



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09th September 2010

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2	15	10/0854/FL	LAND AT BEDDOWS ROAD AND RUTLAND STREET, WALSALL	Deletion of condition 13 of permission 09/0974/FL requiring new dwellings to be constructed to Code for Sustainable Homes Level 3 standard	Grant Permission
3	21	10/0702/FL	SITE OF THE CAVALCADE P.H.,STROUD AVENUE,WILLENH ALL,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
4	33	10/0881/RM	BROCKHURST CRESCENT AND WALSTEAD ROAD WEST,BESCOT,WA LSALL,WS5 4AX	Reserved matters for first phase of approved development to provide 15 houses accessed from Walstead Road West.	GRANT SUBJECT TO RESOLUTION OF ENVIRONMENT AGENCY OBJECTION TO MEET THE REQUIREMENTS OF PPS25
5	43	10/0835/FL	ADJACENT ALUMWELL BUSINESS & ENTERPRISE	Proposed new 14-19 education facility, associated landscaping and	Grant Permission Subject to Conditions

			CENTRE, PRIMLEY AVENUE, WALSALL, WS2 9UA	parking and new service access road adjacent to Alumwell Comprehensive.	
6	59	10/0362/FL	LAND CORNER OF PLECK ROAD AND IDA ROAD, WALSALL, WEST MIDLANDS	Refurbishment of existing retail premises and 3 apartments and erection of 9 2-bedroom apartments on Pleck Road frontage with associated car parking, landscaping and associated works and demolition of existing ancillary buildings.	Grant Permission Subject to Conditions
7	71	10/0682/FL	Units 1 & 2, Newman Business Park, Southern Way, Wednesbury	Rebuild of industrial unit	Grant Permission Subject to Conditions
8	77	10/0342/FL	CALDERFIELDS GOLF CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS	Proposed erection of chalet tourist accommodation (comprising 20 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and steam room), new staff offices, shop and revised reception area and alterations to golf course layout together with landscaping works and associated plant facilities.	Refuse Permission

9	93	10/0672/WA	THE FORMER GREEN BIODIESEL LTD SITE, COLLIER CLOSE, WALSALL, WS8 7EU	Change of use to transfer and treatment of hazardous and non- hazardous waste.	Grant Permission Subject to Conditions
10	103	0/0867/CC	BEACON VIEW, LITTLE ASTON ROAD, WALSALL, W S9 0NN	Construction of 3 dwellings	Grant Cons. Area Cons.
10	103	10/0866/FL	BEACON VIEW, LITTLE ASTON ROAD, WALSALL, W S9 0NN	Construction of 3 new dwellings	Grant Subject to Conditions Subject to Referral to Government Office
11	117	09/0333/FL	10, 11 & 12 PINFOLD STREET, WALSALL, WS10 8UN	Retention of single storey and two storey rear extensions and also the retention of the change of use to a house of multiple occupation comprising 14 bedrooms, lounge and kitchen.	Grant Permission Subject to Conditions

12	125	10/0893/FL	MORRISONS SUPERMARKET, AN CHOR ROAD, ALDRIDGE, WALSALL, WS9 8PT	Demolition of existing ambulance station and erection of a warehouse extension to existing foodstore, creation of new staff car park and diversion of existing footpath	Grant Permission Subject to Conditions
13	141	09/1521/LB	METHODIST CHURCH, MELLISH ROAD/LICHFIELD STREET, WALSALL, WS4 2HT	Demolition of existing listed building	Grant Subject to Conditions Subject to Referral to Government Office
14	155	10/0754/FL	ROYAL OAK PUBLIC HOUSE, LORD STREET, WALSALL	Convert public house to 5 flats	Grant Permission Subject to Conditions
15	163	10/0659/FL	A J M BUILDINGS, VILLIER S STREET, WILLENHA LL, WV131DF	Change of use of derelict factory to nine 2 x bed apartments, demolition of central buildings, and provision of soft landscaped area in the centre of the site.	Grant Permission Subject to Conditions
16	177	10/0976/FL	176 BLOXWICH ROAD, WALSALL, W S2 7BQ	Proposed change of use from A1 (retail) to A5 (hot food takeaway).	Refuse

17	185	10/0816/FL	LAND ADJACENT 6 FORGE ROAD, WILLENHALL,WV12 4HD	2 No. 3 bed semi detached dwellings on land adjacent to 6 Forge Road and adjacent to public byway Willenhall No.68.	Grant Permission Subject to conditions, unless additional information is received which raises further material considerations
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Reason for bringing to committee: Major Application

Application Number: 10/0680/FL

Application Type: Full application

Applicant: Ikea Properties Investment Ltd

Proposal: Extension to existing retail store (Class A1).

