



## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11<sup>th</sup> November 2010

### Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	10/1093/FL	Land South of Wolverhampton Street, Walsall, WS2 8LS	Hybrid Application: Detailed Application for 100-bed Hotel (Use Class C1) together with associated restaurant and bar, external seating area, associated landscape works and temporary surface 100 space car park (2 years) and access arrangements; change of use and external alterations to Wharfingers Cottage for retail, financial and professional services, offices, leisure, drinking establishment and restaurant encompassing implemented landscaping works and new external seating area (Use Classes A1, A2, A3, A4, B1(a) and D2). Outline application (all matters reserved) for leisure, retail, financial and professional services, restaurant, drinking establishments, hotel, office, residential development (Use Classes A1, A2, A3, A4, B1(a), C3, D2) and associated multi-storey	Grant Permission Subject to Conditions

				car park together with proposed access, servicing, landscaping, canal bridge and works to canal basin.	
2	25	10/0763/FL	Site Formerly known as Walsall Depot, Norfolk Place, Bloxwich Road, Walsall	Demolition of existing industrial/depot buildings and erection of 264 dwellings	Grant Permission Subject to Conditions and a Planning Obligation
3	47	10/1232/OL	323 WOLVERHAMPTON ROAD,WALSALL, WS2 8RL	Outline: redevelopment of existing Church and community building for the same purposes taking 'access' into account	Grant Permission Subject to Conditions
4	67	10/0702/FL	SITE OF THE CAVALCADE P.H.,STROUD AVENUE, WILLENHALL, WV12 4DH	13 two and three bed affordable houses, 10 one-bed supported living apartments and an 8 bedroom physical disability unit.	Grant Permission Subject to Conditions and a Planning Obligation
5	79	10/1100/FL	CHRIST CHURCH C OF E PRIMARY SCHOOL,HARDEN ROAD,WALSALL, WS3 1EN	Amendment to approval 10/0074/FL for erection of replacement school building including 26 place nursery (amendments to car park, access road, service & landscaping).	Grant Permission Subject to Conditions
6	89	10/1119/FL	SHELFIELD COMMUNITY COLLEGE,BROAD WAY, PELSALL, WALSALL, WS4 1BW	Variation of condition 2 of permission 10/0350/FL to substitute plans to show amended parapet and increased roof height to dance studio.	Grant Permission Subject to Conditions
7	95	10/1194/FL	SHELFIELD COMMUNITY COLLEGE,BROAD WAY,PELSALL, WALSALL, WS4 1BW	Variation of Condition 2 of approval 10/0350/FL to substitute plans showing amended existing and proposed ground levels raised by 210mm.	Grant Permission Subject to Conditions

8	101	10/1268/FL	UNIT 1B,BLOCK 1,NEW FIRMS CENTRE, FAIRGROUND WAY,WALSALL, WS1 4NU	Change of use from Light Industrial Unit to Leisure Use (Use Class D2) as Boxing training Club	Grant Permission Subject to Conditions
9	109	10/1262/OL	Queslett Centre, Lakeview Close, Walsall, B43	Outline application for residential development (access, layout and scale to be determined)	Grant Permission Subject to Conditions
10	129	10/1346/TE	CENTRAL POINT, WILLENHALL ROAD, DARLASTON, WALSALL,	Application to extend time limit for implementation of planning approval reference number 07/1798/FL/W5 for proposed warehouse/distribution unit with two storey office accommodation.	Grant Permission Subject to Conditions
11	139	10/0077/FL	15 BLOXWICH ROAD NORTH, SHORT HEATH, WILLENHALL, WV12 5PG	Change of use of storage building to taxi base, with 3 taxis operating from garage site.	Grant Permission Subject to Conditions
12	147	10/1197/FL	37 KINGFISHER GROVE,COPPICE FARM,WALSALL, WV12 5HG	First floor front extension.	Grant Permission Subject to Conditions



## Planning Committee

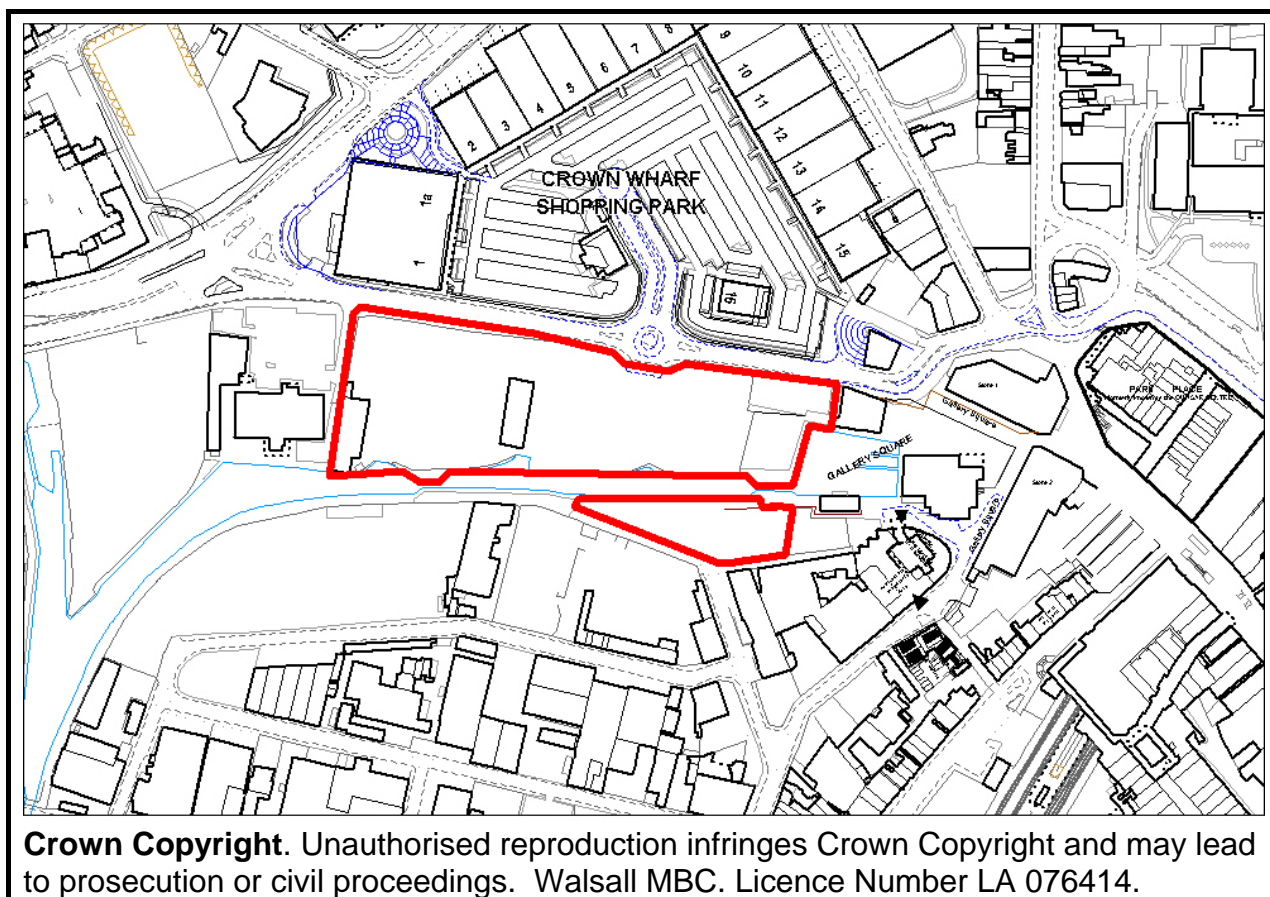
*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

---

### **Reason for bringing to committee: Major Application**

<b>Application Number:</b> 10/1093/FL <b>Application Type:</b> Full application  <b>Applicant:</b> UrbanSplash Walsall Ltd <b>Proposal:</b> Hybrid Application: Detailed Application for 100-bed Hotel (Use Class C1) together with associated restaurant and bar, external seating area, associated landscape works and temporary surface 100 space car park (2 years) and access arrangements; change of use and external alterations to Wharfingers Cottage for retail, financial and professional services, offices, leisure, drinking establishment and restaurant encompassing implemented landscaping works and new external seating area (Use Classes A1, A2, A3, A4, B1(a) and D2). Outline application (all matters reserved) for leisure, retail, financial and professional services, restaurant, drinking establishments, hotel, office, residential development (Use Classes A1, A2, A3, A4, B1(a), C3, D2) and associated multi-storey car park together with proposed access, servicing, landscaping, canal bridge and works to canal basin. <b>Ward:</b> St. Matthews	<b>Case Officer:</b> Andrew Thompson <b>Telephone Number:</b> 01922 652403 <b>Email:</b> planningservices@walsall.gov.uk <b>Agent:</b> Shedkm Architects <b>Location:</b> Land South of Wolverhampton Street, Walsall, WS2 8LS  <b>Expired Date:</b> 23/12/2010
---	---

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



## **Application and Site Details**

This application is a revision to a previous permission for Waterfront under 06/1450/OL/W1 which approved a detailed scheme for several buildings (flats, offices, retail and leisure uses dominated the scheme) and gave outline permission for the remainder of the site. This permission was amended by planning permission 08/1849/FL for a 100-bed hotel in place of one of the proposed office buildings.

The economic environment has altered since the scheme was defined, and a revised application is submitted to reflect this.

The application now encompasses the following details:

- 100-bed hotel together with associated restaurant and bar, external seating area, associated landscape works on land immediately to the west of the canal basin.
- change of use and alteration to Wharfingers Cottage for a range of use including retail, financial and professional services, offices, leisure, drinking establishment and restaurant
- a temporary surface car park of 100 spaces which would be installed for a period of 2 years to allow construction to take place and initial parking demand to be satisfied.
- Removal of the Wharf bar car park, and the sitting out area to maximise the available route for pedestrians through this part of Waterfront

- The proposals also include the works already carried out under 07/2341/RM/W7 which are paving and grassed mounds to the south of the basin around Wharfingers Cottage
- The proposals also show potential further boardwalk and features to improve pedestrian movement to the canal basin and planting within the canal itself.

The remainder of the site is in outline for a range of uses comprising Use Classes A1, A2, A3, A4, B1(a), C1, C3, and D2 (retail, financial and professional services, restaurant, drinking establishment, offices, hotel, residential, and leisure) An illustrative masterplan has been prepared and submitted but all matters are reserved and this needs to be seen in that light. However, the proposals do establish some key criteria including a canal bridge crossing.

The proposed hotel would be of almost identical design to that approved under 08/1849/FL. The previous permissions would be revoked.

The applicants propose a Premier Inn hotel, with a ground floor restaurant (to be used by the wider population of the town, not just the hotel guests). There will be 100 bedrooms.

The proposed hotel building is 6 stories tall, comparable to the previously approved buildings on the wider site. Visually, it comprises four key elements. The designers have made a conscious choice to define the functional elements of the building and develop the design from there. The elements of the building each have a distinct character and are

- the restaurant
- the vertical circulation tower
- the bedrooms
- the servicing / back of house areas (located furthest away from the canal basin.).

There is an outdoor seating area around the restaurant, on the canal bank. It is a largely glazed component of the hotel building.

The application is supported by the following documents:

**Transport Report** – brief statement and review of the 2006 assessment and the provision of a hotel and temporary car park.

**Flood Risk Assessment** – confirms that the site is characterised as being of little or no risk of flooding.

**Air Quality Assessment and Addendum** – No additional air quality issues since the 2006 planning permission

**Ground Conditions Report** – Notes the restrictions on stresses to the limestone mine of 40 kN/m<sup>2</sup> (a measure of ground pressure / bearing capacity) with the development being no more than 30 kN/m<sup>2</sup>.

**Ecological Report** – There are no changes to the ecological value of the site since the original planning permission. There are recommendations to replace brownfield habitats for black redstarts and to protect the value of the canal.

**Acoustic Assessment** – There have been no significant changes to the noise climate since the 2006 permission.

### **Relevant Planning History**

The Waterfront site has had many previous uses on various parts but as those uses have all been cleared, these are not relevant.

Parts of the site have been included in some of the redevelopment applications that have created surrounding uses, such as the retail park to the north. Other than confirming this as a site for significant town centre related development they are of little relevance.

Remediation under the Urban Splash redevelopment permission has begun.

### **Waterfront North (The application site)**

The key event in this history is the approval of that wider scheme, under reference 06/1450/OL/W1, in December 2006. It was outline permission for a mixed use scheme including leisure, offices, retail, apartments and associated multi storey parking (consisting of 12 buildings, 7 of which were submitted as reserved matters).

08/1849 – 120 bedroom hotel and restaurant – reduced to 100 bed hotel under a minor amendment. Granted 09/02/2009

### **Waterfront South (adjoining to the south of the application site, and extending further west)**

07/0618/FL/W7 and amended through 09/0832/FL – development of 316 dwellings and commercial buildings is currently under construction.

### **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 the Unitary Development Plan (UDP)**

Waterfront is one of the major sites in the UDP, and has a dedicated policy, WA12 (though this covers a wider area than this application site). The relevant passages in the policy state (key concepts have been marked in **bold** text):-

Policy WA12: Town Wharf ('Walsall Waterfront')

- (a) .... **Given the proximity of the area to the New Art Gallery and The Wharf Public House, both of which have received wide acclaim for their high quality contemporary design, the Council will require particularly high standards of design in this area.** This should be reflected not only in relation to future construction of buildings, but also in the relationship to the canal, and the quality of public space, with the aim that the development should provide a major 'gateway' to enhance the town centre as a whole.
- (b) **The area, on both sides of the canal, is considered to be the main location in the town centre for substantial leisure development** to serve the Borough and surrounding areas. It should be developed principally for leisure uses which can serve all sections of the community, and examples of uses that would be particularly welcomed by the Council include a cinema, a family entertainment centre and an adventure activity centre. **Associated bars / restaurants would**

**also be encouraged, provided they form part of a comprehensive scheme** to provide major facilities. Other appropriate uses will include hotel, and conference facilities, cultural uses, and office / business uses (including small scale craft-based activities) to complement development primarily for leisure uses. **Retail use, except small-scale, complementary activities, will not be permitted.** Generally, the mix of uses and the arrangement of those uses should be such as to ensure the creation of the most attractive possible scheme for investment in leisure facilities.

The UDP also has more general policies of relevance. Policy GP1 seeks the sustainable location of development (as do 4.6, and 5.1 to 5.6.). Retailing, hotels, offices etc are directed to centres, and this is further supported by policies S1 to S4.

Policy 3.6 encourages developments to improve the environment of the Borough, while 3.7, ENV10, ENV14 seek to protect people from the adverse effects of development, including light pollution (ENV11).

Policies 3.12, ENV19, ENV21 to ENV24, seek to protect the natural environment, while 3.13, ENV27, ENV29 extend the same aims to building conservation (the site adjoins the Walsall Locks Conservation Area). The canal is a Site of Local Importance for Nature Conservation, protected by ENV21.

Policies 3.16, ENV32, ENV33, seek high standards of design. 3.17, ENV39, and ENV40 seek to promote high standards of recyclables and energy efficiency and the conservation of water resources. Policy ENV32 also identifies water frontages as areas where design is of particular importance, and lists the factors that will be taken into account when assessing schemes, including the height, proportion, scale and mass of the buildings, effect on character of the area, and integration of natural and built features of value.

Policies 8.1 to 8.9 seek to promote facilities for entertainment, culture, open space, canals and community facilities, among others.

### **Council's Supplementary Planning Document (SPD) for Walsall Waterfront,**

The purpose of the SPD is to expand on Policy WA12 of the UDP. The document is intended to shape the quality of developments being brought forward, and give further guidance. It is a material consideration in the determination of planning applications. It was approved by Cabinet on 8/11/2006.

The SPD covers a wider area than the Urban Splash site, covering subsequent developments.

It sets out a Vision for Waterfront, to create an exciting and vibrant addition to Walsall, providing greater breadth to the attractions of the town centre through the creation of new, complementary and linked uses and economic growth whilst maintaining and enhancing the unique character of the area.

It seeks to maximise the dynamism and character of the canal frontage through appropriate public realm improvements, creating an accessible canal and water-space. It also seeks to promote pedestrian use, and to highlight Walsall's position on the 'National Waterway Map'.

A key feature is the delivery of 'world class' architecture and public art within a scheme that reflects the character of the area. Contemporary, aspirational, building designs are expected, although the historic fabric of the area and the waterside location should be respected and enhanced. In particular the setting of the New Art Gallery, the basin and retained building(s) should be improved. The importance of maintaining and enhancing clear and exciting views from and toward the New Art Gallery is pivotal, notably along the axis of the Town Arm. The canal and the Wharfinger's Cottage are in the Walsall Locks Conservation Area.

## **Other 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;

DBW 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.

### **Natural Environment SPD**

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.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. With the Inspector's Report now received and the JCS being found to be sound it is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

## **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

## **National Policy**

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 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." Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

PPS4 on sustainable economic development adopts a town centre first policies and stresses sustainability, and the need to promote inclusive, vital and viable town centres. PPS5 seeks to preserve and enhance the historic environment and the value of Conservation Areas.

PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. This should be read in conjunction with the associated Best Practice Guidance and Circular 06/2005 (Biodiversity and Geological Conservation - statutory obligations and their impact within the planning system) which requires survey work for protected species, if required, to be undertaken before planning permission is granted (paragraph 99).

PPS12 guides on Local Spatial Planning. PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

PPG13 on transportation promotes sustainability in the context of a safe, integrated and efficient transport system.

PPS22 promotes renewable energy. PPS23 and PPS24 consider the requirements of development to take account of pollution, contamination and noise.

PPS25 seeks to ensure that appropriate safeguards from flooding are incorporated into new development. The use of Sustainable Drainage Systems and other methods reduce rainwater runoff are encouraged.

## **Consultations**

**Transportation** – No principle objections to the proposals, however the applicant has failed to provide a detailed Transport Assessment ( data relied upon in 2006 is no longer reliable).

In addition the applicant has not detailed the following in relation to the temporary car park

- The proposed temporary car park does not show disabled car parking or pedestrian accessways to the hotel entrance (or beyond).

- The proposed access should not be a bellmouth design (as shown) but a dropped kerb in line with best practice guidance
- Details of the management system to prevent unauthorised parking including how the taxi drop-off facilities would operate and be controlled.

**Highways Agency – No objection**

**Pollution Control Scientific Team** has no objections to this proposal with the proviso that measures are put in place to address noise issues arising. Conditions have been recommended to address this matter.

**Pollution Control Contaminated Land Team** - With respect to the application detailed above and issues relating to contaminated land. A previous application by Urban Splash reference 06/1450/FL/W1, required a ground investigation on the site to be undertaken. Details of this have now been submitted. The report recommendations detail that a clean cover system and basic gas ingress protection to buildings would be sufficient to mitigate potential problems on site.

With this in mind, Contaminated Land Team will require a remediation statement from Urban Splash or their agent detailing what measures are to be employed and justification should they vary from those made in the report. Evidence to show that these measures have been implemented should also be submitted by means of a validation report.

**British Waterways Board** – Raises a number of detailed points that are detailed in the main report whilst raising no objection there are points and clarification and these are sought through appropriate conditions.

**Environmental Health – No adverse comments**

**Built Environment Team** - Whilst there are no objections to the proposal in conservation terms. In urban design terms the scheme is poorer in urban design quality terms due to its location and the perceived impact this will have on the permeability of the site. Previously, the overall scheme proposed the removal of the Wharf Bar and a clear, legible route through the site, terminating in a view of the previously approved hotel. The location for the proposed hotel will sever this route and it is considered it will be in some way detrimental to the overall functionality of the Waterfront scheme and how this relates to the town centre. Overall the illustrative masterplan, in particular, is considered to not fully meet the requirements of Policy DW4 Ease of Movement in Designing Walsall SPD

**Fire Service – No objection**

**WM Police** – No objection but would welcome conditions to secure CCTV and crime prevention measures.

**Landscape Team** - recommend that more detailed hard and soft landscape plans are submitted, with illustrations of street furniture, paving materials and at least an indicative planting plan, before permission is granted

## **Public Participation Responses**

One letter received from the tenant of the Wharf Bar enquiring about the future of their site, car park and outdoor seating areas.

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

## **Determining Issues**

- Principle of the detailed uses
- Principle of outline uses
- The Illustrative Masterplan
- The Proposed Design of the Hotel and Wharfingers Cottage
- The canal basin and relationship to the canal
- Public realm
- Car parking and servicing.

## **Observations**

### **Principle of the detailed uses**

The application forms part of the wider Waterfront development under policy WA12 of the saved policies of the Unitary Development Plan and the associated Waterfront Supplementary Planning Document which seeks a high quality, leisure led development.

Generally, the mix of uses and the arrangement of those uses should ensure the creation of the most attractive possible scheme for investment in leisure facilities. Development proposals should accord with the SPD for Walsall Waterfront.

Associated bars/restaurants would also be encouraged, provided they form part of a comprehensive scheme to provide major facilities. Other appropriate uses will include hotel and conference facilities, cultural facilities, and office/business uses (including small scale craft-based activities) to complement development primarily for leisure uses.

The general provisions of the application and the detailed element of the application (i.e. the hotel and Wharfingers Cottage) are in compliance with the overarching aims of the saved policies and the Waterfront Development.

### **Principle of outline uses**

The illustrative masterplan shows up to 7,129sqm of shops (A1) and 7,129sqm of financial and professional services (A2).

Unlike the supporting information submitted with planning application 06/1450/OL/W1, the applicant has not suggested a limit on the amount of floorspace for A1 or A2 uses across the whole development, and it is necessary to consider the maximum implications of such a provision. The site is in an edge of centre location and hence not in the Primary Shopping Area (PSA) defined in the Development Plan. The inclusion of such a large amount of retail floorspace (equivalent to approximately two 'ASDA Living' units) could be very damaging to regeneration and the vitality and viability of the main retail core and has not been justified against the policy framework as set out in PPS4 and UDP policies, in specific terms against the tests of the sequential approach and impact.

There is a danger that the proposed development would draw trade and investment away from the PSA, including from outlets within or better-related to the PSA. The health of Walsall Town Centre, in particular the PSA, is a cause for concern. The proposals could also compromise the deliverability of other uses which would be more compliant with the aims and objectives of the Waterfront Development.

It is also noted that the new Tesco development is now nearing completion whereas that development was not approved at the time of the 2006 permission.

For all these reasons, a condition is recommended restricting retail uses and A2 uses (banks, building societies and similar). This reflects the restrictions placed on the 2006 permission but tightens it in light of subsequent permissions in the town centre

The applicant has continued to indicate that their preference is to deliver office and residential development on the remainder of the site. No indication has been given as to why the leisure development is not included, particularly in light of the need for large scale banqueting, conference, cultural and leisure uses in the town centre.

With regard to office development there are also the aims and aspirations of Walsall Office Corridor (Gigaport) to consider and the requirements for balanced and early delivery of office development in this area.

It is also noted that there is already a significant supply of 1 and 2 bedroom flats built or approved in the town centre. Officers consider there is a need to ensure that the proposals are as deliverable as possible. The inclusion of large scale residential-led development could compromise early deliverability, as well as not meeting the wider expectations of the scheme.

The need for creative industries and development of small start-up enterprise space could also be encouraged.

There is also a need for the applicant and future land owners to consider leisure-led development in compliance with the aims, needs and aspirations of the town centre.

Conditions are recommended to direct the scheme towards these outcomes.

### **The Illustrative Masterplan**

As stated above, the range of uses needs to be carefully considered. The layout also needs to form a strong pedestrian link between the town centre and all parts of the development. The Masterplan is not as well developed as the 2006 planning permission. In many ways, the present Masterplan should be seen as no more than a very broad indication of potential, rather than a guide to future development. More significantly, the masterplan no longer identifies opportunities for informal recreation (as was part of the design previously) and this increases the requirement for compensatory, probably formal, recreation to be progressed in buildings.

The masterplan on the northern side of the canal shows a simple, very linear design and rectangular building plots. There are “streets” between the plots. The ground floors are shown as large commercial footprints with residential or offices above. Movement between buildings and east/west through the development needs to be improved, and the

opportunity to face the canal needs to be improved. The Masterplan, as if it were to progress as currently drawn, would fail to build a distinctive character or quality in the area. Its limitations need to be recognised.

In addition, it is difficult to see how these building would progress into high quality residential environments which would meet the identified need for larger residential units.

The visual impact of the Oysters has been lessened due to their relocation away from the basin and the fact that they are no longer aligned directly opposite each other (though again the very generalised Masterplan must be treated carefully). However, it is considered that the Oysters would function equally well as commercial leisure, or as start-up space for commercial enterprises with live-work development.

Overall the illustrative masterplan needs significant improvement. This is not a reason to prevent outline planning permission being granted due to the illustrative nature of the masterplan but the criticisms should be noted.

### **The Proposed Design of the Hotel and Wharfingers Cottage**

The proposed design is very similar to the design approved under 08/1847/FL.

The proposed alterations and amendments to Wharfingers Cottage are identical to those approved under 06/1450/OL/W1. No objection is raised to these amendments.

As the design has previously be found acceptable, and there has been no change in the circumstances there are no objections to the design.

### **The canal basin and relationship to the canal**

The design of the hotel is very similar to the 2008 application, with the same use of render and window details, although the active facade now fronts the canal basin, creating a more active relationship to the canal and giving a more interesting backdrop to the canal as well as creating canalside views from some of the hotel rooms.

The improvements to the canal basin envisaged are welcomed and these should help alleviate issues with pedestrian movement around the hotel. However, it is acknowledged that due to viability and need to discuss technical requirements with British Waterways these improvements will not be implemented as part of the hotel development. They are also not justifiable at this stage, in the absence of destinations in Waterfront North, beyond the hotel. They will be part of future phases.

External areas (shown with tables and chairs but with little or no separation between these and the canal) will need careful detailed design and management to prevent litter, tables and chairs from entering the canal. Clarification should also be provided regarding the environmental quality of this external seating area, which given the height of the building above could lead to a windy and overshadowed environment. Details are therefore requested by condition.

In regard to lighting there needs to be a good balance between creating a well lit, safe environment to attract people to use the canalside areas and avoiding light pollution and glare. Waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land. Details are required to be

approved, including details of foundations etc, to ensure that the integrity of the waterway is not adversely affected, and details of luminance. The lighting should only light the areas intended and should not provide wide lighting areas (to show consideration for bats). The proposed lighting should be efficient and sustainable.

The application proposes to remove the car park, chairs and tables on the western edge of the Wharf bar in order to maximise the available route through for pedestrians. The concerns of the current tenant are noted and, as landowner for the Wharf Bar, the applicant has met with the objector to clarify the development proposals.

Overall the relationship to the canal basin from the detailed elements of the proposal is acceptable.

### **Car parking, taxi facilities and servicing**

In design terms, there is a need to ensure that access, servicing and car parking does not compromise the quality of the development. The applicant and developer have been made aware of this.

The application proposes a 100-space surface car park on a temporary basis for 2 years. This is intended to meet the contractual arrangements between Urban Splash and the hotel operator, until a permanent parking solution is constructed. It should be stressed that permanent surface car parking is not acceptable, and extensions to the time allowed for the temporary car park will be undesirable.

The applicant presents two options for the location of the temporary car park:

- Option A – away from Wolverhampton Street, running along the canal with access close to the hotel.
- Option B – running the entire length of the Wolverhampton Road frontage in the position of the Parking Hedge with access from the existing roundabout junction.

The recommended conditions do not restrict the permission, in terms of where the car park is, but require details to be agreed, for a car park somewhere in the development area, to maximise flexibility for the developer. It is restricted, by those conditions to the proposed 2 year life.

Transportation opinion is that the 2006 Transport Assessment is unreliable and cannot be relied upon for the purposes of the wider masterplan. However, the issues of the hotel have been tested through the 2008 permission and therefore in principle this should not have a different impact on the local highway network. The broad details of the wider development had also been approved and could still come forward. Officers judge that opposition to the general position can not be justified, given this fallback position.

Issues of appropriate car parking provision and the implementation of the closure of Wolverhampton Road to private cars need to be brought forward in early parts of the next phase of development.

The following matters are conditioned as part of the detailed planning permission:

- The proposed temporary car park does not show disabled car parking or pedestrian accessways to the hotel entrance (or beyond).
- The proposed access should not be a bellmouth design (as shown) but a dropped kerb in line with best practice guidance

- Details of the management system to prevent unauthorised parking including how the taxi drop-off facilities would operate and be controlled.

Therefore whilst the limitations and issues associated with the highway assessment are noted, the previous planning permissions and assessments are considered to be of insufficient weight to warrant a refusal of the detailed elements in this instance.

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

The proposals are a hybrid outline and detailed application, with a 100 bedroom hotel and the refurbishment of the Wharfingers Cottage proposed in detail. The proposals include a range of uses and an illustrative masterplan has been submitted. It is also proposed to implement a temporary 100 space car park for hotel users for a period of 2 years. Retail development outside the town centre's Primary Shopping Area should be restricted. There is also a need to provide a significant proportion of leisure-led development as part of the Reserved Matters.

The design of the proposed hotel is acceptable. Details of the associated outdoor seating areas and operation of the temporary car park are conditioned.

Conditions are proposed requiring the illustrative masterplan to be an evolving tool in guiding high quality development that needs to relate better to the site's context and surroundings as well as future development opportunities than currently shown.

Overall with the proposed conditions, the proposed development is considered to comply with the relevant policies of the development plan, in particular policies WA12, 3.6, ENV32, ENV33, S1, S2, S3, S4, S6, S8 and GP7, and Waterfront, Designing Walsall and Nature Conservation Supplementary Planning Documents and the emerging Joint Core Strategy. On balance, having taken into account all material planning considerations and public participation responses, the proposal is acceptable.

