPS4. The applicant states that the proposed store would be “meeting the local convenience shopping needs of

the surrounding population” (para. 2.8). In order to demonstrate a local need for the proposal Policy S6 applies.

#### Existing Retail Provision (Policy S6(c))

Officers have identified 7 convenience stores either within the expected catchment area (ECA) or whose catchment areas overlap with the ECA of the proposed store. Officers visited all 7 convenience stores and consider all of them to meet a local need for convenience provision. The applicants have identified an area with no local shopping provision north of the application site however, this area is served by Dave’s Premier in Buxton Road local centre. The applicant states that the proposal would ensure that the surrounding residents have a shop with a range of fresh products located within 500m, in line with Policy S6. Officers believe that a perceived lack of fresh food in the area does not provide justification for out-of-centre development of this size and any significant provision of fresh foods could jeopardise investment in fresh food provision in Bloxwich District Centre which is better placed to serve a wide catchment area. A letter submitted on behalf of the Co-op says that they have acquired a vacant pub next door to the application site to convert into a Co-op convenience store (this conversion does not require planning permission) and that their stores “...carry a full range of products to meet local top-up shopping needs, with particular emphasis on chilled and fresh products.”

#### Scale and Kind to Meet a Local Need (Policy S6(c)l)

The estimated convenience goods turnover of the Tesco Express derived from the ECA would be approx. 3 times higher than that of the other 4 stores in the ECA combined. The applicant states that the ECA is “based on the surrounding housing layout and density, the accessibility of the site and the proximity of the surrounding convenience stores.” Thus, officers see no reason why the ECA could not be extended westwards to the north of Bloxwich District Centre. Sequentially preferable sites in this bigger ECA and the impact of the proposal on the district centre would then require consideration.

The applicant anticipates that 20% of turnover would come from inflow expenditure and passing trade. Officers consider the former petrol filling station (PFS) site to be in full view of considerable volumes of passing traffic and potential trade. There was a case in Worcester for a Tesco Express on the site of a former PFS on a busy arterial route where the applicants said “...the proposed store will also attract a significant proportion of its trade from outside this area [the Primary Catchment Area]...We estimate that the store will attract 40% of its turnover from this source, a proportion endorsed by Tesco.” Officers believe that a proposal that could draw well in excess of 20% of turnover from passing trade which is contrary to a local need argument. It is considered that the weight of local objection challenges the applicant’s argument that there is a perceived need for a Tesco Express. It is also noted that the applicant’s household survey covered a 1km radius. This radius includes most of Bloxwich District Centre and houses in the catchment areas of several local centres and contradicts the applicant’s claim that the ECA is in the region of 500m walking distance.

#### Investment in a Nearby Centre (Policy S6(c)II)

It is for the applicant to consider whether the local need cannot be better met by investment in a nearby centre. It is considered that a store of the nature of a Tesco Express should be more appropriately located within a defined centre alongside other facilities which serve large numbers of people. This view is supported by a statement from the applicants that Tesco Express stores are used for top-up shopping and, to a significant extent, for bulk purchases. Tesco said in a statement to the Competition Commission "Convenience stores also cater for large shops - a significant proportion of shops in Tesco Express...are trips in which the customer spends more than 60% of his or her weekly shopping budget for groceries."

#### Impact on Existing Local Provision (Policy S6(c)III&IV)

The applicant estimates that the annual turnover per sqm for the proposed store would be approx. 35% (£869,400) below Tesco's average turnover. Officers disagree and believe the figure should be in line with Tesco's average. Due to its limited size, officers would expect the store to stock the best-selling products and brands and therefore perform above the retailer's average turnover. See 'PPS4 Impact Assessment' section for further details. Given the scale, turnover and location of the proposal, officers consider the proposed store's impact on existing provision would be significant enough to leave some needs unmet and could have an adverse impact on the vitality and viability of several centres in the surrounding area. Thus the proposal is not in accordance with Policy S6 and should be considered as an out-of-centre retail development to which Policy S7 and PPS4 apply.

#### PPS4 Sequential Assessment (EC14,15 &17) and UDP Policy S7(a)II

The applicant states that sequentially preferable sites in Bloxwich District Centre do not need to be considered because "Given the nature of the proposal to specifically meet local needs, it would not be appropriate to locate the proposed facility within Bloxwich District Centre." Officers have concluded that the proposal would serve more than just a local need and thus the sequential assessment should include several vacant premises and development opportunities in Bloxwich District Centre and the Wiggin House site adjacent to Buxton Road local centre. This view is supported by an Appeal Decision in respect of County Bridge Service Station, Willenhall: "the centres at Willenhall and Bentley are reasonably close at hand... in line with local regeneration initiatives, development plan and Government policy, I would expect investment to be directed to existing centres."

#### PPS4 Impact Assessment (EC14,16 &17) and UDP Policy S7(a)III&IV

The applicants say "...there is sufficient expenditure capacity within the catchment for all stores to trade successfully". The current surplus is most likely to be spent in Bloxwich District Centre, which has the role of serving this area of the Borough. If the impact of the proposed store and the new Co-op store is taken into account there would be (using Tesco's average turnover) a shortfall of available expenditure for convenience goods in the ECA of approx. £1,121,000 in 2015 without taking into account the turnover of stores whose catchments overlap with the ECA. The impact on stores nearby would depend on the degree of overlap between the ranges of goods in the Tesco Express and the shop concerned. Some shops will be hit much harder than average and those will be the ones most at risk of being forced to close. The applicant argues that only the impact on Dave's Premier needs to be considered because the other stores nearby are in out-of-centre locations. The proposal would be contrary to PPS4 EC10.2(d) and UDP Policy S6(d) and S7(iv) because the proposal could leave large areas to the east and north-east of the ECA more than 500m walking distance from convenience provision contrary to social inclusion objectives.

#### PPS4 Economic Development (EC10&17)

Tesco's local public consultation exercise letter states that the equivalent of 30 full-time posts would be created by the proposed store. Officers found larger Tesco Express stores with similar opening hours proposing to create far fewer jobs. The applicants for a Tesco Express in Wyre (with a 383sqm "net tradeable sales area") stated that the equivalent of 25 full-time jobs would be created. A Tesco Express in Hertfordshire with a 253sqm "net tradeable area" was expected to create 20 full-time equivalents. The movement of Tesco employees from other stores in the borough, the loss of jobs if nearby convenience stores were forced to reduce staff numbers or were driven out of business altogether also need to be taken into consideration. The Co-op's agent states that its stores with a turnover double that of the proposed Tesco Express would employ no more than the equivalent of 20 full-time staff.

#### PPS4 Accessibility (EC10) and UDP Policy S7(a)V&VI

The applicant's Transport Statement indicates that there are at least 14 different bus services operating in the ECA. All but two of these serve Bloxwich District Centre. Contrary to Policy S7(a)V&VI, the applicant has not considered alternative sites in Bloxwich District Centre that would ensure easier access for residents by public transport.

**Transportation** – no objections subject to conditions relating to layout, access and servicing.

**Parking** – T13 requires 1 space per 14sqm equating to 21 spaces for the proposed ground floor area. The scheme provides 18 spaces (including 2 disabled spaces) plus 2 secure motorcycle bays and 4 cycle stands for customers as well as covered secure cycle storage for staff. The level of parking is considered satisfactory for a convenience store that will attract short term, high turnover customer parking than a larger store. Lichfield Road has a frequent bus service for use by staff and customers.

**Access** – The layout would utilise the 2 existing access points on Lichfield Road, the eastern access is also used for access to the adjacent pub car park and this shared arrangement would remain. The position of the building will

not impact on the visibility at the traffic light junction and meets current highway standards. An 'In' and 'Out' system to the site is proposed, 'In' on the western access and 'Out' on the eastern, with giveaway markings to give priority to any vehicles entering to access the pub car park. Clear signs for in and out arrangements will be displayed.

**Servicing** – Service vehicle will enter via the eastern access with only 1 vehicle present at any one time (Transport Statement) and vehicle limited to 10.35 rigid and autotracks demonstrate the swept paths within the site and access. Tesco operate their own waste management regime.

**Transport Statement** – This provides a comparison of the proposed development to the previous petrol filling station (PFS) use. It concludes that the proposed use will generate 1 x 2 way vehicle trips every 75 seconds, which is considered reasonable and would have no detrimental impact upon Lichfield Road. It shows 140 less trips during a week day PM peak hour than the previous PFS use.

**West Midlands Police** – no objections in principle. Comments include:

- The building on the corner may impact on visibility at the traffic light junction
- The layout of the parking area provides little surveillance from the premises
- No divide between car park and car park of the pub which may result in overspill parking from either use.
- Robust management required to prevent anti social behaviour including CCTV
- Ram-raid prevention required around the ATM

**Pollution Control – Scientific Team** – no objections in principle subject to conditions regarding delivery hours, hours of working on site during construction and regarding the plant and refrigeration equipment.

**Contaminated Land Team** – no objections subject to conditions requiring investigation and remediation of any ground contamination and ground gas issues associated with the former PFS use on the site.

**Fire Officer** – considered satisfactory for fire service access.

**Environmental Health** – no objections and supportive of the comments and recommendations by Pollution Control.

**Landscape** – no objections in principle, detailed landscaping scheme required and should include planting of the raised area around the existing trees.

**District Centre Manager** – Objection. The proposed development is outside the primary shopping area and does not support Policy BX1 – 6 in the UDP. The development would not contribute to the overall strategy for Bloxwich district centre.

**Urban Design** – no objections, the layout provides street frontages to both Lichfield Road and Selman's Hill and the car park is set back and is obscured from immediate views from all directions except Lichfield Road when travelling from east to west. The design would fit with the predominantly residential character. The building is situated to provide a glimpsed view terminating the vista down Lichfield Road (from the west) and Field Road (from the south).

### **Public Participation Responses**

Thirty eight individual letters of **support** have been received.

Comments include:

- Bringing jobs for local people
- A handy facility particularly for the elderly and disabled who can't always get to the big stores.
- It would mean residents could walk to the shop rather than relying on the car or bus
- It would enhance the neighbourhood, regenerating a neglected site that is an eyesore
- It would be a great asset to the area
- It would be better than the existing local facilities providing better prices, more choice and fresh produce
- The area lacks a modern store with well stocked shelves and a good variety of goods.
- The building would fit well with the surroundings
- The site was a petrol filling station for many years which has significant traffic, therefore any increase in traffic wouldn't be a problem
- Can't remember the last serious accident at the junction
- Question the validity of the petition from local shop as the only customers to the shop are school children
- The area currently has no cash machine, this would be a useful addition.

Two petitions **against** the proposals have been received.

Petition 1, submitted by a shop keeper from Selman's Hill contains 487 signatures, Petition 2, submitted by a shop keeper from Fishley Lane contains 292 signatures. The same letter is attached to both petitions and includes the following comments and objections:

- Threaten the existence of existing shops in close proximity
- There is already a convenience store in Selman's Hill adjacent to the site
- Site not designated for retail uses
- No demonstration of need in 1000m catchment in compliance with policy S7.
- No justification for the 500m catchment area used
- Number of convenience stores in the 1000m catchment area that should be used
- The estimated turnover projections for the store more than double that of all its competitors combined

- Consider the submission includes an under estimation of figures
- Fails to adequately demonstrate a need test
- An assessment of impact of the development on other smaller centres is required
- Impact on highway safety due to the proximity to the busy junction and Walsall Academy
- Since the previous withdrawn application an increase in traffic in area and increase in accidents
- Likely congestion from delivery vehicles

Two newspaper articles were included with the one of the submissions:  
Objections to this scheme from local shopkeepers and residents – Express & Star

Tesco opening 18<sup>th</sup> store in Bristol – Daily Mirror

One letter of **objection** received.

It raises the same comments as the petitions above and in addition the following objections:

- Will result in the loss of local businesses and jobs
- Increase in traffic
- A lot of public opposition
- Already have Asda and local shops, another store is not needed.

Forty seven further letters of **objection** have been received since the announcement by the Co-Op that they are opening a convenience store at the adjoining Knave of Hearts site, including a letter on behalf of Midcounties Co-operative.

Objections:

- The area does not warrant two convenience stores in such close proximity to each other
- Increased traffic and safety issues
- Two stores would take too much custom from the main shops in Bloxwich to the detriment of the centre and to existing shops in the area
- Too close to the busy junction already accidents, likely to be increased
- Queuing traffic onto the road in close proximity of the lights/junction
- One convenience store is needed in the area but not two
- Busy junction with a lot of pedestrians due to the nearby school
- Poor access for customers and deliveries
- Co – Op site is larger and has better car parking and servicing
- Fat cat tactics from Tesco
- Co-Op have proved to be good neighbours in the borough through community involvement, unlike Tesco
- Tesco at Stone Cross in West Bromwich in a similar situation causes great traffic problems
- Already enough Tesco stores in Walsall
- No regard to the new provisions of PPS4, requiring greater emphasis be placed on impact rather than need



- Inconsistencies in the catchment area used in the submission
- Both stores predicting a likely turnover towards the lower end of their viability parameters, therefore not a need for two stores
- The Co-op will satisfy local demand in terms of quantity and quality
- Over development of the site resulting in conflict between customers and delivery vehicles
- Detrimental impact on the amenities of the neighbouring properties.

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

### **Determining issues**

- Design and Layout
- Impact on the surrounding occupiers
- Access and parking.
- Retail Policy and Impact Issues

### **Observations**

#### **Design and Layout**

The site layout provides a building with frontages to both Selman's Hill and Lichfield Road with the car park set to the side. The scheme provides a bespoke designed building, part single and part two storey (though the tower is void) constructed from traditional materials, ie facing brickwork and tiled pitched roof and gable features to pick up on the characteristics of the surrounding residential area. The two storey element is situated on the corner to provide views from along both Lichfield Road and Field Road and addresses the corner well. The shop entrance faces Lichfield Road rather than the car park, encouraging pedestrian access and activity from the street. Shopfronts to three elevations is good design, addressing the corner well.

The site is set at a lower level than the properties in Selman's Hill to the north with a retaining wall (approx 1.5m in height) across the rear of the site. Selman's Parade comprises a three storey buildings with parking on the frontage. Whilst the proposed building would be forward of the building line of Selman's Hill the impact of the building would be significantly reduced by the level change. A two storey house (fronting Lichfield Road) with single storey side garage is situated on the opposite corner of Selman's Hill up to the boundary, which comprises a high boundary wall and fence and high conifer trees, obscuring views along Selman's Hill. The layout and design of the building is therefore considered satisfactory and would have no adverse impact on the general street scene.