Ward: Bentley & Darlaston North

Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

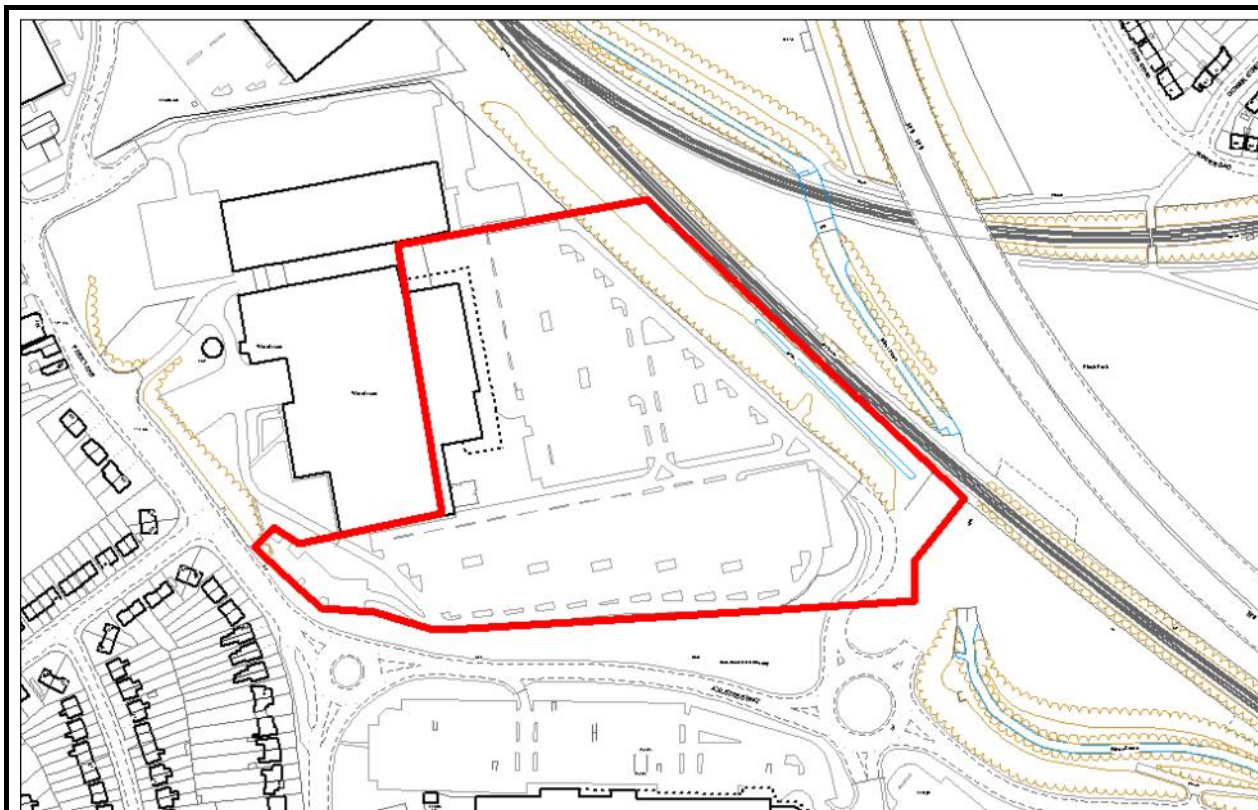
Email: planningservices@walsall.gov.uk

Agent: RPS Planning & Development Ltd

Location: IKEA, PARK
LANE, WEDNESBURY, WS10 9SF

Expired Date: 02/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The proposal is for a two storey extension to the main entrance area of the building comprising an increase of 2,497 sq m of floorspace (GEA) Class A1 non – food retail floorspace. Some of this replaces an existing marquee measuring 307 sq m GEA therefore the actual increase will be 2,190 sq m. It is a 10% increase on the existing floorspace.

The extension is located on the eastern elevation of the building facing the main car park, and cantilevers, in part, over the ground level, above and to the sides of the entrance area.