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

**For the avoidance of doubt, and to assist in interpreting the document, the following schedules are applied to the Decision Notice:**

Schedule A – General Planning Conditions

Schedule B – Conditions relating to the detailed permission for the Proposed Hotel

Schedule C – Conditions relating to the detailed permission for Wharfingers Cottage

Schedule D – Conditions relating to outline planning permission

### **Schedule A – General Planning Conditions**

A0 - the term "Phase" means:-

Individual sites within the overall application site that can be progressed in individual reserved matters submissions and still meet the overall aspirations and objectives of the outline planning permission.

*Reason:* To define the permission, and create the framework for the conditions, and their application to parcels of land.

A1a)(i)– In relation to the detailed proposals for the hotel and associated landscaping works detailed in the application submission, development shall commence within 3 years of this approval.

a)(ii) - In relation to the detailed proposals for the Wharfingers Cottage and associated landscaping works detailed in the application submission, development shall commence within 3 years of this approval.

b) in relation to outline planning permission defined on plan number P103 (Outline Plots)

i) The Reserved Matters submission for the first phase of development shall be submitted within 3 years of this permission.

ii) The Reserved Matters submission for each phase of development shall be submitted within 2 years of the previous phase.

iii) All Reserved Matters applications will be submitted within 7 years of this approval.

c) Development of each phase shall commence within 2 years of the approval of the Reserved Matters for that Phase.

*Reason:* In order to define the permission.

A2. The development of any phase of development under Condition A1b) shall not be commenced until details (the "Reserved Matters") of all of the following for that Phase 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 of the building(s)

d) The landscaping of the site

e) Access to the site.

*Reason:* Pursuant to the Town & Country Planning (General Development Management) Order 2010, and to define the permission.

A3. Before the proposed temporary car park is constructed, details shall be submitted to and approved in writing by the Local Planning Authority, showing its position, arrangement, surfacing and boundary treatment. It will be implemented in accordance with those approved details before the hotel is first brought into use. The car park use shall cease no later than 2 years from the first occupation of the hotel and the site shall be left in a neat and tidy condition, unless a further planning application for the continued use of the car park or the removal of this condition has been approved by the Local Planning Authority.

*Reason:* An unlimited permission would prejudice the comprehensive development of the whole site in accordance with the Unitary Development Plan and the application submission.

A5. i) Prior to built development on each phase 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 area of that phase and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL1)

ii) 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.

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 CL2)

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

A6. Before work commences on site details of measures to control water run off from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

*Reason:* To protect the water environment.

A7. For the duration of the reclamation of the site, and the construction period, the accesses to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

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

A8. 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 otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

A9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from service vehicle 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 protect the water environment.

## **Schedule B – Conditions relating to the detailed permissions for Proposed Hotel**

B1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans within schedule P000.H.

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

B3. Prior to the commencement of development a schedule of the facing materials shall be approved in writing by the Local Planning Authority.

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

B4. The permitted development shall meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, as a minimum, unless otherwise agreed with the local planning authority.

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

B5. All windows and areas of glazing including any atrium or entrance area shall be kept free of applied signage or other significant screening which would hinder views into an atrium or entrance area and/ or the passive surveillance of public areas, unless details have been previously submitted to and agreed in writing with the Local Planning Authority.

*Reason:* To aid the security of users of the site, and maximise the interaction between inside and outside the building.

B6. As part of the Reserved Matters details of boundary treatment, public realm enhancement and street furniture (e.g. litter bins, bollards, street lighting, and benches) shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* In order to preserve and enhance the character of the Conservation Area.

B7. Prior to the first occupation of the hotel hereby approved a Travel Plan shall be submitted to and agreed with the Local Planning Authority to identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on / promoting the use of alternative modes of transport and include the appointment of a travel plan co-ordinator.

*Reason:* In order to reduce the reliance on the private car and promote alternative and sustainable modes of transport.

B8. Prior the commencement of the development details of the location and layout of the temporary car park shall be submitted to and approved in writing by the Local Planning Authority:

- a) any necessary security arrangements
- b) hard surfacing materials
- c) landscaping detail
- d) boundary treatment (including any bollards)
- e) a schedule of lighting arrangements
- f) car park and taxi drop off management procedures
- g) a mechanism to ensure that 10% of parking and temporary parking are for the use of disabled people

h) details of pedestrian accessways between the car park and the hotel and beyond

The approved details shall be implemented and completed, in accordance with any necessary phasing, before the relevant building is brought into use.

*Reason:* To ensure the satisfactory appearance and functioning of the temporary car park.

B9. The temporary parking arrangement should be for users of the Hotel only.

*Reason:* To ensure the satisfactory appearance and functioning of the temporary car park

B10. Notwithstanding the access as detailed on the submitted plans the proposed design of the access shall be a dropped kerb access to a design to be agreed by the Local Planning Authority.

*Reason:* In the interests of high quality design and highway safety.

B11. Prior to the commencement of development details of the chairs, tables, any boundary treatment or barriers and any other external features within the external seating area shall be submitted to and approved in writing by the Local Planning Authority.

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

B12. Prior to commencement of development details (including location and external appearance) of all plant and equipment used for the purpose of heating, ventilation and/or air conditioning shall be submitted to and approved in writing by the Local Planning Authority. Any such structures situated within buildings or in acoustically designed enclosures, and thereafter retained in accordance with any approval for the period of their use.

*Reason:* To ensure satisfactory appearance of the application site and to ensure that the amenities of nearby residents are safeguarded.

B13. Prior to the commencement of development details of bank protection works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include requirements for the protection of White-clawed Crayfish. The approved details shall be implemented prior to the development being brought into use.

*Reason:* In order to safeguard the integrity of the canal and the enhancement and protection of ecological habitats.

### **Schedule C – Conditions relating to Wharfingers Cottage**

C1. This permission approves the uses A1, A2, A3, A4, B1a, D2 in Wharfinger's Cottage

*Reason:* In order to define the permission.

C2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans within schedule 'Wharfingers Cottage – P000.W'

*Reason:* In order to define the permission.

C3. Prior to the commencement of development a schedule of the facing materials shall be approved in writing by the Local Planning Authority.

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

**Schedule D – Conditions relating to outline planning permission defined on plan number P103 (Outline Plots)**

D1a) For the avoidance of doubt the approved uses to deliver the illustrative masterplan for the whole site are A1, A2, A3, A4, B1(a), C1, C3, D2 subject to the detail contained in other parts of this condition.

b) At no time shall the total amount of floorspace in A1 use in the buildings hereby approved in detail exceed 1,500 sq.m.

c) Food retail in the buildings hereby approved in detail shall be a maximum of 300sq.m. at any time, unless otherwise agreed in writing by the Local Planning Authority.

d) At no time shall the cumulative amount of floorspace in A1 and A2 use in the buildings hereby approved in detail exceed 2,500 sq.m.

e) A minimum of 30% of total floorspace shall be for D2 Use.

f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no use in the buildings hereby approved in detail shall be converted from another use to an A1 use.

*Reasons:*

a) To define the permission.

b, c, d and f) To control the nature of retailing and town centre uses on the site and , to reflect the overprovision of convenience retailing in the town centre identified in the Black Country Centres Study 2009 (GVA Grimley).

e) To ensure that future phases of development meet aspirations for leisure led development.

D2. a) No retail unit on the site shall be brought into use until the Local Planning Authority have approved the particular retail use, location and size of the proposed unit.

b) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, there shall be no change of the particular retail use approved under part (a) of this condition to any other particular retail use, unless that change has been approved in writing by the Local Planning Authority.

*Reason:* To control the nature of retailing on the site, to secure retailing which is either complementary to the other uses on the site, or of a character which adds interest to the site and the town centre, to reflect the overprovision of convenience retailing in the town centre identified in the Black Country Centres Study 2009 (GVA Grimley), and in order to achieve a high quality scheme which supports both the development of the site and the quality of the town centre.

D3. No permission is granted for the illustrative masterplan or schedule of uses submitted on drawings P103 and P203.

*Reason:* The illustrative masterplan does not reflect the aspirations of the Development Plan to deliver leisure led development or in terms of creating high quality public realm and good pedestrian movement.

D4. The proximity to the boundary of development of any windows in shall be 11.25 metres from habitable room windows.

*Reason:* To define the permission, and to secure an acceptable relationship to other developments on adjoining land.

D5. Having regard to the site constraints, as part of the Reserved Matters, unless otherwise agreed by the Local Planning Authority and justified as part of an exceptional design, the development shall:

- a) provide private amenity space provided for every residential unit;
- b) any residential element submitted as part of the Reserved Matters submissions shall include a minimum of 10% 3-bedroom units and a maximum of 10% one bedroom units.
- c) include details of the sustainable use of natural resources, including the use of sustainable drainage systems, energy recovery and renewable energy sources.

*Reason:* In order to guide the reserved matters with regard to high quality design and to ensure satisfactory development is brought forward through the reserved matters submission.

D6. As part of the Reserved Matters details of boundary treatment, public realm enhancement and street furniture (e.g. litter bins, bollards, street lighting, and benches) shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* In order to preserve and enhance the character of the Conservation Area.

D7. Unless otherwise agreed in writing by the Local Planning Authority, at all times the internal arrangements of the non-residential ground floor uses in the buildings in the development will ensure that no

- non-transparent partitions (other than those positioned at 90 degrees to the external wall)
- storage areas,
- refuse areas
- or toilet facilities

shall be located within 2 metres of any glazed external wall .

*Reason:* To ensure active frontages and a satisfactory appearance on all faces of the buildings, to ensure a permanently satisfactory urban design solution to the circulation of pedestrians around all faces of the buildings.

D8. Unless otherwise agreed in writing by the Local Planning Authority

- a) as part of the first Reserved Matters submission details of a proposed pedestrian bridge in the vicinity of the canal basin, canal basin works and closure of Wolverhampton Road to private cars (including a timetable for the implementation of those works) shall be submitted to and agreed as part of the development.
- b) The approved details of those works will be implemented in accordance with the approved timetable, and thereafter retained as approved.

*Reason:* To ensure that pedestrian movement and access is secured.

D9. As part of each Reserved Matters submission details of the following shall be submitted to and approved by the Local Planning Authority:

- a) strategy pedestrian movement towards the Primary Shopping Area and across the canal
- b) public realm enhancement and maintenance strategy
- c) a scheme for external lighting and maintenance with areas around the canal and basin minimising glare and light pollution.
- d) details of proposed refuse and waste recycling facilities
- e) fire and emergency service access
- f) measures for ecological enhancement
- g) a CCTV scheme for the development
- h) canal bank protection and details of protection for white-clawed Crayfish

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

D10. As part of the Reserved Matters submission details of security oriented design measures and physical security measures for all buildings and public spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

*Reason:* To ensure the safety of the occupiers and users of the development.

D11. a) As part of the Reserved Matters submission for each phase of development, a Travel Plan Framework shall be submitted for the approval of the Local Planning Authority to assess the impacts of the development on the local highway network and to promote alternative and sustainable modes of transport and to ensure the free flow of traffic on the local highway network.

b) The submitted Travel Plan Framework shall be developed in consultation with this Council's highways officers and the Public Transport Authority (PTA) and include a mechanism for delivery of the Travel Plan.

c) The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on / promoting the use of alternative modes of transport, by:-

- i) The appointment of a travel plan co-ordinator,
- ii) The establishment of targets for modal shift,
- iii) The details of measures to be employed to achieve the identified targets,
- iv) Mechanisms for ongoing monitoring and review of targets and travel plan measures,
- v) Details of penalties and/or additional measures to be investigated / implemented in the event that the identified targets are not met.
- vi) Public transport information and ticket details;
- vii) Cycle provision, showers and lockers and associated infrastructure; and
- viii) Walking initiatives.
- ix) Improving overall links to the main public transport infrastructure of and the primary retail core.
- x) Car park allocation strategy.

d) Prior to the first occupation of each building in any phase or parcel identified under condition A1(c) (or such other period as may be agreed in writing by the Local Planning Authority) the approved measures shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including binding methods of delivery, review, and monitoring of the measures in the Travel Plan (including the requirements of this condition).

e) The approved Travel Plan shall be implemented during the six months following the first occupation of the premises. Following the expiry of this period of time or such other period of time as may be agreed under part (d) of this condition, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan.

f) The occupation and use of the development shall comply with the requirements of the revised plan approved under part (e) of this condition, at all times, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car.

D12. a) As part of each Reserved Matters submission a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The submitted scheme will include

- a) any necessary phasing
- b) arrangements for temporary servicing of buildings that are brought into use in advance of completion of the servicing access arrangements
- c) mooring rings along the canal arm
- d) green and brown roof ecological impact mitigation measures, bat and bird boxes
- e) surfacing able to handle a 17 tonne high reach Fire Service vehicle
- f) litter collection bins
- g) suitable details for all parts of the site not covered by buildings.
- h) canal side and towpath improvements

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

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

c) The approved scheme shall be implemented, in its entirety, 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 and functioning of the site.

- D13. a) Unless otherwise agreed in writing by the Local Planning Authority, should any reserved matters (as defined by Condition A2):
- i) create 10 or more dwellings then the application will necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, the following infrastructure contributions:
    - Education capacity (should a surplus of 10% or less in existing school capacity be identified)
    - Open space provision
  - ii) in addition to part i) of this condition should 15 or more dwellings be created then it will be necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, the following infrastructure contributions:
    - Affordable Housing provision
    - On-site Public Art provision
  - iii) in addition to parts i) and ii) of this condition should 30 or more dwellings be created then it will be necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, provision of healthcare infrastructure.
  - iv) create 1,000sqm or more of non-residential floorspace then the then it will be necessary to seek, in accordance with UDP Policy GP3 and the Council's Adopted Supplementary Planning Documents, infrastructure contributions towards public art.
- b) In accordance with part a)ii) of this Condition, any provision for affordable housing will need to be supported by a plan identifying the type and tenure of the proposed units to be offered for affordable housing. The type and tenure will need to have regard to the adopted Affordable Housing Supplementary Planning Document and Housing Need Study.
- c) Should the scheme's viability be adversely affected by the S106s reasonably sought in relation to the submitted Reserved Matters, the applicant will need to submit an openbook assessment for independent evaluation, at the applicant's cost, to an independent assessor, agreed by the Local Planning Authority. The results of the independent assessment should then be considered and taken forward as the appropriate level of financial contribution.

*Reason:* in accordance with the Council's adopted policy on Planning contributions, Circular 05/2005 and guidance contained within draft national policy on planning obligations (June 2010).

#### NOTES FOR APPLICANT

- A) The submitted indicative plans do not form part of this approval. The following comments should be noted in developing the Reserved Matters submission:
- i) With regard to conditions A2 and A5 it is considered that the 3D massing plans shown will not automatically create the quality of development required;
  - ii) Based on the Housing Needs Study, no 1 bedroom units shall be offered for Affordable Housing;

iii) 3+ bedroom residential units should be considered;

iv) All residential units shall have access to private amenity space (either through balconies or roof terraces);

v) Residential units are not encouraged on the ground floor;

vi) Communal amenity space should be made available to residents and persons employed on commercial aspects of the development;

B) The Council consider the scheme should meet the terms of the Secured by Design and Parkmark (for car parking) guidelines and will expect the submissions under this condition to meet this standard, or provide compelling justification for not doing so.

C) Where new lighting is to be erected adjacent to the canal the potential for light spillage must be eliminated as far as practicable. .

D) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

E) Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

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

G) 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.

H) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191. Fax. 0181 694 0099.

I) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

J) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

K) Any public art on site should be developed in cooperation with the Council's Creative Design Team.

L) The applicant/developer is advised to contact the Works Engineering Team on 01827 252000 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".

M) 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.

CL1) 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.

CL2) Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

-----



## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

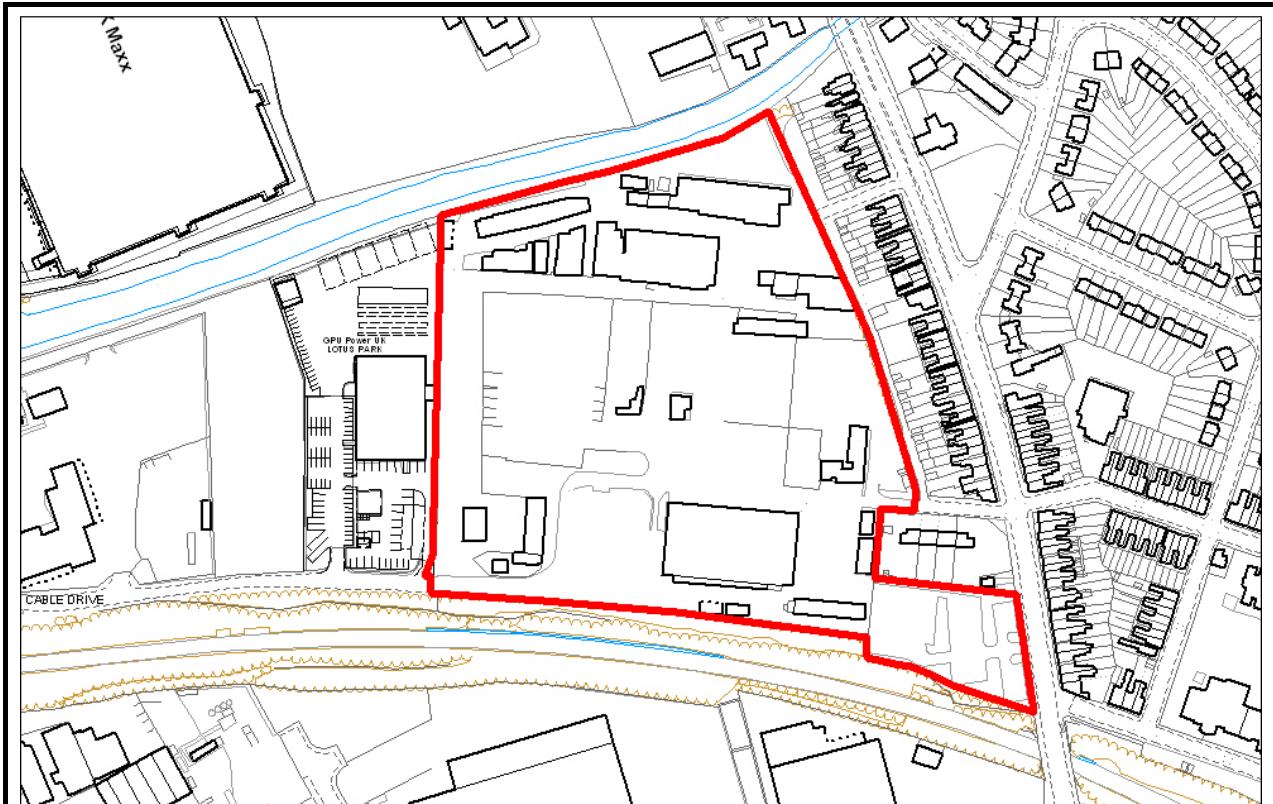
**Reason for bringing to committee: Major Application and Called in by Councillor Oliver**

**Application Number:** 10/0763/FL  
**Application Type:** Full application

**Applicant:** Mar City Developments  
**Proposal:** Demolition of existing industrial/depot buildings and erection of 264 dwellings  
**Ward:** Birchills Leamore

**Case Officer:** Andrew Thompson  
**Telephone Number:** 01922 652403  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:**  
**Location:** Site Formerly known as Walsall Depot, Norfolk Place, Bloxwich Road, Walsall  
**Expired Date:** 10/09/2010

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



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

## **Status**

Cllr Oliver has requested the application be considered by Committee for reasons related to loss of employment land, underlying contamination of the site and the relationship to the wider Birchills area.

## **Application and Site Details**

This is for 264 houses on North Walsall depot at Norfolk Place and Suffolk Place, between the canal to the north and an abandoned railway cutting to the south.

The housing mix comprises:

51	2-bedroom flats	(19% of total)
99	2-bedroom houses	(37.5% of total)
92	3-bedroom houses	(35% of total)
22	4-bedroom houses	(8.5% of total)

The proposed density would be 47.5dph with car parking at 200% for all houses and 100% for flats. There are five blocks of flats, three on the canal frontage, one on the Bloxwich Road frontage, and one in the centre of the site. Each has a car park adjoining it.

There would be two areas of informal open space included as part of the proposals. These would not be adopted. Each is also the focus of parking or driveway access to houses, so public surveillance will be high.

A new traffic signal controlled junction is proposed on Bloxwich Road, across what is currently a car park (partly used by residents, on the street frontage, and partly for the depot). Norfolk Place connects to a short homezone area with 4 houses, and can be expected to be little used. Suffolk Place is shut off from the development site.

The proposals also include replacement car parking for the Bloxwich Road resident's car park, on the southern boundary of the application site, approximately 65m from the junction with Bloxwich Road. This would be offered to the Council for adoption.

The applicant also addresses the terms of the Council's Supplementary Planning Documents (open space, affordable housing, education etc) and includes an offer of 18 units for affordable housing and £1,475 per dwelling towards infrastructure provision. The affordable units are grouped in three distinct groups and locations. These being

- Plots 36-39 and 58-59;
- Plots 186-190; and
- Plots 198-204 and plots 211-212.

Supporting the application the following documents have been provided:

### *Design and Access Statement*

The Design and Access Statement highlights how the layout and design of the proposals has taken into account the site constraints and opportunities and taken this forward into a plan led system of development.

### *Transport Statement and Travel Plan*

Assesses the transportation impact of the new development and the effectiveness of the proposed junction. Also assesses the need to promote alternative sustainable modes of transport. The Statement also shows the visibility splays from the new junction will be acceptable.

### *Bat Survey*

This shows that there are no implications for bats in terms of demolition of existing buildings. The assessment also recommends that enhancement could be possible with appropriately placed bat boxes and landscaping.

### *Arboricultural Assessment and Landscaping plan*

Shows that there will be no material impact on trees and that the development presents opportunity for enhancement through landscaping and appropriate planting in communal and private areas.

### *Site Investigation Report*

This was commissioned by the Council to guide the development of the site. It details the issues with regard outlining underground issues and mineshafts that are understood to be in this location. It concludes that:-

- Ground condition calls for piled foundations and ground beams
- Piling poses a risk to adjoining structures / services which will call for care in progressing such a solution
- Detailed design should be included to address small amounts of differential settlement (e.g. thresholds and floor slabs)
- An alternative to piles would be vibroflotation
- There is a risk of poorly treated mine shafts being present and care is needed in design
- More consideration needs to be given to the implications of the slope down into the railway cutting
- Tests have been conducted for contaminants but these are limited by the existing uses / buildings
- Numerous contaminants are present across the site in levels in excess of target trigger concentrations for uses as proposed
- Contamination needs to be addressed in some way (a choice of techniques - put clean cover layer over it, remove it from site, dilute it with clean material, treat it – all are recognised and appropriate techniques)
- Most likely solution is to add a clean cover layer
- Landscaping will require careful design in this situation
- Service trenches will need special treatment to protect them
- Ground gas has been detected and protective measures should be designed into the buildings

### *Flood Risk, Noise and Air Quality Assessments*

have also been submitted and outline issues surrounding each topic and highlight that there are no significant issues that would prevent development.

## **Relevant Planning History**

None relevant to this application

## **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 (UDP) 2005**

H2 – Allocates housing land

H2.19 refers specifically to this Depot which is allocated for 160 dwellings.

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.

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

ENV10 – deals with Pollution effects from developments including ground contamination and noise.

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV40: Adequate foul and surface water drainage infrastructure should be provided. The policy also seeks to protect the environment of canals (also addressed in 8.1 and 8.6).

6.3 and 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 appropriate provision of affordable housing.

H9: Housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites, however higher densities are encouraged in locations close to town and district centres and in locations with good accessibility to a choice of means of transport.

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

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

Flats with communal parking - 1.5 spaces per unit.

8.4 and LC5 promote Greenways (the canal on the north of the site is one)

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these. 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.

LC9: seeks to promote and take advantage of canals as opportunities for outdoor recreation and open space and added value.

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

## **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.

Annexe D sets out the guidelines for a percent for art contribution

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.

### **Natural Environment SPD**

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.

### **Healthcare SPD**

Sets out the thresholds and contributions sought towards healthcare from residential developments.

### **Education SPD**

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

### **Affordable Housing SPD**

Sets out the thresholds, tenure, mix and type of affordable housing sought from residential developments.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

### **National Policy**

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 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." Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria. PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

PPS9 seeks to maintain and enhance the natural environment, PPS23 seeks to ensure that development takes account of pollution and contamination and PPS25 seeks to ensure that development takes account of flood risk.

Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 are relevant as the replacement to Circular 05/2005

## **Consultations**

**Transportation** – No objection subject to conditions relating to the new junction work, public car park, wheel washing and a residential travel plan being prepared.

**Pollution Control Scientific Team** – No objection to this proposal with the proviso that measures are put in place to address noise issues arising. Conditions have been recommended to address this matter.

**Pollution Control Contaminated Land Team** – No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the former landfill and council depot. Conditions to address these concerns have been provided.

**Centro** – No objection but seek £80,000 towards the ongoing improvements being made towards public transport infrastructure in the area as well as towards the long-term development of the public transport network. The £80,000 requested would contribute to ensuring the site is sustainable by helping to reduce reliance on the private car. This could be achieved through the delivery of Public Transport improvement measures and promotion of public transport, for example, by funding improvements to the bus shelters on Bloxwich Road, by provision of Real Time Information at bus stops or by the construction of the proposed Bloxwich Road Metro Stop that would be situated nearby on the 5Ws route.

**Walsall Children Services – Serco** - base contribution requests on whether there are sufficient surplus places in local primary and secondary schools. If the level of surplus places is below 10% for either phase, ask for a contribution. In this case the level of surplus places in local primary and secondary schools is below 10% (8.83% and 8.5%) so a contribution is required for both of these phases at this time. The contribution calculation is sensitive to the type and mix of dwellings to be built. It involves combining the expected pupil yield for the development with a Building Cost Multiplier provided by the DCSF at the start of every financial year. Based on current prices, would look for a contribution of £1,080,301.

**Delivery and Development Team** – No objection

**Strategic Planning Policy** – No objection although it is noted that the development is of higher density than identified in the saved policies of the Unitary Development Plan

**Seven Trent** – No objection subject to a condition relating to sustainable drainage being incorporated.

**Coal Authority** – No objection – standard Advisory Note should be forwarded to the applicant. Officers have forwarded this note and refer to this in Note for Applicant L.

**Green Space Services** – No objection but would not adopt the areas of green space shown on the plans as they are not of sufficient size for formal play. There is a deficit of

formal open space identified in the Green Space Strategy and therefore a contribution of £562,202 is sought in line with Urban Open Space SPD.

**British Waterways** – No objection - The proposals indicate two access points which encourage use of and enable easy access to the towpath and routeways available. Therefore the future residents would benefit from the formalization of the access to the canal off Green Lane. This access is likely to see a significant uplift in use as a result of the development, and is currently in a poor condition, with steep approaches. The estimated cost is approximately £90,000 (+ £10,000 design), to include small scale improvements to the towpath. These would improve the condition of the surfacing, enable regrading of the ramp, introduce landings, and add balustrade.

**Inland Waterways Association** - welcomes this proposal which will improve the appearance of the site from the Wyrley & Essington Canal. The canal is a historic waterway and a valuable amenity and recreational corridor providing leisure boating, walking, angling, cycling and nature conservation benefits to the area. The layout of the site addresses the canal frontage and the designs of the flats and houses facing the canal are traditional and attractive. The landscape planting adjoining the canal towpath will enhance the canal corridor and the footpath links to the towpath will improve recreational access.

**Network Rail** – No objection

**Natural Environment Team** – A satisfactory bat survey has been received. The recommendations by the consultant should be incorporated into the design and layout of the proposed development.

This is a site where retention of the few trees growing and habitat creation to enhance the site for wildlife in proximity to the Site of Local Importance for Nature Conservation sites to north and south is a requirement. The applicant should be invited to demonstrate how they will comply with the requirements of UDP policy ENV23: Nature Conservation and New Development because the proposed development is so tight there is little room for and adequate landscape treatment. It is recommended that further discussions take place with the applicant before the application is determined.

**Landscape Team** – No objection – however clarification of detail and amendment to tree planting, hedge planting and hardsurfacing is required at certain points of the landscaping proposed.

**Natural England** – No objection subject to the imposition of planning conditions to secure the mitigation recommendations in the submitted documents.

**District Valuers Service** – Offer is reasonable when considered against viability. Full S106 contributions would render the development unviable.

**Housing Strategy** – No objection subject to no apartments being proposed for affordable housing – unless ground floor fully wheelchair adapted, should be predominantly houses with bungalows where possible

- tenure – 75% social rent, 25% shared ownership
- mix – 10% 2 bed, 40% 3 bed, 50% 4 bed and above
- all must be Lifetime Homes and meet HCA Design and Quality

- proportion of fully wheelchair adapted will be sought – will form part of the mix discussions as highlighted above

### **Public Participation Responses**

Four letters have been received in relation to the application from local residents concerned about

- the loss of the public car park
- contamination
- impact on neighbouring residents
- need to include trees and landscaping as part of the proposals.

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

### **Determining Issues**

- Principle of residential development
- Layout
- Design
- Relationship to neighbouring residents and occupiers
- Relationship to the canal and 5Ws route
- Access and car parking
- Education, Urban Open Space, Healthcare, Public Art, Public Transport and British Waterways Contributions

### **Observations**

#### **Principle of residential development**

The application site is allocated in the Unitary Development Plan as a housing site under Policy H2.19 of the UDP for 160 dwellings. Whilst the proposals are for a higher density there is no objection in principle to that change.

The site also falls within the boundary of the Birchills Strategic Regeneration Framework (SRF) study area. The SRF study will focus on housing-led regeneration in the area and making the most of the town centre's revitalisation for local residents, whilst also considering the long-term sustainability of some of the employment areas in the Birchills area.

Overall, the principle of housing on the site is accepted and supported.

#### **Layout**

The layout has houses fronting both the southern boundary (5Ws route) and northern boundary (canal). There are two central areas of open space which would be used as informal landscaping and recreation areas.