The site is currently vacant and derelict and has been in this condition for a number of years since the former petrol filling station closed, creating a poor visual impact on the amenity of the area. The proposals would provide a significant improvement to the area and the general street scene and physical regeneration of the area.

The existing trees situated on the rear boundary of the site would be retrained and a retaining wall and enhanced shrub planting within a raised bed.

**Impact on surrounding occupiers.**

The site is currently vacant and derelict and has a poor impact on the visual amenity of the area, emphasised in the letters of support submitted by residents. The proposals would create a significant improvement to the visual amenity of the area for the local residents.

The previous use of the site as a petrol filling station had significant comings and goings. The Transport Statement includes a TRICS analysis of the traffic impact of the proposed development compared to the previous petrol filling station use, which concludes that the proposed use will generate a 1 x two way vehicle trip every 75 seconds, which is considered to be reasonable and there should be 140 less trips during a weekday pm peak hour than the previous petrol filling station use.

Lichfield Road forms part of the strategic highway network and forms a busy strategic route through the Borough. It already has significant traffic movements and it is considered that the proposed use is unlikely to generate a significant increase in traffic.

The submitted PPG24 noise assessment provides an assessment of the plant and equipment to be installed and concludes that the equipment is unlikely to have an adverse impact on local amenity, subject to conditions to ensure the equipment is serviced and maintained in accordance with manufacturers requirements and with a restriction in operating hours.

The Transport Statement indicates four deliveries a day from varying sizes of vehicles limited to a maximum of 10.35m rigid, with reduced deliveries on Sundays and bank holidays and restricted hours of delivery and is therefore unlikely to have a significant impact on the amenities of the surrounding residential occupiers.

No objections have been raised by Environmental Health or Pollution Control subject to safeguarding conditions.

Whilst two petitions submitted by local shopkeepers, containing 779 (combined) signatures against the proposals have been received and forty six individual letters of objection have been submitted, but 34 individual letters of support have also been submitted. The objections focus predominantly on the retail policy issues, the inappropriateness of an additional store adjacent to the new Co-Op, concerns re traffic generation and impact on existing local stores whilst the letters of support focus on the need for a modern competitively priced store, the need for development of the site and creation of jobs. Overall, in terms of need the comments are well founded particularly with the Co Op opening but concerns regarding traffic generation are not born

out by the comments from Transportation and the submitted Transport Statement.

### **Access and parking**

UDP policy T13 requires 1 space per 14sqm of gross floor area for a retail food store, which would equate to 21 spaces for the development. The proposals include 18 spaces (including 2 disabled spaces) and in addition 2 secure motorcycle bays, 4 cycle stands for public use as well as covered secure cycle parking for staff. Whilst this is 3 spaces below policy T13 guidance, this is a maximum requirement and the level of parking proposed is considered adequate for a convenience store in this location which will attract more short term, high turnover customer parking than a larger store. Lichfield Road has frequent bus services and the proposals provide motor cycle and cycle provision, providing alternative modes of transport for staff and customers. In addition the site is safely accessible by foot from the surrounding residential area.

The site layout would utilise the two existing footway crossings on Lichfield Road and the redundant crossing on Selman's Hill would be reinstated with full height kerbs to prevent access. The site would operate a one way system for all vehicles entering via the western access and leaving via the eastern access. Swept paths within the Transport Statement show appropriate access for service vehicles without interruption of the parking facilities.

Transportation have raised no concerns or objections regarding highway safety or the proximity of the development to the traffic light controlled junction.

### **Retail Policy and Impact Issues**

EC10 of PPS4 states that, in order to secure sustainable economic growth, all planning applications for economic development should be assessed against a number of impact considerations. The proposals are in accordance with some of these impact considerations, namely the proposals would be accessible by a choice of means of transport, they would have a high quality inclusive design and provide physical regeneration. UDP Policy ENV14 also encourages physical regeneration through the re-use of derelict and previously developed sites although where this is in accordance with other policies of the UDP.

It is considered that a lack of local convenience provision has not been demonstrated and the residents in this part of Bloxwich have access to one or more convenience shops within reasonable walking distance, in addition to the proposed conversion of the Knave of Hearts pub adjacent to the site to a Co-Op convenience store.

Due to the location and scale of the proposal, the catchment area of the proposals would extend far beyond the ECA included in the RCIS. The applicant's perceived need to increase the range of products available in the local area, improvements to the visual impact of the application site and a

possible small net increase in jobs, do not outweigh the likely significant adverse impact on the Buxton Road local centre and the real risk to future investment in convenience goods retailing in Bloxwich District Centre.

The applicant has not considered a sequentially preferable site immediately adjacent to Buxton Road local centre and the applicant has not considered sites in Bloxwich District Centre that are also sequentially preferable and would ensure easier access for residents by public transport. Since the submission of the application a further premises within High Street, Bloxwich has become vacant, a retail store, with a service yard to the rear, on the corner of Victoria Avenue (last occupied by a DIY retailer, but previously by a supermarket chain). This would represent a further sequentially preferable site within the District Centre which has not been taken into consideration.

No evidence has been submitted to show the policy tests for out-of-centre development could be satisfied and the basis on which this could be shown cannot be foreseen. The proposals are therefore contrary to UDP Policies S6 and S7 and PPS4 Policies EC10, EC14, EC15, EC16 and EC17.

### **Recommendation: Refuse**

The proposals fail to adequately demonstrate either a local need for further convenience provision or take account of the availability of other sites in the catchment area, designated local centres or Bloxwich District Centre to better accommodate the foodstore. The proposals would be likely to have a significant adverse impact on the vitality and viability of Buxton Road local centre and investment in Bloxwich District Centre. The proposals would also be likely to put convenience stores in the surrounding area at risk of closure, contrary to social inclusion objectives in Walsall's Unitary Development Plan and in PPS4: Planning for Sustainable Economic Growth. The proposals are therefore contrary to the requirements of saved Policy S6 of the UDP and fail the tests of saved Policy S7 of the UDP and policies EC10, EC14, EC15, EC16 and EC17 of PPS4.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### **Reason for bringing to committee: Requires delicate judgement**

**Application Number:** 10/0516/FL  
**Application Type:** Full application

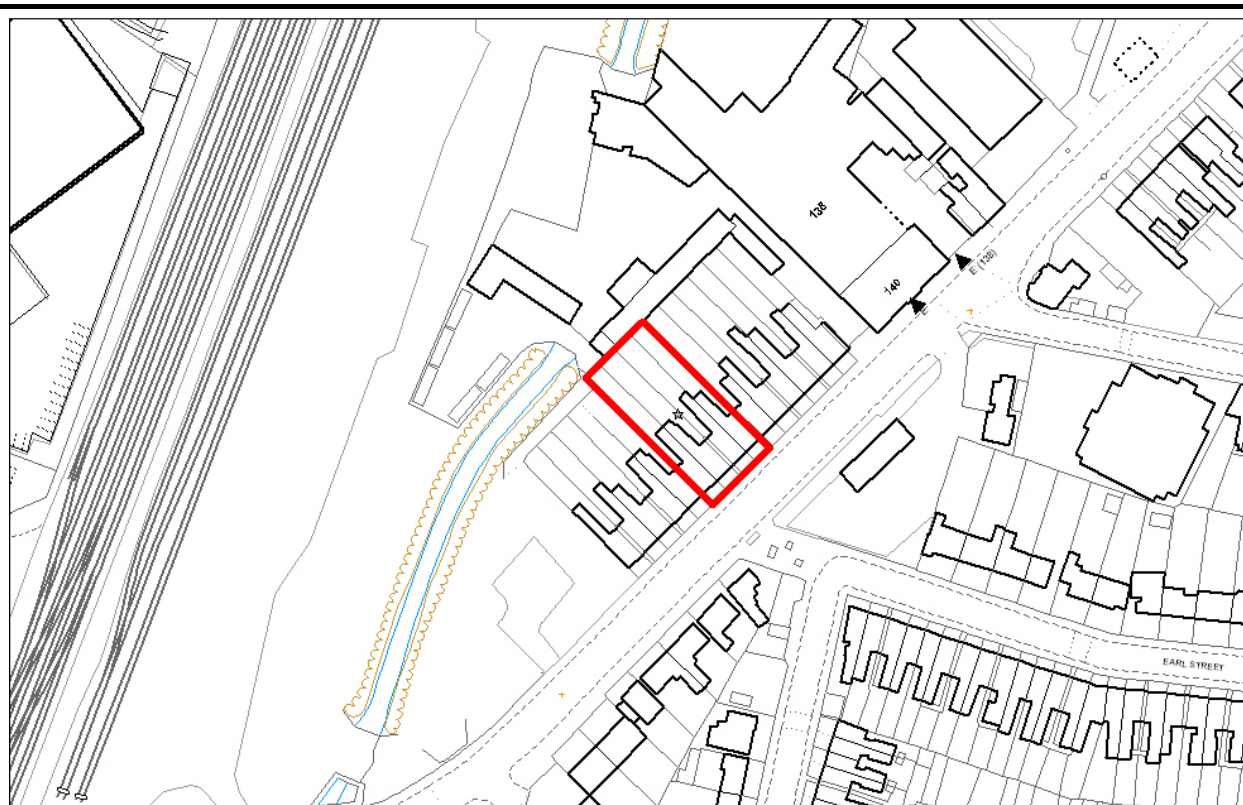
**Applicant:** Mr Mohammad Luqman  
**Proposal:** Proposed construction of main prayer hall on ground floor and women's prayer hall on the first floor as an annexe to the rear of existing buildings at 154-160 Wednesbury Road.

**Ward:** Palfrey

**Case Officer:** Andrew Thompson  
**Telephone Number:** 01922 652403  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Reade Buray Associates  
**Location:** ABU-BAKR TRUST, 154-160 WEDNESBURY ROAD, WALSALL, WS1 4JJ

**Expired Date:** 22/06/2010

### **Recommendation Summary: Refuse**



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## **Application and Site Details**

The site is four houses converted to a mosque. It is part of a row of terraced houses, on Wednesbury Road. In total, the mosque occupies or controls 7 of the 15 houses in the row (not in a continuous block). They also control commercial properties at the side and rear, and a car park to the south (this serves the mosque, using a footpath link behind the houses). The gates at the rear (connecting the rear of the building to the car park) are kept shut except between 1500 and 1515, and 1915 and 1930 (Monday to Friday).

Either side of the Mosque are houses. The immediate vicinity is mixed use in nature (factories, car wash, houses primarily).

A brook runs through the middle of the mosque's properties.

The proposal is a big extension at the rear of the four properties, part single storey part two storey. The single storey element is to provide a prayer hall (31.7 metres long, 20.1 metres wide). The upper floor, also for a prayer hall, is the same width, but only 7.4 metres long, and is at the rear of the upper floor of the existing building.

The capacity of the ground floor prayer hall is 550 people, the upper prayer hall 90.

The upper and lower floors are flat roofed, brick skinned, with decorative stone surrounds to the windows. There are windows in the end elevations of first and ground floor, and there are several windows in the side walls at ground floor. Those walls are close to the side boundaries of the site. There is a window at first floor on each side of the upper floor, in each case serving a landing, one being 1.3 metres from the side boundary, the other 1.7 metres.

The applicants advise that the windows in the north-east elevation

1. Are proposed to have a cill height 1050mm above ground level (900 above internal floor)
2. There is an existing 1800mm high boundary fence
3. The windows could be frosted
4. The lower frames could be fixed with opening transoms at high level (the building will be mechanically heated , ventilated and comfort cooled during periods of use

The following section on history sets out a number of breaches of control. The applicants intend to address these. In addition, they have been in preliminary discussion with officers about a wholesale redevelopment of the applicants current and intended ownership (a long term aim). That is likely to feature in an application in the future. The applicants see their long term intentions as relevant to the present decision, by eventually changing the relationship between the proposed building and the existing uses.

## **Relevant Planning History**

The Mosque was approved at no. 156 in 1972. It has extended, through various permissions for ancillary and related activity, over the years.

A car park for the Mosque was approved adjoining no. 170 Wednesbury Road in 2002 (02/0902/FL/W4). It was originally a council public car park, but was little used, was closed and sold to the mosque. The approved layout shows 100 car spaces.

At the rear of the application site (beyond the brook), four mobile classrooms were approved in 2003 (02/1854/FL/W3).

An application for a single storey prayer hall extension on the rear of the buildings on the present application site was made in 2003. It was 27.2 metres in length (i.e. smaller than the presently proposed ground floor by 4.5 metres). Windows were only on the rear elevation (03/0168/FL/W4). The application was recommended for refusal on the basis of an unacceptable impact on the adjoining domestic gardens, by overshadowing and its visual impact. The recommendation was rejected by the then Area Planning Committee, and approved. It has not been implemented.

***In 2005, an extension to the (unimplemented) the prayer hall, and including a first floor classroom extension (05/2235/FL/W7) was approved, and comprised:-***

- ***a single storey extension (taking the prayer hall to 33 metres long) with no windows on the side elevations***
- ***a two storey extension (7.9 metres deep and 16.4 metres wide) to provide 2 classrooms, stairs and male ablutions, with no windows on the side elevations.***

The two storey extension would have replaced the rear wings of the terraced dwellings (now part of the mosque) and would be 7 metre. This was similar to the present proposal (though with less windows). It was not implemented. An application was made to extend the life of this permission, in 2009 (09/1281/FL) but it was withdrawn (because there were objections from the Environment Agency and Transportation about inadequate information, likely to result in refusal).

In addition, there have been a number of abortive applications for school use of land at the north and west. There are unauthorised school uses in place in these areas. The mosque are preparing a submission to resolve these issues.

In summary

1. the mosque and its associated activities have a series of permissions in the ex-terraced houses
2. there have been planning permissions for extensions comparable to the present proposal.

3. the area at the rear of this terrace was an industrial estate and that is its only current entitlement (though there have been abortive attempts to change this situation to school use)
4. the area south and west of that industrial estate has permission for the 4 mobile buildings to be used as classrooms
5. the area north and east of the driveway into that small industrial estate was a factory, and that is its only entitlement (despite the fact that it is in use as a school)

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

### **Unitary Development Plan**

2.1. and 2.2 aim at urban regeneration, and social inclusion together with improved environment.

2.4 and GP5 promote equal opportunities and social inclusion.