The applicants have stated that it is anticipated, if permission is granted, the store will be trading with the extension by 2012.

Supporting information has been submitted with the application:-

Retail Report

This explains that the additional floorspace is within the threshold set by PPS4 and is required in order to deliver a number of qualitative improvements to the existing store. These include improvements to the customer restaurant, toilets, lifts, children's play area and other amenities including enhanced circulation space to assist the relief of congestion at peak shopping periods rather than to generate additional turnover. It is stated that the store would not have a "significant" impact upon the vitality and viability of town centres. This is informed by the Black Country Centres Study by GVA Grimley. dated November 2009. RPS have verified the conclusions in the Grimley Report. An assessment of the potential trading effects of the proposed extension in accordance with PPS 4 has been submitted. A sequential assessment has been set out and this shows that there are no more sequentially preferable sites upon which to locate the application proposal. The report concludes that the proposed development is located in an established "out of centre" retail destination to which shopping trips are already occurring. The application site benefits from good public transport connections where there is the potential for linked shopping and other trips. The store is significantly undersized in comparison to other Ikea stores and there is an urgent need which is specific to Ikea which needs to be fulfilled.

Transport Statement

This examines the transport implications of the proposal in the light of the aims and objectives of planning policy. The existing store has a gross floor space of 21,860 sq m (excluding the marquee which is to be removed), with a total of 1,006 parking spaces (889 customer car parking spaces, 45 staff, 40 disabled and 32 parent and child spaces) there are also 15 customer pick up spaces fronting the store. The attraction of an Ikea store is the store itself. Incremental alterations of the type proposed have little effect on customer attraction levels owing to the generally infrequent nature of visits. It concludes that there will be no significant transport impact arising from the proposals.

Ground investigation

Concludes that the proposal will not have an adverse impact on ground conditions.

Relevant Planning History

The Black Country Development Corporation granted planning permission for the construction of the store in 1989 (ref BCW104) subject to a number of conditions including one restricting the use to non-food retailing only The permission did not impose any restrictions on the development in terms of floorspace or external alterations.

In the period 2002 to 2004, there were a series of applications to extend the retail store and the

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retail site. These raised a number of issues, e.g. the relationship to retail policy, and all were withdrawn before a decision was made.

04/2427/CP/W2 Certificate of lawfulness (a determination of whether planning permission is needed) for the construction of a mezzanine floor and the insertion of doors. The conclusion was that a planning application was not needed (10th February 2005). The work is now complete.

Land Adjoining Ikea:-

06/0193/FL/W2 Distribution warehouse (Class B8) with associated access, parking and landscaping Grant Subject to Conditions 06/03/2006

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

Saved Policies of Walsall Unitary Development Plan 2005

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

GP2: Environmental Protection

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

GP7: Community Safety

Pedestrian routes should as far as possible be unobstructed and follow a direct route.

Policy 3.6 seeks environmental improvement resulting from development.

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

ENV32: Design and Development Proposals.

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

ENV35: Appearance of Commercial Buildings

The design of frontages to shops should be appropriate to their setting and sympathetic to the building on which they are situated.

S6: Meeting Local Needs

Outside identified centres, existing local shops will be encouraged to continue to meet the day-to-day needs of their communities. Out of centre development may be appropriate to meet specific local needs. Criteria for the assessment of out of centre developments include: local need, local need cannot be better met by investment in a nearby centre, impact on established centre, improvements on local provision, improved accessibility, no adverse impact on surrounding residents and appropriate servicing and parking.

S7: Out-of Centre and Edge-of-Centre Developments

Demonstration of fulfilment of the following tests: sequential approach, economic impact, accessibility and the need to travel (especially by car) and highway safety. UDP Policy S7(c) no longer applies following the publication of PPS4.

7.1 The Council will seek to ensure that Walsall's transport system serves the wider aims of economic revitalisation, urban regeneration, sustainable development, environmental improvement

and social inclusion, and will continue to work with other organisations to achieve an integrated and efficient transport network. It will also seek to integrate transport and land use planning as fully as possible.

7.3 Development proposals will, where appropriate, be required to contribute towards, any off-site transport infrastructure improvements (including highways, public transport and facilities for pedestrians, cyclists and disabled people) necessary to serve the development; this will be secured by use of Planning Obligations. The Council will also require, where appropriate, the submission of Green Travel Plans to demonstrate how access to developments by more sustainable forms of transport will be maximised.