Car parking, for most of the houses, would be provided to the side or in front of the proposed houses. Clearly this maximises the convenience for residents.

Two small areas of housing are in short terrace type arrangements (total 16 houses), and these have parking courts immediately behind the houses, on the boundary of the site with the service road at the rear of the Bloxwich Road properties. Subject to suitable security issues, this is an acceptable arrangement.

Car parking areas for the proposed flats are well related to the entrances to the flats.

The houses meet the Designing Walsall guidelines for garden length and size, with the exception of some of the flats.

The apartments fronting the canal do not have private amenity space, however their setting, communal amenity space and value in terms of position would allow for a reasonable living space to be provided and views over the canal would compensate for the lack of private amenity space.

The flats by the site entrance do not offer private amenity space. However, their proximity to existing and proposed public transport routes and the potential noise issues makes designing quality private amenity space in this location difficult to accomplish.

Overall, in relation to the issue of amenity and the flats, it is considered that the development offers three types of apartments each with distinct amenity / environmental characteristics, offering choices for future residents between the three types of accommodation on offer. Overall, officers raise no objection to the level of amenity space offered.

On the development as a whole, officers conclude the proposed layout is acceptable.

## **Design**

The designs are traditional housing designs. The houses are two storeys, The flats are three storey.

The proposals will overall be characteristic of the surrounding area but will also include design features to build local distinctiveness. The proposals are appropriate for a residential development and in keeping with the locality.

Natural Environment Team see the need for an appropriate buffer to the canal and enhanced tree planting and other ecological changes.

British Waterways do not see a buffer to the canal as a fundamental requirement.

There is no identified risk to protected species from the proposed development.

There are a handful of trees on the site, but these are on the boundaries of the site at the rear of Bloxwich Road. It may be possible to retain the trees, but in the face of the contamination situation, that needs to be kept under review.

As Natural Environment identify, there is limited scope for new tree or similar work in the proposal. Efforts could be focused on the area of incidental open space on the site, and other green areas, but the design focus is on the provision of housing. Planting in gardens, while useful, will generally not meet this need.

Overall, the proposals balance the need for natural environment and access to the canal and providing active and lively frontages that would encourage the use of the canal as a leisure opportunity and route to work. As such Officers consider that the proposals are acceptable subject to the recommendations of British Waterways.

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

### **Relationship to neighbouring residents and occupiers**

The proposals include reasonable separation with distances ranging around 20 to 22m and when compared to neighbouring land uses and residential occupiers and standards progressed in Designing Walsall SPD the development compares favourably. In addition there would be additional separation to neighbouring residential properties on Bloxwich Road by the rear service road. It is the view of officers therefore that the proposals would not result in significant overlooking or loss of amenity to neighbouring residents that would justify refusal of this application and would form a satisfactory residential environment for its own future residents.

It is noted that some parking areas are located on the boundary of the application site. Whilst these are prominent features and there will be limited landscaping in this area, the boundary treatment and separation will not result in an adverse impact on neighbouring residents due to the separation distances and proposed boundary treatment to the development and existing boundary treatment to housing on Bloxwich Road.

### **Replacement public car park**

The replacement car park for the existing resident's facility on the Bloxwich Road frontage is further into the site. Its inclusion in the scheme is a response by the Council as landowner to the needs of residents, intended to maintain the facility. However, there is a risk that moving it further away from the terraced houses opposite (who are the people using it) will lead to dis-use. Officers would not wish to see this car park moved back onto the Bloxwich Road frontage, as it will impair the design of the scheme by eroding the sense of place created at the entrance by the proposed buildings.

The proposals are further away from residents on Bloxwich Road however the Council would maintain control over the area (assuming adoption goes forward). In addition to Bloxwich Road residents, the car park could also be used by residents and visitors to the nearby apartments and would be overlooked by residents of the development. In the future the car park could also be used as an access point to the 5Ws public transport route.

Therefore having taken into account all matters the proposed position of the replacement public car park is considered to be acceptable.

### **Relationship to the canal and 5Ws route**

The proposals indicate two pedestrian access points which encourage use of, and enable easy access to the towpath. They would create an active relationship to canal.

The proposals do not compromise deliverability of the 5Ws route, and Centro raise no objection.

### **Access and car parking**

The level of car parking proposed for the housing is acceptable with the housing parking levels meeting the maximum standards progressed in policy T13 of the Unitary Development Plan.

There will be a replacement public car park (12 spaces) for Bloxwich Road residents, which addresses many concerns raised by local residents.

The access to the canal will promote walking and cycling activity and there will be emergency access from Norfolk Place. There would also be opportunity for pedestrian and cycling access to Suffolk Place which will also allow access to Bloxwich Road and public transport routes.

The design of the new junction has been considered by Transportation Officers and is acceptable.

Officers have liaised closely with regard to infrastructure provision (see the response from Centro, above) and the potential for improvement and early delivery would be facilitated through an infrastructure contribution from this site. Future links through the development to the proposed 5Ws route could also be a positive feature for future residents.

Overall the proposals would provide a wide range of access arrangements that would promote walking, cycling and use of public transport. The levels of car parking and access would be appropriate.

### **Impact on Affordable Housing, Education, Urban Open Space, Healthcare, Public Art, Public Transport and British Waterways Contributions**

The Council's SPD assessments call for:-

Affordable housing	66 units
Education	£1,080,301
Open space	£562,202
Healthcare	£255,175
Percent for art	£92,400
<b>Total – £1,990,078 and 66 affordable units.</b>	

In addition, Centro and British Waterways seek contributions of £80,000 and £100,000 respectively.

**Total - £2,170,078 and 66 affordable units.**

The applicant is offering 18 dwellings (6.75%) for affordable housing and £1,425 per dwelling as a contribution towards infrastructure.

**Total - £376,200 and 18 affordable units.**

The level of contribution proposed by the applicant has been tested by the District Valuers Service and found to be appropriate and the development viable as a result of the lower offer against the SPD assessments. It therefore remains to decide how best to use the financial contribution proposed (and indeed whether to accept the affordable housing provision on offer, or vary it in favour of some other need). The following passages offer some commentary on the issues involved in such decision making.

The arguments in favour of providing affordable housing are self evident. The benefits to the quality of life of people living in the Borough are desirable.

Education surpluses are 8.83% in the case of the primary schools sector in the area and 8.3% in secondary school sector. The SPD seeks contributions where surplus places fall below 10%. The degree to which a shortfall of this scale justifies the contributions is a decision the committee to consider.

In terms of Urban Open Space, the Green Space Strategy identifies that formal recreation space is deficient in the area. The on-site provision proposed would provide an opportunity for informal recreation (even though it would not be adopted) though the SPD seeks support for Borough and area wide arrangements as well as local to the site. As such it is considered that a contribution would be appropriate.

Healthcare provision is a necessary adjunct of modern life. The SPD seeks to support such provision, reflecting increases in the population deriving from new housing.

A percent for art contribution is sought from all developments. The scale of contribution is defined in the Designing Walsall SPD. A major housing development such as this warrants an installation of this sort. However, officers are increasingly recommending control of this issue through a condition (rather than a section 016 agreement) and the provision of the art work on the site. A condition is recommended below. Members need to decide how they wish this aspect to be employed (e.g. use only the condition).

British Waterways have provided officers with a detailed scheme of towpath enhancement, in their consultation response. The level of contribution would be reasonable and as the canal side works would be directly related to the development and enhance opportunity for walking and recreation along the canal and promote healthy lifestyles a contribution is appropriate.

The southern boundary of the application site forms a direct boundary with the Metro route and will form part of the access to a Metro stop (on current ideas). Works to the following would be possible:-

- public transport improvement measures and promotion of public transport, for example, by funding improvements to the bus shelters on Bloxwich Road
- provision of Real Time Information at bus stops
- construction of the proposed Bloxwich Road Metro Stop (in due course).

Any of these measures would have benefit in reducing the need to travel by private car, improving air quality (due to the reduction of cars on the road), and promotion of healthier lifestyles. Therefore such works ought to be supported from the financial contribution (though in relation to Metro, a timescale of 10 years in which to spend this money is considered appropriate).

**Members will need to reconcile these demands and decide how to allocate contributions as appropriate.**

Finally, on the issue of the mechanics of preparing and signing the section 106 agreement, the position is complicated because the Council is the landowners. As long as that is the case, it is not possible for the Council to sign an agreement with itself. The normal solution is for the committee to resolve to grant permission subject to the signing of the agreement. Subsequently, and at the same time, the land sale documents are signed, then the action 106 agreement, then the planning decision notice. This delivers a properly completed set of documents, but because it is "instantaneous" all parties are assured of the correct outcome.

In this case, the prospective developer advise that this process is inadequate. As relevant background, this developer is creating a replacement depot in Pelsall Road, for the Council, to enable this site to be used for housing development as identified in the UDP.

They set out that they need the planning permission in place on this site before they can become owners. They advise:-

- “1) We need to obtain insurance for the ‘untitled’ land between the Car Park and the Depot, which can only be obtained after a full planning permission / decision is issued.
- 2) Obtaining a full permission / decision is noted within the Pelsall Rd contract and it is also noted that Walsall are not to be unreasonable with respect to granting a full permission. *(Members of this committee should note this statement, but also note that it is not possible for a land transaction contract to fetter the Council as Local Planning Authority. Notwithstanding this qualification, the LPA should not behave unreasonably anyway.)*
- 3) A full permission at this juncture, secures the Norfolk Place land value, upon which the Pelsall Rd land value/ contract has been based.
- 4) A resolution can be withdrawn at any time, resulting in Mar City possibly being ransomed for improved S106 contributions at a later stage.

As the Pelsall Road Depot contract has already been signed and construction works are well underway, we are unsure of Walsall’s exposure to risk with respect to signing the S106, as it will only become effective upon completion of the Pelsall Road Depot works and the Norfolk Place land has been transferred.”

Officers conclude there is enough pressure in these issues to justify a departure from the normal practise of signing a section 106 agreement. A condition is proposed to deliver the agreement, at the appropriate time. In addition, on a practical note, the risk associated with this exceptional recommendation is minimised because of the Council's role as land owner.

Members will note the condition is incomplete, pending your decision on what contributions are to be sought.

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

The application site is in the Unitary Development Plan as a housing land allocation site under Policy H2.19 of the UDP for 160 dwellings. Whilst the proposals are for a higher density there is no objection in principle to the continuation of progressing housing on this site. As such the principle of housing on the site is accepted and supported. A replacement public car park will also be provided.

The designs are traditional housing designs and are two storeys. The proposals will be characteristic of the surrounding area and include design features to build local distinctiveness. Overall, the proposed designs and layout are acceptable.

The proposals include reasonable separation distances when compared to neighbouring land uses and residential occupiers and standards in the Designing Walsall SPD. It is considered that the proposals would not result in overlooking or loss of amenity to neighbouring residents and would form a satisfactory residential environment for future residents.

The proposals balance the need for natural environment and access to the canal and providing active and lively frontages that would encourage the use of the canal as a leisure opportunity and route to work. As such Officers consider that the proposals are acceptable subject to the recommendations of British Waterways.

Centro raise no objection to the proposals. Officers have liaised closely with regard to infrastructure provision and the potential for improvement and early delivery would be

facilitated through this infrastructure contribution. Future links through the development to the proposed 5Ws route would also be a positive feature for future residents.

The level of infrastructure contributions and affordable housing provision has been tested against the Council's Adopted Supplementary Planning Documents, the national regulations and legislation and independently tested viability assessment. Appropriate levels of contributions have been identified and are proposed to be delivered by a section 106 agreement, required by condition.

As such having taken into account all material considerations and having regard to consultation and public participation responses, the proposals are with accordance with Policies GP1, GP2, GP3, GP4, ENV10, ENV23, ENV32, ENV33, H2, H3, H4, H9, H10, LC1, T7, T13, of Walsall's Adopted Unitary Development Plan 2005 and the Council's Adopted Supplementary Planning Documents and the aims and objectives of national planning policy is considered to be acceptable.

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

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

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

2. Prior to the commencement of any development, full details of the proposed new Traffic Signal access onto B4210 Bloxwich Road, all associated estate roads and the public car park as specified within the Transport Assessment and approved plans, shall be submitted for approval in writing by the Local Planning Authority, in consultation with the Highway Authority, and an agreement under S278/S38 of the Highways Act 1980 entered into. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Council's Street lighting partner Amey.

*Reason:* In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

3. Prior to occupation of the first dwelling, all highway infrastructure works detailed and specified within the agreement under the S278/S38 of the Highways Act 1980, shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority, unless otherwise agreed in writing with the Local Planning Authority.

*Reason:* In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

4. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development.

*Reason:* To prevent indiscriminate parking in the interest of highway safety.

5. Development shall not begin until wheel-cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during construction of the development hereby approved.

*Reason:* To ensure that the wheels of vehicles are cleaned before leaving the site in the interest of highway safety.

6. Prior to the commencement of development a phasing plan for development shall be submitted to show how the changeover from the existing to the proposed public car parking is to be achieved. Following construction, the proposed public car park shall be thereafter retained as built, and only used for parking for local residents, unless otherwise agreed in writing.

*Reason:* To prevent indiscriminate parking in the interest of highway safety.

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

- a) Prior to first occupation of the development a Full Residential Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority.
- b) The development will be implemented and occupied in accordance with the approved Travel Plan,.

*Reason:* In order to encourage sustainability at the site and to promote use of alternative modes of transport.

8. Notwithstanding the notation on the deposited plans no individual building shall be carried out until a schedule of the facing materials to be used in that building have been approved in writing by the Local Planning Authority.

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

9 a) 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 A)

b) 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 B)

c) 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 B)

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

e) 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 b) of this condition is encountered development shall cease until the "Remediation Statement" required by part (c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

f) 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 C)

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

10a) Prior to the commencement of built development a revised landscaping scheme detailing hard and soft landscaping (including phasing and planting regimes, mitigation recommendations in the Phase 1 & Initial Protected Species Survey (2009) and the *Bat Survey Report* (2009) by Parkwood Consultants and a timetable for implementation) and a tree protection scheme for trees shall be submitted to and approved in writing by the Local Planning Authority.

b) The tree protection measures approved under part (a) of this condition shall be implemented prior to the commencement of development and retained throughout construction of the development.

c) The landscape scheme approved under part (a) of this condition shall be implemented in accordance with the approved timetable, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

(i) grassed areas shall be maintained in a tidy condition;

(ii) planted areas shall be maintained in a tidy condition;

(iii) 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;

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

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

11. Prior to the occupation of the apartments hereby approved, the location of communal satellite dishes to serve those apartments shall be submitted to and agreed by the Local Planning Authority.

*Reason:* In order to maintain a satisfactory appearance of the development.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying

that Order), no additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) shall be erected without prior written approval of the Local Planning Authority.

*Reason:* Having regard to the size of the approved back gardens, relationship to neighbouring properties and possible ground contamination on the site.

13. Prior to the commencement of built development, details of boundary treatment (including bollard or boundary treatment to prevent access to the site from Suffolk Place and suitable barriers and boundary treatments to prevent vehicles from entering the canal and a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in accordance with the approved timetable.

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

14. Prior to the commencement of development, details of the location and size of a garden shed for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

*Reason:* In order to provide satisfactory functioning of the development site.

15. The garages and car spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

*Reason:* In order to provide satisfactory access and parking provision.

16. Notwithstanding the plans submitted, prior to the commencement of development details of the existing and proposed ground levels and finished floor levels 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.

*Reason:* In order to assess, and if necessary mitigate against the impact of the development on the integrity of the waterway and the appearance of the waterway corridor.

17. Notwithstanding the plans submitted prior to the commencement of development details of the proposed lighting for the development within 75 metres of the canal boundary 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 protect the integrity of the waterway infrastructure.

18. Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the plans submitted prior to the commencement of development, details of the proposed access to the towpath be constructed 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.

*Reason:* In order to ensure that the integrity of the waterway infrastructure is not compromised, future maintenance provision of the access has been identified and agreed and the proposed access does not have a detrimental impact on the appearance of the waterway corridor.

19. If surface water run-off and ground water is proposed to drain into the waterway due to mitigation measures implemented during construction of the development details shall be submitted for consideration.

*Reason:* To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the canal environment and integrity of the canal infrastructure.

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

*Reason:* In the interests of neighbouring residential amenities.

21. No built development shall take place until suitable noise mitigation measures to protect internal areas of the proposed development as outlined in the report from Hoare Lea to MarCity reference 10-03552-Norfolk Place, Walsall-R1 and dated 2nd June 2010 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:* In the interests of future residential amenities.

22. Prior to the commencement of built development the details and locations of cycle and bin stores shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of each associated dwelling.

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

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

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

24. Within 12 months of the date of this planning permission, a public art statement shall be submitted to the Local Planning Authority demonstrating the following:

- i. a description of the relationship between the Public Art Statement and the Local Authority's public art policies and/or strategies
- ii. details of the appointed artist's contribution to defining the public art proposals
- iii. description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects and/or other design professionals, including public art consultants
- iv. a programme of on-site and off-site temporary public art where appropriate
- v. timescales for the development and implementation of all the public art
- vi. details of the commissioning for other artists
- vii. training opportunities where available for less experienced artists and public art managers
- viii. details of ownership, maintenance and de-commissioning of public art
- ix. budget allocations relating to all of the above criteria

The public art shall be implemented in accordance with the agreed details and retained thereafter:

*Reason:* To comply with policy ENV34 of the UDP and Policy DW9 of Designing Walsall SPD.

25. Unless otherwise agreed in writing by the Local Planning Authority, no part of this development shall commence until a section 106 agreement has been completed to secure the following matters:-

- a) INSERT REQUIREMENTS REFLECTING THE COMMITTEES DECISION ON THE ISSUES IN THE REPORT.

*Reason:* To secure compliance with the UDP policies, and the Supplementary Planning Documents on these issues.

#### NOTES FOR APPLICANT:

A) 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.

B) 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.

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

C) 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.

D) 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.

E) The applicant/developer is advised to contact the Works Engineering Team on 01827 252000 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”.

F) 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.

G) 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:

i). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 30 dB together with a maximum instantaneous level of 45 dB LAFmax, between the hours 23.00 to 07.00;

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

H) 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.

I) 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.

J) 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.

K) Bank and Public holidays for the purpose of this application 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.

L) Your attention is drawn to the Coal Authority Letter of 24<sup>th</sup> June 2010 with regard to the proposed development being within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future.

M) The Council consider the scheme should meet the terms of the Secured by Design concept.



## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

### Reason for bringing to committee: Major Application

**Application Number:** 10/1232/OL  
**Application Type:** Outline Application

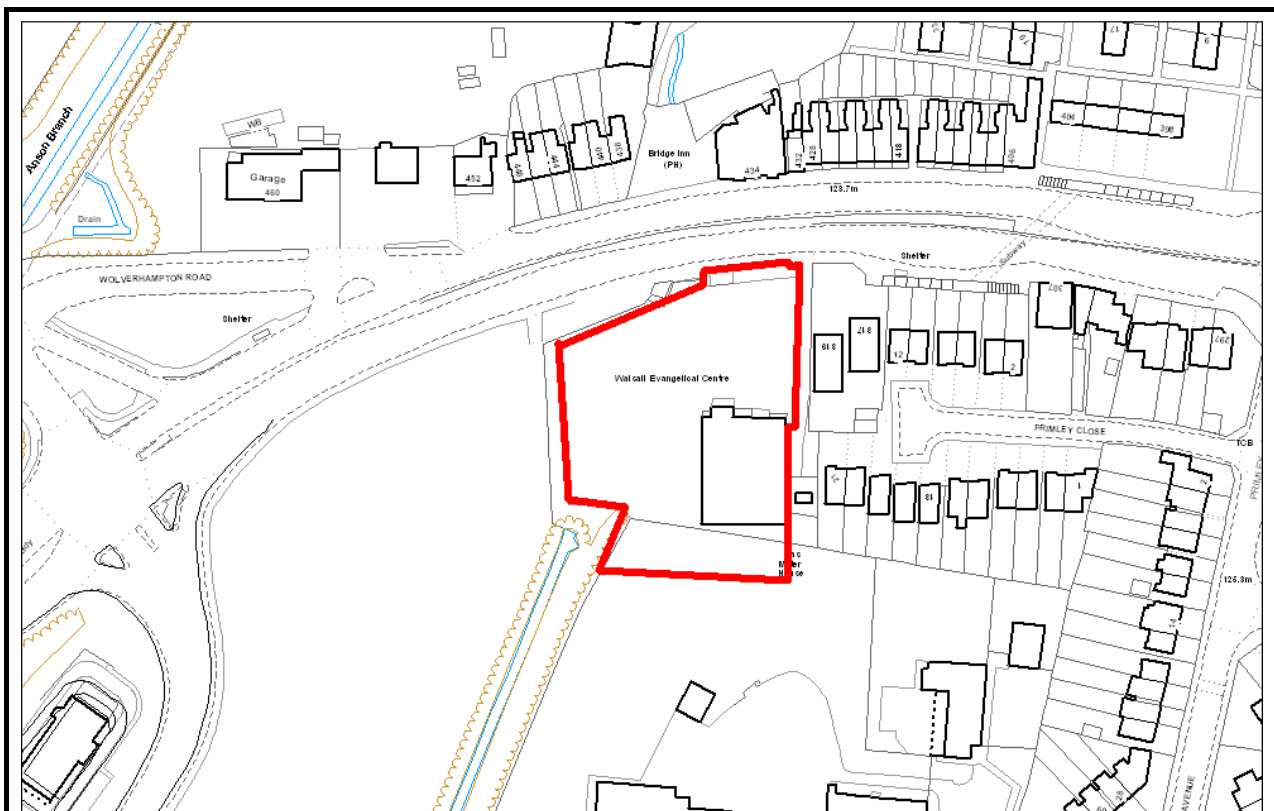
**Applicant:** The Church at Junction 10  
**Proposal:** Outline: redevelopment of existing Church and community building for the same purposes taking 'access' into account

**Ward:** Pleck

**Case Officer:** Marilyn Kowalski  
**Telephone Number:** 01922 652492  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Leonard Martin  
**Location:** 323 WOLVERHAMPTON ROAD, WALSALL, WS2 8RL

**Expired Date:** 16/12/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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

## **Application and Site Details**

This is an outline application with all matters reserved except access.

The site currently comprises a church and a community building, a large car park and access direct from the west bound carriageway of Wolverhampton Road.

The application includes a small amount of land to the south owned by Walsall M.B.C., currently in school use, though the applicant has stated that the land is shortly to be acquired by the church.

The proposal includes the demolition of the existing church and community building and its replacement with a new building (a main hall and other rooms and facilities used for a wide range of community functions).

The applicant has stated that the maximum floorspace of the development would be 1,920sq m. The floorspace of the existing building is 1,240 sq m. An indication of the eventual "Zone of Development" (which would contain the building) is illustrated on the plans. The applicant has stated that they would accept a condition limiting the built development to this area. The submitted Design and Access Statement sets out that the new building is likely to be on three levels similar to the existing church building and would probably occupy, a footprint of about 600 to 650 sq m. one (about 40% of the Zone).

It is intended to retain the existing access point but with some relatively minor modifications.

Present parking capacity is 121 vehicles on open land which is not laid out as a formal car park. This will be reduced to a maximum of 96 formally laid out spaces.

Several documents have been submitted with the application as follows:-

### **Planning Statement**

This sets out the reasoning behind the application, and what the detailed development will eventually entail. This is likely to be:-

- Auditorium with stage with seating capacity of about 500.
- Learning spaces and education rooms for school children and adults
- Music rehearsal rooms
- Drama rehearsal room
- Dance studio
- Art studio
- Sound recording studio
- Film editing suite and facilities
- Quiet room
- Café/ lounge area
- Open air natural Amphitheatre
- Footpath to the infants, junior and senior school

The applicant has stated that the only additional facility to that already provided on the site would be the amphitheatre.

The statement also sets out policy issues, and the amount of development. It states that there is no reasonable likelihood of protected and priority species being adversely affected by the proposals but acknowledges the fact that there is scope for benefits for the species to be enhanced within the design and landscaping.

It also identifies what it describes as “the need for a measured approach”. The Church envisage a staged process, beginning with the definition of principles, such as would be embodied in a planning permission granted under this application. As resources are scarce, the Church would define its priorities within this framework and work with the local community to develop a detailed design, before submitting a Reserved Matters application in due course.

#### Summary of proposals

States that the main aim of the proposals is to help strengthen the educational and after hours links with the 3 adjoining schools on Primley Avenue. The existing church site is already a combination of two types of planning use and these will continue.

#### Design and Access Statement

The design objectives are outlined. The shape of the Zone has been dictated by site constraints such as not to compromise the existing access arrangements and not impinge on neighbouring properties.

#### Transport Statement

This states that because the use would be essentially the same as existing, the number and period of movements to and from the site would be the same or may reduce. The statement says that existing traffic levels are likely to reduce at their weekend peak, due to reduced car space provision. The number of spaces has been calculated based on the Unitary Development Plan requirements. An Appendix considers highway safety issues.

#### Flood Risk Assessment

This concludes that there would be a low flood risk and that any flooding of the Ford Brook is likely to occur on the north side of Wolverhampton Road not on this side of the road.

#### Bat Assessment

No evidence of bats was found and no obvious roosting spaces were noted.

### **Relevant Planning History**

#### On the site

BC9870 Proposed Pentecostal church Grant Subject to Conditions 14/9/78.

BC17764 Amendments to BC9870 Proposed Pentecostal church Grant Subject to Conditions 30/5/81.

BC13768P Extensions to church and erection of youth/fellowship hall Grant Subject to Conditions 18/7/86.

BC48162P Outline: hotel/conference centre/church/residential development/disabled riding activity centre/new public open space, Void 12/6/98.

04/0111/FL Extension to existing Church to include, New Auditorium, Associated Activities, Car Park, New Access Points. Grant subject to conditions 4<sup>th</sup> August 2004

#### Relevant applications on site adjoining

BC56152P Outline: mixed use development at land adjoining J10 Grant Subject to Conditions 9/7/02.

09/0605/FL Erection of three stand-alone, gateway office units of 3 and 4 storeys, with related landscaping, balancing pond, car parking and infrastructure Grant Permission Subject To Conditions 17<sup>th</sup> November 2009

**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 (UDP)**

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.

GP6: Requires community facilities to provide good access for disabled people.

3.7 & ENV10: Seeks to protect people from unacceptable noise, pollution and other environmental problems.

ENV18 Existing trees woodlands and hedgerows.

ENV23 Nature Conservation and New Development

3.6 & ENV32: states proposals should seek to improve the environment and development which fails to take into account the context or surroundings will not be permitted.

S1: Defines Class D2 uses which attract a significant number of trips and defines D1 uses which serve more than local needs, as town centre uses.

S6: Outside identified centre, leisure, community and other facilities .....will be encouraged to continue to meet day to day needs of the community.

S7: Town centre uses in out-of-centre or edge-of-centre locations must demonstrate a need for the facility, apply the sequential tests, have no adverse impact upon the vitality and viability of existing centres, sustainable location, have no adverse impact upon traffic etc.

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.

T10: Highlights the needs for accessibility by public transport, cycles, taxis and disabled car parking. Standards for non-residential parking are maximum ones. Exemptions may apply for edge-of-centre developments.

T12: Identifies accessibility standards for public transport.

T13: car parking standards

Cinemas & Conference facilities: 1 space per 5 seats, 1 bike stand for every 10 car parking spaces with a minimum of 2 bike stands plus taxi facilities.

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

## **Supplementary Planning Document (SPD)**

Conserving Walsall's Natural Environment' adopted 16 April 2008.

## **Supplementary Planning Document (SPD)**

### **Designing Walsall SPD**

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

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

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.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

### **National Policy**

PPS1 Delivering Sustainable Development: Promotes sustainable and inclusive patterns of urban and rural development.

PPS9 Biodiversity and Geological Conservation.

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

PPS4: Planning for Economic Growth (supersedes PPS6: Planning for Town Centres): Seeks to achieve sustainable economic growth including public and community uses. New economic growth and development of main town centre uses should be focused in existing centres.

PPG 24 Planning & Noise: The planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance. Noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

Government Circular 06/2005: Biodiversity and Geological Conservation- statutory obligations and their impact within the planning system.

## **Consultations**

**Transportation** – No Objection subject to conditions relating to construction of the revised vehicular access.

**Planning Policy Team** - The supporting information submitted with the application indicates that the development is intended to function as a church and community facility and this intention can be reflected in planning conditions. Therefore, subject to these conditions the proposed uses are considered acceptable in this location.

**Pollution Control (Scientific Team)** – No objection in principle but concerns due to a potential impact on neighbouring residential amenity due to noise. Accordingly a suite of planning conditions have been proposed.

**Pollution Control (Contaminated Land Team)** – No objections subject to conditions requiring details of site investigation, ground contamination survey and assessment of ground gas as historically part of the site was used for a sewage pumping station and the site is in close proximity to a landfill site.

**Environmental Health** - No objections.

No complaints about the operation of the existing church have been received and the information supplied with the planning application states that the proposed use will be the same. Measures are suggested to ensure that local residents are not disturbed by noise. There is no specific information concerning the proposed building (e.g. location of air conditioning units/ mechanical plant). When plans for the proposed building are drafted, It would be prudent to ensure there are no openable windows on the eastern elevation, which faces residential properties on Wolverhampton Road and Primley Avenue and that the entrance utilises a double door system to prevent noise escaping when the doors are opened. The location of any heating/ cooling plant should be kept away from the eastern elevation, to avoid causing disturbance to nearby residential properties. It would be prudent to limit the hours of use so that the building can't be used between 2200 hrs and 0700 hrs, to prevent noise disturbance to the residents of Wolverhampton Road and Primley Close.