GP2, 3.6, 3.7 3.16 and ENV32 seek good design well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV10 – deals with Pollution effects from developments including ground contamination and noise.

7.1: Seeks to promote an efficient highway network;

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

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

### **SPD**

#### **Designing Walsall**

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

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

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

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

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

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



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

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has just entered its Examination in Public. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

### **National Policy**

Planning Policy Statement (PPS) 1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

### **Consultations**

**Transportation** No Objection subject to conditions.

The proposed extension generates the need for 14 parking spaces based on the requirements of UDP Policy T13. The existing car parking is not clearly delineated. The applicant has now provided a layout plan which shows a capacity of 93 car spaces, which includes 1 mini bus space and 4 disabled spaces. The times of operation of the prayer hall fall outside the hours of operation of the school on the site, therefore the car park will be more than adequate to meet the needs of the prayer hall.

**Pollution Control Contaminated Land Team** support subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the former plating works. Conditions to address these concerns have been provided.

**Pollution Control, Scientific Team** - no comment – consult Environmental health

**Environmental Health** – no adverse comments – no history of complaints.

**Environment Agency** – No objection

*There was originally concern about the implications of the development for flood risks from the brook, but this has now been clarified.*

### **Public Participation Responses**

One resident has objected to the scheme on the basis that:-

- appreciate the intentions of Abu Bakr to expand the mosque
- do not believe this is a suitable location in very close proximity to our home
- will infringe on privacy and quality of life greatly

- deeply concerned that 3 years after planning refusal to use the former factory buildings as a school it continues
- At rear of my property there are currently over 10 mobile buildings used as classrooms and one large one used as prayer hall
- A building at the rear of my property is used as a nursery, can this be allowed?
- Abu Bakr trust seem to be a law on to themselves
- For nearly 10 years we have had tolerate constant disturbances with no council action
- Currently our home is surrounded by the Trust and over the years they have been buying nearby property to increase the size of their school and mosque.
- The number of people visiting for schooling purposes and mosque is quite alarming.
- Most of the day we are not able to appreciate living in our homes, there is constant stream of people visiting either the mosque or school.
- There is noise pollution from the girls school, believe not an approved use
- school and mosque finish times there is sheer chaos outside and around our home - traffic can be snarled up for long periods during peak times.
- There is a respite of 30 minutes or so between school finish time and when the Mosque starts religious teaching for the children to 7.30 pm
- having a bigger building will exacerbate the current situation and leave our homes surrounded by 1000 plus people – building will house an additional 550 people and will change the current landscape and block light into our garden
- will destroy privacy of house
- there is no security fence on the plans – have already had students entering garden.
- Noise impact
- Where will these additional 550 people park?
- This is a main road and should be congestion free - a bigger building will make the matter worse
- only have peace and quiet late in the evening - not able to leave our back windows open
- current school is only mobile buildings - there are no playing or recreation facilities
- Fire risk - where will school pupils gather for safety? Where will the mosque congregation gather?
- Abu Bakr Trust must accept that they have outgrown their current site.

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

## **Determining Issues**

### **Observations**

- parking / traffic
- noise and disturbance from the increased use of the site
- impact on houses
- design

### **Parking / Traffic**

There is a large car park in the control of the mosque. There are no objections from Transportation on this aspect.

This is a relatively localised community facility. Any increase in parking or vehicular journeys resulting from this proposal, is not likely to be significant, and this is reflected in the Transportation comments.

### **Noise and disturbance**

This is an extension to an existing use. The proposed use is for a prayer hall. A number of the comments made by the objector e.g. in relation to the school use, relate to other parts of the Mosque, and uses which do not appear to be lawful. Resolution of these issues is being sought by the Trust, and further reports will follow, as necessary.

Noise could be internalised within the structure, with a condition controlling amplification as necessary.

### **Impact on houses**

The proposed structure is large. It effectively fills the yard area at the back of the Mosque.

There are no guidelines for extensions of this sort. However, it is considered reasonable to employ the Council's guidelines with respect to rear extensions on dwellings in assessing this proposal (given that there are the dwellings alongside it) as this provides a useful benchmark. This council applies a 45 degree code. A line is drawn at 45 degrees to the plane of the wall / window) from the centre of the windowsill level on the ground floor (for single storey extensions) and the quarter point of the windowsill (for two or more storey extensions). Extensions, which breach the 45 degree line will not normally be allowed, with the exception of extensions which would not exceed 3.5 metres in length as measured from the nearest window in the adjoining dwelling (irrespective of the 45 degree line).

This proposal is well in excess of that 3.5 metre allowance.

The result of this is that it will have a massively dominating effect on the adjoining houses, their garden areas, and use. The proposal is unacceptable in this respect.

The house on the south of the proposed extension is owned by the mosque. The house on the north is not owned by the mosque. However, this is not, in itself determinative (as the effect on use and amenity of the rear gardens is the same whoever owns the properties).

The proposal includes windows in the north elevation of the ground floor, and in both sides of the first floor. The levels of the ground floor windows are such that occupants of the building will be able to see over the boundary fence. Obscure glazing can control overlooking, but presence of the building and its occupiers will always be apparent to the residents, and that is judged to be intrusive for those residents.

As long as there are houses adjoining, these effects will continue. The applicants intentions to buy up the entire block of houses, and pursue a wider redevelopment for school and mosque purposes is noted, but until it can be put in place, houses will remain neighbours to the proposed building, and those intentions can carry no weight.

## **Design**

The proposal relates to four Victorian mid-terraced properties. The fronts of these properties are part of an attractive run of dwellings with pleasant architectural details including brick corbelling over windows, bay windows, and with details around front door canopies. The proposed extensions at the rear do not affect this.

At the rear, the area is characterised by the plain backs of the houses, a range of poor spaces / back gardens, and the industrial units.

The previously approved rear extension was very utilitarian. The current application is improved, but is still a very simple box, with embellishments. Since the previous approvals, the emphasis on good design in the planning system has increased. The presently proposed design does not reflect that enhanced status and is unacceptable.

## **Conclusion**

The previous approval for a prayer hall was recommended for refusal. The recommendation the present application continues to reflect that position. It is open to your committee to conclude that the permission previously given, which has now lapsed, should not be given again.

## **Recommendation: Refuse**

1. The bulk and mass of the proposed extension would create an unduly dominant feature of the site in relation to neighbouring houses, which would have a detrimental impact on the adjoining houses, their windows and their gardens, to the detriment of the amenities of the occupiers of those houses. The side facing windows in the proposed extension would also adversely affect the adjoining houses, by intruding on their privacy (an effect which

obscure glazing would not eliminate). As such the proposal would be contrary to Walsall's Unitary Development Plan, in particular policies GP2 and ENV32 and the supplementary planning document Designing Walsall., and the principles of good design in PPS1.

2. The extension is very large, and has few design features in comparison to its size. The flat roof, and limited level of detail in the design, results in a poor design. In addition, the size of the extension in relation to the size of the existing building and the size of the site is unacceptably out of proportion to the existing buildings and the site.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### **Reason for bringing to committee: Major application**

**Application Number:** 10/0294/FL

**Application Type:** Full application

**Applicant:** Leekes Ltd

**Proposal:** Extension to store to form new entrance and alterations to car park

**Ward:** Darlaston South

**Case Officer:** Marilyn Kowalski

**Telephone Number:** 01922 652492

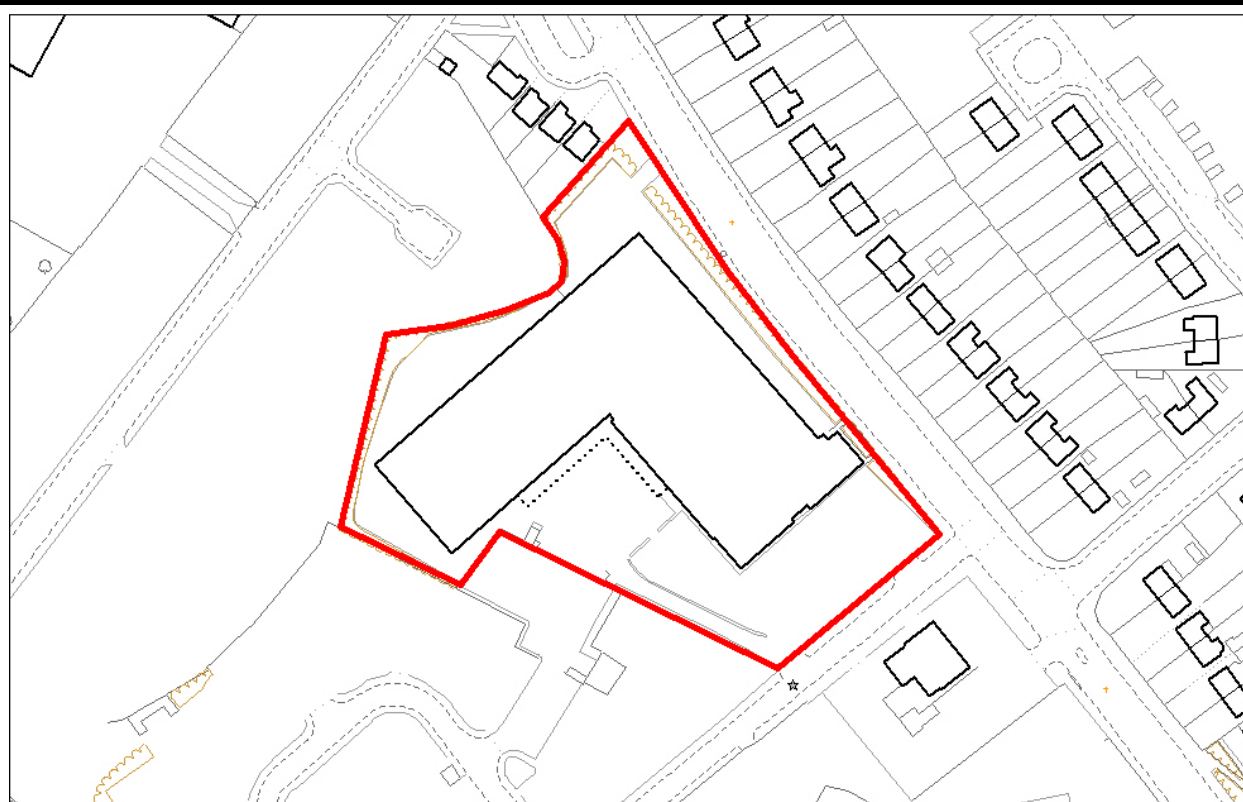
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:**

**Location:** COLE OF BILSTON, GREAT  
BRIDGE ROAD, BILSTON, WEST  
MIDLANDS, WV14 8LB

**Expired Date:** 30/07/2010

### **Recommendation Summary:** Grant Permission Subject to Conditions



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## **Application and Site Details**

The application is for an extension, and alterations to the car park layout at an existing retail store previously trading as “Coles of Bilston”.

The building is “L” shaped. The main customer entrance will be relocated from the side of the building to the inside corner of the “L”. The extension would provide 198 sq.m. of net additional floorspace. In detail the proposed works include the following:-

- Over cladding of the existing fibre cement wall and roof of the store with insulated microrib cladding
- Two storey glazed curtain wall entrance across the corner of two existing buildings to provide a new entrance at the centre of the store;
- Internally, a new lobby with checkouts and customer service desks, and a lift and escalator leading up to a new café area on the first floor. Other internal works include refurbishing with new flooring, walls and ceilings.
- a staff car park to the rear of the store, which will provide more customer spaces at the front with designated disabled and parent parking.
- The warehouse/goods inwards entrance will be moved to an existing access point on Great Bridge Road from Belmont Street to facilitate a modern storage system within the building, and to avoid conflict between HGV and customer vehicles.

The following documents have been submitted with the application:-

A Retail Statement, this outlines:-

The history of the site and goods sold from there;  
The intentions of the proposal;  
Sales strategy;  
Justification for reasons for the out of centre nature of the use.

Statement of Operations:-

This explains that historically, the site was used as a central warehouse supplying around 100 companies, with up to a dozen deliveries arriving at the site Monday to Friday many via HGV up to 40ft ( 12.2m).

Leeks do not expect to receive more than 1 or 2 deliveries per day and the majority of these would be via smaller courier vehicles therefore the HGV operations at the site would be vastly reduced.

Overnight activity will be contained in the main car park. Each morning Tuesday to Saturday, the local delivery vehicles will move two of the demountable boxes with local store stock, from



the main car park and into the delivery area to the rear of the store off Great Bridge Road. These boxes will then be emptied into the store throughout the day. The remaining two boxes will contain products for home delivery and these deliveries will be completed throughout the day. Tuesday to Saturday. Once the deliveries have been completed the boxes will be returned to the main car park, along with the empty stock boxes from the goods "in" area, ready for collection on the over-night distribution run. On Sundays the boxes will remain in the rear delivery area, as there is no overnight collection on Saturday or Sunday night. By locally trunking the demountable stock boxes in the morning and early evening, over-night activity will be contained in the main car park away from residential properties.

The gates of the service yard will remain permanently open while goods are being delivered to the store during the day to avoid vehicles parking on street prior to the gates opening. A diesel tank within the main car park is to be removed and fuel cards for use at local petrol stations will be issued to drivers. All waste packaging will be taken away to be dealt with for recycling centrally in South Wales.

### **Relevant Planning History**

10/0255/LE Certificate of Lawful Existing Use as a retail store, Grant Certificate of Lawful Existing Use or Development 30/04/2010

There have been a number of planning and advert applications on this site over the years for small extensions and adverts. The more relevant applications are:-

BC4017 Extension to warehouse, granted 1976

BC3580 Office and Showroom extension for retail granted 1976

BB12961 Erection of 2 storey warehouse and office block, showroom, and car parking granted 1979

BC17282 Modification to landscape scheme and forecourt layout, granted 1981.

BC46200P New store entrance, granted 16<sup>th</sup> July 1996

BC58126P Erection Of 1 No. Illuminated Poster Hoarding, Cole Of Bilston Ltd, Great Bridge Road, Bilston, West Midlands Refuse Advertisement Consent 13/12/2001

BC53616P 1 No. Upgrade Of Existing Fascia Sign At Cole Of Bilston Ltd, Great Bridge Road, Bilston, Approve Advert 5 Years 24/02/1999

### **Relevant Planning Policy Summary**

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

## **Saved policies of Walsall's Unitary Development Plan 2005**

2.1 and 2.2 aims of the Plan include sustainable development, urban regeneration and environmental improvement, high quality natural and built environment, including a high standard of design

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

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

3.16...consider development in relation to its setting, character and quality of existing environment... require high quality design

ENV32 Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, this is particularly important on a visually prominent site, areas with a special character arising from the existing development in the neighbourhood. It sets guidelines with which to assess the quality of design.