T7 – Car Parking: All development should satisfy the car parking standards set out in Policy T13. T10 Relates to accessibility standards. The Council will use planning conditions and/or planning obligations to ensure that accessibility standards for all transport modes continue to be met throughout the life of a development. This might also involve the use of commuted payments to support the provision of transport infrastructure where appropriate. Accessibility standards will be supplemented by Green Transport Plans.

T11: Access for Pedestrians, Cyclists and Wheelchair users

Developments which generate significant numbers of personal trips should have direct, safe and attractive access for pedestrians.

T12 Relates to access by Public Transport (Bus, Rail, Metro and Ring and Ride)

T13: Parking Provision

Other Shops – 1 car parking space per 20sqm of gross floorspace.

Designing Walsall (SPD) (Feb 2008)

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

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

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

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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

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

PPS4: Planning for Sustainable Economic Growth (Supersedes PPS6: Planning for Town Centres)

For the purpose of the policy "economic development" includes B Use Classes, public and community uses, main town Centre uses which include retail, leisure, entertainment, sports & recreation, offices, arts culture and tourism. Policies EC10, EC14, EC15, EC16 and EC17 are applicable in this case.

EC10: Determination of applications for Economic Development

LPA's should adopt a positive and constructive approach to applications that secure sustainable economic growth should be treated favourably. Impact considerations include: limit carbon dioxide emissions, accessible by choice of means of transport, high quality inclusive design, impact on economic and physical regeneration and impact on local employment.

EC14: Supporting Evidence for PAs for main town centre uses.

A sequential assessment is required for applications for town centre uses that are not in an existing centre or in accordance with an up to date Development Plan.

EC15: Consideration of Sequential Assessments for PAs for main town centre uses that are not in a centre and not in accordance with an up to date Development Plan.

Sites assessed for their availability, suitability and viability, ensure all in-centre options have been thoroughly assessed before less central sites are considered, where no town centre sites are identified preference is given to edge of centre locations with pedestrian access to the centre, developers must demonstrate flexibility in terms of scale, format car parking provision etc.

EC16: Impact assessment for PAs for main town centre uses that are not in a centre and not in accordance with an up to date Development Plan.

Such applications should be assessed against:

- a. impact on existing, committed and planned investment in a centre or centres in the catchment area
- b. impact on town centre vitality and viability including customer choice, range and quality of comparison and convenience retail
- c. impact on allocated sites outside the town centre
- d. impact on in-centre trade/turnover and on trade in the wider area, taking account of current and future expenditure capacity in the catchment area up to 5 years in the future.

EC17: The consideration of PAs for development of main town centre uses not in a centre and not in accordance with an up to date development plan.

Such applications should be refused where:

The applicant has not demonstrated compliance with the requirements of the sequential approach
Or there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of the impact assessment (policies EC10 & EC16).

PPG13: Transport

Promotes sustainable patterns of development that reduce the need to travel, especially by car.

Consultations

Transportation – No objection

Pollution Control (Scientific Team) – No objection

Pollution Control (Contaminated Land) - No objection subject to works being carried out to investigate any localised ground gas issues associated with the historic filled ground. Conditions to address these concerns have been provided.

Policy – No objection subject to policies T11 (access for pedestrians, cyclists and wheelchair users) and T12 (access by public transport 'bus, rail, metro and ring and ride) being met and conditions on the range of goods to be sold.

Environment Agency – No objection subject to conditions. We are unable to establish what the original risk assessment was for this site. The ground investigation, from 1989, contains no contaminative testing results or risk assessment. It is understood that the site may be contaminated from previous land uses. The site is situated on Lower Coal Measures which are now designated as a secondary A aquifer. Mining activities are known to have taken place at or near this site.

Highways Agency - No objection. Accept that Ikea is a destination in its own right, as a result, an increase in floor space does not necessarily equate to an increase in the number of vehicles travelling to and from the store. Generally, J9 suffers from significant congestion, some of which can be attributed to vehicles exiting the M6 at J9 to visit Ikea and the junction has been closed in the past due to the volume of traffic visiting the store. Increasing the floorspace is unlikely to alter this situation. The store should revisit its existing Travel Plan and review the measures which are taken to reduce the number of customers travelling to and from the store by car and take steps to make its delivery service more attractive to customers.