**Environment Agency** – No objection

**West Midlands Fire Service** - Satisfactory for fire service access

**Drainage** - There are several large Severn Trent sewers crossing the site. One of may be under the new development. The developer must have approval from the council to discharge any surface water from the site into the watercourse.

**Severn Trent Water** - No objection subject to a condition relating to the disposal of surface water and foul sewage, and an informative about the sewers under the site.

**Centro** – The proposal is within the minimum standards for accessibility by public transport, as the nearest bus stop is within easy walking distance of the entrance to the site. None of Centro's existing infrastructure is adversely affected. The modifications to the entrance will help to ensure that vehicles entering and leaving the site will not hinder the

free flow of traffic, including buses. The nature of the development would benefit from a workplace Travel Plan.

**Natural England** – The proposal may affect Wolverhampton Road Local Wildlife Site (LWS) because the proposed “zone of development” appears to be located within the boundary of the LWS. The building should be located outside the LWS. Further plans should be submitted on the habitat enhancement scheme recommended in the bat assessment. This could be incorporated into the design of the new building in order to involve the community. This will also assist in enhancing links with nearby local wildlife sites at Anson Branch Canal and Moorside Gardens.

**Landscape Officer** - This application is acceptable on ecological grounds subject to appropriate planning conditions being imposed.

**Highways Agency** – No objection. The proposed development will have a minimal impact on the operation of the M6

### **Regeneration Services (Urban Design)**

No objection. The scale of the development qualifies for a public art contribution under the requirements of Designing Walsall SPD. There is an excellent opportunity to incorporate something meaningful into the design of new development rather than relying on tagging on retrospectively. Given the community interest in this building there are many potential positive benefits in carrying this public art requirement out in the best possible way. A condition is suggested.

**Police Liaison Officer** – No objection

### **Representations**

None

### **Determining Issues**

- compliance with policy
- design
- transportation issues
- ecological issues
- pollution issues
- drainage issues

### **Observations**

#### **Compliance with policy**

The application site is in an out-of-centre location and is unallocated in Walsall's Unitary Development Plan (UDP). Under UDP Policy S1 cultural and community facilities in Class D1 are defined as town centre uses. The supporting information submitted with the application indicates that the proposal would meet a local need, therefore the tests in UDP Policy S6 should apply. Although the floorspace of the proposed building is larger than the floorspace of the existing building (by approximately one third), the type of proposed

additional facilities would be of a scale and kind to meet a local need. The applicant has submitted supplementary evidence which supports this. Therefore, the proposal is in accordance with UDP Policy S6.

### **Design**

The building design has yet to be determined. The applicant has stated that realistically less than half of the Zone of Development Area is expected to be taken up by the footprint of the new building. The eventual design will depend on site layout issues such as parking provision, fencing, footpath links with adjoining schools, cycle path, landscape planting, how its internal rooms and spaces will be designed and laid out, how it relates to adjoining properties, building line issues on the road frontage and the Sneyd Brook.

The Urban Design officer has suggested a condition to secure public art in line with policy. The applicant will be given support by the Council to assist in fulfilling this condition in a manner that provides the maximum benefit.

At this stage, there are no issues of design, which need to influence the recommendation.

### **Transportation issues**

There will be a reduction in the number of car parking spaces on site from the current capacity of 121 vehicles on an informal car park, to a maximum of 96 in formally laid out spaces. This reflects / meets the UDP standard of 1 space per 22 sq m of floor area plus 10% disabled spaces. The transportation statement states that cycle stands will be provided consistent with standard requirements. Conditions are suggested.

The transportation statement says that in transportation terms there will be a reduction in the numbers of journeys expected to be made to and from the site during its peak period of use.

The proposal involves the improvement of the access into the site. This is to improve access for pedestrians, by providing a 2m wide footpath on either side of the access road. A condition requiring details of this has been suggested

Neither the transportation officer nor the Highways Agency have raised any objections. Overall, this aspect of the scheme is acceptable.

### **Ecological issues**

Wolverhampton Road Local Wildlife Site (LWS) is a linear area which runs about 10 metres either side of the Sneyd Brook. Natural England has stated that this may be affected, as the indicated proposed “zone of development” appears to encroach onto this area. However, the “zone of development” is only for illustration purposes, at this stage, and only a very small part of it is within the wildlife area. In any event, the exact location of built development can take this into consideration when preparing the reserved matters. Natural England concerns relating to the impact on the adjacent Wolverhampton Road Site of Local Importance for Nature Conservation (SLINC) and the need to incorporate habitat creation into a landscape scheme have been received. After a site inspection it is clear that there is nothing of ecological value which would be affected by the development within the SLINC. It is proposed to review the boundary of this SLINC in the light of considerable development in the surrounding area to remove anomalies. A landscape scheme to maintain and enhance the ecological value of the site should be secured through planning condition when the detailed design is undertaken.

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

A bat survey requested due to the proximity of the existing building to the Sneyd Brook corridor, found no evidence of bats. The ecological consultant recommended a landscape scheme which enhances the site for bats and providing bat roosting sites within the proposed building. A condition requiring landscaping has been suggested and the scheme will be required to enhance the existing landscaping around the site in order to encourage wildlife.

There are several mature trees on the boundaries of the site. Due to the existence of these trees a condition requiring a tree survey is recommended.

### **Environmental Issues**

The Contaminated Land Team support this development however they note that historically part of the site was used for a sewage pumping station and the site is in close proximity to a landfill site. Conditions are suggested requiring site investigation, ground contamination survey and assessment of ground gas. Pollution Control scientific team have raised noise related issues notwithstanding that the general proximity is dominated by road traffic and commercial developments. It is the potential nature and character of noise that may arise, including frequency and times of day/night that could be problematic. It is reasonable to anticipate that for a new or revised building to successfully accommodate the features described in the planning statement, that the specification for sound insulation of the external building fabric will need to be sufficiently robust so as to exclude the influences of ambient noise, as will internal specifications and noise control to facilitate competing uses. There can however, be no automatic assumption that this will be adequate to control noise breakout. Conditions which will mitigate these issues have been suggested.

Environmental Health have no objection in principle. The existing church operations have not been the subject of complaints and the proposed uses will be very similar to the existing ones.

The Environment Agency have not objected to the proposal.

These matters are addressed in the recommendation.

### **Drainage Issues**

The location of the sewers under the site needs to be resolved prior to commencement of development, a condition is proposed.

### **Conclusion**

It is considered that the development can be supported in principle as the proposals are to improve facilities for the local community. It is satisfactory in terms of parking; and access, issues raised in relation to drainage can be resolved. The landscaping around the site will be enhanced in order to encourage wildlife.

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

The proposal is in outline with access only being taken into account at this stage. The existing church building is to be removed and a 'zone of development' has been indicated on the submitted plans. The uses within the proposed new building will be broadly similar

to the existing uses on the site which are described as a wide range of community functions. It will have approximately a third larger floor area than the existing building. It is intended to call the new building the Alumwell Resource Centre (ARC).

Although the site is in an out-of-centre location the supporting information submitted with the application indicates that the proposal would meet a local need and as such would conform with planning policy. Public Art will be required in line with policy and conditions to secure this have been imposed.

There will be a reduction in the number of car parking spaces on site from the current capacity of 121 vehicles on an informal car park, to a maximum of 96 in formally laid out spaces. This reflects policy requirements. A condition requiring cycle stands has been imposed. It is intended to retain the existing access point but it will be modified to provide a 2m wide footpath on either side of the access road. A condition has been imposed requiring this.

There is nothing of ecological value within the adjoining SLINC which would be affected by the development. The boundary of this SLINC will be reviewed in the light of considerable development in the surrounding area. Landscaping conditions have been imposed to ensure the retention of trees within the confines of the site and to enhance the natural environment.

Conditions have been imposed requiring site investigation, ground contamination survey and assessment of ground gas as historically part of the site was used for a sewage pumping station and the site is in close proximity to a landfill site. There are concerns regarding the possibility of noise related issues, notwithstanding the ambient noise of road traffic and commercial developments in the vicinity of the site. Due to this, for a new building to successfully accommodate the features described in the planning statement, mitigating conditions have been imposed.

The location of the sewers under the site needs to be resolved prior to commencement of development, a condition requires this.

For the above reasons the proposed development is considered to comply with the relevant saved policies of the development plan, in particular Policies GP1, GP2, GP6, 2.2, 3.6, 3.7, ENV10, ENV18, ENV32, S1, S6, S7, 7.1, T7, T10, T12, and T13 of Walsall Unitary Development Plan March 2005 and Supplementary Planning Documents: Conserving Walsall's Natural Environment and Designing Walsall and National Policies PPS1, PPS4, PPG13 and PPG 24 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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

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

*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. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted is for use for Religious purposes within class D1 of the Town & Country Planning (Use Classes Order 2005), or succeeding orders, and not for other purposes within this class, plus the uses listed in paragraph 18 of the Planning Statement dated September 2010 which shall remain ancillary to the main use.

*Reason:*

In order to:-

- define the development,
  - ensure accordance with planning policy and
  - avoid adverse traffic impact on the strategic highway network
4. The maximum floorspace of the building measured externally shall not exceed 1,920sq m. and shall not extend beyond the "Zone of Development" shown on drawing no. 2411 AL(20) 101 unless otherwise agreed in writing by the Local Planning Authority .

*Reason:* To define the permission

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

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

6. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The rear of the site will have boundary protection to prevent unauthorised access from an area that is secluded and has no natural surveillance. 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, to ensure the satisfactory appearance of the development and in the interests of crime prevention.

7. Within 3 months of first occupation of the development hereby permitted, a full Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be developed and implemented within six months of approval. Following the expiry of this period of time, an annual review of the Plan, in partnership with the Local Planning Authority's Sustainable Travel Officer shall be submitted to, and agreed in writing by, the Local Planning Authority. This shall identify refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To promote environmentally sustainable forms of transport.

8. Before the development hereby permitted is brought into use, details of a minimum of 30 bike stands to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented before the development is brought into use. The cycle route to the west of the site shall remain available to the public at all times.

*Reason:* To ensure satisfactory provision for cycling .

9. Before the development hereby permitted is brought into use a parking scheme showing at least 10% of parking spaces allocated for disabled people, as near as possible to the most appropriate entrance to the building, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented before the development is brought into use and retained.

*Reason:* To ensure the satisfactory provision of off-street parking for disabled people.

10. 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 A)

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 B)

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 B)

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 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.

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 C)

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

11. Prior to built development commencing a site a protocol shall be submitted to and approved in writing by the Local Planning Authority to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site. (This may involve the use of a wheel wash, road sweepers, etc.) the agreed measures shall be implemented before the commencement of development.

*Reason:* To prevent mud etc. being deposited on the highway.

12. No development shall commence until a full site survey, which shall provide drawings showing, as appropriate, the following information at a suitable scale, has been submitted to and agreed in writing by the Local Planning Authority :
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
  - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
  - d) the details of all the appropriate tree protection measures, to include the type of fencing and its location, for every retained tree before and for the entire duration of the course of the development.

- e) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
- f) location and dimensions of exiting water courses, drainage channels and other aquatic features.
- g) location of existing and proposed services (gas, electricity, water) including the location and dimensions of soakaways.
- h) location of existing and proposed structures or other artefacts including hard surfaces.

Development shall only be carried out in accordance with the approved details.

*Reason:* To allow the proper consideration of the impact of the details of the development on the amenity value of the existing site in accordance with Policies NE7, NE8 and NE9 of the Walsall Supplementary Planning Guidance *Conserving Walsall's Natural Environment*.

13. No development shall be carried out until a detailed hard and soft landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. This scheme shall include indications of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out, and include the quantity, size, species and position of all trees to be planted, and details of the measures to be taken to protect existing features during the construction of the development. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development, otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed with the Local Planning Authority. The landscape scheme shall reflect the following design requirements:

- maintaining a tree and shrub corridor along the boundary of the Wolverhampton Road Site of Local Importance for Nature Conservation.
- incorporating tree and shrub planting to include native and ornamental species of value to wildlife.
- replacing trees and hedgerows which may be lost due to the development.
- enhancing the boundaries of the site and providing an attractive setting to the development.

*Reason:* To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005; to maintain a wildlife corridor along the Sneyd Brook and to ensure the satisfactory appearance of the development.

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

- (a) 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.

15. No development other than site clearance works shall commence until proposals to incorporate bat roosting features into the proposed buildings have been received and approved in writing by the Local Planning Authority. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

*Reason:* to conserve local bat populations.

16. No development shall take place until details of proposed alterations to existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground, have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

*Reason:* To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and Policies NE7, NE8 and NE9 of the Walsall Supplementary Planning Guidance *Conserving Walsall's Natural Environment*.

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

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

18. The development hereby permitted shall not be brought into use until drainage works for the disposal of both surface water and foul sewerage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

*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.

19. 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.

20. There are a number of sewers under the area which is to be developed, details of how these are to be dealt with shall be submitted as part of the reserved matters application. The development shall be implemented in accordance with the approved details.

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

21. As part of any planning application for reserved matters a public art statement shall be submitted that demonstrates the following:

- i. A description of the relationship between the Public Art Statement and the Local Authorities' public art policies and/or strategies
- ii. Details of the appointed artist(s) contribution to defining the development
- iii. Description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects and/or other design professionals, including public art consultant(s)
- iv. Timescales for the development and implementation of all the public art
- v. Details of ownership, maintenance and de-commissioning of public art
- vi. Budgets relating to all of the above criteria

The public art shall be carried out in accordance with the approved public art statement.

22. Details of any external lighting complying with BS5489 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the lights shall be installed in accordance with the approved details and retained as such. No external lights shall be installed without the written approval of the Local Planning Authority.

*Reason:* In the interests of visual amenity.

23. Before any other works hereby approved are commenced, the construction of the revised vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

*Reason:* In the interest of Highway Safety.

24. No development shall be carried out until details of parking and a turning facility for deliveries and construction operatives, within the application site, have been submitted to and approved in writing by the Local Planning Authority, the provision shall be retained during construction and removed to the satisfaction of the Local Planning Authority on completion of the development.

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

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

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

26. No development shall take place until noise mitigation and control measures to safeguard against impacts upon residential areas have been agreed in writing with and approved by the local planning authority. Approved noise mitigation and control measures shall be completed before the development is brought into use and retained thereafter in accordance with the approval.

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

27. No permanent public address facility shall be installed without the prior written approval of the local planning authority, and thereafter it shall not be modified without the consent of the local planning authority.

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

28. Public address (P.A.) and any other loudspeaker systems associated with any music, drama, dance, vocal or similar performance, recording activity and production or reproduction of music, vocal and other sounds shall only be operated within the building and only between the hours 07.00 to 23.00 inclusive, unless otherwise approved in writing by the local planning authority.

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

29. Musical instruments shall only be used within the building and only between the hours 07.00 to 23.00 inclusive, unless otherwise approved in writing by the local planning authority.

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

30. Windows and doors in external wall and roof elements that serve rooms and areas used for music, vocal and dance performances, and/or rehearsals, and/or recording, shall remain closed when in use for these purposes.

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

31. Plant, machinery or equipment used for the purpose of providing ventilation and air conditioning 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.

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

32. 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 otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

*(\* 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:* To safeguard the amenity of the area.

33. The development will be designed and built to achieve Secured by Design accreditation. All windows in the development should comply with BS7950 and ground floor windows should be glazed with laminated glass for additional security and safety.

*Reason:* In the interests of crime prevention.

## **Notes for Applicant**

- A. 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.
- B. 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.

- C. 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.
- D. Japanese knotweed is present on the site. It is an aggressive invasive species which should be eradicated from the site in line with best practice. It is illegal to allow it to escape into the wild. If physically removed from the site it is regarded as controlled waste and must be disposed of in accordance with government regulations.
- E. There is a public sewer which crosses the site. . In order to maintain essential access for maintenance, repair, renewal, and to protect the structural integrity of the public sewerage system no buildings shall be erected or trees planted within 7.5 (1200 FWS) metres either side of this sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991
- F. 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 Act1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Helpline number 01922 652408.

-----





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

### Reason for bringing to committee: Major development

**Application Number:** 10/0702/FL  
**Application Type:** Full application

**Applicant:** Cavalcade Ironville Property Investments Ltd

**Proposal:** 13 two and three bed affordable houses, 10 one-bed supported living apartments and an 8 bedroom physical disability unit.

**Ward:** Short Heath

**Case Officer:** Jan Scrivens

**Telephone Number:** 01922 652436

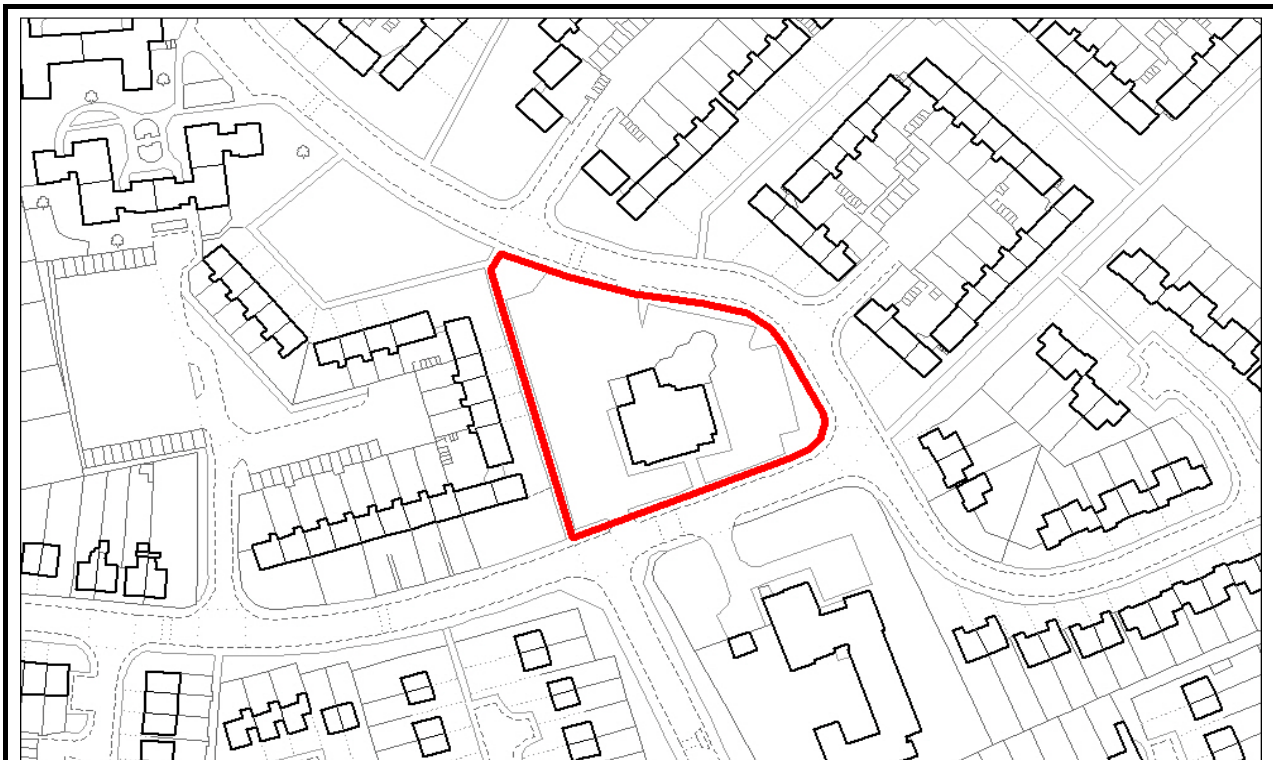
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** PJPlanning

**Location:** SITE OF THE CAVALCADE P.H.,STROUD AVENUE,WILLENHALL,WV12 4DH

**Expired Date:** 14/09/2010

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



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

## **Current Status**

The determination of this application was deferred from the meeting of 9.9.10 for the applicant to hold further consultation with the community.

The agent and proposed care provider have held a meeting with Councillor Shires to discuss resident's concerns. Changes to the scheme were considered by residents on 11.10.10 and are understood to have been accepted although further information was required on bin collection.

Care proposals have also been discussed with the Walsall Strategic Care Commissioner and Walsall Disability Forum. The Strategic Commissioner is understood to have confirmed that Walsall has a need for but no similar service. Officers of the Disability Forum supported the planning application and have requested the care provider to present the fully finalised proposals to a full meeting of the Forum.

The application has been amended as a result of these consultations. The report has been updated to reflect these changes.

## **Application and Site Details**

This application relates to the site of the Cavalcade public house on Stroud Avenue, Willenhall, which has now been demolished.

The application site is adjoined on one side by a footpath and a row of houses and flats which face the site at a distance of approximately 9.2m. The footpath is not a public right of way but is Council owned. The remainder of the site is bounded by Stroud Avenue which curves around it.

The application now proposes the erection of:

- i) an eight bed unit for people with physical and mental disabilities who would be accommodated on the ground floor of a two storey building. The first floor would provide four flats for people with similar disabilities but who are able to live more independently. These flats were formerly located elsewhere on the site, in two supported living blocks. The unit would have a communal garden on its southern side. It would have a five space car park including an ambulance/minibus parking space with access off Stroud Avenue. This is an increase in two parking spaces over the previous plans. The existing access to the pub car park would be closed off. The occupiers of the ground floor of the unit are likely to be confined to wheelchairs and are unlikely to leave the site on a regular basis, other than for medical treatment
- ii) two blocks each of three supported living flats for people with mental disabilities. These flats would have gardens at the rear of approx. 90 square metres. These flats would be on the eastern side of the site, fronting Stroud Avenue, and following consultations with neighbours, have been reduced to two storeys in height. A lift has also been added to each block. The occupiers of these flats are likely to need accompanying if they go out, because of their inability to cope with traffic etc.

iii) thirteen dwellings, seven of which would have two bedrooms and the remainder with three bedrooms. The dwellings would be two storeys in height. They would have rear gardens of varying dimensions but none would be less than 60 square metres. The properties would all meet the required distance between facing habitable room windows, including the distance between the existing properties fronting the footpath and the new dwellings on the opposite side of it.

Nine houses would front Stroud Avenue and four would be served from an access on the northern side of the site which leads to a parking area.

Within this parking area there would be seven unallocated spaces to be shared between the staff and visitors to the supported living flats and visitors to the houses. Six of the houses would have two parking spaces within their curtilage, which would meet the maximum Council standard; three houses would have one space each within their curtilage and four houses would have an allocated space each within the parking area.

Neighbours have also been concerned about the boundary treatment alongside the footpath on the western side of the site. This was previously proposed to be a solid wall but is now a wall and railing combination with planting behind to screen the rear gardens of the proposed houses. The remainder of the site boundary, fronting Stroud Avenue, would be a 0.9m high railing and hedge combination.

The dwellings are described as 'affordable' in the application and the applicant has suggested that this affordability is required by condition.

The following have been submitted in support of the application:

- i) a planning statement, which sets out the policy background relating to the development
- ii) a transport statement, which refers to the proximity to bus services and to the number of parking spaces which would be required by the houses. This concludes, based on surveys of car ownership in affordable housing in the Short Heath ward that the level of parking proposed is sufficient. The statement also advises that there were few, minor, road traffic accidents in the vicinity of the site in the last three years and that as a consequence there is no need to rectify any existing highway problems. Stroud Avenue is traffic calmed with speed humps and chicanes
- iii) a draft unilateral undertaking relating to an open space contribution
- iv) information regarding the proposed care provider 'Caretech' who are a West Bromwich based company providing a variety of caring services based upon the client's needs. The Physical Disability unit can support people who may otherwise have to live outside Walsall or remain in Acute or Rehabilitation care longer than necessary. The Supported Living units will be optimised for people with disabilities. This type of housing is at a premium in Walsall and this project could offer a substantial contribution to Walsall achieving its disability support duty. The project will feature 24/7 staff support. The developer has stated that residents are unlikely to have many visitors; they are encouraged to go out and visit relatives and friends.

## **Relevant Planning History**

The condition of the vacant pub building and its site prior to the demolition was the subject of complaints.

## **Relevant Planning Policy Summary**

GP1 supports development in sustainable locations

GP2 and 3.6 require new development to contribute to the improvement of the environment

GP3 supports the use of planning obligations to secure improvements to or the provision of urban open space, affordable housing or education

ENV32 requires the design of new development to take account of its surroundings

H3 encourages the provision of additional housing through the re-use of previously developed sites

H3 encourages the provision of affordable housing

H5 promotes and encourages the provision of housing for people with special needs, including people with disabilities

H10 expects residential development to create a high quality living environment.

T7 and T13 relate to car parking

LC1 seeks to retain and enhance urban open space. A Supplementary Planning Document relating to Urban Open Space was adopted in 2006.

Appendix E of the adopted Designing Walsall Supplementary Planning Document sets out standards for amenity space and distance between habitable room windows

## **Consultations**

**Transportation:** No objection.

**Pollution Control Scientific Team:** No objection. Recommends a restriction on working hours

**Pollution Control Contaminated Land Team:** No objection. Recommends conditions requiring a desk study/site reconnaissance and remediation if necessary.

**Environmental Health:** No objection

**Education:** No objection. No contribution is required due to the surplus of primary and secondary school places in local schools.

**Housing Strategy:** No objection

**Public Rights of Way:** No objection

**Centro:** No objection

## **Representations**

Four letters and a petition of 128 names were received to the original proposal. These objected to the application on the following grounds:

### **Access ,parking and highway safety**

- putting buildings on the bend would obstruct visibility particularly for existing residents pulling off their drives
- fencing will obstruct visibility
- highway safety
- traffic generation
- unsuitable traffic access points
- lack of parking for existing residents would be exacerbated

### **Amenity**

- loss of daylight/sunlight
- overshadowing/loss of outlook due to height of boundary wall
- overshadowing/loss of privacy due to height of supported living units
- layout and density of buildings
- noise and disturbance from use
- supported living units
- proposals for refuse and refuse collection

### **Other**

- private rights of way/covenants etc
- loss of value of property
- the type of client group being housed
- the proposal has not been discussed with residents and the needs of the community not taken into account

The applicant advises that further consultation has generated significant support for the proposal from Walsall Strategic Commissioner and Walsall Disability Forum. Meetings held with residents are also understood to have resolved their concerns. The application is however the subject of reconsultation on the amended plans and any further responses will be reported to the meeting.

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

### **Determining Issues**

- Principle of the use
- Access, parking and highway safety
- Urban open space and affordable housing
- Amenity
- Design of the physical disability unit

### **Observations**

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

All of the elements of this proposal are residential in character and are thus acceptable in principle in a residential area; policy H5 promotes and encourages the provision of housing for people with disabilities and any group who require specialist accommodation.

#### **Access, parking and highway safety**

The site is in a sustainable location within easy reach of local shops and public transport.

There is a bus stop outside the site; this would not be affected by the development.

The development would maintain two access points to the site, as was the case with the public house car park. The location of these is satisfactory.

Six of the proposed houses would have parking to meet the Council's maximum standards. The remaining seven houses would have one space each although there are some communal unallocated spaces available to all. The Transport Statement sets out the levels of car ownership in this area, which are low in affordable housing, and considers this provision to be acceptable. There are no Transportation objections to the parking levels.

Neighbours have expressed concern that the siting of the supported living units would reduce visibility on Stroud Avenue. This has been investigated by Transportation who advise that forward visibility would not be impaired in any way. Neighbours have also mentioned the height of the boundary fence in this context but have misread the plans, the height of fencing proposed being 900mm on the Stroud Avenue frontage.

### **Urban open space and affordable housing**

The application proposes a contribution towards urban open space under policy LC1. It also proposes the provision of affordable housing. This is likely to be in excess of the amount required by the SPD but the precise amount and means of delivering it are still under discussion.

### **Amenity**

Pollution Control has requested that a desk study is carried out to identify any possible ground contamination and that if necessary, further investigation and remediation can be carried out. These can be required by condition.

The development would provide a satisfactory residential environment for its occupiers. Although some of the garden sizes for the dwellings are slightly less than the standards Appendix E requires, the arrangement of the buildings is such that there would be no overlooking and the garden areas are predominantly clustered together in the centre of the site giving a cumulative benefit.

The dwellings which back onto the footpath have longer rear gardens, at 14 metres, to minimise overlooking between the existing and proposed dwellings.

The supported living apartments would have their own private amenity space. These units have been reduced in height to meet the wishes of neighbours; this does not detract from the scheme.

The development as a whole would meet Council standards for distances between habitable room windows between the site and the surrounding residential properties. There would be no loss of light as a result of these proposals.

Neighbours have been concerned that those properties which face onto the footpath and currently have a view across the pub car park would be looking onto a fence or brick wall which would form the rear boundary of some of the houses on the development. The amended plans propose a wall/railing combination with planting which would provide a more attractive outlook for the neighbours on the opposite side of the footpath while maintaining the security of the future occupiers of the new dwellings.

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

The other matters which have been raised, such as devaluing property and covenants are not planning matters. This is a well designed and thought out scheme which would fit in well with its neighbours and which has been amended following local consultation and consultation with potential user groups. The development would provide family homes and accommodation for residents with disabilities and given the quality of the scheme it should be supported.

### **Design of the physical disability unit**

This occupies the south west corner of the site in an L-shaped design. The unit has been revised from predominantly single storey with a two storey portion in the northeast corner to two storey throughout. The unit would be 7.6 metres in height to the ridge compared with the previous proposal which was 5.3m with a higher portion of 9.3m.

The building would affect the nearest dwellings fronting the footpath and two of the proposed dwellings on plots 1 and 8.

The increased height of the disabled living unit would make little difference to the dwellings on the other side of the footpath since it is located mostly level with a gap between two blocks.

The proposed dwelling on plot 8, which has the building on the southern side of its garden, would now be adjoined by a building along the whole of one side of its garden, which is 7.6 metres tall (rather than the 5.3 metres of the previous scheme). This is a significant increase and has arisen wholly through neighbours concerns about the height of the supported living units (3 storey) elsewhere on the site. The original scheme was acceptable to officers.