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

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

S7 Out-of-Centre and Edge-of-Centre Developments

T7 (b) All development should satisfy the car parking standards set out.

(e) All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13. General parking standards for shops other than food: 1 car park space per 20 sq.m. of gross floorspace. At least 1 bike stand for every 20 car park spaces, and absolute minimum of 2 bike stands Taxi facilities.

## **National Policy**

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

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

PPG13 Advocates promoting sustainable transport choices.

PPG 24 'Planning and Noise'. 1994;

## **Consultations**

### **Planning Policy, Regeneration Strategy - No objection.**

It is understood that the store currently sells a wide range of goods including furniture, electrical items and homeware accessories. The application site is in an out-of-centre location and is unallocated in the Walsall Unitary Development Plan (UDP). As the proposed extension does not exceed 200 square metres gross the sequential approach does not apply. In terms of impact, the proposed development would be likely to result in an increase in trade as the store would become more attractive to potential customers. There might be a small increase in the net sales area of the store resulting from the revisions to the layout of the building to accommodate the proposed extension. However, given the scale of the proposals and the type of goods currently sold from the store, the proposed extension should not have a significant impact on any nearby centres.

The planning application also includes an internal café on the first floor. Given the proposed layout of the first floor and the scale of the café, it is considered that the proposed use is ancillary to the main (retail) use of the building. Therefore the tests in PPS4 are not relevant to this part of the proposals. Should planning permission be granted, conditions to ensure that restaurant remains ancillary to the main use of the building might be required.

**Transportation** – No Objection subject to conditions being imposed relating to implementation of the proposed improvements to Great Bridge Road and retention of the staff and customer parking areas

**Pollution Control (Scientific Team)** – No Objections with the proviso that measures are put in place to address noise issues arising from the access relocation. Conditions have been recommended to address this matter.

**Pollution Control (Contaminated Land)** - No objections however the site was formerly a builders yard that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works – a note for applicant is recommended.

**Network Rail** – No objections

**Wolverhampton City Council** – No objections

**Environmental Health** – No objections

**Severn Trent Water** – No objections subject to conditions regarding drainage.

**Landscape Team** - No objection to the application, but would like to see a kerbed plant bed and a few trees in the customer car park configuration, e.g. store side of the disabled parking, which would complement the store makeover. In addition, the proposed grey cladding seems very bland, could a

more imaginative solution can be found, such as punctuating the cladding panels with occasional motif work?

**Development Team** – No objections. The proposed re-cladding and new store entrance should greatly improve the appearance of the store, sitting comfortably with the identified regeneration vision through the Moving Moxley Forward Strategic Regeneration Framework strategy. Overall this application is anticipated to make a positive contribution to the future regeneration of the Moxley area and is welcomed.

**Development Team** – No objection

### **Representations**

Two individual letters of objection received, and a petition of 10 signatures objecting to the application. The grounds of objection are as follows (a response to some of the queries is included in the text in italics for ease) :-

- Some of the works requested in the planning application are almost complete i.e. the re-cladding, therefore the description of the application should include the word “retrospective”;
- Concerns about the use of the rear of the premises being used for staff parking and loading and as this will cause inconvenience and safety concerns to residents also bus stops close by add to safety concerns;
- Object strongly to use of Great Bridge Road entrance for deliveries, this will cause major road obstructions and make access to no. 10 (opposite the entrance) very difficult;
- Fears for highway safety following an accident in 2004;
- On dark evenings there will be a stream of car and lorry lights shining in residents windows as has happened in the past;
- Noise and parking issues along Great Bridge Road;
- The neighbour letters were sent out when time was short for a response;
- Can't really ascertain from the web site or the letter received the actual extent of the works
- How much noise/pollution will the building work create?  
*The majority of the roofing works to the store have already been completed together with 50% of the side cladding with a small amount of noise and pollution. Most of the remainder of the work involved, i.e. the construction of the entrance foyer, is at the opposite side of the site from her house and any disruption will therefore be minimal.*
- If planning is approved when are the works proposed and for how long  
*If planning is granted Leeks anticipate approximately 3 months of building work. A condition is suggested regarding hours of construction.*
- Possible damage to property as we are directly opposite Coles (No 34) from large delivery vehicles which already have problems turning in to access Coles, which has previously resulted in a few near misses when my car has been left on the road outside the property.

*The accesses to be used are existing and have already been used on a regular basis for the Cole's business and more use of the rear goods access will result in less traffic passing this property.*

Moxley Project Reference Group support the application:-

- The physical changes to the external appearance will bring about a notable improvement as part of the visual amenity of the local area;
- The stores long term plans for further employment and training will have a positive impact in terms of the overall regeneration aspirations for the Moxley Area.

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

### **Determining Issues**

- compliance with policy
- design/landscaping
- impact on the character of the area/amenity issues
- transportation issues
- pollution control issues

### **Observations**

#### **Compliance with policy**

The proposal is for a small extension to the store which will not include a significant amount of retail floorspace. Therefore the policies regarding out of centre retail development are not applicable in this case.

It is noted that the planning application also includes an ancillary cafe. A condition to ensure that the café remains ancillary to the main use of the building is suggested.

It is felt that the development is satisfactory in terms of other planning policy regarding urban regeneration and environmental improvement. The development would result in high quality natural and built environment, including a high standard of design. The local environment image of the area would be enhanced.

#### **Design/Landscaping/visual amenity**

The extension is a modest addition to the building at the rear. It will be constructed from a glazed curtain walling system in powder coated aluminium. The colour is to be agreed by condition. This will give the entrance to the building a modern open feeling and will more attractive to customers. It is therefore satisfactory.

The application includes over cladding of the existing fibre cement wall and roof of the store . The residents opposite the development have commented

that this work is almost complete, without waiting for the outcome of the planning application. The applicants have been advised that any work carried out is at their risk, and clearly if the application were to be refused, the planning authority would have the power to enforce against the works which have been carried out. However, it is felt that the cladding of the building and general refurbishment works proposed are to be supported. The external appearance of the building was poor with weathered sheeting, and the new cladding will improve the appearance of the building and the area.

The landscape officer has commented that the new cladding is a large expanse that may benefit from the inclusion of a 'motif' at random locations across the building to break up the expanse. The applicant has declined to accept this suggestion. They have stated that the cladding of the building will be very similar in appearance to the existing cladding and, should the application be granted, they will be applying for permission to erect various product illustrations and promotional messages which will break up the expanse. These will be treated on their merits and dealt with accordingly.

The most sensitive elevation is the one opposite the houses on Great Bridge Road. There are several semi mature trees along this frontage which serve to screen the building from the houses. This landscaping was required under a previous planning permission ref: BC17282 in 1980. It is important to minimise the visual effects of the building, here. In this connection, an advert application ref: BC58126P was refused in 2001 because it could result in the removal of the trees which are an attractive amenity feature and provide a good screen, whose removal would result in a significant adverse impact on the amenity of the area.

The trees are not in a preservation order and have ceased to be protected by the terms of the 1980 planning condition. The applicant has recently carried out some landscape maintenance works at the front of the building which has led to concern from the residents as they are keen to see these trees retained. A site visit has been carried out by the landscape officer and he has agreed with the applicant what maintenance works can be carried out and which trees should be retained and protected. A TPO is intended.

A landscaping scheme for the customer car park area. and the site frontage will be the subject of a condition.

### **Transportation issues**

The application indicates that the warehouse/ goods inward entrance will be moved to Great Bridge Road where it will allow the company to establish a more modern warehouse with high level racking utilising high reach fork lifts and to avoid any conflict between HGV and customer vehicles. The surrounding residents are concerned that this access off Great Bridge Road, will increase in use and cause disturbance. However, it is an existing access, and its use could be intensified without the need for planning permission. Furthermore, the applicant has stated that HGV operations at the site would

be vastly reduced and has described how in their supporting document "Statement of Operations".

The gates of the service yard will remain permanently open while goods are being delivered to the store during the day to avoid vehicles parking on street prior to the gates opening. It must therefore be concluded that the increased use of this access cannot be resisted, as the fall back position would allow this. The transport engineer has no objections to the use of this access. A condition is recommended requiring the gates to be open during the day.

The applicant has submitted a drawing showing suggested improvements to Great Bridge Road in the form of new road markings and a traffic management scheme at the access in question. Transportation support this and conditions are recommended to facilitate the works.

The existing store is 9512m<sup>2</sup>, therefore under UDP Policy T13 the maximum car parking standards are 1 space per 20m<sup>2</sup>, which equates to the need for 476 car parking spaces. Although currently the store only provides a total of 56 spaces, as per drawing number 10/21/017, which is understood adequately serves the needs of the current store. It is also noted that the plan does not show any disabled parking provision at present and also there is no separate staff parking.

The Highway Authority considers that the proposed extension will not result in the need for any additional parking, however it is the intention of the applicant to increase the overall number of car parking spaces. The proposal is to increase the number of car spaces and to provide designated staff, customer and disabled parking. The store, under the proposals, will have 78 customer car parking spaces, 14 staff car parking spaces and 8 disabled spaces. Based on this the Highway Authority considers that the proposed car parking provision is satisfactory and therefore does not consider car parking to be a material matter.

### **Pollution control issues**

Part of this application relates to the access for delivery/service vehicles being changed to the Northern corner of the site. This access and service yard will subsequently be situated next to residential premises. Pollution Control Scientific Team has no objection to this in principle, but a noise impact assessment is required to be carried out, which should indicate any necessary mitigation measures to overcome issues arising. Conditions are recommended.

The Contaminated Land team have pointed out that the site was as a builders yard in the past and a note for applicant is recommended in case of localised ground contamination that may present Health and Safety implications for persons undertaking ground works.

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

## **Summary of Reasons for Granting Planning Permission**

The proposal is considered to be satisfactory in terms of policy as it is not extending the retail floor area of the store significantly. A condition is suggested to ensure that the café remains ancillary to the main store. The new built entrance will create a modern open feeling and will be more attractive to customers. The new cladding will improve the appearance of the building and help to improve the visual amenity of the local area. The trees which screen the front elevation will be retained and protected in the interests of visual amenity to the local area.

The moving of the warehouse/ goods inward entrance to Great Bridge Road will allow the company to establish a more modern warehouse avoid any conflict between HGV and customer vehicles. The use of the access could be intensified without the need for planning permission and the applicant has stated that HGV operations at the site would be vastly reduced and has confirmed this in a supporting document "Statement of Operations". This access and service yard will subsequently be situated next to residential premises. Pollution Control Scientific Team has no objection to this in principle, but a noise impact assessment is required to be carried out, which should indicate any necessary mitigation measures to overcome issues arising. Conditions are suggested

The applicant has submitted a drawing showing suggested improvements to Great Bridge Road in the form of new road markings and a traffic management scheme in front of the proposed warehouse/ goods inward entrance to be agreed. The transportation engineer supports this and conditions are suggested to facilitate the works.

The proposal is therefore considered to comply with Unitary Development Plan policies 2.1, 2.2, GP2, 3.6, 3.16, S7, ENV32, ENV33, 4.1, T7 (a) (b) (c) and (e), T13, and National Policy PPS1, PPS4, PPG13 and PPG24

## **Recommendation: Grant Permission Subject to Conditions**

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

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

2. Unless otherwise agreed in writing, the café hereby approved shall remain as shown on drawing no 10/21/019 dated 5<sup>th</sup> May 2010, access to the café shall at all times be through the existing store and opening time shall be the same as the retail store.

*Reason:* To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of



the application on the basis of which planning permission is granted and to control the provision of non-retail uses.

3. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

4. No development shall be carried out until full details of the proposed boundary treatment of the site 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 amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

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

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

6. Before the service yard is brought into operation, the proposed improvements to Great Bridge Road as shown on Drawing 09/21/011 are to be fully detailed and shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, the approved scheme shall be implemented prior to the service yard being brought into operation and shall be thereafter retained.

*Reason:* To ensure the safe and free flow of traffic using the highway.

7. 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:* In the interest of Highway Safety, and to ensure the free flow of traffic using the adjoining highway.

8. The gates of the service yard shall remain permanently open while goods are being delivered to the store during the day

*Reason:* In the interest of Highway Safety

9. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

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

10. Collections, deliveries or despatches to and from the development shall not take place on any Sunday, Bank Holiday or Public Holiday\*, and otherwise shall only take place as described in the Statement of Operations submitted as part of this application unless otherwise permitted in writing by the Local Planning Authority.

(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

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

11. Prior to development commencing, a noise survey in respect of noise impact from the relocation of the delivery vehicle access and service yard shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

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

12. No development shall take place until suitable noise mitigation measures to protect internal and external areas of nearby residential accommodation have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

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

13. Before the development hereby permitted is brought into use, details of a lighting scheme for the car parking areas and delivery vehicle access and service yard shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

14. The proposed improvements to Great Bridge Road as shown on Drawing 09/21/011 are to be fully detailed and shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, the approved scheme shall be implemented prior to the service yard being brought into operation and shall be thereafter retained.