Economic Development Team - No objection. The proposals would result in the creation of approximately 23 full time positions which given the current economic climate should be welcomed. Whilst raising no objection to the proposals, the Economic Development Team would welcome early dialogue with the applicants with regards to the local sourcing of materials and labour. This would initially be aimed at the construction phase but we would also endeavour to work with the applicants, along with our local training partners, to ensure that suitably qualified local individuals are able to partake in the recruitment process in relation to filling the retail positions. It is hoped that these positions could be targeted at the long-term unemployed within the Borough. In essence we would seek to work with the applicants to deliver contracting and subcontracting opportunities for Walsall businesses, utilising the local supply chain wherever possible whilst creating opportunities for apprenticeships, work experience and the local labour market.

Development Team – As the proposals are confined to the existing site in an area predominantly characterised by large scale retail units, there are no issues are foreseen in terms of negative affects upon the surrounding area.. The site is well shielded from the surrounding area and nearby residential uses. The only possible negative impact could be through an increase in vehicular movement. This is a matter for Transportation. The increased job opportunities afforded by the proposed are a positive contribution to the local economy.

Landscape Design - No objection. It would be of benefit if the applicant would consider rainwater harvesting for the new roof section, because it will cover the existing hardstanding.

Network Rail - No objection

National Grid - No objection. A standard assessment has been carried out with respect to operational gas and electricity apparatus. Prior to works being carried out the developer should liaise with National Grid.

Fire Officer – No objection.

Natural England – No objection

Severn Trent Water - No objection. Conditions suggested requiring drainage plans and an informative regarding public sewer.

Drainage – No objection

Centro – No infrastructure affected. The site does not meet the integrated transport authority's minimum standards for accessibility for public transport. The applicant should update their travel plan by continuing to work towards encouraging employees and customers to travel to and from the store in a sustainable manner. Cycle parking should be provided for customers as near to the front entrance as possible. A scheme of this size should make a financial contribution towards the ongoing improvements being made to public transport infrastructure in the area as well as to the long term development of the public transport network. This is supported by Unitary Development Plan policy T10. It would be appropriate for the developer to make a contribution towards increasing the bus service frequency to bring it in line with the store opening hours and bring it closer to the integrated transport authority standards. Dialogue on this would be welcomed.

Lichfield District Council – No objection

Representations

1 letter of objection has been received on the following grounds:-

Heavy traffic in the area, this is worse at weekends and bank holidays;
Drive to houses can be blocked;
Long traffic jams outside house;

Determining Issues

Policy
Design
Other Transportation issues

Observations

Policy

The policy team have raised reservations with regard to the sequential approach. However, this should be proportionate to the scale of development proposed. In any event, the disaggregation of the application proposals is not felt to be appropriate in this case. The applicant has stated that the proposals are seeking to promote a better shopping experience for existing customers. It is accepted that the general proposed additional floorspace cannot be disaggregated.

A condition restricting the range of goods that can be sold is not considered to be reasonable or viable due to the modest nature of the development when compared to the store as a whole. The appeal decision and proposed conditions referred to by the policy team relate to the Edmonton

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IKEA store. That site was subject to an appeal and there were entirely different circumstances. An assessment has been undertaken by Ikea and this has concluded that there will be no detrimental impact upon existing centres.

With regard to "Impact Assessment" it is felt that the applicant has adequately demonstrated that the proposal would not cause harm to the vitality and viability of centres within the Borough or elsewhere in the catchment area.

In terms of accessibility, Centro have argued that an updated Travel Plan is needed and that policy T10 empowers WMBC to demand money to support "on-going improvements ... to public transport infrastructure ... as well as the long term development of the public transport network." They say that policy T10 supports this. They would like to see increased frequency of buses "to bring it in line with store hours and bring it closer to the Integrated Transport Authority standards."

Ikea's agents have countered this by saying that this is a modest extension to the store; it is in an established commercial area; T10 does not require accessibility measures in such cases; Ikea already have a voluntary travel plan in place and are prepared to accept a condition formalising and updating it; IKEA have tried bus service extensions but they have proved not viable; existing bus service frequency is dictated by demand already.