The dwelling would be a new one whose future occupiers would have the chance to assess the situation before moving in. It is also possible that the 14 m garden length to the property plus the further distance from the dwellings on the opposite side of the footpath would offset the height of the physical disability unit. On balance officers consider the current proposal acceptable.

The proposed dwelling on plot 1, which has the building on its western side, previously had the 9.3m high portion of the building alongside the majority of its rear garden; the reduction to 7.6m would be an improvement on this.

The physical disability unit would now have windows in the rear elevations. Those on the ground floor would have no impact on neighbours. Those of the first floor would be to corridors and lift lobby, so that there would be no significant overlooking of neighbours gardens; the outlook would be akin to that of staircase /landing windows in domestic properties. The windows are intended to be obscure glazed with the majority of the window non-opening. The unit would also have a living room window facing the gap between the blocks on the other side of the footpath, which in any case is their public frontage so that there would not be any loss of privacy.

The appearance of the building is acceptable, the view from the street would be active and have large elements of overlooking to the communal landscaped area. This has been reduced a little by the additional parking space but this was added as a result of the public consultation.

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

The application site is located on the former Cavalcade public house. It is therefore considered that the proposals are on previously developed land and acceptable in principle.

The design of the proposals is in keeping with the surrounding area and character. The relationship of the properties to Stroud Avenue and Rudge Close has been carefully considered and the proposals would not result in any material loss of amenity to neighbouring residents by reason of loss of light, an overbearing form or overlooking.

The amount of car parking has been considered against the type of house and the amount of bedrooms. The level of car parking has been considered appropriate.

The proposed disability unit would be considered acceptable in terms of its physical relationship to existing and proposed residential properties, the street scene and would provide an appropriate level of amenity space.

As such, having considered all material considerations, and carefully assessed consultation and public participation responses it is considered that the proposals are in accordance with the relevant policies of the Development Plan, in particular policies GP1, GP2, GP4, ENV10, ENV32, ENV33, ENV40, H3, H9, H10, T7, T8, T9 and T13 of Walsall Unitary Development Plan (March 2005), and the aims and objectives of national planning policy and is, on balance, acceptable.

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

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. Notwithstanding the notation on the deposited plans no development shall be carried out until a schedule of the facing materials to be used have been approved in writing by the Local Planning Authority.

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

3. Prior to the first occupation of any dwellings hereby approved the parking and turning areas shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall not thereafter be used for any other purpose than the parking of vehicles.

*Reason:* In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

4. 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.

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

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) shall be erected without prior permission of the Local Planning Authority.

*Reason:* Having regard to the size of the approved back gardens, relationship to neighbouring properties, relationship to the neighbouring culvert and possible ground contamination on the site.

7. Prior to the occupation of any part of the development, the boundary treatment shown on the approved plans shall have been implemented in accordance with the approved scheme. The implemented boundary treatment shall thereafter be retained.

*Reason:* To ensure the satisfactory appearance of the development and in the interests of the security of its future occupiers.

8. The car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

*Reason:* In order to provide satisfactory access and parking provision.

- 9a) 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 D)
- b) 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 A)
- c) 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 B)
- d) 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 B)
- e) The remedial measures as set out in the “Remediation Statement” required by part c) of this condition shall be implemented in accordance with the agreed timetable.
- f) 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 b) of this condition is encountered development shall cease until the “Remediation Statement” required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- g) 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 C)

*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 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. (see Note for Applicant E)

*Reason:* To ensure safeguard the amenities of neighbouring residential occupiers.

11. This decision grants consent for the use of the physical disability unit and the supported living units for the care of people with disabling conditions associated with physical disability, mental disorder and learning disability as defined in the e-mail dated 26.10.10 from Caretech uk to the agent for the application.

*Reason:* To define the permission.

12. This decision relates to the following drawings:

1948-INC-MA-20-0105\_P03 (Physical disability unit - ground floor plan)  
1948-INC-MA-20-0106\_P04 (Physical disability unit - first floor plan)  
1948-INC-MA-20-0107\_P04 (Physical disability unit - roof plan)  
1948-INC-MA-20-0108\_P04 (Physical disability unit - elevations as proposed)  
1948-INC-MA-20-0109\_P04 (Street elevations- sheet 1 of 2)  
1948-INC-MA-20-0110\_P02 (Street elevations- sheet 2 of 2)  
1948-INC-MA-20-0111\_P01 (Supported living apartment block - typical floor plans and elevations)  
1948-INC-SA-20-0103\_P06 (Site plan as proposed)  
1948-INC-MA-20-0101\_P01 (House type A)  
1948-INC-MA-20-0102\_P01 (House type B)  
1948-INC-MA-20-0103\_P01 (House type C)

*Reason:* To define the permission.

Notes for Applicant:

A)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.

B)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.

C) 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.

D) 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.

E) Bank and Public holidays for the purpose of Condition 10 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

-----



## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

### Reason for bringing to committee: Major Application

**Application Number:** 10/1100/FL  
**Application Type:** Regulation 3 Consent (V)

**Applicant:** Walsall Council

**Proposal:** Amendment to approval 10/0074/FL for erection of replacement school building including 26 place nursery (amendments to car park, access road, service & landscaping).

**Ward:** Blakenall

**Case Officer:** Alison Deakin

**Telephone Number:** 01922 652487

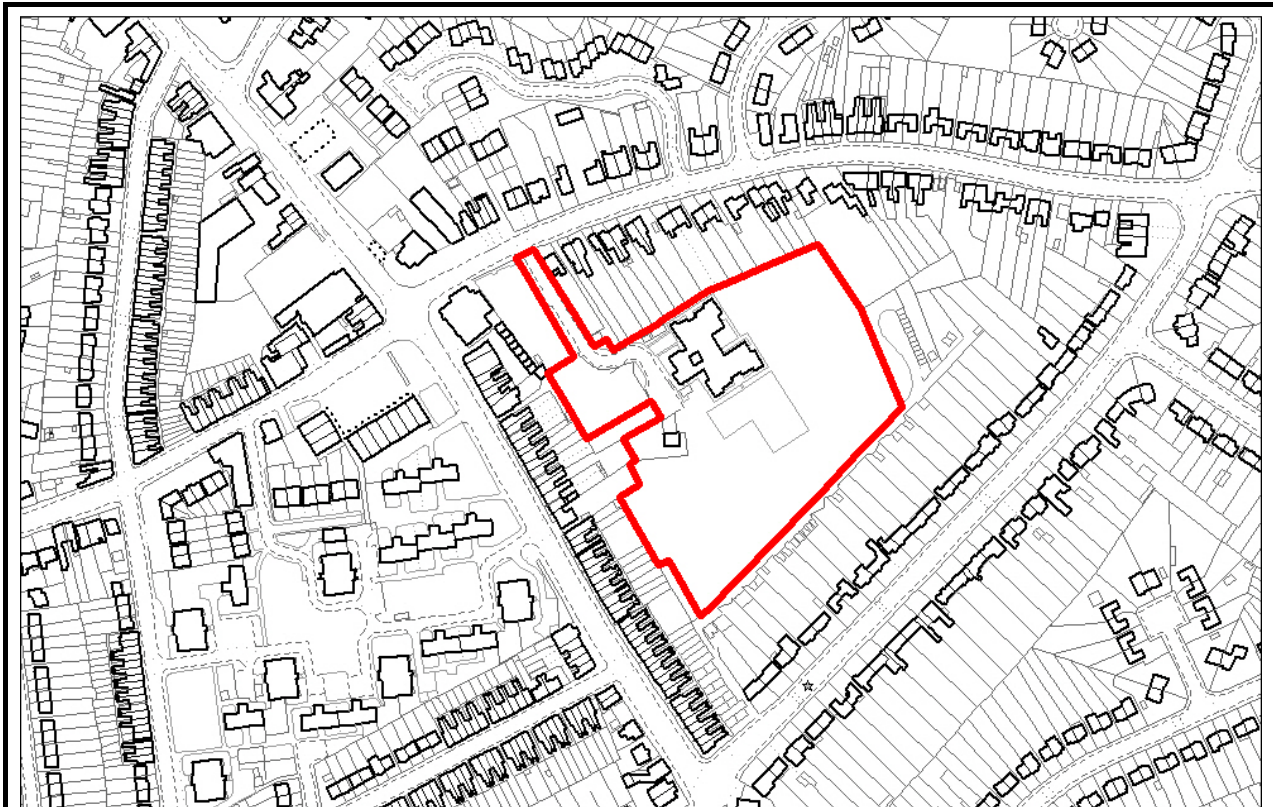
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Seymour Harris Architecture

**Location:** CHRIST CHURCH C OF E PRIMARY SCHOOL, HARDEN ROAD, WALSALL, WS3 1EN

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

### Recommendation Summary: Grant Permission Subject to Conditions



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

## **Application and Site Details**

The proposal is to amend the existing permission for a school and nursery by relocation of the car park, re-alignment of the access road, reconfiguration of the service road and amendments to the landscape master plan.

Planning permission was granted in July 2010 showing the car park located at the rear of houses in Harden Road positioned where the present school buildings are. It also showed a straight tree lined access road leading to Harden Road with disabled parking and service access adjacent.

The proposal is to relocate the car park on the opposite side of the access road at the rear of houses in Bloxwich Road. This area was formerly a soft play area with several mature trees on it. This area has been cleared and a temporary car park set up. The approved car park on the opposite side of the access is now proposed as a play area as this is adjacent to the formal grass pitch. The proposed access road has been amended to include a turning area and amended disabled parking layout. Realignment of the access also allows a segregated pedestrian and cycle route to be created and cycle shelters are included to the north of the cycle path. Landscaping has been amended to reflect the changes.

The school premises are located off Harden Road to the east of the junction with Bloxwich Road, just outside Leamore Local Centre. Access to the school is via a driveway leading off an access road adjacent 28 Harden Road and also serving the Black Horse PH car park. The single storey school buildings lie to the rear of residential properties fronting Harden Road with playing fields surrounding and a wooded area to the south west of the school playing fields.

A Design & Access Statement, Transport Assessment, Flood Risk Assessment and Ground Investigation & Test Report have been submitted in support of the proposals.

The Design & Access Statement (Revision A) explains that demolition of the school caretaker's house provides additional space for an improved service vehicle access and opens up improved views of the new school entrance. The realignment of the access road and relocation of the car park removes potential conflict between vehicles, pedestrians and cyclists. Landscaping has been altered to reflect the changes but still include proposed tree, shrub and hedge planting and soft and hard landscaping.

The Transport Assessment concludes that there is no net increase in trips generated by the proposed development during peak hours and will have no adverse impact upon the adjacent highway network.

The Flood Risk Assessment concludes that the development is within Flood Zone 1 and that the drainage strategy will control the quantity of water leaving the development and offer significant improvements in the quality in run-off by providing two treatment trains prior to the site outfall.

The Ground Investigation & Test Report makes recommendations on geotechnical, contamination and landfill gas issues.

### **Relevant Planning History**

10/0074/FL – Erection of replacement primary school building including 26 place nursery, replacement boundary fence, parking, new access road and landscaping – Granted subject to conditions – July 2010.

10/0897/PD – Demolition of 2 storey caretaker's school house – Consent granted September 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 Unitary Development Plan (UDP)**

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.

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

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

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

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

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

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.

Schools: 2 car park spaces per classroom and 4 bike lockers for every car parking space plus taxi facilities.

8.1 & 8.7: The Council will seek to improve, expand and enhance facilities for education

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;  
DW9a – Requires a contribution towards public art on qualifying schemes.  
DW 10 – 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.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

### **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.

### **Consultations**

**Transportation** – No objections in principle subject to provision of details of control of the access gates, visibility to the car park access and an updated School Travel Plan.

The original scheme proposed 24 parking spaces and this number of spaces will be retained under this revised scheme. The proposed level of parking meets policy requirements of 2 spaces per classroom.

**Pollution Control (Scientific Team)** – No objections subject to a condition to protect residential amenity of local residents from noise impacts during demolition and construction phases.

**Pollution Control (Contaminated Land)** – No objections. Gas protection measures are currently being installed on the site. A validation report confirming the details of the measures implemented together with substantiating information shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

**Environmental Health** – No objections.

**Landscape** – No objections provided there are no objections regarding protected trees or ecology issues.

**Arboricultural Officer** – No objections.

**Ecology** – No objections subject to conditions to eradicate Japanese Knotweed and provide a replacement pond.

**Natural England** – No objections in respect of legally protected species subject to implementation of precautionary measures recommended in the Ecological Scoping and Bat Survey Report and Survey for Bat and Great Crested Newts.

**Wildlife Trust** – No objections subject to provisions for protection/creation of habitats for Great Crested Newts.

**Police Architectural Liaison Officer** – No objections.

**Fire Service** – No objections.

**Sport England** – No objections. Reorganisation of the car park and soft play area would not affect the playing field provision at the site. There are also benefits from positioning the soft play area directly adjacent to the main pitch provision.

### **Public Participation Responses**

None.

### **Determining Issues**

- Layout and Design
- Impact on the character and appearance of the surrounding area
- Relationship to the surrounding occupiers
- Access and parking
- Ecology and Landscaping

## **Observations**

### **Layout and Design**

The proposals do not affect the position or design of the approved school building, playing fields, woodland area or Multi Use Games Area (MUGA). The relocation of the car park from one side of the access to the other means the play area is better located adjacent to the sports pitches and there is likely to be less conflict between pedestrians and vehicles.

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

Relocating the car park from one side of the access to another does not have a significant impact on the appearance of the site from the surrounding area. The changes to the access will provide an improved approach to the school and nursery entrance by segregating vehicles from pedestrians and cyclists and providing a turning area for vehicles. There is also a greater opportunity for incorporation of soft landscaping between these routes and enhancing visual connection to the entrance.

### **Relationship to the surrounding occupiers**

The relocation of the car park is closer to properties in Bloxwich Road than the earlier permission. It is 17m away from the rear elevations of the houses separated by an existing vehicle access for the houses, existing trees and proposed landscaping around the edge of the car park. Given this separation the proposals are considered to have no adverse impact upon residential amenities in terms of outlook or privacy. Potential noise and disturbance from vehicles manoeuvring in the car park is no worse than use of the existing vehicle access.

The realignment of the access within the site does not have any adverse impact on residential amenities as there was a previously approved access in broadly the same position. The turning area is over 40m from the nearest houses. A sprinkler tank and pump is located next to the turning head but again this is sufficient distance away from the properties.

The relocation of the play area behind houses in Harden Road is adjacent to the sports pitch and would have less of a visual impact on the outlook than the present school buildings and is considered to have no greater impact upon amenities. The houses in Harden Road are also over 35m away from this boundary with the school site and there are existing trees within gardens that provide screening.

### **Access and parking**

The proposed means of access is via the existing access between the public house car park and the side boundary of 28 Harden Road and within the site is segregated between vehicle, pedestrian and cycle access. This is welcomed as there will be clearly defined routes into the school. The change to the alignment of the vehicle access does not have any adverse effect on the position of the school or circulation around the site. The new alignment of the turning head will also improve vehicle manoeuvring.

The car park accommodates 20 spaces and there are a further two spaces plus 2 disabled parking spaces available in front of the school entrance. This level of provision complies with the requirements of policy T13 and was accepted on the earlier permission. The relocation to the opposite side of the access has no adverse impact upon highway safety within the site.

The proposed entrance gates open across the pedestrian crossing point between the car park and the pedestrian route to the school. Details are required to demonstrate how the gates are going to be controlled to ensure operation of the gates does not have a detrimental impact of the use of the crossing point.

The planting either side of the access to the car park must be kept below 600mm to maintain visibility.

### **Ecology and Landscaping**

Some of the trees that have already been removed to accommodate the car park were shown to be removed on the earlier permission. The works have been carried out already as there was a need to eradicate Japanese Knotweed on this part of the site. There remain trees around the perimeter of the car park.

As the car park has been partially implemented already the pond within the woodland has also been removed. It is recommended that a replacement pond should be reinstated elsewhere on the site.

The submitted landscape plan shows retention of the woodland elsewhere, creation of soft and hard play areas and landscaping throughout the site. This is considered to respect the character of the existing landscaped setting of the school grounds.

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

The proposals affect the access and parking areas within the site and there are no other changes to the buildings, playing fields, woodland or MUGA which have already been given planning permission. The realignment of the access and relocation of the car park reduce conflict between pedestrians and vehicles by providing segregated access.

The car park is closer to the houses on Bloxwich Road but is separated by an existing vehicle access and existing boundary planting which is adequate to prevent loss of privacy. The turning head is over 40m away from the nearest property. Additional landscaping will provide a visual buffer to the car park.

The play area behind the Harden Road properties has less of a visual impact than the existing school buildings and would be comparable in character to use of the adjacent playing fields.

The access realignment allows segregation of the pedestrian, vehicular and cyclists' accesses to improve safety. The car park is acceptable in size, and in its effect on highway safety. Details of the operation of the gates and maintenance of the visibility splays to the car park access are conditioned.

For the above reasons the proposals are considered to accord with the aims of policies GP1, GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.116, 3.117, ENV18, ENV23, ENV32, ENV33, ENV40, 7.1, T7, 13, 8.1, 8.7 and LC6 of Walsall Unitary Development Plan and to Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

## **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 (AL(0)002) received 16/8/10
- Ground Floor Plan (AL(0)010 Rev 03) received 7/9/10
- First Floor Plan (AL(0)011 Rev A) received 7/9/10
- Courtyard Elevations (AL(0)020) received 7/9/10
- South and West Elevations (AL(0)019) received 7/9/10
- North and East Elevations (AL(0)018) received 7/9/10
- Elevation Studies (AL(0)017) received 7/9/10
- Roof Plan (AL(0)012) received 7/9/10
- 3D Perspective Views (AL(0)028) received 7/9/10
- 3D Internal Sketch into Courtyard (AL(0)027) received 7/9/10
- 3D Model Views (AL(0)023 Rev A) received 7/9/10
- Building Sections (AL(0)021) received 7/9/10
- Existing & Proposed Site Sections (AL(0)016) received 7/9/10
- Existing & Proposed Site Sections (AL(0)015) received 7/9/10
- Landscape & Fencing Plan (AL(0)053 Rev E) received 16/8/10
- Car Park & Road Layout (AL(0)059 Rev A) received 16/8/10
- Vehicle Tracking (09-136-SK2 Rev A) received 16/8/10
- Topographical Survey (AL(0)003) received 16/8/10
- Site Photos (AL(0)004) received 16/8/10
- Pavement Construction Details (09-136-502 Rev C) received 16/8/10
- Drainage Details 09-136-501 Rev C) received 16/8/10
- Drainage & Levels Plan (09-136-500 Rev H) received 16/8/10
- 
- Design Access Statement Revision A prepared by Seymour Harris August 2010 received 16/8/10

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

3. Prior to the first occupation of the development an ecological enhancement strategy shall be submitted to and agreed in writing by the Local Planning Authority to include for replacement habitat and habitat creation, including the recommendations from the Apex Ecology reports. Additionally, this could include:

- a) New ponds and reed bed/wetland creation with high biodiversity potential for amphibians and macro invertebrates. This would allow the development to contribute to an overall increase in UK and Birmingham Biodiversity Action Plan Habitat. Note that if this is replacing lost pond habitat, it will not count towards BAP targets, only new ponds would count.
- b) Replacement of lost trees with locally native species and the creation of a management plan for the woodland and onsite habitats to maximise their biodiversity value.

- c) Planting of native hedgerow using species beneficial to wildlife and should include a mix hawthorn, blackthorn, field maple, guelder rose, holly, hazel, elder, dogwood and dog-rose or field-rose. For example, a continuous species-rich hedgerow border could be created along site boundaries to bulk up the existing off-site shrub and hedge boundaries. This would allow the development to contribute to an overall increase in UK and Birmingham Biodiversity Action Plan Habitat as long as there is a net increase in the habitat.
- d) The building of the new school presents the opportunity to incorporate green roofs and climbing plants into the design.

*Reason:* To enhance the biodiversity of the site.

4. No development shall commence until a scheme for the eradication of Japanese knotweed has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented until the plant is eradicated.

*Reason:* To remove a problem weed from the site.

5. No development shall be brought into use until a scheme for a replacement pond and enhancement of adjacent habitat has been submitted to the Local Planning Authority for written approval on an amended landscape plan. The amended landscape scheme shall be implemented and retained and managed thereafter.

*Reason:* To replace features of value for wildlife.

6. Prior to the development first coming into use, full details of the control methodology for the entrance gates shall be submitted for approval in writing by the Local Planning Authority and the thereafter implemented in accordance with the agreed details unless the Local Planning Authority agrees otherwise in writing. The proposed entrance gates shall be securely fixed in the open position during school open times.

*Reason:* To ensure the operation of the gates does not have a detrimental impact of the use of the crossing point and the safe and satisfactory operation of the development.

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

*Reason:* In the interests of the satisfactory completion and operation of the development.

8. The proposed planting at both sides of the car park entrance shall be no greater than 600mm in height above ground level.

*Reason:* In the interests of vehicle/pedestrian intervisibility and to ensure the safe operation of the development.

9. Within 3 months of the date of this approval, the existing School Travel Plan approved under application 10/0074/FL shall be updated and submitted to the Council's School Travel Advisor for approval in writing.

*Reason:* To provide a satisfactory up-to-date School Travel Plan and encourage sustainable travel alternatives.

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 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.

\* 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.

**Note to applicant regarding protected species (Bats)**

In addition to all of the precautionary working methods with respect to bats, it should be added that works to trees or tree removal is best carried out in autumn during the most transitory period of bats and should be carried out by an Arboriculturalist familiar with bats and bat legislation.

**Note to applicant regarding protected species (Great Crested Newts)**

While the 2010 survey for great crested newts appears to be robust and thorough in confirming a likely absence of great crested newts, the survey confirmed the presence of common frogs breeding. Considering this and the 2005 record of a single male great crested newt on the site, extreme care should be taken when removing or dismantling any shelter or potential hibernacula that could be used by amphibians (or hedgehogs), including the dismantling of the pond, if it is to be lost, and this should ideally occur outside of the hibernation season (generally late October to early March). Works must stop immediately if any great crested newts are found and Natural England's Wildlife Licensing Unit contacted. Any common species of amphibians found should be moved into similar suitable habitat nearby but outside immediate working areas.

If great crested-newts are found during site clearance and construction, works must be suspended immediately and Natural England consulted on the best method to proceed. A licensed great crested-newt ecologist should be employed to resolve the situation and there is a possibility that additional survey work may need to be carried out and a statutory licence from Natural England obtained.



## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

### Reason for bringing to committee: Major Application

**Application Number:** 10/1119/FL  
**Application Type:** Full application

**Applicant:** Walsall Council  
**Proposal:** Variation of condition 2 of permission 10/0350/FL to substitute plans to show amended parapet and increased roof height to dance studio.

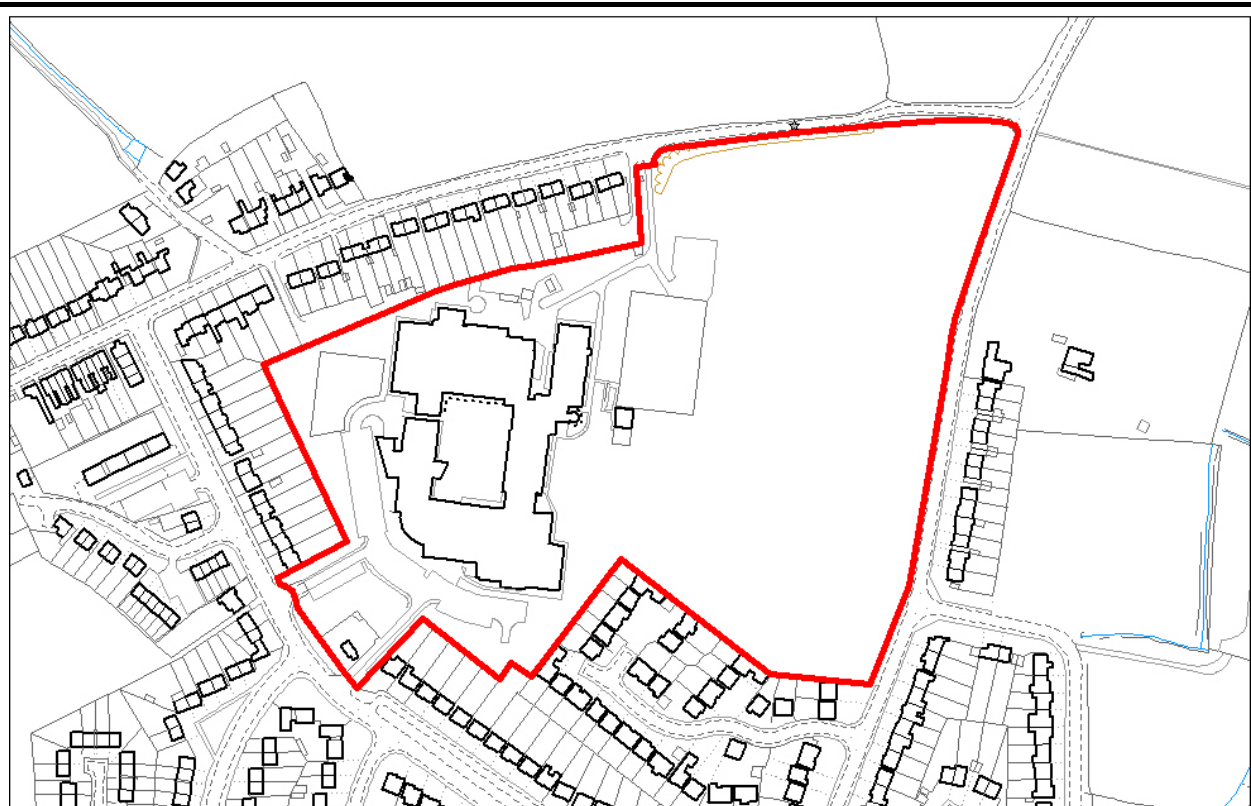
**Ward:** Rushall-Shelfield

**Case Officer:** Alison Deakin  
**Telephone Number:** 01922 652487  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Sheppard Robson  
**Location:** SHELFIELD COMMUNITY COLLEGE, BROAD WAY, PELSALL, WALSALL, WS4 1BW

**Expired Date:** 14/12/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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

### **Application and Site Details**

The proposal is to vary condition 2 of permission 10/0350/FL to substitute the plans to allow an amended parapet and increased roof height to the dance studio. This is on the northern side of the building within the sports complex. The roof was originally approved at 9.1m high with a low parapet 200mm high.

The applicant states that during detailed design stages the structural implications of a column free dance studio required the roof level to be raised by 570mm (total height 9.7m). Due to access requirements for roof plant a higher parapet to give guarding at 1100mm is also required. They state that the higher parapet will also help screen the roof plant.

This is a large school site located within a predominantly residential area. The main access to the site is in Broad Way but there is a secondary access off Mob Lane used primarily for service deliveries. The school buildings are concentrated on the western half of the site with playing fields to the east adjoining Green Lane and gardens of dwellings in Holmbridge Grove. The ground slopes into the site from Broad Way to a flat plateau where the current buildings are and then slopes down towards the eastern boundary with Green Lane. There are significant belts of tree planting around the edges of the sports pitches along the Mob Lane and Green Lane boundaries and also newer planting along the boundary with Holmbridge Grove properties.

### **Relevant Planning History**

10/0350/FL - Part demolition and redevelopment of Shelfield Community Academy to provide 76% new build accommodation and 24% refurbished accommodation – Granted subject to conditions – June 2010

10/1194/FL - Variation of Condition 2 of approval 10/0350/FL to substitute plans showing amended existing and proposed ground levels raised by 210mm – elsewhere on committee agenda.

**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 (UDP)**

2.2, 3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment.  
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.  
8.1 & 8.7: The Council will seek to improve, expand and enhance facilities for education

### **Supplementary Planning Documents**

#### **Designing Walsall SPD**

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

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

### **National Policy**

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

PPS24: Seeks to minimise the adverse impact of noise.

### **Consultations**

**Transportation** – No objections.

**Pollution Control (Scientific Team)** – No objections.

**Pollution Control (Contaminated Land)** – No objections.

**Landscape** – No objections.

**Urban Design** – No objections.

**Police Architectural Liaison Officer** – No objections.

**Sport England** – No objections. The proposals will improve the functionality of the dance studio.

**Fire Service** – No objections.

**Environment Agency** – No objections.

### **Public Participation Responses**

Two letters of objection have been received which are summarised below:

- The developers advised the building would be no higher or closer to residential properties in Holmbridge Grove than the existing school buildings
- Potential adverse effect upon privacy
- Raising the height adversely affects the outlook from bedroom and bathroom windows in Holmbridge Grove

- A plan showing the relationship between the school and properties in Holmbridge Grove is required (*this is shown on the site plan which is available on the web site*)
- Loss of view of open fields and greenery
- Increased noise levels particularly when the dance studio is completed

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

### **Determining Issues**

- Principle of development
- Impact on the appearance of the building
- Relationship to surrounding residential properties

### **Observations**

#### **Principle of development**

The principle of providing a replacement school and improved facilities on an existing school site has already been established by granting permission 10/0350/FL. The current proposal does not alter the position of the school buildings as already approved.

#### **Impact on the appearance of the building**

The proposed changes to provide an increase in the internal clearance height for the dance studio require an increase in the height of the building by 570mm. This increases the height of the building from 9.1m to 9.7m. The increase in the height of the parapet around this roof from 200mm to 1100mm will provide improved safety and additional screening to the roof plant increasing the maximum height of the building to 10.8m.

The position of the building has not altered and these amendments to the height of the roof and parapet are viewed against the adjacent sports hall which is higher. The appearance of the building when viewed from a distance will not be significantly different.

One objector is concerned about increase in noise levels when the dance studio is completed. However, the increase in the height of the building has no impact upon noise levels. This matter was also considered on the original application and a condition imposed for the developers to provide suitable noise mitigation measures to protect adjacent housing.