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

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

### **Notes for Applicant**

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq}(8 \text{ hours})$ , of 35 dB together with a maximum

instantaneous level of 45 dB  $L_{AFmax}$ , between the hours 23.00 to 07.00;

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

B) Unless otherwise specified in a relevant standard, code or guidance, sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 1 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or British Standard BS 61672 Electroacoustics- Sound Level Meters - Part 3: Periodic tests, within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005  
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;

British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

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

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

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

C) Noise surveys should adequately establish the spatial variation of noise across a proposed development site using

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

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

E) The area of this proposed development was formerly utilised as a builders yard that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

**Reason for bringing to committee: Associated with Major Application elsewhere on the agenda**

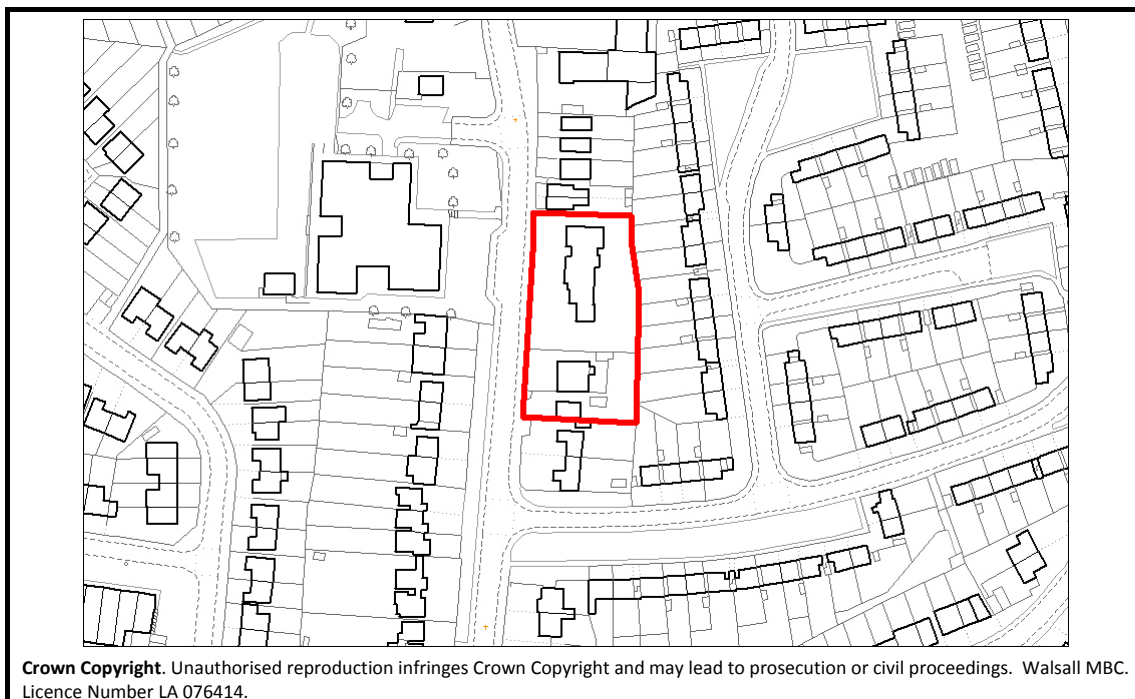
**Application Number:** 10/0602/TE  
**Application Type:** Extend Time Limit

**Applicant:** NIHC LLP  
**Proposal:** Time Extension of Planning Application No. 07/0859/FL/W3: Demolition of 2 no houses (62 and 64 Cannock Road) and existing Health Centre (66 Cannock Road) and construction of new Health Centre with dispensary and associated parking.  
**Ward:** Willenhall North

**Case Officer:** Jan Scrivens  
**Telephone Number:** 01922 652436  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Edward Symmons LLP  
**Location:** NEW INVENTION HEALTH CENTRE, 62-66 CANNOCK ROAD, NEW INVENTION, WILLENHALL, WV125RZ

**Expired Date:** 14/05/2010

**Recommendation Summary:** Grant Permission Subject to Conditions



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## **Application and Site Details**

This application seeks an extension of time to implement planning permission 07/0859/FL/W3, which proposed the demolition of the existing health centre and two dwellings to the south of its current site and the construction of a new health centre, including a pharmacy, and car parking. The health centre building would be on the southern side of the site, adjacent to a pair of semi-detached houses, of which the closest is numbered 60 Cannock Road.

The approved scheme includes a pharmacy and 6 consulting rooms (and a range of other facilities), and 44 car parking spaces.

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

### **Saved policies of Unitary Development Plan**

GP1 requires new development to be in sustainable locations.

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

ENV32 requires development to take account of its surroundings.

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

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

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

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

T13 sets out car parking standards

8.7 encourages the provision of health care in accessible locations.

### **Local Development Framework**

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

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

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

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

### **Regional Spatial Strategy**

Seeks to improve the quality of the environment. The RSS currently remains a material consideration although central Government are moving to change this situation.



### **Relevant Planning History**

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

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

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

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

10/0601/FL Demolition of nos. 62 and 64 Cannock Road and existing health centre and erection of new health centre and associated parking. Application not yet determined, appears elsewhere on the plans list.

### **Consultations**

None.

### **Representations**

None to this application.

However following the determination of the previous application the occupiers of no.60 Cannock Road expressed concerns that they had not received a neighbour notification letter and were therefore unable to comment on application 07/0859/FL/W3. If they had received the notification they would have objected to the proposal to replace the common boundary walls and fencing with open railings due to lack of security and privacy. As a result of these concerns the applicants indicated that they would be prepared to replace the proposed boundary railings with a wall on the common boundary forward of the dwelling no.60.

The occupiers of no.60 Cannock Road have not objected to this application. However they have objected to planning application 10/0601/FL which is a current application for the construction of a new health centre. Application 10/0601/FL is essentially an amendment to 07/0859/FL/W3. The occupiers of no.60 Cannock Road have objected to 10/0601/FL on the grounds of loss of privacy from side facing windows; the position of a proposed fire exit on the elevation nearest their house; absence of details of front boundary treatment/ access to the health centre for visitors and inadequacy of the proposed 2.4m high boundary wall. A 3m high boundary wall is requested.

## **Determining Issues**

- whether there has been any change in circumstance which would make it necessary to take a different view of this application.

## **Observations**

### **Whether there has been any change in circumstance which would make it necessary to take a different view of this application**

There have been no policy changes which would make it necessary to reassess the application. The Development Plan continues to be supportive of the development.

Although the neighbours have not specifically objected to this application they have objected to application 10/0601/FL which proposes an amended scheme and it would be appropriate to consider their concerns in determining this application.

They have expressed concern about the location of the fire exit but this would be screened by a proposed 2.4m high boundary wall. They are also concerned about the position of the entrance to the building and consequently its security. The health centre entrance would be approximately 20 metres north of the boundary with no.60 and boundary railings would enclose the site, primarily to provide security for the health centre. This boundary treatment coupled with the boundary wall should be sufficient to provide a reasonable degree of security for no. 60 Cannock Road as well.

There would be windows at ground and first floor in the health centre elevation facing no.60 Cannock Road. The original permission was granted subject to a condition requiring the first floor windows to be obscure glazed and (some) to be partially fixed to maintain the privacy of the occupiers of no.60. The ground floor windows would predominantly face a 2.4m high brick wall which is proposed for the boundary from a point level with the front of the dwelling no.60 to the rear of that plot. There would be one ground floor consulting room window which would face the boundary with no.60 Cannock Road forward of the house at a distance of 5 metres. In this location the proposed boundary would be railings on a dwarf wall.

This has previously been considered acceptable as part of 07/0859/FL/W3. Because a front garden is less private than a rear garden since it can be seen by passers by and because it is unlikely that people working in or visiting the health centre would spend much time looking out of the windows, the choice of railings on this boundary, forward of the house is considered acceptable.

In the course of determining planning application 10/0601/FL for an amendment to 07/0859/FL/W3 Transportation Officers have considered that a further condition would be appropriate to restrict delivery hours to the site. This is a result of increasing traffic on Cannock Road, both generally and to the school. The imposition of such a condition on this application, if approved,

would reflect current highway conditions and be consistent with the recommendation for 10/0601/FL.

### **Summary of Reasons for Granting Planning Permission**

The application relates to an extension of time to implement an existing planning permission under reference 07/0859/FL/W3 on the site. It is considered that an additional period of three years would be reasonable. The Development Plan continues to be supportive of the proposals and there has been no material change in circumstance that would create a reason not to extend the permission. To reflect current highway conditions on Cannock Road an additional condition has been considered necessary to minimise the effect of the construction work on Cannock Road in the interests of highway safety. The approval of this application would be in accordance with the relevant policies of the development plan, in particular policies GP1, GP2, 3.6, ENV32, S1, S2, S4, S6, S7, 5.2, 5.4, 5.5, 5.8, T13 and 8.7 of Walsall's Unitary Development Plan, and on balance, having taken into account all material considerations, the proposal is acceptable.

### **Recommendation: Grant Permission Subject to Conditions**

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

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

2. During the construction of the health centre there shall be no deliveries to the site between the hours of 08.00 – 09.30, 12.15 -13.30 and 15.00-16.30.

*Reason:* To reflect current highway conditions on Cannock Road and to minimise the effect of the construction work on the functioning of Cannock Road in the interests of highway safety.

3. The remaining conditions of 07/0859/FL/W3 still apply.

*Reason:* To define the decision.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### Reason for bringing to committee: Major Application

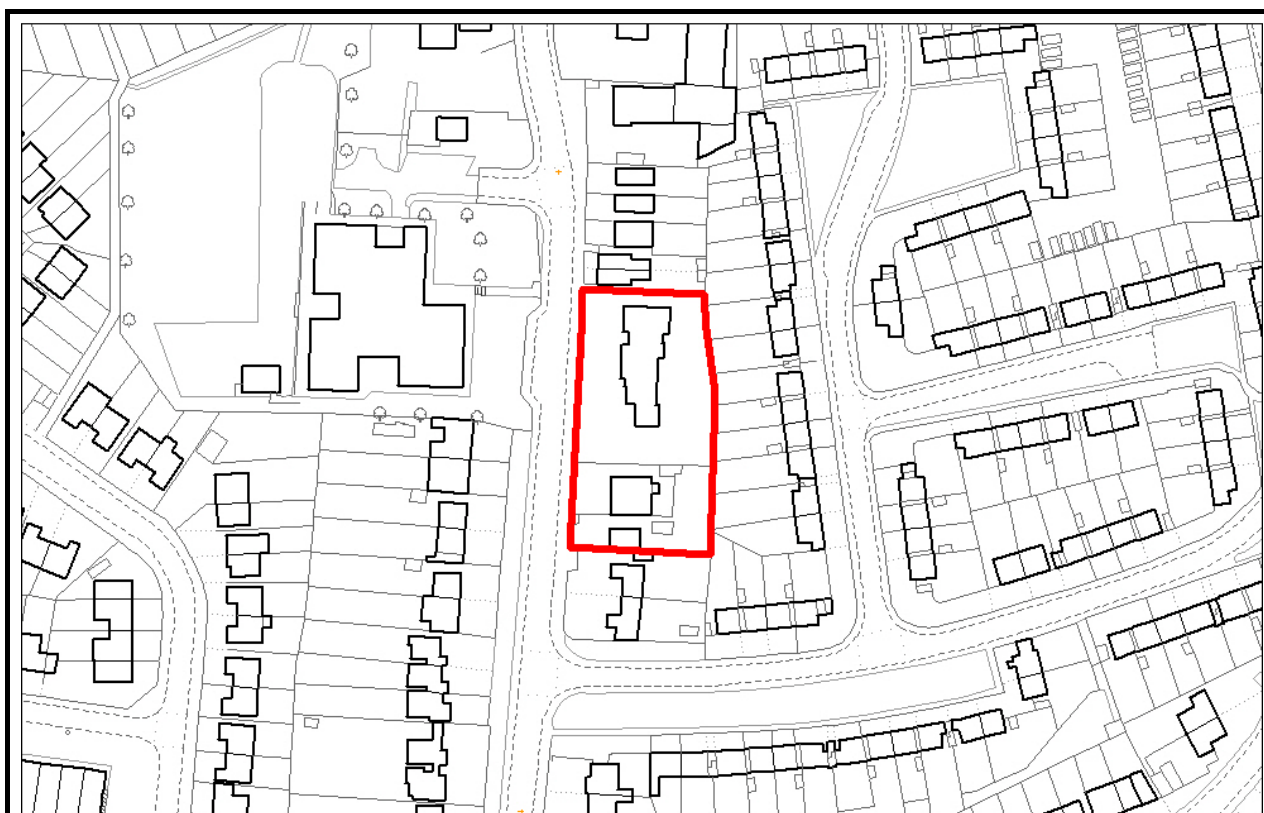
**Application Number:** 10/0601/FL  
**Application Type:** Full application

**Applicant:** NIHC LLP  
**Proposal:** Demolition of nos. 62 & 64 Cannock Road and existing Health Centre and erection of new Health Centre and associated parking  
**Ward:** Willenhall North

**Case Officer:** Jan Scrivens  
**Telephone Number:** 01922 652436  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Edward Symmons LLP  
**Location:** 62-66 CANNOCK ROAD, NEW INVENTION, WILLENHALL, WALSALL, WV125RZ

**Expired Date:** 26/08/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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## **Current Status**

The determination of this application was deferred at the last meeting to enable a neighbour's representative to attend and address the meeting.

The report has been updated to include the matters referred to in the last meeting's supplementary papers.

## **Application and Site Details**

This application is an amendment to 07/0859/FL/W3 for a new health centre with a dispensary and associated car parking.

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

The new medical centre is intended to provide more space for its current activities and to increase the facilities offered in accordance with NHS guidelines. To achieve this the dispensary which was a feature of 07/0859/FL/W3 is no longer proposed.

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

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

The centre would be between 6m and 15.2m from the boundary with the nearest dwellings to the rear, nos.1 - 5 Brereton Road (and there would be a 2.4 metre wall on the boundary at this point). Windows in the first floor rear would be a minimum of 34m from the rear windows of the houses in Brereton Road at the rear.

To the south the building would be a minimum of 9m from the side of no.60 Cannock Road. The application proposes to reduce the site levels adjacent to no.60. That elevation of the health centre would contain windows which would face that property at a distance of 9m. Four windows at first floor would face the side of the dwelling which contains a landing window. One window would face across the front garden of the property and three would face the side of the dwelling. One of these windows would be to a staircase and two would be to consulting rooms.

The single storey part of the building at the rear would have roof lights on the north and south elevations and the seminar room in the two storey part of the

building would have two rooflights facing west towards Cannock Road and a large window to a staircase also facing west.

The application proposes a new access to Cannock Road, closing off the existing access points. A 44 space car park would be provided, including 6 spaces for disabled drivers. Cycle parking for patients and staff is also proposed. The existing surgery has 30 parking spaces.

The site is at present partly enclosed by a wall which has a maximum height of 2.5m. This wall would be extended, at a height of 2.4m, to the whole of the rear boundary and along the southern boundary with 60 Cannock Road. The frontage of the site would be a dwarf wall with railings having a combined height of 2.4m.

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

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

- i) The previously approved building would no longer provide the facilities and flexibility in use that the NHS now expects.
- ii) Current Government policy is to increase the role of primary healthcare to bring services to local areas. Accordingly facilities for minor operations and an increased number of consultation and treatment rooms are proposed, together with a greater number of clean and dirty utility areas to minimise the possibility of cross contamination. The dispensary has been deleted to give increased space for these facilities.
- iii) The footprint of the building remains the same size as the 2007 approval.
- iv) The new access to the site gives a visibility splay of 4.5m x 70m. The gates will be kept open during working hours and are set back to enable a car to park off the highway while the gates are opened.
- v) 44 car parking spaces are proposed, six of which would be for disabled users. Staff and patient cycle parking is provided. Although the number of car parking spaces does not meet the Council's standards they are within the levels set by BREEAM (Building Research Establishment Environmental Assessment Method) Healthcare 2008 which are used to prepare an environmental assessment for buildings. BREEAMS Maximum Car Parking Capacity sets the maximum number of parking spaces based on the following criteria:
  1. One space per two medical staff; one space per three non-medical staff and two spaces for each consulting, examination, treatment and therapy rooms. (Disabled parking is excluded from such criteria

- and assessment.)
2. Staffing levels at the surgery are seven medical staff in the morning and five in the afternoon and five non-medical staff in the morning and five in the afternoon.
  3. The clinical accommodation is ten consulting rooms, three treatment/examination rooms and four therapy/multifunction rooms.
  4. Adopting the BREEAM criteria a maximum of 40 car parking spaces would be required. Discounting the 6 disabled parking spaces results in 38 car parking spaces, a figure which is within BREEAM's maximum provision.
- vi) The site has good public transport links to its catchment area, the majority of which is within a one mile radius of the health centre and the remaining within 1.5 miles radius.
- vi) Security of the site will be achieved by railings and a brick boundary wall. The boundary treatment with no.60 Cannock Road has been made opaque forward of the dwelling due to concerns expressed by the occupier after the determination of the 07 planning application.
- vii) The building has been designed to fit in with the surrounding residential area. The changes from the 07 approval are principally internal although the front elevation has been amended. The footprint of the building, its siting, height and scale remain as approved in 2007.

### **Relevant Planning History**

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

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

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

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

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

A report on this application appears elsewhere on the plans list.

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



## **Development Plan**

GP1 requires new development to be in sustainable locations.  
GP2 and 3.6 require new development to make a positive contribution to the improvement of the environment.  
ENV32 requires development to take account of its surroundings.  
S1, S2, S4, S5, S6 and S7 define a hierarchy of centres and the principle of locating development within them  
5.2 states that the prime concern will be to sustain and enhance the vitality and viability of centres  
5.4 and 5.5 state that the Council will apply a sequential approach to the location of town centre uses and that development must relate to the appropriate level of centre.  
5.8 states that development in edge of centre or out of centre locations will be subject to policies S6 and S7.  
T13 sets out car parking standards  
8.7 encourages the provision of health care in accessible locations.

## **Local Development Framework**

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

CSP2 Outside the strategic centres and corridors, focuses development on previously developed land  
CSP4 and ENV3 set out criteria for high quality design, including promoting sustainable patterns of development  
CSP5, and TRAN2 seek to reduce the dominance of the private car and resist development which would have an adverse impact on the highway

## **Regional Spatial Strategy**

Seeks to improve the quality of the environment. The RSS currently remains a material consideration although central Government are moving to change this situation.

## **Consultations**

**Transportation:** No objection. Recommends conditions regulating temporary parking on the site during construction works, surfacing and siting of the entrance gates and a restriction on the hours of delivery to the site.

**Environmental Health:** No objection

**Fire Service:** No objection

**Regeneration Planning Policy:** No objection

## **Representations**

One letter has been received from the occupiers of no.60 Cannock Road,

adjacent to the site. They are concerned that:

- the proposed common boundary will be inferior to the high fencing and hedges which they currently enjoy. They request a 3 metre high wall for the whole length of the boundary and that its foundations are greater than 650mm concrete proposed to prevent subsidence
- the levels of the sites and their property are not shown. They request existing and proposed cross sections/levels for the site and their dwelling (this is shown on the streetscene)
- side facing windows at ground and first floor will overlook their garden, kitchen door, dining room, landing and bathroom, raising child protection issues. They request that the windows are obscure glazed and either non-opening or top-hung. The windows in the existing house overlook their property but the site would now be a public building. Photographs have been provided illustrating the existing situation.
- the layout of the building could be better organised to redirect people away from no.60; the customer access to the building should be clarified; the boundary treatment/access to the front of the site is not clear.
- a landscape scheme should be required for their boundary and they should be consulted on it
- the previous planning permission gave consent for Saturday working. This will result in noise and disturbance affecting their home and family

The applicants have responded to these objections as follows:

- i) the development is the same scale, size, form and location as previously approved and would have no detrimental effect on the neighbours
- ii) acknowledge concerns about privacy but the revised design of boundary wall, which was made at the request of the neighbours will prevent any ground floor overlooking . Planning conditions to obscure glaze and restrict opening of the first floor windows are accepted
- iii) the neighbours now request a 3 metre high wall; this would be out of proportion and detrimental to the streetscene, creating an oppressive environment detrimental to both properties. It would offer no additional privacy benefit.
- iv) the construction of the foundations of the wall fall under the requirements of the Party Wall Act and it will be necessary for the applicants to agree the final construction details with the neighbours, albeit within the parameters of the approved boundary treatment.

### **Determining Issues**

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

## **Observations**

### **The location of the development.**

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

### **Amenity.**

The siting of the building is as approved under application 07/0859/FL/W3.

The internal alterations to the building have resulted in some changes to the position of the proposed windows.

The distance between the windows in the new medical centre and those of the houses at the rear would meet Council standards for facing habitable rooms. The distance between the medical centre and no.70 Cannock Road would exceed Council standards.

There would be windows facing the side of the dwelling no.60 Cannock Road at ground and first floor. The ground floor windows would have no view into the property due to the proposed boundary wall. Of the first floor windows, a consulting room window would face towards the front garden of no.60 at a distance of approximately 5 metres. This window was not part of the previous approval. It could however be required by condition to be obscure glazed and partially fixed so that the only view from it is towards Cannock Road (as in the previous application – see following). Two other side facing consulting room windows would look onto the side of no.60 and there is a staircase window. These were approved as part of the previous permission, subject to conditions requiring obscure glazing and partial fixing of the windows so that the only view from the opened window would be forward towards Cannock Road. These conditions are recommended to be re-imposed.

The access from the staircase at the side of the building nearest no.60 would be a security controlled fire exit only and is unlikely to have a significant effect on the amenity of neighbours given the proposed 2.4m high boundary wall. The staff access is on the other side of the building. Patient access to the front of the site would be restricted by the 2.4m high dwarf wall and railing combination proposed for the frontage with Cannock Road.

Although the neighbours have requested a 3 metre high wall on the common boundary this would add nothing to their privacy and would have a very dominant and overbearing effect on their garden, the proposed health centre and the street scene.

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

Construction hours on Saturday would be restricted by condition to finish at 13.00 hours. This is a standard condition which is imposed in all residential areas. It reflects standard working practice.

The range of facilities offered by the new health centre would be marginally increased in accordance with NHS proposals to bring services closer to patients. These activities would take place between 08.30 and 18.30 and would have no adverse effect on the amenity of neighbours.

### **Access/parking**

The proposed access would have satisfactory width and visibility. It would rationalise the several existing accesses onto Cannock Road. The development would not meet Council standards for the number of parking spaces proposed but meets BREEAM standards. This is considered acceptable given the restricted space on the site and the increase in the variety of services which the doctors will be able to offer.

Because the new medical centre would be built partly on the existing centre's car park there will inevitably be a period when very little parking is available on site. The management of the available space and the access to the site should be controlled to ensure that vehicles entering and leaving the site do not cause problems to highway safety. Officers have continued to explore the implications of the application, especially the issue of parking during the construction period ( see condition 3 in this regard) and the matter of timing of deliveries to minimise their impact on the highway. Transportation officers have recommended a condition which would exclude deliveries between the hours of 08.00 to 09.30, 12.15 to 13.30 and 15.00 to 16.30 to avoid peak activity on Cannock Road.

Observations show that the present surgery calls for between 5 and 10 car spaces for much of the time. (The exception is during school drop off times, when a few more cars are on the car park, but this probably reflects school use rather than real surgery use). During construction there will be competing demands for space from building workers, patients, deliveries of materials etc. As the objective of the scheme is to build the new surgery while the existing one is continuing to operate, there will not be much space for parking. However there will be scope to minimise the impact of the building programme on the public highway outside the site, though there may be some parking on street in the nearby side road. This is not seen as a reason in itself to justify the refusal of planning permission.

## **Summary of Reasons for Granting Planning Permission**

The proposed development is an amendment to 07/0859/FL/W3 which approved the location, siting and scale of the building. The changes proposed to the appearance of the building are acceptable and the development would have no adverse effect on the visual amenity of the area. Provided that conditions are imposed to control the type of glazing to the windows in the first floor southern elevation there would be no adverse effect on the amenity of neighbours. The proposed access to the site is as previously approved and the number of parking spaces, which meet BREEAM standards for healthcare buildings, is acceptable given the increase in the variety of services which the health centre can provide and the restricted space on site. The approval of this application would be in accordance with the relevant policies of the development plan, in particular policies GP1, GP2, 3.6, ENV32, S1, S2, S4, S6, S7, 5.2, 5.4, 5.5, 5.8, T13 and 8.7 of Walsall's Unitary Development Plan, and policies CSP2, CSP4, ENV3, CSP5 and TRAN2 of the Local Development Framework and Regional Spatial Strategy. On balance, having taken into account all material planning considerations, the proposal is acceptable.

## **Recommendation: Grant Permission Subject to Conditions**

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

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

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

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

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

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

- i) the physical separation of the existing medical centre from the construction site of the new centre

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- ii) temporary access/egress and parking for staff and patients at the existing medical centre
  - iii) temporary access/egress and parking for site operatives and visitors to the construction site.
  - iii) areas for loading and unloading of building materials on the construction site
  - iv) appropriate signage identifying the temporary access/egress of the existing medical centre and identifying the use of the temporary access/egress of the construction site for the use of construction traffic only.
- The approved details shall be retained for the duration of the construction period.

*Reason:* To ensure the maximum provision of off-street parking and in the interests of highway safety during the construction of the new building and until the permanent car parking becomes available.

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

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

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

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

6. No development shall be carried out until details of means of enclosing and securing the proposed cycle storage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the new medical centre being brought into use and thereafter retained.

*Reason:* in the interests of weatherproofing and securing the cycle parking to encourage the use of cycles as a means of transport.

7. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season (1<sup>st</sup> October - 1<sup>st</sup> April) following any part of the development being brought into use, or in accordance with any agreed phasing.

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

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

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

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

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

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

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

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

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

11. Unless otherwise approved in writing by the Local Planning Authority, within one month of the occupation of the new medical centre the permanent car parking shall have been surfaced in a material to have been previously agreed in writing by the Local Planning Authority, the spaces permanently marked out. The disabled parking spaces shall have been marked out with a

hatched access zone, the disabled logo demarcated within each parking bay and a disabled sign and post erected on each bay. The approved permanent access shall have been brought into use and the existing accesses closed and the footpath reinstated.

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

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

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

13. The conifers on the boundary of the site with the rear gardens of nos.11, 13 and 15 Brereton Road shall be retained until the existing medical centre is demolished and shall be felled prior to the construction of the proposed boundary wall.

*Reason:* In the interests of maintaining the privacy of the occupiers of these properties.

14. Prior to the occupation of the new medical centre, the first floor and staircase windows in the elevation facing no.60 Cannock Road shall have been obscure glazed in the glazing approved under condition 2 of this permission. The window in the staircase shall have a fixed light and the other first floor windows on this elevation shall have had the right hand pane of each window (when viewed from outside the building) permanently fixed shut. The skylights facing no.60 Cannock Road in the single storey part of the building shall also have been permanently fixed. All of the windows and the skylights shall be thereafter retained as fixed and/or obscure glazed as required by this condition.

*Reason:* In the interests of maintaining the privacy of the occupiers of the adjoining dwelling.

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

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

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



interceptor.

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

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

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

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

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

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

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

20. This decision relates to drawings numbers AL.010, AL.020,AL.100, AL.110,AL.120,AL.130,AL.140 and AL.150.

*Reason:* To define the permission.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### **Reason for bringing to committee: Significant Community Interest**

**Application Number:** 10/0553/FL

**Application Type:** Full application

**Applicant:** Mr Anil Patel

**Proposal:** Two storey side and single storey front and rear extensions and loft conversion

**Ward:** Paddock

**Case Officer:** Stuart Crossen

**Telephone Number:** 01922 652420

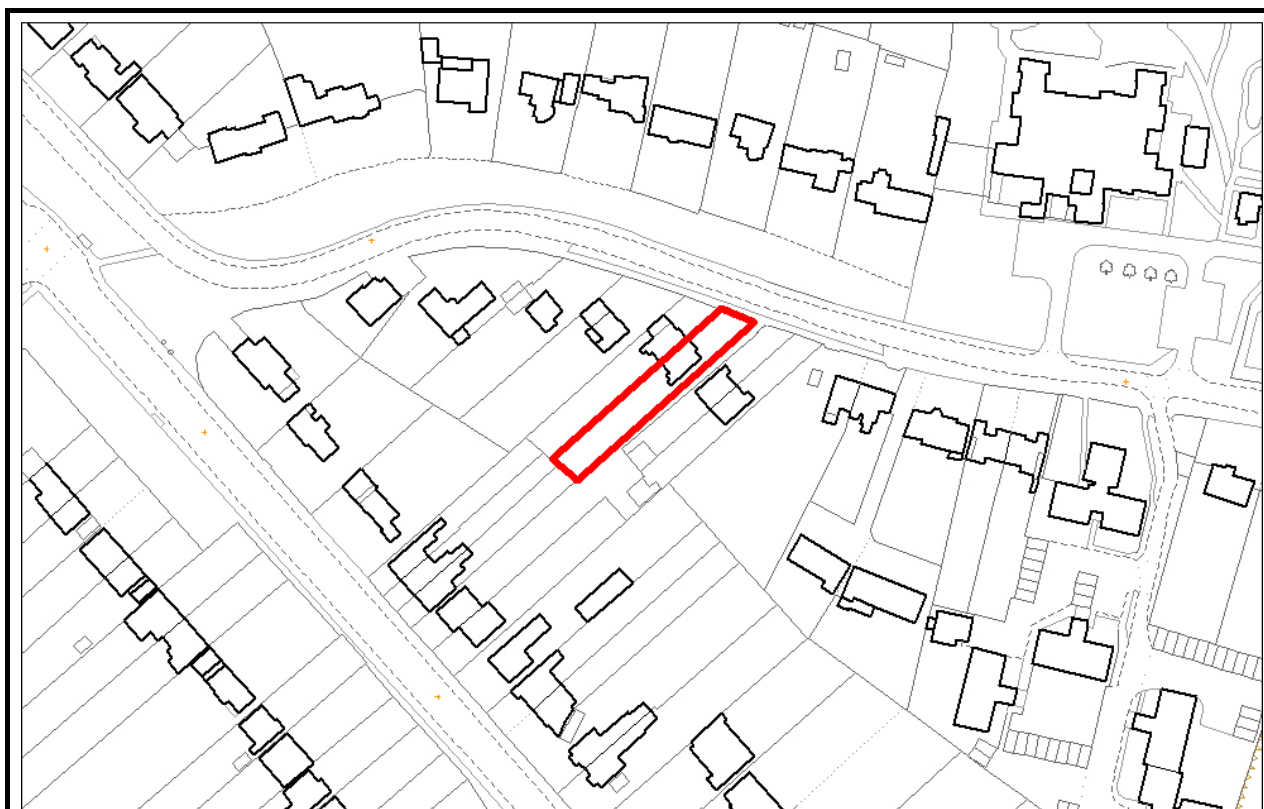
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Mr Anthony Spruce

**Location:** 10 PARK HALL ROAD, WALSALL, WS5 3HG

**Expired Date:** 02/08/2010

### **Recommendation Summary: Grant Permission Subject to Conditions**



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### **Application and Site Details**

The application proposes a two storey side extension, single storey front and rear extensions and a loft conversion to provide a new garage, porch, utility room, toilet, new kitchen and extended dining room on the ground floor. On the first floor would be a study, third bedroom, new bathroom and en-suite. The loft conversion would provide a fourth bedroom.