#### **Relationship to surrounding residential properties**

The position of the new school buildings has not changed from the earlier permission so it is no nearer to residential properties. The current proposal merely seeks approval to increase the height of the dance studio roof and parapet. Although higher, the dance studio buildings are still over 43m away from the nearest houses in Mob Lane and this part of the new school is over 110m from properties in Holmbridge Grove. In the circumstances the building exceeds the separation distances recommended in SPD: Designing Walsall and neighbour's privacy and outlook will not be affected. The loss of view over the playing fields and greenery at the school referred to by one objector is therefore considered not significant given the separation between houses and the dance studio and marginal increase in height.

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

The principle of building a replacement school that improves facilities for education has already been approved and is acceptable. The position of the buildings remains unchanged.

The increase in the height of the dance studio is modest and the building is viewed in conjunction with the adjacent sports hall that is taller.

Noise levels in the dance studio are controlled by the earlier permission. This part of the building is 43m away from the nearest houses in Mob Lane and over 110m away from houses in Holmbridge Grove which exceeds the separation distances recommended in SPD: Designing Walsall. The modest change to a distant view is therefore considered unreasonable.

In light of the above the proposals are considered to accord with the aims of policies GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.116, ENV32, 8.1 and 8.7 of Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall and Planning Policy Statements 1 and 25.

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

Condition 2 of planning permission 10/0350/FL is amended to substitute the following plans:

- Site Plan (4058-00-101 Rev B)
- Proposed North & South Elevations (4058-20-870 Rev A) received 19/8/10
- Proposed East & West Elevations (4058-20-871 Rev A) received 19/8/10
- Proposed Section DD Part 1 (4058-20-807 Rev A) received 19/8/10
- Proposed Section CC (4058-20-806 Rev A) received 19/8/10

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

### **Note for applicant**

Notwithstanding the above please refer to the remaining conditions of planning approval 10/0350/FL which have not been altered as a result of this application.

-----





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

### Reason for bringing to committee: Major Application

**Application Number:** 10/1194/FL  
**Application Type:** Full application

**Applicant:** Walsall Council

**Proposal:** Variation of Condition 2 of approval 10/0350/FL to substitute plans showing amended existing and proposed ground levels raised by 210mm.

**Ward:** Rushall-Shelfield

**Case Officer:** Alison Deakin

**Telephone Number:** 01922 652487

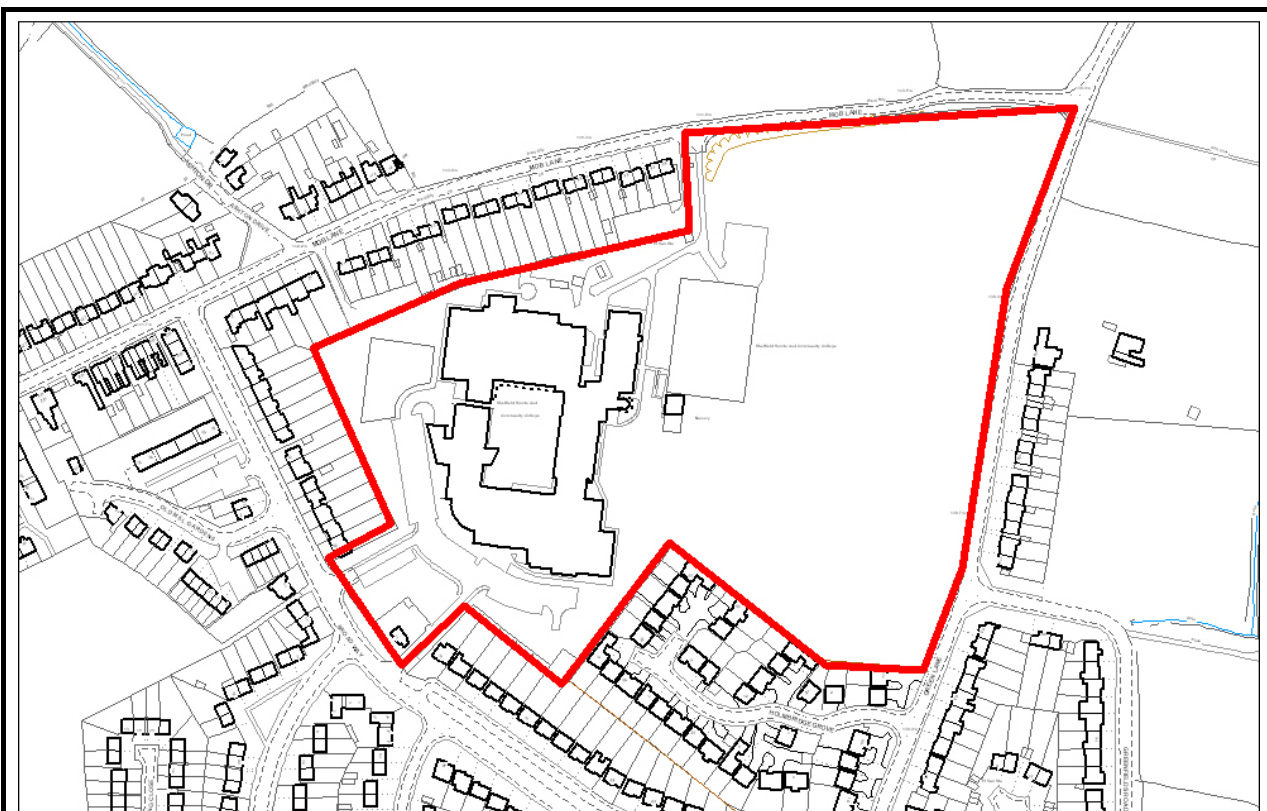
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)

**Agent:** Sheppard Robson

**Location:** SHELFIELD COMMUNITY COLLEGE, BROAD WAY, PELSALL, WALSALL, WS4 1BW

**Expired Date:** 21/12/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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

### **Application and Site Details**

The proposal is to vary condition 2 of permission 10/0350/FL to substitute the approved plans for part demolition and redevelopment of Shelfield Community Academy to amend the existing and proposed ground levels raising them by 210mm to reflect the actual existing ground level. Further survey information has clarified that the ground level of the existing school building is 210mm higher than indicated originally hence the new school buildings need to be raised by 210mm.

This is a large school site located within a predominantly residential area. The main access to the site is from Broad Way but there is a secondary access off Mob Lane used primarily for service deliveries. The school buildings are concentrated on the western half of the site with playing fields to the east adjoining Green Lane and gardens of dwellings in Holmbridge Grove. The ground slopes into the site from Broad Way to a flat plateau where the current buildings are and then slopes down towards the eastern boundary with Green Lane. There are significant belts of tree planting around the edges of the sports pitches along the Mob Lane and Green Lane boundaries and also newer planting along the boundary with Holmbridge Grove properties.

### **Relevant Planning History**

10/0350/FL - Part demolition and redevelopment of Shelfield Community Academy to provide 76% new build accommodation and 24% refurbished accommodation – Granted subject to conditions – June 2010

10/1119/FL - Variation of condition 2 of permission 10/0350/FL to substitute plans to show amended parapet and increased roof height to dance studio – elsewhere on committee agenda.

**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 (UDP)**

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

3.16, 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.

8.1 & 8.7: The Council will seek to improve, expand and enhance facilities for education

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**

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;

### **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.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

### **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.

PPG17: Aims to ensure there is an adequate supply of playing fields and quality pitches to satisfy current and estimated future demand for pitch sports. Paragraph 15 requires a robust assessment of need to be carried out before allowing development on playing fields. Sport England as a Statutory Consultee will advise the relevant Government regional office of applications they consider of such concern that the Secretary of State should consider calling in an application for determination.

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.**

**Pollution Control (Scientific Team)** – No objections.

**Pollution Control (Contaminated Land)** – No objections. The proposed change in levels of the building will involve the importation of materials within the footprint of the building only. Documentation to show that the material is suitable for use is required as part of the validation report for permission 10/0350/FL.

**Environmental Health** – No objections.

**Landscape** – No objections.

**Urban Design** – No objections.

**Police Architectural Liaison Officer** – No objections.

**Sport England** – No objections.

**Fire Service** – No objections.

**Environment Agency** – No objections.

**Natural England** – No objections.

### **Public Participation Responses**

One letter of objection has been received referring to application 10/1119/FL to raise the roof height of the dance studio at the school but their objection also refers to changes in ground levels which are proposed as part of this application. The objection is summarised below:

- The developers advised the building would be no higher or closer to residential properties in Holmbridge Grove than the existing school
- Potential adverse effect upon privacy
- Raising the height adversely affects the outlook from bedroom and bathroom windows in Holmbridge Grove
- A plan showing the relationship between the school and properties in Holmbridge Grove is required (*this is shown on the site plan which is available on our web site*)

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

### **Determining Issues**

- Principle of development
- Impact on the appearance of the building
- Relationship to surrounding residential properties

### **Observations**

#### **Principle of development**

The principle of providing a replacement school and improved facilities at an existing school site has already been established by granting permission 10/0350/FL. The current proposal does not alter the position of the school buildings to that already approved. The proposal accords with policies 8.1 and 8.7 of the UDP.

### **Impact on the appearance of the building**

The proposals to correct the ground level datum showing an increase in ground levels of 210mm makes no significant difference to the appearance of the school buildings. The position of the building remains as approved but the further survey information revealed that the existing school buildings has a 210mm higher ground level than shown on the approved drawings. The plans have been corrected to show existing and proposed ground levels 210mm higher. This application proposes no changes to the elevations of the building from those already approved.

### **Relationship to surrounding residential properties**

The position of the new school buildings has not changed from the earlier permission so it is no nearer to residential properties. The current proposal merely seeks to correct the ground level datum to reflect the actual ground level of the existing school buildings. The new buildings need to be the same height so this has been increased by 210mm. The school buildings are still 43m away from the nearest houses in Mob Lane and 24m away from the nearest house 22 Holmbridge Grove (15m away from the garden boundary). In the circumstances the building complies with the separation distances recommended in SPD: Designing Walsall and neighbour's privacy or outlook will not be adversely affected. The garden of 22 Holmbridge Grove has significant planting along the boundary with the school (almost up to eaves level) hence their outlook is already masked to some degree.

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

The principle of building a replacement school that improves facilities for education has already been approved and is acceptable. The position of the buildings remains unchanged.

The increase in the ground level by 210mm is not significant and is to reflect the existing ground level datum following further survey work, and place the new building work at the same level as the existing, retained buildings. The appearance of the building is not significantly different.

The school buildings are 43m away from the nearest houses in Mob Lane and 24m away from the nearest house 22 Holmbridge Grove which complies with the separation distances recommended in SPD: Designing Walsall. There is also substantial tree planting around the perimeter of the nearest gardens that provides additional screening. On balance it is considered that the proposals will not have any adverse impact upon outlook or privacy.

In light of the above the proposals are considered to accord with the aims of policies GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.116, 3.117, ENV23, ENV32, ENV33, 8.1, 8.7, and LC6 of Walsall Unitary Development Plan and Supplementary Planning Documents for Conserving Walsall's Natural Environment and Designing Walsall and Planning Policy Statements/Guidance 1, 9, 13, 17, 24 and 25.

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

Condition 2 of planning permission 10/0350/FL is amended to substitute the following plans:

- Proposed Section AA (4058-20-804 Rev A) received 7/9/10

- Proposed Section BB (4058-20-805 Rev A) received 7/9/10
- Proposed Section CC (4058-20-806 Rev B) received 7/9/10
- Proposed Section DD (4058-20-808 Rev A) received 7/9/10
- Proposed Section DD Part 1 (4058-20-807 Rev B) received 7/9/10
- Proposed North & South Elevations (4058-20-870 Rev B) received 7/9/10
- Proposed East & West Elevations (4058-20-871 Rev A) received 7/9/10
- Bay Study Entrance (4058-21-801 Rev A) received 7/9/10
- Bay Study Teaching (4058-21-802 Rev A) received 7/9/10
- Bay Study Sports Hall (4058-21-803 Rev A) received 7/9/10

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

Note for applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 10/0350/FL which have not been altered as a result of this application.

-----



## Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010

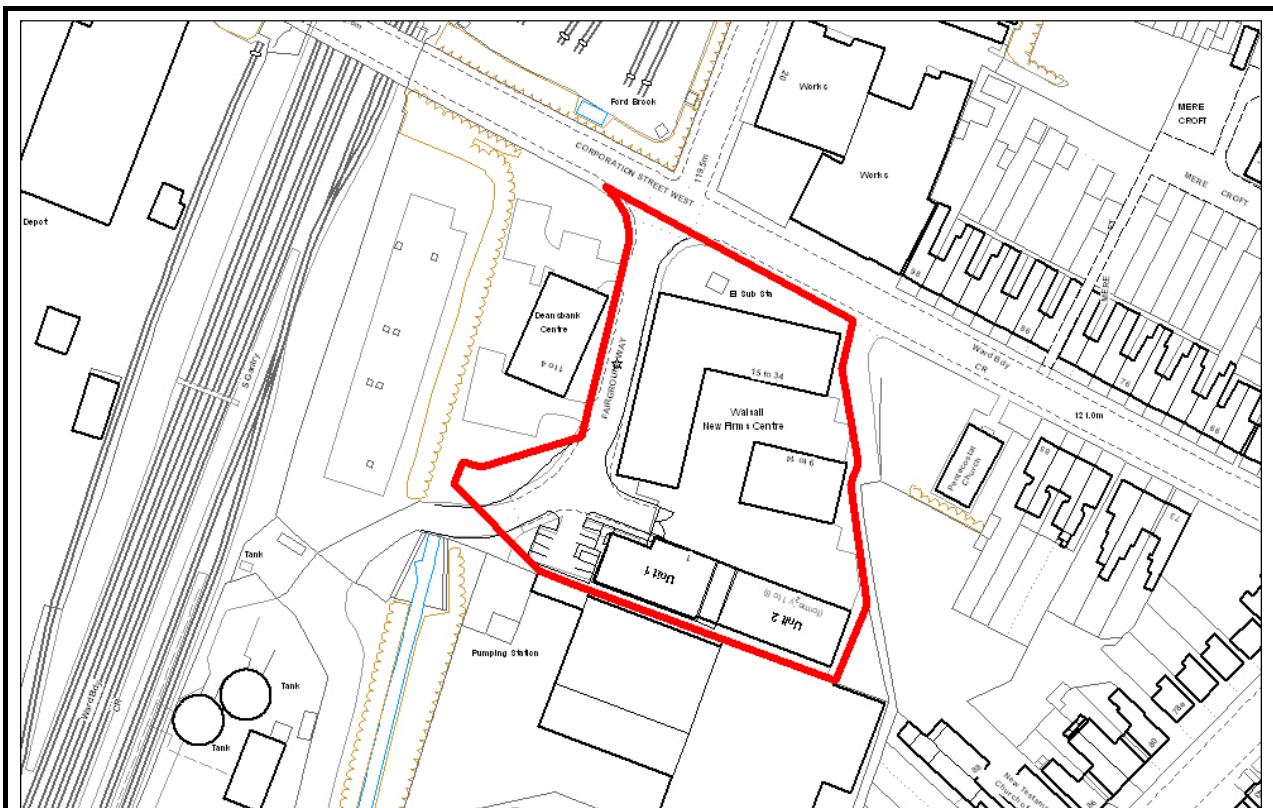
### Reason for bringing to committee: Requiring Delicate Judgement

**Application Number:** 10/1268/FL  
**Application Type:** Full application

**Applicant:** Goold Estates Ltd  
**Proposal:** Change of use from Light Industrial Unit to Leisure Use (Use Class D2) as Boxing training Club  
**Ward:** Palfrey

**Case Officer:** Andrew Thompson  
**Telephone Number:** 01922 652403  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Roberts Limbrick Ltd  
**Location:** UNIT 1B, BLOCK 1, NEW FIRMS CENTRE, FAIRGROUND WAY, WALSALL, WS1 4NU  
**Expired Date:** 19/11/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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

### **Application and Site Details**

The application seeks to change the use of an existing industrial unit, in a small group of such buildings, to house the Pleck Boxing Club as they move from the Waterfront site.

The proposals involve no alteration to the external appearance of the building.

The application is supported by a policy statement which highlights:

- the Pleck Boxing Club has been running in the area for approximately 30 years (for the last 10 years on the current site)
- a number of sites have been considered and funding progressed for a number of years to find an alternative location in the town centre
- there are no suitable, available or viable sites that have been found that would meet the community based requirements of the Boxing Club of 3,000 to 4,000 sq.ft. with a height of 4m. The proposed unit would achieve these aims
- replacement sites considered included Waterfront South commercial buildings
- the relocation will allow for the Boxing Club to consolidate and expand to provide the community support to deprived and disillusioned young people in the area
- proposals are within walking distance of the community they are intended to serve and have good public transport links
- the proposals meet the requirements of policies for local need and out of centre leisure development

In addition, the supporting statement into local need requirements and the edge of centre location argues the following:

- there is a need for the facility – the existing premises is well used and provides opportunity for this area of the town and is closely related to the
- there are no sequentially preferable sites within the town centre that could better meet the needs of the community within the timescale for relocation of the boxing club.
- the relocation will aid redevelopment and regeneration of the town centre site which will provide an opportunity to deliver a range of uses in the town centre, including leisure.
- the boxing club will not have an adverse impact on the town centre vitality or viability.
- the proposals are within easy walking distance of both Walsall Town Centre and Pleck Local Centre and is well served by public transport.
- the proposals would not have an adverse impact on the town centre
- the proposals are not on Core Employment Land and therefore will not have an impact on employment uses in the town.

It cannot be ignored that the facility will also present health and fitness opportunities for the community and also provide a facility to develop an Olympic sport.

### **Relevant Planning History**

#### **On the site**

None directly relevant, beyond the creation of this small industrial estate.

#### **Elsewhere**

##### **Marlow Street**

Planning permission was granted in 2009 for a gymnastics and sport centre (09/0878/FL).

It is a similar use. That site is 120 metres away from the Stafford Street local centre and 53 metres away from the edge of Walsall town centre. It was proposed to be used for shorter hours (the choice of the applicants, but also because there are houses near that site). There was no opposition to the proposal on the basis of planning policy issues. The applicants identified similar sequential test issues in that case to those in this case. The application was also for a specific end user with specific requirements that limited the availability of sites in the town centre, the use would benefit the residents of Walsall, there were (then) no similar facilities in Walsall, and that while it was only moderately accessible from the northern part of the Borough, the location improved access for some users.

### **Queen Street**

Planning permission was granted in 2010, on Core Employment Land, for a gym justified by a perceived local need.

### **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)).*

Policy 2.1 The mutually interdependent aims of sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion underlie all the plans policies.

Policy 2.2(b): maintaining and enhancing our established town, district and local centres as the main focus for shopping, services, leisure and most aspects of community life.

Policy GP1: seeks to locate facilities where they would be accessible for everyone and minimise the need to travel. Maximising the re-use of derelict, vacant and underused urban land and buildings before the release of greenfield sites.

“4.4 Core employment uses are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. Core employment areas are locations of strategic importance and good accessibility which contain major concentrations of these uses, together with better quality buildings and/or development opportunities - referred to as best quality sites. Core employment areas and best quality sites are identified in Policies JP5 and JP6 and will be safeguarded for core employment uses. Policy JP7(b): D2 leisure will not be permitted in employment areas, except where a purely local need is demonstrated “ JP7(d) also states “Any alternative uses must not have the potential to constrain the operation of neighbouring businesses or appropriate future commercial investment”.

Buildings in employment areas other uses may be more appropriate

Policy 5.2 - prime concern will be to sustain and enhance the vitality and viability of the town, district and local centres and also aims to assist centres in meeting the needs of residents, visitors and workers.

Policies 5.4 - 5.5: The Sequential Approach to site selection: first choice to be within Town, District or Local Centres, then on the edge of centres, or other places that have good accessibility by a choice of means of transport.

Paragraph 5.6 states that in all cases, the key issue will be whether the type of activity proposed – rather than the type of building preferred by the developer or operator – can be accommodated in a more central position

Policy S1: leisure use - gymnastics and related sports is a D2 use and subject to policies S6 and S7.

Policy S6: development in edge-of-centre locations may be acceptable if it meets a local need.

Policy S7: in out-of-centre or edge-of-centre locations the sequential approach applies.

(a)(v) offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community, and from a wide catchment area, to help achieve better access to facilities and development by a choice of sustainable transport modes. Consideration must be given to whether an alternative location in a centre would ensure easier access.

(a)(vi) The proposal should not be designed and located so as to be reliant primarily on access by car and should, insofar as possible, contribute to the objective of reducing the need to travel, especially by car. Again, consideration must be given to whether an alternative location in a centre would facilitate multi-purpose trips and help reduce car use. Where proposals are to be permitted the Council may require a green transport plan (see Chapter 7).

Policy T12(c): bus stops should be within 400 metres of the entrance to the building and services should be as frequent as set out in T12(b). Bus services should operate during working hours from all parts of the catchment area directly to the facility, and there should be pickup/ drop-off points within 400 metres of all housing within the catchment area.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of ‘observations’ rather than as policy.

### **National Policy**

**Planning Policy Statement (PPS) 4** – Proposals for retail and town centre uses must be located in an existing centre and accord with an up to date development plan. Otherwise, they must satisfy the ‘sequential approach’ and the ‘significant adverse impact’ tests before their positive and negative impacts and other material considerations are assessed.

The impact test consists of two sets of assessments; one applying to all forms of economic development and the other to town centre uses only. Together they cover the eight ‘key’ and four ‘wider’ impacts. The policy also allows for local authorities to define any locally important impacts on centres which should be tested.

The objective is to focus on impacts during the first five years after scheme construction, including consideration of the cumulative impact of the development with recent permissions and developments.

However, the PPS also requires the assessment to be proportionate to the scale of development proposed and encourages pre application discussions on the type and level of information required within an impact assessment.

In terms of the sequential approach, the policy requirements are largely unchanged from PPS6. Sites are required to be assessed for their availability, suitability and viability. However PPS4 makes it clear that where an applicant has not demonstrated compliance with the sequential approach, then planning applications for main town centre uses not in an existing centre and not in accordance with an up to date development plan should be refused.

In considering sequential assessments, local planning authorities should ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of floorspace and format. In considering whether flexibility has been demonstrated under policy, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.

#### **Planning Policy Guidance Note13: Transport**

Includes a key planning objective to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. This is important for all, but especially for those who do not have regular use of a car, and to promote social inclusion (paragraph 19).

### **Consultations**

**Transportation** – No objection

**Strategic Planning Policy** – Object – the ceiling height requirement of the boxing club is acknowledged and that there is a local need however consider that the unit concerned is better suited to industry, especially small start-up, being a modern building within a gated industrial estate. Therefore consider that the application is contrary to UDP Policy JP7 and S6.

**Sport England** – Support the proposals as they would deliver at least equivalent replacement provision to the existing boxing club site and would meet a demonstrable need.

### **Public Participation Responses**

None

### **Determining Issues**

- The Sequential Approach and Local Need
- Impact on the other employment uses
- Noise impacts
- Parking

### **Observations**

#### **The Sequential Approach and Local Need**

The site is outside Walsall Town Centre and Pleck Local Centre and the Club is relocating from buildings on the Waterfront.

The Boxing Club has an established local catchment and work has been underway for a number of years to relocate the facility.

The arguments in the application submission are not disputed and having regard to the substantial and longstanding efforts to find an alternative location, officers accept that the proposals will provide a local need and are acceptable in this instance.

### **Impact on the other employment uses**

The inclusion of the Boxing Club, whilst introducing a different use into the area, will have a positive impact on anti-social behaviour on the industrial estate due to the increased activity (after other work places have closed) from this community based activity which is providing a location and opportunity for disillusioned and deprived communities and young people and the relationship and ownership of the centre to the local community.

Overall it is considered that the proposals would not have an adverse impact on the employment uses, indeed it is envisaged that this relationship would be a positive one.

### **Noise impacts**

The proposals would be located in an employment based area and therefore there is an established noise climate. Whilst the proposals would have a later opening than the industrial units, it is not considered that this would have a significant adverse impact on nearby residential areas. There are no houses close to the site.

### **Parking**

Planning officers do not expect the use to generate large amounts of parking demand as the proposals serve the local community and the target age of users being of a generally younger profile than driving age. The proposals are not considered to raise issues in terms of parking provision.

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

The application has demonstrated that there is a local need for this facility with the specific requirements of a 4m floor to ceiling clearance. The proposals would generate increased activity in the area and may reduce anti-social behaviour in the area. The proposals would not have an adverse impact on neighbouring employment users or nearby residential areas and would have an appropriate level of parking provision.

As such, having regard to the consultation comments and public participation responses received, and notwithstanding the Officer's Report to committee, it is considered that the proposals would be in accordance with Policy GP2, S6 and S7 of Walsall Unitary Development Plan 2005.

### **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. Notwithstanding the Town and Country Planning (Use Classes) Order and Town and Country Planning (General Permitted Development) Order the premises shall not be used for any other purpose within Use Class D2.

*Reason:* The premises is not necessarily suitable for other uses within this Use Class.

3. Prior to the commencement of development, a plan showing cycle storage facilities shall be submitted to and approved in writing prior to the commencement of development. The approved scheme shall be implemented prior to the commencement of the use.

*Reason:* In order to provide for and encourage the use of alternative and sustainable modes of transport.

4. This approval relates to Unit 1B, Block 1, New Firms Centre, Fairground Way, Walsall, WS1 4NU only. This permission does not relate to any other unit in the New Firms Centre or on Fairground Way.

*Reason:* To define the permission.

---





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

### Reason for bringing to committee: Major Application

**Application Number:** 10/1262/OL  
**Application Type:** Outline Application

**Applicant:** Property Services - Walsall Council

**Proposal:** Outline application for residential development (access, layout and scale to be determined)

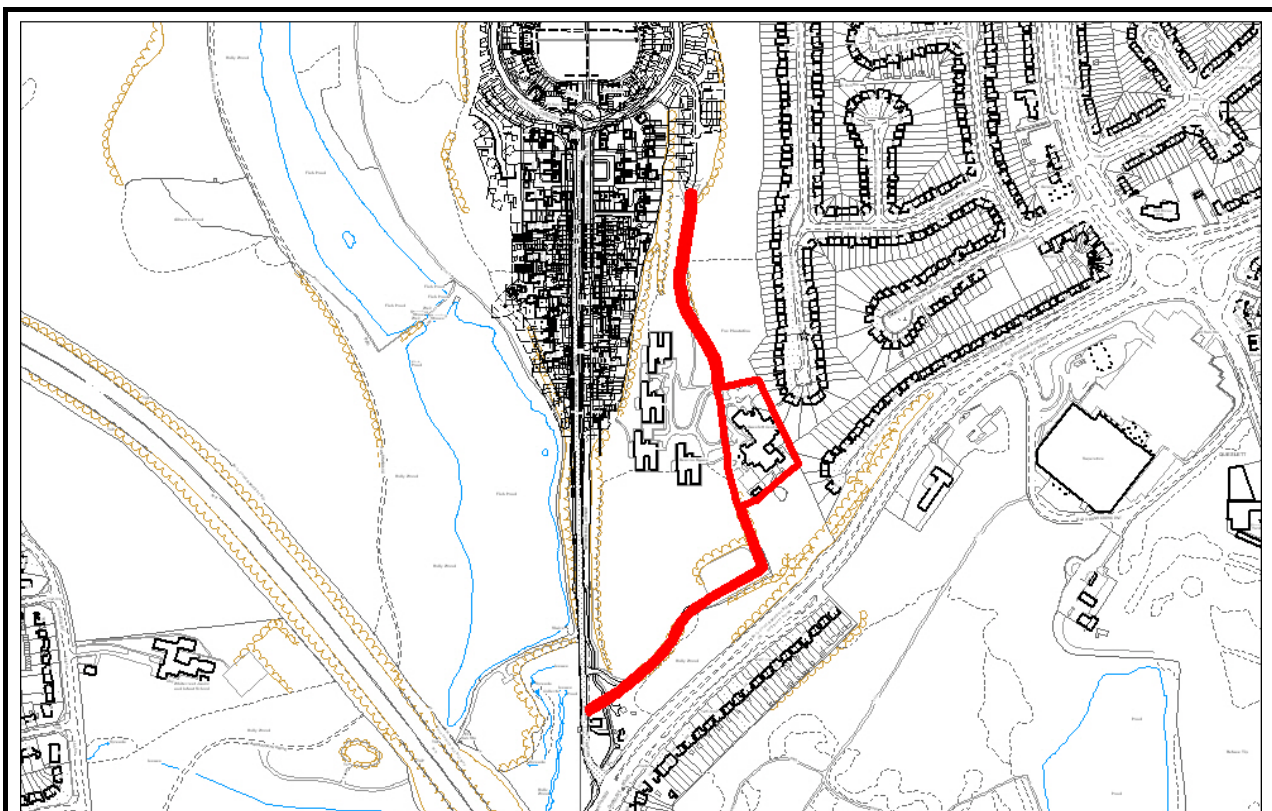
**Ward:** Pheasey Park Farm

**Case Officer:** Barbara Toy  
**Telephone Number:** 01922 652429  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** GVA Grimley

**Location:** Queslett Centre, Lakeview Close, Walsall, B43

**Expired Date:** 24/12/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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

## **Application and Site Details**

The site is situated on the eastern boundary of the former St Margaret's hospital site and includes the former hospital school buildings and caretakers house. The school buildings have an irregular footprint of predominantly single storey buildings, with some taller elements, the caretakers house is to the south of the school buildings and is a two storey utilitarian building. Both the school buildings and the house were constructed in the 1970's. The footprint of the buildings is 1770.35sqm. The buildings are leased to Walsall Community Health NHS Trust, but the school building has been vacant since December 2005 and the caretakers house vacant for over 20 years. The buildings have fallen into a state of disrepair and are now in very poor condition having suffered from vandalism and fire damage from numerous arson attacks. Conservation Area Consent for demolition of the buildings was granted in December 2007 (07/2120/CC/E10).