The application house is a traditional semi-detached house with hipped main roof, front bay windows and gable feature. The proposal would replace the existing attached garage and rear outbuildings. The character of the area is defined by traditional semi-detached and detached houses and some more modern 60's semi-detached houses.

The side extension would be built up to the boundary with a 2 metre wide accessway which leads to the rear of numbers 12 and 12a. At ground floor level to the front the garage and porch would project forward of the main front elevation by 1 metre in line with and near to the front bay window, and would have a mono-pitched roof. The front elevation of the first floor side extension would be set back 1 metre from the original front elevation which would also allow the ridge height of the hipped roof extension to be lower than the original roof. To the rear the single storey projection would extend across the full width of the rear elevation up to the boundary with the accessway and would project 3.5 metres from the original rear elevation with a mono-pitched roof, a height of between 3.8 and 3 metres. The first floor part of the side extension to the rear would be in line with the original rear elevation.

Number 16 is the attached house which has a large roof extension to the side and small original single storey rear projection away from the application house boundary which is defined by 1.8m fencing and planting.

Number 12 is the other neighbouring house which is on the other side of the accessway to the south and is on higher ground. Number 12 has a side elevation bathroom window, ground floor kitchen door and a conservatory to the rear which the main kitchen window looks in to and is the nearest main habitable room to the application house.

The applicant has submitted the following documents in support of the application: *bat survey*.

### **Relevant Planning History**

None

## **Relevant Planning Policy Summary**

### **Saved policies of the Walsall Unitary Development Plan**

Policy GP2 states that “the Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment”

Relevant considerations to be taken into account in the assessment of this application include:

- I. Visual appearance
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property
- XX. Any other factor of environmental significance

Policy ENV32 states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The quality of design of this proposal will be assessed using the following selected criteria:

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

Policy H10(a)i states that the Council will expect the design of residential developments, including residential extensions, to 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.

### **Supplementary Planning Document: Designing Walsall**

The SPD “Designing Walsall” provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the

numerical guidelines contained in Appendix E of the SPD, although distances that do not conform with these guidelines may be acceptable where it is appropriate to the character of the area.

### **Planning Policy Statement 1: Delivering Sustainable Development**

This PPS promotes good design as a key element in achieving sustainable development. In particular, paragraph 34 states that design which is inappropriate in its context should not be accepted, and paragraph 35 states that high quality design should be the aim of all those involved in the development process.

### **Consultee Responses**

**Natural Environment, Ecology** – No objections subject to conditions

**Natural Environment, Trees** – No objections

### **Public Participation Responses**

Three objections have been received.

The occupiers of number 12 have objected on the ground that the proposal is very extensive in height and length and would result in a loss of light to their conservatory. Also concerns were raised about foundations having an impact on number 12.

The occupiers of number 12a have objected to the proposal on the grounds that it would result in a loss of light to number 12a.

The occupiers of number 8 have objected to the proposal on the grounds that the rear single storey extension due to the height and depth near to the boundary would result in an overbearing impact, loss of light to their rear living room window and impact on trees near the development which were not declared on the placation forms.

### **Determining Issues**

- Design, and impact of the proposal on the character of the area
- Impact of the proposal on the amenity of neighbours
- Impact on Protected Bat Species
- Impact on Trees

### **Observations**

#### **Design, and impact of the proposal on the character of the area**

The design of the proposal would include hipped and mono-pitched roofs, the planes of which would integrate well with the original house. The lower roof height of the two storey extension would also be subservient to the original house.

The character of this side of Park Hall Road is defined by a mix of traditional detached, semi-detached and 60's semi-detached houses, the design of the proposal which is in keeping with the original house is considered would not have a detrimental impact on this character.

### **Impact of the proposal on the amenity of neighbours**

In relation to number 12 the proposal is to the north and would result in little loss of light due to this orientation. Also there would be a 2 metre gap between these houses ensuring the proposal would not be overbearing. The obscure side elevation window in the proposal would serve the utility room and would not result in overlooking.

Number 8 is the other neighbouring house which has no rear extensions. The single storey extension at the rear would be the nearest part of the proposal to this house. Number 8 has objected to the proposal due to its size near to their ground floor rear living room window. The proposal is only 3.5 metres deep, single storey and is considered would not have an overbearing impact or result in a significant loss of light to number 8.

Number 12 also raised objection to the proximity of the foundations to their house, however these matters would be dealt with through the building regulations.

### **Impact on Protected Bat Species**

The bat survey report submitted for this application carried out by Land Care Associates on 16 April 2010 found that the house was only of low potential risk for use by bats with some small gaps found and that the surrounding habitat was also considered to only have low potential for use by bats. No evidence of bats was found during the internal and external inspections. The report recommends that contractors are made aware of the risk of bats and that all work should stop if any evidence of bats is discovered. The Ecology Officer agrees with the findings of the report and has recommended conditions to ensure there is no detrimental impact on bat species during construction.

### **Impact on Trees**

Although the application forms state that there are no trees on, or falling within the application house boundary or adjoining boundary, there are at least two trees which would be near to the proposal. These have been considered by the Tree Officer who has no objection to the application, furthermore these trees would be at least a metre from the back of the single storey rear extension.

## **Summary of Reasons for Granting Planning Permission**

The design of the proposal is subservient to the original house, integrates well and as a result will have very little impact on the character of the area. In relation to number 12 the proposal would be to the north and separated by a 2 metre accessway which will ensure there would not be an overbearing impact or significant loss of light here. The single storey extension due to its height and depth will not have an overbearing impact on number 8 nor result in significant loss of light. The proposal would also have little impact on the trees in the rear garden. Matter raised concerning foundations will be dealt with by Building Regulations.

The proposed development is considered to meet the aims and objectives of the Walsall Unitary Development Plan, in particular policies GP2, ENV32, and H10, and the Supplementary Planning Documents "Designing Walsall" and other material planning considerations.

## **Recommendation: Grant Permission Subject to Conditions**

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

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

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

3: 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.

4: (a) Bat survey work has identified a risk that bats may be present in the existing building and the following precaution shall be taken when implementing the planning permission:



1. Roof tiles, lead flashing and soffit boxing shall be carefully removed by hand.

If no bats or evidence of bats are found during these operations, the approved works can continue.

(b) If bats or evidence of bats are found during these operations:

1. The vicinity of the roost shall be immediately reinstated
2. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
3. Within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
4. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To contribute to the conservation of local bat populations.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### **Reason for bringing to committee: Contrary to policy**

**Application Number:** 10/0353/FL

**Application Type:** Full application

**Applicant:** J Flynn

**Proposal:** Proposed single storey rear extension.

**Ward:** Streetly

**Case Officer:** Jenny Townsend

**Telephone Number:** 01922 652420

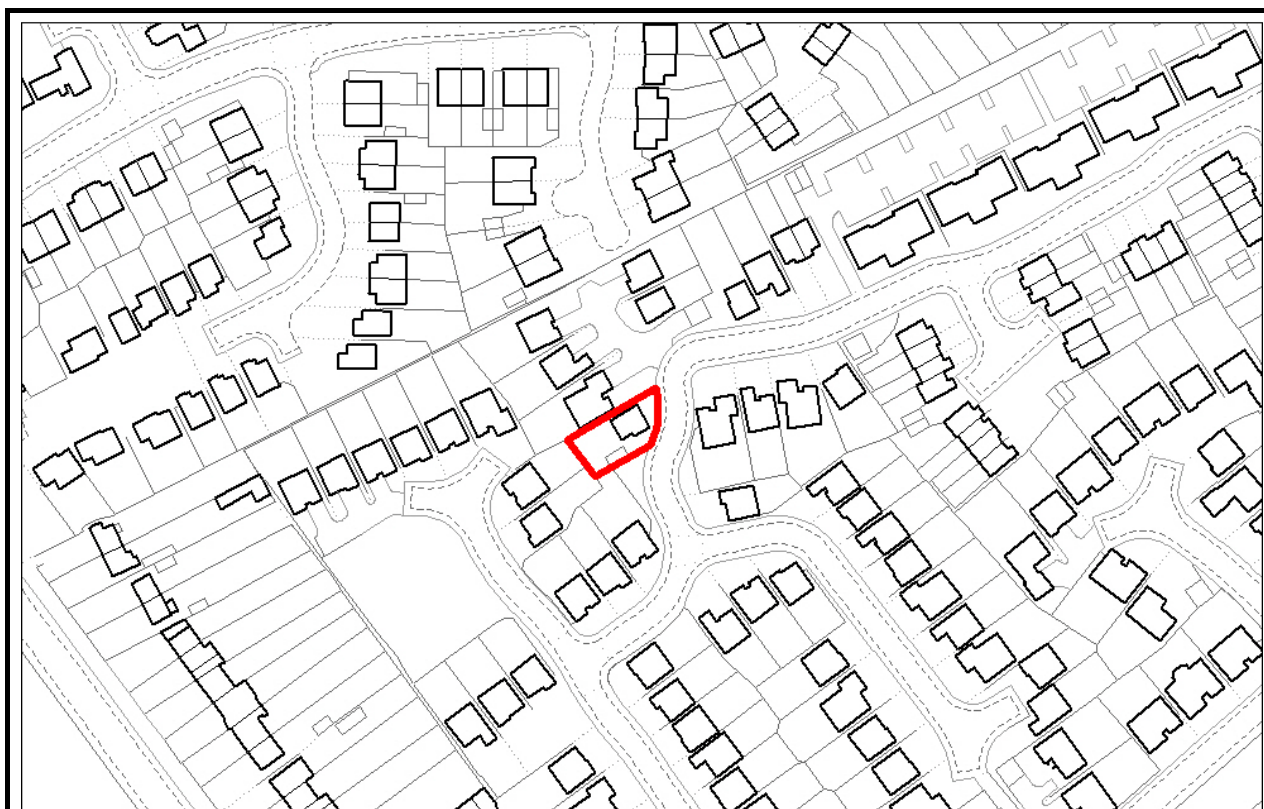
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Jayne Smith Design

**Location:** 21 BLUE CEDAR DRIVE, SUTTON COLDFIELD, B74 2AE

**Expired Date:** 05/07/2010

### **Recommendation Summary:** Grant Permission Subject to Conditions



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### **Application and Site Details**

This application is for a rear extension to a modern detached house which would create a playroom. There is a detached garage to the rear of the house which lies adjacent the boundary with the neighbour number 19 Blue Cedar Drive. The rear of number 19 faces the side boundary of the application house but the house is approximately 2.8 metres lower in level than the application house.

The extension would be across the whole of the rear elevation and would be stepped out in length, projecting approximately 4.3 metres on the right-hand side and 1.9 metres on the left-hand side nearest to number 23, the neighbouring house to the left. The roof would be hipped and measure between 2.3 and 3.9 metres high.

The original plans proposed a window to the playroom to be 2.2 metres wide however amended plans show the window reduced in size to 1.2 metres. Double doors are proposed in the shorter section.

The extension would face the rear of number 4 Catalpa Grove, the neighbouring house to the rear which is approximately 1.4 metres lower in level. The garden of the application house slopes down towards number 4 and there is a 1.8 metre high fence to the boundary above which the first floor windows of number 4 can be seen. The distance between the rear of the houses as built is approximately 23.5 metres.

Number 4 Catalpa Grove has recently added a conservatory at the rear and the distance between the rear of this and the rear first floor windows of number 23 Blue Cedar Drive was reduced to less than the minimum separation required by policy. To avoid any loss of privacy to both houses two standard size trees were required to be planted on the boundary with number 23 Blue Cedar Drive to prevent overlooking between the houses.

The rear of the neighbouring house number 23 Blue Cedar Drive is approximately 8 metres beyond the rear of the application house. The side gable wall of number 23 is set in 1.0 metre from the boundary fence and there is a door and a secondary window to the kitchen in the side wall which are mostly screened by the existing boundary fence.

### **Relevant Planning History**

Planning permission for the original estate development removed permitted development rights for extensions and has conditions regarding gas ingress protection measures to be installed in the houses and any subsequent additions to the houses.

## **Relevant Planning Policy Summary**

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

### **PLANNING POLICY STATEMENT 1**

Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

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

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

#### **ENV10: Pollution.**

(a) The development of a facility which may cause pollution will only be permitted if it would not:-

I. Release pollutants into air, which would cause unacceptable harm to health and safety.

II Cause unacceptable adverse effect in terms of fumes, gases or other polluting emissions.

III Have an unacceptable adverse effect on nearby land uses.

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

#### **ENV32: Design and Development Proposals.**

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

#### **H10: Layout, Design and Dwelling Mix.**

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Documents relating to residential design.