St Margaret's Hospital occupied part of the Great Barr Hall estate a Grade II \* listed building. The site is situated within the Great Barr Conservation Area and is a registered historic garden and in the Green Belt. Tree Preservation Order 19 of 1995 protects all the trees on the site and on adjoining land. The site, together with the remainder of the former hospital site, is designated within the UDP proposals map as an existing development site in the Green Belt.

Lakeview Close runs along the western boundary of the site and to the north and west and is an unadopted access road accessed off Nether Hall Avenue (off Queslett Road). The drive is currently used by contractors vehicles during the construction of the adjacent residential estate.

Immediately to the east of the site are residential properties in Foxwood Avenue and Queslett Road, bounded by mature protected trees, immediately to the north and south by woodland areas (all trees protected) designated as a Site of Local Importance for Nature Conservation (SLINC) and to the west a site cleared of four former hospital buildings. Beyond to the west and north is a residential estate of 445 dwellings still under construction on the remainder of the former hospital site. The wider site contains a Site of Importance for Nature Conservation (SINC). St. Margaret's Hospital grounds, along with Great Barr Hall and Estate, whilst providing a unique development opportunity, remain one of the most sensitive sites within the Borough.

The site sits at a higher level than the residential estate to the west and Queslett Road to the south and the land to the north rises away from the site.

This outline application proposes redevelopment of the site for residential development with access, layout and scale for determination at this time and appearance and landscaping to be reserved for future determination.

The layout proposed shows 7 detached two storey houses facing west, positioned around a crescent created off Lakeview Close, each property with a large private rear garden, a garage and driveway parking. Access to the site would be from the south only, along Lakeview Close. The crescent formation would allow vehicles to turn and leave the site in a southerly direction. The combined footprint of the 7 houses would be 649sqm.

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

- **Design and Access Statement**

Provides an analysis of the site and its physical context, landscape character, views, townscape character, access and movement, the master plan and details of the access, layout and scale elements for determination.

- **Planning Statement**

Describes the site and proposals and provides an analysis of both local and national planning policy, details of the pre-application consultation, and an analysis of the planning principles and merits of the proposals.

- **Tree Assessment Report**

This provides a full assessment of all the trees on the site and those within the woodland areas bordering the site. The report concludes that there are no individual specimens or groups of a high quality (category A), but all three woodlands are Category A for their importance to the local landscape. 14 Trees would be lost to facilitate the development, and the report recommends that 2 further small groups be removed due to their poor condition. Mitigation planting is proposed and the report details appropriate tree protection measures.

- **Transport Statement**

Provides an assessment of the existing and proposed development, existing transport conditions, access arrangements and trip generation. The report concludes that there are no transport issues within the external network, access to public transport is good with local highway improvements being made since the recent residential development adjacent. Vehicle movements from the existing permitted use of the site to the proposals would equate to an 88.7% reduction.

- **Ecological Appraisal**

It identifies one statutory site of local conservation importance approx 450m to the south west of the site and a SLINC immediately to the south, west and north of the site. Five further SINC's within 1km including St Margaret's hospital grounds. The report provides an analysis of habitats and provides results of initial bat and bird survey work. Bats were confirmed within the building and a separate bat report and mitigation strategy undertaken (detailed below). The appraisal recommends that works to remove any trees or hedgerows should take place outside the bird breeding season.

- **Bat Survey Report and Mitigation Strategy**

This includes the results of the initial survey and three nocturnal surveys that were undertaken. Two small roosts were confirmed in the former caretakers house, used by a small number of male or non breeding female bats. Given these results a Licence from Natural England will be required for any work to the building to be undertaken. A mitigation and compensation strategy is provided to support the licence application. This recommends 15 bat boxes be placed on 5 suitable trees around the site prior to the demolition of the building. Three different types of boxes are recommended which would be suitable for a wide range of species. The roost will need to be destroyed under appropriate methods to minimise the risk of injury/killing of bats under the supervision of a licensed bat worker. The site should be monitored for a minimum of 1 year post redevelopment.

The site area of 0.93 hectares would provide a density of 7.5 dwellings per hectare.

### **Relevant Planning History**

BD3471, erection of hospital school, approved 07-01-1976.

BD8662, construction of footpath from St Margaret's Hospital School to Queslett Road, refused 06-04-1978

BD10295, erection of caretakers house at Queslett School, approved 12-10-1978.

07/2120/CC/E10, conservation area consent for the demolition of existing school buildings, granted subject to conditions 03-12-07.

### **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'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.

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV2: Allows limited infilling or redevelopment of major existing developed sites in accordance with policy ENV4.

ENV3: Identifies more detailed considerations for proposals in the Green Belt.

ENV4: allows for infilling or redevelopment of major developed sites in the Green Belt provided proposals have no greater impact than the existing development on the openness and purpose of the Green Belt.

ENV8: New development on Great Barr Hall and Estate and St. Margaret's Hospital other than that which is normally appropriate in the Green Belt will be limited to the replacement footprint of existing buildings. All proposals must provide for preservation, enhancement and improvement of the character of buildings of architectural or historic interest, and management of the historic landscape and SINC's, and preservation and enhancement of Great Barr Conservation Area.

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.

ENV21: Development which would destroy, damage or adversely affect a SLINC will not be permitted unless it can be demonstrated that there are reasons for the proposal to outweigh its level of nature conservation value.

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

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

ENV29: Development should preserve or enhance the character and appearance of a Conservation Area. In the event the Council grants permission for demolition of a Conservation Area property possessing architectural or historic interest the Council will require a building recording scheme.

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

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

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.

H9: Densities below 30 dwellings per hectare may exceptionally be justified to provide larger houses to support urban regeneration.

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

T13: car parking standards

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

4 bedroom houses and above - 3 spaces per unit

### **Supplementary Planning Document: Designing Walsall (Feb 2008)**

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;

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 and garden dimensions of 12m in length and 68m<sup>2</sup> for housing. 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.

### **Supplementary Planning Document: Conserving Walsall's Natural Environment (April 2008)**

Expands on the policies contained within the environment chapter of the UDP.

NE1 and NE4: all relevant applications to be supported by an adequate impact assessment.

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

Annex 1 provides guidance for European Protected Species including detailed guidance on bats and survey requirements.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

### **National Policy**

PPS1: Promotes sustainable development and good design.

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt. Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate 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.

PPS5 (Planning for the Historic Environment (2010) which replaces PPG15 (Planning and the Historic Environment) and PPG16 (Archaeology), places greater emphasis on conserving and enhancing what is significant in heritage terms about a place, rather than protecting an entire area for its own sake. PPS5 also states that Local Planning Authorities (LPAs) should take into account the desirability of a new development making a positive contribution to the character and local distinctiveness of the historic environment.

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

### **Consultations**

**Planning Policy** – No objections, the proposals appear to comply with policy.

**Transportation** – No objections subject to conditions re visibility splay at the southern access, street lighting and surfacing and an agreement with West Midlands Fire Service re emergency access arrangements.

**Pollution Control -Scientific Team** – No objections subject to condition to restrict hours of working on site.

**Contaminated Land** – No objections subject to conditions to ensure a desk study and site reconnaissance is carried out to identify the potential for contaminants and/or ground gases likely to be present on the site. Should any contaminants be identified then a ground contamination survey and site investigation should be carried out.

**Landscape** – No objections subject to detailed landscape/external works schedule to include botanical names, numbers and size of all proposed trees and shrubs, turf/seeded areas, topsoil depth and specification and staking details for any trees, as well as hard landscaping details, paving materials and boundary treatment.

**Arboricultural Officer** – No objection to the development providing that replacement tree planting is secured through a planning condition. It is also important that a tree protection condition is imposed to ensure trees are protected from site clearance work, demolition and future development. Most of the existing trees on the site are protected by Tree Preservation Order 19 of 1995. The majority of the trees will be retained within the development but some trees along the western boundary of the site will be lost. It is considered that these trees can be replaced within the development as part of the landscape scheme. No tree on the boundary with the existing housing is to be removed except those in poor condition. This will ensure there is visual separation between the existing housing and the proposed development. It is also important to note that the proposed housing is mainly set well back from existing trees which will minimise future shading problems and complaints from future house owners.

**Natural Environment** – This application is acceptable on ecological grounds subject to appropriate conditions.

A small bat roost has been found in the disused caretaker's house which is used by two species of bats. As all species of British Bats are European Protected Species, it is essential that in determination of this application, full consideration is made of the three tests set out in the Habitats Regulations. If the application is granted without proper consideration of these tests the permission may be invalid if challenged in the courts. The three tests are; the Purpose test, the No Satisfactory Alternative test and Maintenance of Favourable Conservation Status test. These are set out in detail in the observations section of this report.

A Natural England licence will also be required once any planning permission is granted. The applicant's ecologist has proposed a thorough series of measures to accommodate the bats during demolition works.

**Conservation Officer** – No objections subject to a condition to ensure that all building materials and design details are submitted for approval prior to any work starting on site. The site is situated within the Great Barr Conservation Area. The site is well screened by protected trees, the proposed footprint is no greater than the existing development and the height of the future development should be restricted to two storey.

**Police Architectural Liaison Officer** – No objections in principle, the developer is encouraged to design and build to achieve Secure by Design accreditation, to ensure that minimum security standards are installed from the outset. Specific design advice provided and forwarded to the agent.

**Fire Service** – Satisfactory provided the second access shown on the site plan is available for use.

**Public Rights of Way Officer** – No objections as there are no public rights of way within the site.

## **Public Participation Responses**

Three letters of objection received from two properties.

Objections:

- Increase in road noise
- Overlooking
- Loss of light
- Disturbance during construction
- Increased volume of traffic
- General disruption to Nether Hall Park residents
- Already sufficient housing capacity in the area without further properties.
- Amenities and traffic already over maximum capacity from existing Nether Hall Park estate.
- If Lakeview Close becomes a permanent access route to new houses it will spoil the woodland experience for the residents of the existing estate.
- Health and safety issue for locals using the woodland area if paths not well designed and lit.
- Adverse impact on conservation area from more residential properties
- Better uses for this derelict area.

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

## **Determining Issues**

- Principle of Development, including Green Belt and Conservation area issues
- Layout and Scale
- Access and Parking
- Impact on surrounding occupiers
- Trees and Ecology

## **Observations**

### **Principle of Development including Green Belt and Conservation Area Issues**

The site is situated within the former St Margaret's hospital site, designated in the UDP as a major development site in the Green Belt under saved policies ENV4(d) and ENV8(d) & (e). The principle of development of the site has already been established through this designation.

The majority of the site has already been redeveloped for residential purposes and the final phase is now under construction. The application site is on the periphery of the main site and did not form part of the original masterplan for redevelopment of the site.

ENV4(d) and ENV8(d) and (e) provide detailed criteria for the assessment of proposals for the site which echo the guidance within Annex C of PPG2.

Redevelopment proposals should have no greater impact than the existing development on the openness and purpose of the Green Belt, the height of the existing buildings should not be exceeded and the area covered by buildings would not occupy a larger area of the

site than the footprint of the existing buildings and should be restricted to locations considered environmentally acceptable. There should be no significant intensification of activities on the site or no significant extra traffic generated.

The proposed footprint of the seven houses would be 649sqm representing just 36.6% of the existing footprint of the school buildings and the caretakers house combined (1770.35sqm). The proposals result in a substantial reduction in footprint, reducing the overall impact of the development on the Green Belt. The existing site also includes large areas of hardstanding around the existing buildings to provide 35 parking spaces for the previous use. This too would be substantially reduced to 2/3 parking spaces for each house.

Whilst the school building is predominantly single storey it also has a number of two storey height equivalent elements with a maximum height of 8.5m and the caretakers house is a two storey building. The elevations of the proposed houses have been provided to determine the scale of the buildings only and not the appearance, these show five of the houses below the height of the existing buildings on site but two units approx 0.9m higher. The proposed houses are detached buildings allowing views between them rather than the existing large mass and irregular shaped building and as above provide a substantially reduced footprint (63.4%) over the existing. The impact on the openness and purpose of the green belt is substantially reduced despite the small increase in the height of two of the proposed units.

The location of the buildings within the site has been specifically designed to utilise the existing hardstanding area and building area and to minimise any adverse impact on the existing trees within and surrounding the site and are in acceptable locations.

The previous use of the premises together with the 35 parking spaces around the building would have created significantly more activity (comings and goings) than the proposed seven houses. The proposals would have less environmental impact than the authorised use of the site.

The proposals comply with guidance in saved policies ENV4 and ENV8 and PPG2 Annex C for redevelopment of a major development site in the green belt and would have no adverse impact on the openness, character and purpose of the green belt.

The site is also located within the Great Barr conservation area. Conservation Area Consent has already been granted for demolition of the existing buildings as the vacant vandalised and fire damaged buildings have limited architectural merit and adversely impact on the quality of the conservation area. The removal of the existing buildings would have a positive impact on the conservation area. The proposed redevelopment would provide a limited number of two storey properties on a site well screened by existing protected mature trees and would have no adverse impact on the character and appearance of the conservation area. The detailed design and materials to be used are not for determination within this application, but would be a consideration in any future reserved matters application. The proposals would accord with the aims and objectives of the saved policies in the UDP relating to protecting and enhancing the conservation area.

The site is previously developed land and the principle of redevelopment is established by its designation as a major development site in the Green Belt within the UDP. Residential

development has already been granted and implemented on the larger element of the former hospital site and further residential development at this UDP identified development site is therefore considered appropriate. Road improvements into the main site from Queslett Road have already been implemented and a bus service provided into the new adjacent housing estate, access and other modes of transport are therefore already in place and will readily serve this site as well.

### **Layout and Scale**

The proposed houses would be positioned either within the existing footprint or the hardstanding of the existing development, creating minimal environmental impact.

Each house would front the proposed new crescent, providing a street frontage, despite this remote location.

The proposals would provide a low density of 7 dwellings per hectare, reflecting the sensitive nature of the site and the requirement to retain and enhance the natural environment and in this location the density is considered appropriate.

The houses would each have substantial private rear gardens exceeding the 68sqm requirement of Appendix E of Designing Walsall. The closest residential property in Foxwood Avenue to the east would be 37m away, exceeding the 24m separation distance required by Appendix E between facing habitable room windows. In addition a line of mature protected trees form the boundary, ensuring no adverse impact or overlooking between the existing and the proposed houses.

The proposals are for two storey houses providing an appropriate scale of development for the site and the surroundings. The detached nature of the houses would reduce the overall impact of the massing of the buildings in comparison to the existing buildings on the site.

The layout, scale and massing of the proposed development is considered appropriate for the site and location.

### **Access and Parking**

Access to the site is from Lakeview Close, off Nether Hall Avenue. Road improvements into the main site from Queslett Road have already been implemented and include a traffic light controlled junction.

Lakeview Close is unadopted and is in relatively poor condition. There is no intention for the route to be adopted as part of the proposals but the condition of the road would be addressed through any reserved matters application, which will also need to include details of surfacing and lighting.

The Transport Statement confirms that the vehicle trip generation for the permitted use as a school would substantially reduce from 520 two way movements per day to 59 two way trips for the proposed development, an 88.7% reduction in movement.

The site plan includes the full length of Lakeview Close, to the south and north of the site. The southern route was previously used by the school and would be utilised by the residents and associated visitors and services. The northern route links into the adjacent housing development site and would provide emergency service access if the southern

access became impassable. West Midlands Fire Service have confirmed no objections to the proposals providing the northern access is available.

Parking for the proposals would comply with saved policy T13 of the UDP and would be provided by garages and driveway parking to each house.

### **Impact on surrounding occupiers**

The proposed buildings would be situated further from the eastern boundary with residential properties in Foxwood Avenue and Queslett Road, than the existing school buildings and would exceed the 24m separation distance required by Appendix E of Designing Walsall (37m). A screen of mature, protected trees form the boundary and would remain unaffected and protected during demolition and construction. The proposed house would have no adverse impact on the amenities of the occupiers of the existing houses in Foxwood Avenue and Queslett Road to the east.

The objectors live within the new residential estate to the west of the site, which sits at a lower level with a wooded and cleared site between. The closest properties sit approx 140m to the east at a lower level than the site. The proposals would be barely visible from the properties in the new estate due to the levels difference, distance and substantial trees and wooded areas that screen the site. Lakeview Close would be used for access to the site for construction which would minimise any disruption to the existing residents of Nether Hall Avenue. The addition of 7 houses would have minimum impact of the existing amenities and traffic already generated by the Nether Hall Park development. The use of Lakeview Close by the new houses would have no adverse impact on the existing woodland experience, the proposals would generate a 88.7% reduction in traffic movements over the authorised use of the site.

The proposals would remove the derelict school buildings which have been a focal point for anti social behaviour, disturbance and arson, which has had an adverse impact on the amenities of the neighbouring houses to the east.

### **Trees and Natural Environment**

The proposals will result in some loss of trees within the site but no objections have been raised from the tree officer as full tree protection measures for those to be retained will be put in place prior to demolition and replacement tree planting is proposed. The trees along the boundary between the development and Foxwood Avenue and Queslett Road will remain and be protected during demolition and construction which will ensure there is visual separation between the existing houses and the development. The proposed houses are set back from the existing trees which will minimise future shading problems for the future occupiers of the properties.

Two species of bat have been found using the caretakers house. It is not feasible to repair/refurbish the dilapidated building and demolition is unavoidable. A Licence application to Natural England is required. The three tests under the Habitats Regulations therefore need to be fully considered. The applicant has submitted information which has been assessed.

### **The Three Tests**

Regulation 44(2)(e) the 'Purpose' test indicates that a licence may be issued in the interests of preserving public health or public safety, the following case for this has been

put forward:

The school building has not been used since December 2005 and the caretaker's house has not been used for over 20 years. The buildings have fallen into disrepair and vandalism and arson attacks have occurred as well as theft of materials. Asbestos is present in the buildings and further damage could have health implications. In their present state the buildings present a considerable risk to public health and safety which is exacerbated by the isolated nature of the site and the difficulties in preventing unauthorised access, there is a risk that trespassers may suffer serious injury. Considerable expense has been incurred securing the site, which has been unsuccessful. The police and fire service have also incurred considerable expense in visiting the site to deal with incidents.

Regulation 44(3)(a) requires that no licence should be issued unless there is no satisfactory alternative and the following case for this has been put forward:

Doing nothing is not feasible, the buildings attract anti social behaviour and are a drain on public services. The buildings are in very poor condition and there is no viable use for them. Bats are entering the building through a broken window so bringing the building back into use would still disturb the bat roost. Retaining the building as a bat roost is not feasible as the vandalism problems would remain and would threaten the future of the roost. Careful demolition and mitigation offers a more certain future for the bats.

Regulation 44(3)(b) requires that the action authorised (by licences) will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The submitted bat impact assessment report provides mitigation measures which includes 15 bat boxes of three different designs be placed on 5 suitable trees around the site prior to the loss of the known roost. Three boxes (each of a different design) should be placed on each semi mature/mature tree to encourage different environmental conditions and suitable for a wide range of species. Details of timing for the work and working methods have also been provided and are considered satisfactory. It is also recommended that a condition be attached to ensure additional bat roosts are built into the fabric of the future buildings.

The poor state of the buildings and their disused state make it impractical to retain the bat roost (comprising very small numbers of two widespread species). The regular instances of vandalism exacerbate the problems. The mitigation proposed offers a more practical solution than doing nothing and is unlikely to be detrimental to the maintenance of favourable conservation status of the species involved.

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

The principle of redevelopment of the site is already established as the site is an allocated major development site within the Green Belt within the UDP. A large element of the former hospital site has already been redeveloped for residential purposes, so seven further residential units is considered acceptable.

Conservation Area Consent has already been granted for the demolition of the derelict school buildings and caretakers house. The proposals comply with guidance in saved UDP policies ENV 4 and ENV 8 which provide guidance for development of this major site in the Green Belt. The proposals include a substantially reduced building footprint (63.4% reduction), two storey buildings only 0.9m higher than the existing, is an acceptable

location to reduce any environmental impacts, creating greater openness in the Green Belt, reduced activity compared to the previous use and a significant reduction in the hardstanding around the buildings. The proposals would be well screened and would have no adverse impact on the character and appearance of the Great Barr Conservation Area.

The proposed layout would comply with the separation distances and garden sizes within Appendix E of Designing Walsall and would retain the majority of the trees within the site and along the site boundary ensuring that a screen is maintained between the existing houses adjacent and the proposals, to ensure no adverse impact on the amenities of the surrounding occupiers. The scale and massing of the proposals are considered appropriate and whilst the density is very low it is considered appropriate for this sensitive isolated location.

The proposals would utilise the existing Lakeview Close access and appropriate levels of parking would be provided.

The proposals would be barely visible from the properties in the new residential estate to the west of the site due to the levels difference, distance and substantial trees and wooded areas that screen the site. Lakeview Close would be used for access to the site for construction which would minimise any disruption to the existing residents of Nether Hall Avenue. The addition of 7 houses would have minimal adverse impact on the existing amenities and traffic already generated by the Nether Hall Park development. The use of Lakeview Close by the new houses would have no adverse impact on the existing woodland experience, the proposals would generate a 88.7% reduction in traffic movements over the authorised use of the site and therefore reduce the impact on the existing residents.

The majority of the trees within the site will be retained and protected during demolition and construction and replacement tree planting will be provided to mitigate the loss of protected trees.

A bat roost has been identified within the caretakers house, but retention of the house and the school buildings is impractical due to their poor state of repair, vandalism and results of arson attacks. The proposal would require a licence from Natural England, but the applicants have submitted appropriate mitigation and method details to satisfy the three tests under the Habitats Regulations.

For the above reasons the proposals are considered to comply with policies 2.2, 3.6, 3.7, GP1, GP2, GP4, GP7, 3.16, 3.21, ENV2, ENV3, ENV4, ENV8, ENV14, ENV18, ENV21, ENV23, ENV24, ENV29, ENV32, ENV33, ENV40, 6.3, H3, H9, H10, 3.116, 3.117, T7 and T13 of Walsall Unitary Development Plan(2005), Supplementary Planning Documents: Designing Walsall (2008) and Conserving Walsall's Natural Environment (2008).

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

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 Landscaping and External Appearance Reserved Matters have been submitted to and approved by the Local Planning Authority.

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

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

*Reason:* To ensure the facing and roofing materials harmonise with those in the surrounding vicinity and the Great Barr Conservation Area.

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

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

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

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

7. Prior to first occupation of any part of the development, the access drive, parking and manoeuvring shown on the approved plan shall be fully consolidated, surfaced and drained and shall be installed and thereafter be retained for this purpose only.

*Reason:* To ensure availability of adequate off-street parking.

8. A detailed landscaping scheme shall be submitted as part of any Reserved Matters application that includes; planting to complement and enhance the ecological value of the adjacent St Margaret's Hospital Site of Local Importance for Nature Conservation, including species, numbers and size of all trees and shrubs, details of turf/seeded areas as well as topsoil depths and specifications and staking details of proposed trees, planting of

trees and hedgerows using native species of local provenance, replacement tree planting to mitigate for the loss of protected trees on the site. The agreed scheme shall be implemented within 12 months of the development completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

*Reason:* To enhance the ecological value of the site and the adjacent Site of Local Importance for Nature Conservation, to safeguard the visual amenity of the conservation area and green belt and mitigate for the loss of protected trees.

9. Site clearance works shall proceed only in accordance with the mitigation proposals set out in paragraphs 5.1 to 5.7 of the Bat Survey Report and Mitigation Strategy by FPCR Environment and Design Ltd dated October 2010 and submitted in support of the this planning application. The results of the post-development monitoring shall be submitted in writing to the Local Planning Authority within a month of a monitoring visit being carried out.

*Reason:* To conserve local bat populations.

10. No development other than site clearance works shall commence until proposals to incorporate bat roosting features into the proposed buildings have been received and approved in writing by the Local Planning Authority. The approved scheme shall be incorporated into the development before any part is brought into use and retained and maintained thereafter.

*Reason:* To conserve local bat populations.

11. Prior to the commencement of any works on site, including site clearance or demolition work, tree protection measures, including the erection of barriers and ground protection in accordance with the standards set out in BS5837:2005 shall be fully implemented on site. Once implemented the measures shall be retained until development is completed and the land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in BS5837:2005.

*Reason:* To safeguard the trees included in the Tree Preservation Order on the site.

12. During demolition, site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained. Upon the completion of the development the area used shall be fully reinstated to its former condition, prior to occupation of the dwelling hereby approved.

*Reason:* To safeguard the trees included in the Tree Preservation Order on the site.

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

*Reason:* To safeguard the trees included in the Tree Preservation Order on the site.

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

*Reason:* To safeguard the existing trees on the site not included in the Tree Preservation Order.

15. Emergency access arrangements shall be fully detailed in any reserved matters application and the approved details implemented prior to first occupation of any part of the development and thereafter retained and maintained.

*Reason:* In order to ensure satisfactory emergency access

16. Details of vehicle visibility splay at the southern access point from the proposed crescent in a southerly direction shall be provided as part of any Reserved Matters application.

*Reason:* To maintain highway safety.

17. Details of improvements to Lakeview Close in a southerly direction, i.e. street lighting and surface condition shall be provided as part of any Reserved Matters application and the approved details implemented prior to first occupation of any part of the development and thereafter retained and maintained.

*Reason:* To ensure safe and appropriate access arrangements

18. Prior to the commencement of any development on site 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.

19. The development shall be constructed in accordance with the Code of Sustainable Homes Level 3 relating to energy efficiency / CO2, 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 strategic policy aims 2.1, 2.2, 3.17 and 3.18 and saved policy GP2 of the Walsall Unitary Development Plan.

20. 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 0700 to 1800 weekdays and 0800 to 1400 hours 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 safeguard the amenity of occupiers of premises within the vicinity.

21. This development shall not be carried out other than in conformity with the following approved plans and documents except in so far as may be otherwise required by conditions: -

4265\_SK\_01 Rev B – Masterplan submitted 24<sup>th</sup> September 2010  
 4265\_SK\_02 Rev B – Block Plan submitted 24<sup>th</sup> September 2010  
 4265\_SK\_03 Rev B – Elevations submitted 24<sup>th</sup> September 2010  
 4265\_SK\_04 Rev B – Ground Floor Plans submitted 24<sup>th</sup> September 2010

4265\_SK\_08 – Application Site Plan submitted 24<sup>th</sup> September 2010  
 4265\_SK\_09 – Block Plan – Autotracking (Refuse Vehicle) submitted 24<sup>th</sup> September 2010  
 4265\_SK\_10 – Land Ownership Plan submitted 24<sup>th</sup> September 2010  
 4265\_A\_02 – Tree Retention & Removal Plan submitted 24<sup>th</sup> September 2010  
 H140/11 – Elevations St Margarets Hospital School (dated 14-10-75) submitted 24<sup>th</sup> September 2010  
 4265\_SK\_10 Rev B – Overlay with Existing Buildings submitted 25<sup>th</sup> October 2010  
 Transport Statement by Aecom Transportation submitted 24<sup>th</sup> September 2010  
 Design and Access Statement submitted 24<sup>th</sup> September 2010  
 Planning Statement by GVA Grimley submitted 24<sup>th</sup> September 2010  
 Ecological Appraisal by fpcr submitted 24<sup>th</sup> September 2010  
 Tree Assessment Report by fpcr submitted 24<sup>th</sup> September 2010  
 Bat Survey Report & Mitigation Strategy by fpcr submitted 14<sup>th</sup> October 2010  
 Planning Statement – Consideration of Satisfactory Alternatives by fpcr submitted 14<sup>th</sup> October 2010

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

## **Notes to applicant**

### **Nesting birds.**

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

### **West Midlands Police**

For more advice on Secure by Design please contact Mark Ledo, Crime Reduction Officer & Crime Prevention Design Advisor, Walsall Partnerships Team, Walsall Police Station, Tel 01922 439103, email [ledo\\_1892@west-midlands.pnn.police.uk](mailto:ledo_1892@west-midlands.pnn.police.uk)

### **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.

-----





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

### Reason for bringing to committee: Major Application

**Application Number:** 10/1346/TE  
**Application Type:** Extend Time Limit

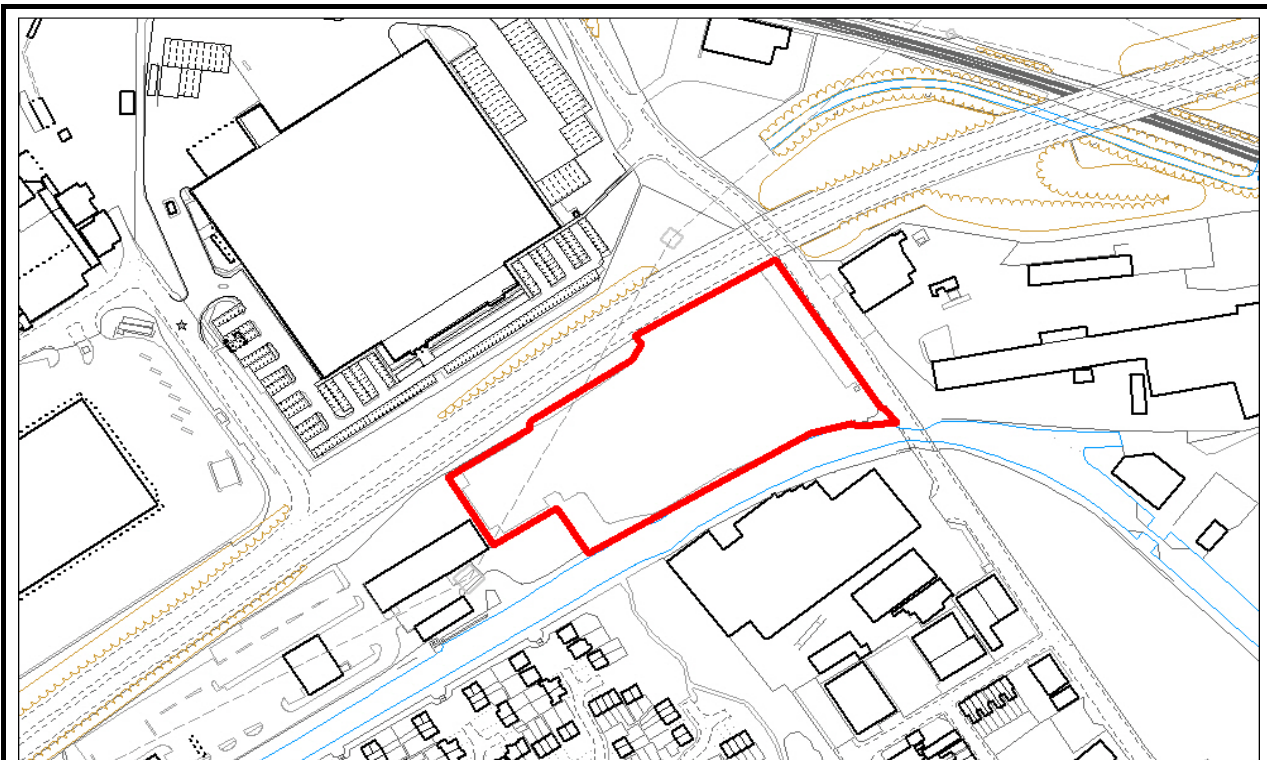
**Applicant:** Farnley Investments Ltd  
**Proposal:** Application to extend time limit for implementation of planning approval reference number 07/1798/FL/W5 for proposed warehouse/distribution unit with two storey office accommodation.