## **Supplementary Planning Document**

### **Designing Walsall**

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.

### **Designing Walsall – Supplementary Planning Document**

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

### **Consultations**

**Pollution Control Scientific Team** – No comments.

**Pollution Control Contaminated Land Team** – Contaminated Land Team acknowledges receipt of the drawing referenced “03/H” this shows sufficient information to indicate that if built to this drawing there will be sufficient protection for the existing development as well as the extension. A condition is recommended to ensure that the development is constructed as proposed.

### **Public Participation Response**

None.

### **Determining Issues**

- Impact on Amenity of Nearby Residents
- Ground Conditions

## **Observations**

### **Impact on Amenity of Nearby Residents**

The estate site slopes down in level from east to west and in some cases there is a significant difference in floor level between houses which face each other such that the first floor windows of one house are at a similar level the ground floor windows of the facing house. In these situations, the boundary fence usually prevents overlooking between the ground floor parts of the houses.

In this case, the detached garage belonging to the application house, side boundary fence and difference in ground floor level between the application house and number 19 Blue Cedar Grove means that there would be little impact on the amenity of the occupiers of 19 from the proposed extension.

The distance between the rear lounge doors of the application house and the first floor bedrooms windows of number 4 currently meet the minimum separation required by policy and although the distance between the first floor bedroom window on the rear of 4 and the rear of the playroom at approximately 20 metres would be less than the minimum required by policy, 2 selected standard trees have been proposed to be planted on the boundary with number 4 which would, because of their size (between 3 and 3.5 metres high), provide a screen to prevent overlooking between the first floor windows of 4 and the proposed extension and visa versa. This would avoid the loss of privacy which might otherwise arise due to the shortfall in the separation distance between the facing habitable room windows and is the same solution as that which was used to safeguard the amenity of the occupiers of both properties when granting permission for the conservatory at number 4 Catalpa Grove.

The extension would not project beyond the rear of number 23 and there would be little change to the existing situation with regards to the side kitchen window belonging to 23, which is a secondary window and is mostly screened by the existing fence. There would therefore be little impact on the amenity of the occupiers of 23 from the extension.

### **Ground Conditions**

The amended drawings submitted in respect of the ground gas protection measures show sufficient information to indicate that if built to this drawing there would be sufficient protection for the existing development as well as the extension to take account of the ground conditions at the site.

## **Summary of Reasons for Granting Planning Permission**

The proposal will not significantly increase overlooking to the neighbouring house number 4 Catalpa Grove and with planting in place on the rear boundary, this would protect the amenity of the occupiers of number 4 and the

application house and overcome the shortfall in separation between the houses, which is less than is normally allowed.

In relation to the potential for ground gasses to impact the health and safety of occupiers an easily achievable engineering solution is available to secure satisfactory development. Implementation of this solution will satisfy the guidance and requirements for development on land affected by contamination contained in Planning Policy Statement 23 Planning and Pollution Control, Annex 2.

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV10, ENV32, H10, and the Supplementary Planning Document "Designing Walsall" and other material planning considerations.

### **Recommendation: Grant Permission Subject to Conditions**

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

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

2: Following completion of construction and prior to the extension being brought into use the applicant shall provide to the Local Planning Authority a validation report confirming that the construction works have been implemented as specified in the approved drawings and completed to an acceptable standard to protect the development from ground gas ingress.

Reason: To safeguard the occupiers of the application property and to comply with policy ENV10 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.

4: Before the development is brought into use, 2 trees of either mountain ash (*Sorbus aucuparia*) or False Acacia (*Robinia frisia*) species of a selected standard size (between 3 and 3.5 metres high) are to be planted 2.5 metres apart alongside the rear boundary with number 4 Catalpa Grove and should either die or become seriously diseased, damaged or is removed, shall be replaced within 2 months with a tree of the same or similar species and size.

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

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

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



Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

5: This permission relates to the amended drawing regarding planting to provide screening (drawing 4) deposited on 3 July 2010 and the drawing for gas protection membrane and pipe ventilation deposited on 13 July 2010.

Reason: To define the permission.

**Note for Applicant:**

Acceptable validation documents include:

A copy of any letter from the appointee of the management company confirming that the works were installed to an acceptable standard to prevent the ingress of ground gasses into the structure and supervised professionally as set out in Paragraph 1.4.1 of Schedule 3 to the Section 106 Agreement attached to Planning Approval 02/0069/FL/E2 relating to Land at Aldridge Road, Streetly

or

Photographic and documentary evidence confirming that the specified gas impermeable membrane has been installed to an acceptable standard using materials and methods recommended by the manufacturer and demonstrating that any existing ground gas protection measures installed in the host building have not been compromised.

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## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 29 Jul 2010*

### **Reason for bringing to committee: Contrary to policy**

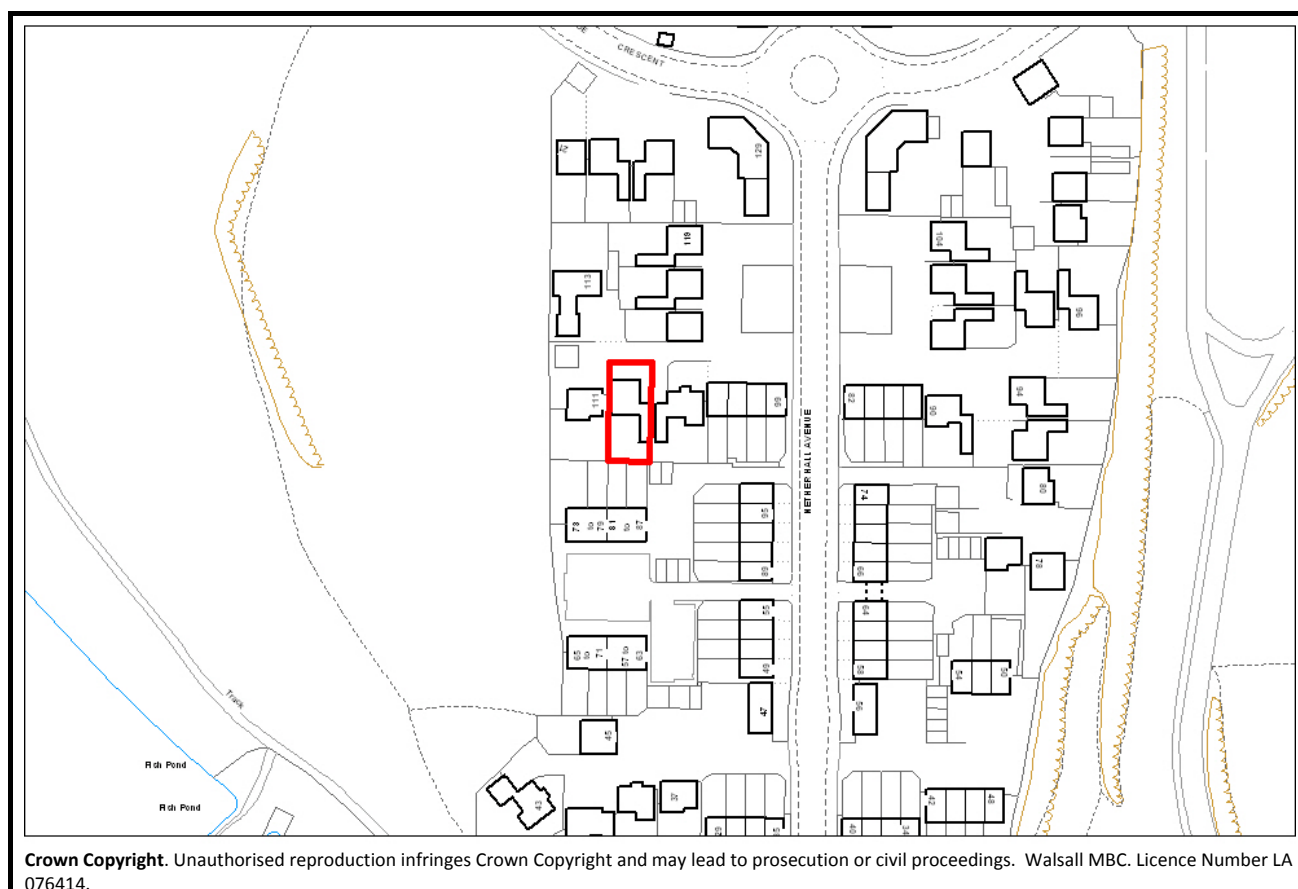
**Application Number:** 10/0679/FL  
**Application Type:** Full application

**Applicant:** Ms McFarlane  
**Proposal:** Conservatory at rear

**Ward:** Pheasey Park Farm

**Case Officer:** Jenny Townsend  
**Telephone Number:** 01922 652420  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Mr Smith  
**Location:** 109 NETHER HALL AVENUE, BIRMINGHAM, B43 7ET  
**Expired Date:** 13/08/2010

### **Recommendation Summary:** Grant Permission Subject to Conditions



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### **Application and Site Details**

This application is for a conservatory to the rear of a recently constructed modern detached house which lies in the Great Barr Conservation Area and the Green Belt.

The conservatory would lie in the corner between the rear wall of the house and the attached garage on the right which projects 6 metres beyond the rear of the house.

The conservatory would project 2.9 metres from the rear wall, be 4.7 metres wide and have a sloping roof. There is a discrepancy between the layout and elevation plans regarding the width of the house. However the site plan and layout both show the conservatory the same width.

The side elevation facing towards the boundary with number 111, the neighbour to the left, and the rear elevation facing the apartment block to the rear would comprise a low wall (0.5 metres high) with glazed panels above. A door is proposed in the side facing towards number 111 which would be 3.7 metres from the boundary fence.

There is a 2 metre wide gap between the application house and number 111 with a 1.8 metre high fence on the boundary between them. The rear of 111 projects approximately 0.5 metres beyond the rear of the application house and has patio doors on the rear nearest to the boundary.

The distance between the rear of the house and the rear windows of the apartments is currently approximately 24 metres. There is a 1.8 metre high fence on the boundary which screens some of the windows and planting in the garden but not against the rear boundary fence. The windows in the apartments are to kitchens and bedrooms.

The applicant has submitted the following documents in support of the application: Design and Access Statement.

### **Relevant Planning History**

Planning permission for the original estate development removed permitted development rights for extensions.

### **Relevant Planning Policy Summary**

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

## **PLANNING POLICY STATEMENT 1**

Encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

## **Saved Policies of Walsall's Unitary Development Plan 2005**

### **Unitary Development Plan Policies**

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

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

#### **ENV2: Control of Development in the Green Belt.**

Limited extension or alteration of an existing dwelling in the Green Belt will be allowed provided that this will not result in disproportionate additions. The Council will require that the siting, design, form, scale and appearance is consistent with the character of the surrounding area.

#### **ENV29: Conservation Areas.**

The Council will determine whether a development preserves or enhances the character of a conservation area in terms of:

I The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II The impact of any new buildings on the special townscape and landscape features within the area.

III The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

#### **ENV32: Design and Development Proposals.**

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

#### **H10: Layout, Design and Dwelling Mix.**

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Documents relating to residential design.

## **Supplementary Planning Document**

### **Designing Walsall**

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

### **Consultations**

**Pollution Control Contaminated Land Team** – No specific contaminated land requirements.

**Pollution Control Scientific Team** – No comments.

**Regeneration Built Environment** - The use of hardwood with a painted finish is appropriate within a conservation area. The overall form (lean-to) and scale of the conservatory seems fine in principle. The conservatory should not be visible from any public areas. The proposed conservatory meets the relevant UDP policies and will not have an adverse impact upon the character or setting of the conservation area.

### **Public Participation Response**

None.

### **Determining Issues**

- Impact on Character of the Conservation Area and Green Belt
- Impact on Amenity of Nearby Residents

### **Observations**

#### **Impact on Character of the Conservation Area and Green Belt**

The painted timber frame means that the conservatory would preserve the character of the Conservation Area.

The house is a new property on a modern estate and there have been no previous extensions. The conservatory would not result in a disproportionate addition to the original house and would not harm the openness of the Green Belt.

## **Impact on Amenity of Nearby Residents**

The existing garage which lies adjacent the boundary with number 107, the neighbour on the right would completely screen the conservatory so there would be no impact on the amenity of the occupiers of 107 from the proposal.

The separation between the side of the proposed conservatory and the boundary with 111 together with the existing boundary fence means that there would be little additional potential for overlooking between the rear of the houses and the conservatory would have little impact on the amenity of the occupiers of 111.

The separation between the rear of the conservatory and the habitable room windows of the apartments to the rear would be reduced to approximately 21 metres, 3 less than the minimum required by policy however 4 selected standard trees have been proposed to be planted on the rear boundary which would, because of their size (between 3 and 3.5 metres high), provide a screen to prevent overlooking between the windows of the apartments and the conservatory and visa versa. This would avoid the loss of privacy which might otherwise arise due to the shortfall in the separation distance between the facing habitable windows.

## **Summary of Reasons for Granting Planning Permission**

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV2, ENV29, ENV32, H10 and the Supplementary Planning Document "Designing Walsall" and other material planning considerations, as follows:

The design, scale and hardwood frame of the conservatory would be in context with the existing house and would preserve the character of the Conservation Area.

The proposal would not result in a disproportionate addition to the size of the original house, and its position in relation to the existing building means that it would not harm the openness or character of the Green Belt.

The proposal will not significantly increase overlooking to number 111 or the apartments at the rear with the proposed planting in place on the rear boundary which would protect the amenity of the occupiers of the apartments and the application house and overcome the shortfall in separation between the houses, which is less than is normally allowed.

### **Recommendation: Grant Permission Subject to Conditions**

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

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

2: The facing bricks of the conservatory shall match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the conservatory, unless otherwise previously agreed in writing by the local planning authority. The joinery of the conservatory shall have a painted finish (as stated in the plans) or an alternative colour to be approved in writing by the Local Planning authority prior to development commencing. These shall be retained as such after completion of the conservatory, unless otherwise previously agreed in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development and to comply with policy ENV29 and ENV32 of Walsall's Unitary Development Plan.

3: Before the development is brought into use, 4 trees, mountain ash species of a selected standard size (between 3 and 3.5 metres high) are to be planted 2.5 metres apart alongside the rear boundary and should any die or become seriously diseased, damaged or is removed, shall be replaced within 2 months with a tree of the same or similar species and size.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

4: This permission relates to the amended drawing regarding planting on the boundary deposited on 13 July 2010.

Reason: To define the permission.

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