**Ward:** Bentley & Darlaston North

**Case Officer:** Karon Hulse  
**Telephone Number:** 01922 652492  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Design to Build  
**Location:** CENTRAL POINT,  
WILLENHALL ROAD, DARLASTON,  
WALSALL,

**Expired Date:** 03/12/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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

## **Application and Site Details**

This application seeks consent to extend the time period to implement the previously approved application for the construction of a new distribution warehouse on land off Willenhall Road to the south of the Black Country Route.

Clearly the current economic climate has impacted upon the ability for developers to act on planning decisions at the moment and therefore in order to allow for the consents to be acted upon in the near future when the economy changes.

There are no material alterations to the proposed details which were previously approved and which will see a large vacant site brought back into use. The design of the building is basically a simple warehouse with a bespoke two storey office block attached running at right angles to the main body of the warehouse. The office block has been specifically designed to provide a focal point which will include an overhanging mono pitched roof with a fully glazed frontage nearest to the Black Country Route and Willenhall Road.

## **Relevant Planning History**

07/1798/FL/W5 – Proposed warehouse/distribution unit with two-storey office accommodation. Grant Subject to Conditions 31<sup>st</sup> October, 2007

02/0453/FL/W6 – Outline B1, B2, B8 Use Class. Grant Subject to Conditions 2002

## **Relevant Planning Policy Summary**

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

### **Unitary Development Plan**

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

3.6, 3.7 and 3.16 suggest schemes should help improve the environment of the Borough and consider development in relation to its setting, character and quality of the existing local environment and require a high quality of built and landscape design.

4.1, 4.2 and 4.4 relate to improving the local environment and enhance the image of the area, promotes investment and diversification to meet the needs of both inward investors and existing firms and require core employment uses defined as industry and distribution in Classes B1b, B1c, B2 and B8 to be situated in locations of strategic importance with good accessibility.

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

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

Policy LC9 relates to securing good design of buildings and development along or near to canal corridors.

### **Local Development Framework (LDF)**

Since the last application, there have been key policy changes. The RSS and PPS4 issues are set out below. The other issue is the publication of the submission version of the Black Country Joint Core Strategy (BCJCS) which has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an appropriate portfolio of land exists to meet the needs of the economy. Policy QE9 highlights the need to promote the water environment and improve such facilities, including canals.

### **National Policy**

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

PPS4 since the last application there has been the publication of PPS4 which replaces

- PPG4 (Industrial, Commercial Development and Small Firms),
- PPG5 (Simplified Planning Zones),
- PPS6 (Planning for Town Centres)
- and
- economic development sections of PPS7
- 

The purpose of the merged guidance is to streamline national planning policy to create a coherent and comprehensive policy framework for planning for sustainable economic growth in urban and rural areas and especially in town centres. It seeks to encourage sustainable economic growth, policy EC2.1(e) seeks to ensure that key distribution networks which generate substantial transport movements are in accessible locations, avoiding congestion and preserving local amenity as far as possible.

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

## **Consultations**

None

## **Public Participation Responses**

None

## **Determining Issues**

Material alterations to details

## **Observations**

***The determining issues: development opportunity, design / landscaping, impact on the canal, car parking provision and impact on residential amenity were all previously considered and with the imposition of conditions to restrict and control operations on the site it was considered acceptable, appropriate and in accordance with policies of the Unitary Development Plan.***

As recorded in the Policy section, since the last application, the key policy changes have been the publication of PPS4, the abolition of the West Midlands RSS and publication of the submission version of the Black Country Joint Core Strategy (BCJCS). None of these policy changes have implications for the determination of this application in deed they support the redevelopment of such sites which are in good accessible locations and have good transport links.

There have been no other material alterations to the proposals and clearly the economic downturn in the market has been a factor on the implementation of the previous approval, the extension of the time limit will therefore allow the development to go ahead in the future as and when the economy improves.

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

The extension of the time limit to allow implementation of planning application reference number 07/1798/FL/W5 dated 31<sup>st</sup> October, 2007, within the current economic climate, is considered to be appropriate in order to secure the development of this vacant site. There have been no material alterations to the proposals or the circumstances, the development therefore continues to comply with the relevant policies of the development plan, in particular policies GP1, GP2, Env14, Env10, Env40, 3.6, 3.7, 3.16, 4.1, 4.2, 4.4, JP5, T13, T7, T8, LC5 and LC9.

## **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 details of proposed refuse 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 prevent congestion on-site to the potential detriment of highway safety and to ensure the satisfactory appearance and functioning of the development.

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

*Reason:* To safeguard the amenity of adjoining and nearby occupants

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

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

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

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

6. 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

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

*Reason:* To prevent pollution of the water environment

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

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

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

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

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

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

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

11. 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.

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

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

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

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

14. No development shall be carried out until details of car parking, which demonstrates an increase of the proposed revised number by an additional 10 spaces, has been approved in writing by the Local Planning Authority. The plans shall clearly show how the car parking layout will include 10 per cent of spaces for use by drivers with disabilities, suitable markings and means of surface water drainage. The accessways, vehicle parking and manoeuvring areas shall be surfaced in tarmac (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

*Reason:* To ensure the satisfactory provision of off-street parking, ensure the satisfactory appearance and functioning of the development and interests of highway safety and to ensure adequate provision for the ease of access for disabled persons.

15. 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 thereafter be retained.

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

16. 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 and thereafter retained in accordance with the approved details.

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

17. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

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

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

18. 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 2 months of completion. Any necessary noise mitigation measures to protect nearby residential accommodation shall 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 nearby occupants/residents.

19. Before this development is first brought into use details and location of signage, giving motorists advance notice of the entrance to the application site, shall have been submitted to and approved in writing by the Local Planning Authority. The location of the sign shall be on the approach to the canal bridge from the south west along Willenhall Road, Darlaston. The approved details shall be implemented before occupation and thereafter retained in a clean and safe condition.

*Reason:* In the interests of highway safety.

## NOTE FOR APPLICANT

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

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

**C.** 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,  $L_{Aeq(5 \text{ minutes})}$ , 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,  $L_{Aeq(1 \text{ hour})}$ , of 45 dB between the hours 07.00 to 19.00; and
- c). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(1 \text{ hour})}$ , of 40 dB between the hours 19.00 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.*

**D.** 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.

-----





## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

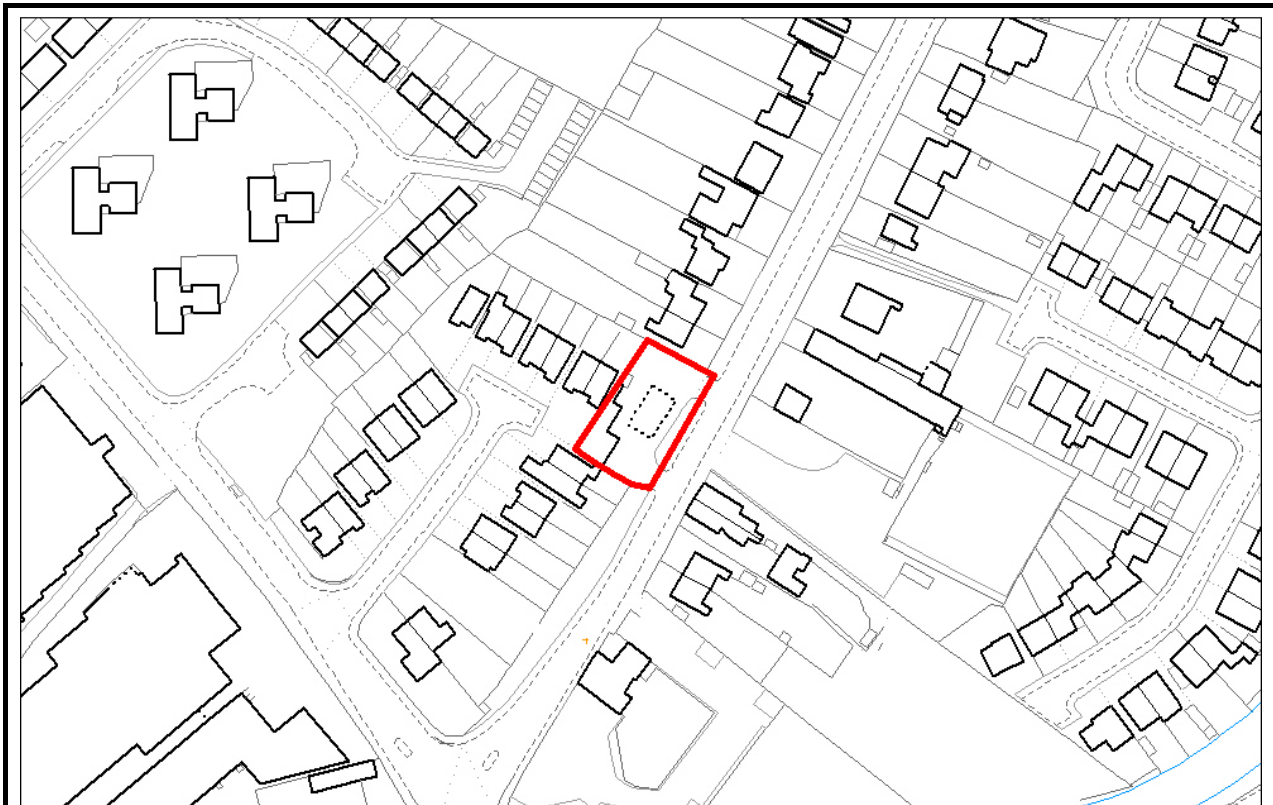
### Reason for bringing to committee: Significant Community Interest

**Application Number:** 10/0077/FL  
**Application Type:** Full application

**Applicant:** Mr J Singh  
**Proposal:** Change of use of storage building to taxi base, with 3 taxis operating from garage site.  
**Ward:** Short Heath

**Case Officer:** Andrew Thompson  
**Telephone Number:** 01922 652403  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:** Mr J Jhand  
**Location:** 15 BLOXWICH ROAD  
NORTH, SHORT  
HEATH, WILLENHALL, WV125PG  
**Expired Date:** 22/03/2010

### Recommendation Summary: Grant Permission Subject to Conditions



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

## **Status**

The application was withdrawn from the agenda of 1<sup>st</sup> April 2010. This is a revised report.

## **Application and Site Details**

This application relates to the change of use of an existing single storey storage building at the Bloxwich Road North Petrol Filling Station into a taxi base for 3 taxis and to provide alterations to allow for on-site parking on the site.

The applicant has stated that they propose the operation of the site to 21.00 hours only (in response to concerns from residents).

The site is a long standing Petrol Filling Station on the western boundary of Bloxwich Road North with other uses including Short Heath Liberal Club, the United Kingdom and Bridge Tavern Public Houses and Arrow Industrial Estate all near the site. To the south is also a signalised junction with Straight Road (85 metres away).

In addition to the Petrol Filling activities there is also an MOT and Service operation as part of the authorised use of the site.

The applicant argues that the limited taxi operating time is a compromise to deliver the permission. Petrol and associated retail sales are to continue on the site, as the taxi base is a new business, and is a gamble. Operating a fleet of three taxis from this base could develop to be a success, but that is unknown. The restricted hours proposed may or may not be a success.

The applicant does not consider that the addition of taxi operations would result in over intensification of the use of the site (current petrol trade is very slow and has been for a long time now, hence the idea of a small taxi base as a supplementary). The taxi base is not going to be a walk in base nor would it be advertised in such a way. All customers will have to phone in and be collected from elsewhere, i.e. not be at Bridge Service Station.

The applicant will remove the unauthorised existing activity of car sales and vans for hire from the site in addition to remodelling and reworking the car parking areas on the site. Tyre storage has already been removed from the front of the car park area.

The previous report proposed a temporary permission, and the eventual closure of the petrol sales. The applicant requests that there not be a restriction seeking closure of the petrol sales. The applicant states that this will be a family business and taxis will not affect the smooth functioning of the site.

## **Relevant Planning History**

The application site has a long planning history relating to a Petrol Filling Station, MOT and car repairs (dating to the 1960s), but there is nothing recent.

## **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)).*

## **Unitary Development Plan (UDP)**

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.

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

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

JP8 – seeks to control bad neighbour uses

S7 – considers retail development outside or on the edge of town centres

ENV10 – deals with Pollution effects from developments including ground contamination and noise.

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

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.

## **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.

### **Local Development Framework (LDF)**

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

### **Regional Strategy for the West Midlands**

The Regional Strategy has been revoked by the Secretary of State in a Parliamentary Statement of 6 July 2010. It has therefore ceased to be planning policy. The work done for the strategy (and for the various partial revisions in the West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

### **National Policy**

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 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."

Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

PPS4: A wide reaching document that seeks to promote and deliver sustainable economic development.

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

### **Consultations**

**Transportation** – No objection

**Pollution Control**

**Scientific Team** – No objection

**Contaminated Land** – No objection

**Environmental Health** – No objection

But, taking into account its location, have concerns regarding noise and potential light nuisance to nearby residential premises mainly from the use of the base in the early hours. Although within the accompanying letter they offer some mitigation to control the noise, there will be need at some point during the night for persons which could be members of the public awaiting a taxi or the taxi driver themselves to come back to the office/base. The noise that would mainly be of concern is the taxi office/vehicle radio's, the car noise of taxi's leaving and arriving and if the taxi's are left running whilst waiting, and noise from people both visiting public and persons working at the base.

A restriction of the operating hours may reduce the impact on the residents from noise as discussed above. Furthermore there may need to be further conditions added regarding light pollution to local residents, as no consideration has been made for this in the submitted documents especially if the premises has flood light style lighting.

## **Public Participation Responses**

**In support** of the application, two petitions totalling 94 signatures (though a few people have signed more than once) have been submitted. The supporters express the view that there is a local need for such a facility. The applicants have written identifying that they have organised this petition as they do not feel the objectors fully understand the proposal.

**Against** the application, a petition of 42 signatures, with the support of the Liberal Democrats, has been submitted (with a covering letter from Councillor Shires). There have also been 6 separate objections (and 2 making further comments on the plans and amended information) received. The objectors raise the following comments about the application:

- Won't implement the use properly
- Increased noise from the existing premises
- Concerns about late night disturbance
- Do not believe that use will cease at 9pm, other taxi operators continue until 1am
- Over-intensification of the use of the site.
- There are parking problems in the area
- Create anti-social behaviour on the site and customers of the proposed use
- Late night disturbance and activity
- There are more appropriate locations for such a facility
- site is dangerous

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

## **Determining Issues**

- The principle of the use
- Noise and disturbance to neighbouring residents
- Parking and highway safety
- Anti-social behaviour associated with the use

## **Observations**

### **The principle of the use**

The area is mixed in character with residential uses mixed with the Short Heath Liberal Club, the United Kingdom and Bridge Tavern Public Houses and Arrow Industrial Estate all near the site.

The site adjoins houses on both sides, with Stourmore Close at the side and rear of the existing buildings.

Notwithstanding the houses, the site has an established and unrestricted commercial use (the petrol filling station was approved in 1966). The change to include a taxi base coupled with the removal of the unauthorised uses, would have a neutral impact.

Officers note that objectors have raised the issue of implementation, in terms of the use of the site and hours of operation, and the lack of control over the site. It is the view of officers that this can be adequately enforced through planning conditions and Environmental Health legislation.

### **Intensification of the use and relationship to the other uses**

It is noted that in addition to the petrol filling sales the site operates an MOT and service facility from the site. There is also van hire and car sales. Parking on the site often uses all available space (objectors state that there is sometimes parking on the street). Officers conclude that the application site has reached the limit of commercial operations that can reasonably operate from the site.

However, the additional use for taxis is accompanied by the removal of two of the existing (unauthorised) uses. This creates space, which can then be occupied by the taxis.

Overall, officers conclude there is scope to allow further use of the site, in the manner described.

### **Noise and disturbance to neighbouring residents**

The concerns of residents are noted and careful consideration has been given to the impact of people using the site and comings and goings from the site. It is noted that the proposals are for a taxi base and not for customer collection from the premises. It is therefore considered that the use should be restricted in this way, to prevent problems of anti-social behaviour and congregation and associated noise.

Taking into account the existing use, as a material consideration, it is not considered that there would be sustainable grounds for refusal based on noise and disturbance from the additional use. The presence of the building blocks a large proportion of the noise and disturbance from the site onto neighbouring and nearby residents.

The comments of Environmental Health Officers are noted, but the recommendation is that the proposed use should be restricted to the suggested operating hours up to 9p.m.. Other conditions relating to external lighting are also recommended.

Having regard to the existing use of the site, the relationship to neighbouring residents, the character of the area and the proposals presented, it is considered that the proposed use would be acceptable subject to the recommended safeguarding conditions.

### **Parking and highway safety**

The petrol station has a forecourt that can be used for car parking. The highway outside the site does not have any parking restrictions, although there are double yellow lines to the south of the site, closer to the traffic lights.

The deposited plans show a layout of the parking which does not meet the normal dimensions of parking spaces. However, it is evident on site that the use can function comfortably in the manner envisaged. No issue is raised in this regard.

Transportation Officers raise no objection to the proposal.

This aspect of the scheme is acceptable.

### **Anti-social behaviour associated with the use**

The objectors are concerned that there has been anti-social behaviour from the current operations at the application site and that this may continue or be exacerbated by the proposed use.

Clearly, there is no action that can be undertaken, in planning terms, in relation to existing and lawful users of the site.

Whilst these concerns are noted and carefully considered, Officers have included a number of conditions related to the proposed use which will result in potential conflict and users on the site being reduced and reducing the opportunity for congregation at the site. It is noted that the Social Club and public houses have large public car parks and as such customers from this facility could be collected from this area rather than crossing the road to the petrol filling station. It is considered that with the conditions suggested, the opportunity for anti-social behaviour is adequately mediated and that it would not be reasonable to refuse planning permission on these grounds.

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

The application site is located in an area that is mixed in character with the proposals seeking to replace the existing petrol filling station with a taxi base use. It is appropriate to seek to bolster the economy of the area and of the business by allowing scope for expansion and / or change.

The permission would result in the removal of van hire and car sales and formalisation of the parking arrangements as part of the proposals.

The issues raised by representations are the level of parking, highway safety, noise and disturbance to neighbouring and nearby residential occupiers and anti-social behaviour at the application site. Having considered the existing use of the site, the relationship of buildings and the opportunity to add safeguarding conditions, as well as the all of the comments made in relation to the application, it is considered that the proposals would, on balance, not cause material harm to the amenities of residents or to highway safety.

As such, having carefully considered all material considerations, consultation and public participation responses it is considered that the proposals are in accordance with Policies GP2, GP4, ENV10, ENV14, ENV32, ENV33, S7, T7 and T13 of Walsall Unitary Development Plan and, on balance, 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. Before this development is brought into use, details of the species to be planted the landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping areas shall be laid out prior to the commencement of the use with planting to occur in the first available season.

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking, re-enacting or modifying that Order) the approved use shall be for a taxi-base only and there shall be no collection or delivery of persons to or from the application site.

*Reason:* In order to safeguard the amenities of neighbouring residents and to prevent the congregation of persons at the application site.

4. The use shall not take place other than between the hours of:  
0700 – 2100 on Mondays – Saturdays  
0900 - 2100 on Sundays

*Reason:* In order to safeguard the amenities of nearby residents.

5. No lighting shall be installed on the site until details of the lighting have been approved in writing by the Local Planning Authority. The lighting will be carried out in accordance with, and retained in accordance with, the approved details.

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

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

6. Unless otherwise agreed in writing by the Local Planning Authority, before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shall be either

- A) surfaced in a porous or permeable hardwearing material or
- B) provision shall be made to direct run-off water from an impermeable hard surface, to a permeable or porous area within the site.

Details of the proposed design and drainage provision, including information on the sub soil type and sustainable drainage methods (e.g. rainwater harvesting), shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The areas shall thereafter be retained and used for no other purpose.

*Reason:* In order to ensure sustainable high quality development and reduce the impact of development on natural resources

7. The proposed addition of a taxi base to this petrol station shall not commence until (a) the use of the site for vehicle sales and vehicle hire has permanently ceased and (b) the vehicle parking spaces shown on the deposited plans have been marked out.

*Reason:* To ensure there is adequate space for taxi parking on the site.

**NOTE FOR APPLICANT:**

A) In relation to Condition 4 of this permission it is the opinion of the Local Planning Authority, on the basis of the information presently available, that any extension to the operating hours, particularly into the evening would be likely to cause detriment to the amenities of neighbouring residential occupiers, and as a result, any application to extend the hours of operation may be resisted.



## Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on 11 Nov 2010*

**Reason for bringing to committee:** Called in by Councillor Shires on the grounds of impact on the character of area; impact on the amenity of neighbours and impact on the surrounding area

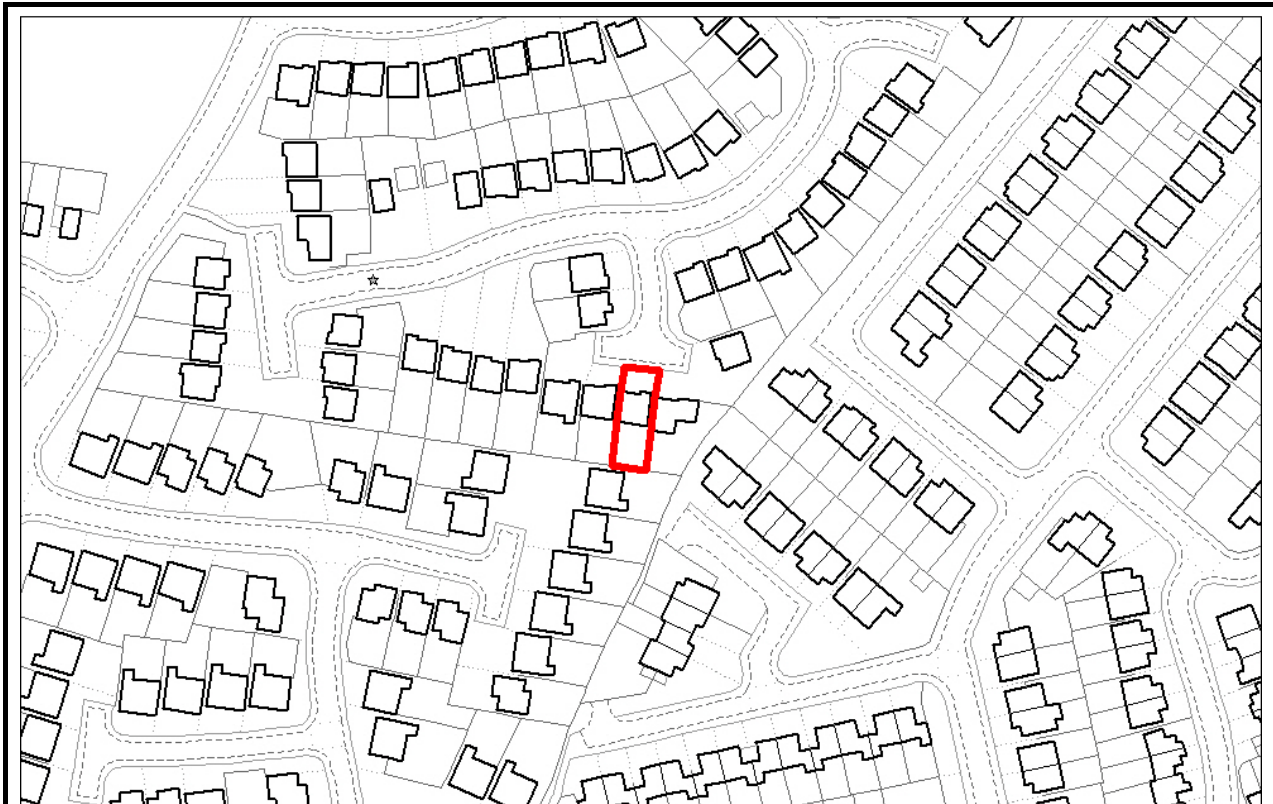
**Application Number:** 10/1197/FL  
**Application Type:** Full application

**Applicant:** Miss Emma Safe  
**Proposal:** First floor front extension.

**Ward:** Willenhall North

**Case Officer:** Karon Hulse  
**Telephone Number:** 01922 652492  
**Email:** [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk)  
**Agent:**  
**Location:** 37 KINGFISHER  
GROVE, COPPICE  
FARM, WALSALL, WV12 5HG  
**Expired Date:** 03/11/2010

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



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

## **Application and Site Details**

This application is for a first floor extension to the front corner of a modern detached house, enlarging an existing bedroom. The extension would have a gable roof above, replicating the slightly lower existing gable on the other side.

The extension is infilling a recessed area above a converted garage. It would project 0.75 metres forward of the original first floor front elevation, and be 1 metre from the side of number 35, with a passageway between.

No. 37 is approximately 0.8 metres forward of the main front elevation to number 35, which has a two storey bay window.

The site is in a small cul-de-sac, in a row of four detached houses (numbers 35 – 41). Unusually, four other houses are set back from the main part of Kingfisher Grove (numbers 47 – 53), but form a line with the 4 in the cul-de-sac.

## **Relevant Planning History**

None to the application property

14 Kingfisher Grove (04/1617/FL/H2) first floor front extension. Granted 2004

49 Kingfisher Grove (BC58096P) first floor side extension. Granted 2001

## **Relevant Policies**

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

## **Unitary Development Plan Policies**

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Documents relating to residential design.

#### **T7 – Car Parking**

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

#### **T13: Parking Provision**

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

### **Supplementary Planning Documents**

#### **Designing Walsall**

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E 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.

These include guidelines concerning the length of extensions in relation to nearby residents, and including the 45 degree code which provides that:-

Extensions, which would breach the 45 degree code, will not normally be allowed, except for single-storey extensions where the length of the extension would not exceed 3.5 metres in length as measured from the nearest window in the adjoining dwelling.

The measurement is taken 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.

The angle where a horizontal line drawn across the base of the nearest habitable room window in the adjoining house would meet the side of the proposed extension should be at most 45 degrees.

#### **National Policies**

##### **PLANNING POLICY STATEMENT 1**

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

## **Consultation Replies**

None

## **Public Participation Responses**

Representations have been received from the occupiers of number 35 raising concerns that the proposed extension may affect their property. Firstly, the size of the extension proposed to be in line with the converted garage at ground floor level, forward of their existing master bedroom, would block the view and light into their master bedroom. Secondly, raise concerns over the materials to be used, and ask for confirmation that the materials to be used would match those to the current house, and not the materials used for the garage conversion, as this would not only affect the look of the house but also the value of their home.

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

## **Determining Issues**

- Design of Extension and Impact on Character of Area
- Impact on Amenity of Nearby Residents
- Parking.

## **Observations**

### **Design of Extension and Impact on Character of Area**

The character of Kingfisher Grove is modern detached houses with side to side ridges, with a feature gable on the front, though they differ significantly in size and design. The proposed extension would project forward of the existing first floor front elevation, but the inclusion of the gable feature would ensure that this matches the design, but remains subservient to the rest of the property.

In addition, number 14 Kingfisher Grove opposite the entrance to the cul-de-sac, has a similar first floor front extension, as does number 49, nearby.

The proposed extension would not be out of character with the house or the wider area, and is acceptable.

### **Impact on Amenity of Nearby Residents**

Number 35 is 0.8 metres forward of the main part of number 35, slightly in front of the bay window at number 35 (0.7 metres deep approximately).

The length of the proposal in relation to number 35 complies with the 45 degree code, which is taken from the quarter point of the front elevation of the bay (the windows in the side of the bay are not assessed, as they are secondary to the main front window).

Overall, it is considered that the proposed first floor front extension would not cause any greater impact on the amenities of No. 35 than currently exist.

The recommendation is to impose a condition requiring the walls and roof to be facing materials to match the existing main part of the building.

### **Parking**

The proposed extension would enlarge an existing bed, with no additional parking spaces being required.

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

The appearance of the proposal is acceptable and takes account of its surroundings. The position of the extension in relation to the adjoining dwellings means that it will cause little additional overlooking, loss of privacy, or loss of daylight or sunlight to these properties, and it will comply with the numerical guidelines in the SPD. There is space to the front and side of the property to accommodate three vehicles to meet policy requirements.

The application is therefore considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, and T7 and T13 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 main part of 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.