T10 (relevant passages) say :-

- (b) The standards will apply to all development proposals with the exception of the following which are exempt from the standards in Policies T11 for walking and cycling and T12 for public transport:-
 - II. Extensions and infill developments within existing industrial and commercial areas.
 - III. Shops, offices, leisure and entertainment, other town centre uses and housing within or on the edge of a centre in accordance with policies in Chapter 5; any such uses which are to meet purely local needs in an out-of-centre location in accordance with Policy S6.
- (c) The Council will use planning conditions and/or planning obligations to ensure that accessibility standards for all transport modes continue to be met throughout the life of a development. This might also involve the use of commuted payments to support the provision of transport infrastructure where appropriate. Accessibility standards will be supplemented by Green Transport Plans, Traffic Regulation Orders and Residents' Parking Schemes as necessary.

Additionally policy 7.49 of the Unitary Development Plan says small residential developments within existing residential areas are exempt from the standards because these will make better use of available urban land and not raise any significant transport implications. Extensions and small infill developments within existing industrial/ commercial areas are exempt on the same grounds. The exemption for developments within or on the edge of centres is because these locations are already highly accessible by these transport modes. Small-scale facilities to meet local needs in out-of-centre locations are exempt on the basis that these facilities will not raise significant transport policy implications.

It is therefore concluded that Centro are wrong to argue T10 requires what they want.

With regard to policy S7, which requires that the development must be considered in terms of accessibility and effect on the need to travel as well as traffic impact. It is considered that the store is on a bus route and in (sturdy) walking distance from a train station – both lead to Walsall and Birmingham. It is true to a point that the site is and will remain dependant on access by car.

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However, it will remain so whatever other arrangements are made – getting finance (for example) to invest in bus improvements will not influence this. Furthermore, the submitted transport assessment shows that the expansion of the store would not lead to an increase in trips.

However, despite this Ikea have a Travel Plan in place, and they are prepared to formalise it. A condition is suggested to this effect.

With regard to the restaurant extension, the restaurant is considered to be ancillary to the main (retail) use of the building. Therefore the tests in PPS4 are not relevant to this part of the proposal.

The manager of the store sets out the need for the improvements to the store stating that customers, at busy times are saying that there are queues for the toilets, there is nowhere to sit in the restaurant and the walkways are congested. “The full product range cannot be displayed and these lead to customer frustrations. The food offer has to be smaller than other stores to try and deal with customers quicker. Family and child facilities in the restaurant, which are provided in other stores, are not provided in this store. The retail currently offered in the marquee would be far more beneficial if provided within the store. The decrease in sales in recent years has been due to a number of reasons, the Coventry store opening, construction works associated with the mezzanine and the recession. However, the store is still trading over capacity. The volume of goods and customer numbers has not substantially decreased and the extension has been needed for many years. Decreases in turnover do not equate to less numbers. In order to compete in difficult market times it is more important than ever to provide customers with the right shopping experience. Turnover is substantially higher than when the store was opened.”

It is concluded that overall it has been adequately demonstrated that the proposal would not cause harm to the vitality and viability of centres and that it accords with the criteria and policies relating to retail issues outlined in PPS4.

Design

The design of the extension to the building is in keeping with the existing store. It is satisfactory.

Other Transportation issues

The applicant has stated in the transport assessment that the attraction of an Ikea store is the store itself. The statement concludes that there will be no significant transport impact arising from the proposals. Transportation have not raised any objection to the proposal. It is therefore felt that there will be little direct traffic impact from the proposal.

A neighbour has objected on the grounds that there is heavy traffic in the area and this impacts on access to their property. It is accepted that the existing store does cause traffic problems at times, and the Highways Agency has pointed this out. However, they have not lodged an objection, and neither have transportation objected to the proposal. It is felt that by revisiting the existing Travel Plan and reviewing the measures which are taken to reduce the number of customers travelling to and from the store by car and take steps to make its delivery service more attractive to customers.

Economic issues

The Economic Development Team have commented that they would like to discuss the local sourcing of materials and labour and the recruitment of suitably qualified local individuals particularly the long-term unemployed. A note for applicant is proposed.

Summary of Reasons for Granting Planning Permission

The proposal is considered to be satisfactory in terms of design as it replicates the existing store.

An objection has been received from a neighbour on the grounds that there is heavy traffic in the area already and they consider that this will increase as a result of the proposal. It is accepted that the existing store does cause traffic problems at times, and the Highways Agency has pointed this out however, they have not objected. Transportation have not objected to the proposal either. The transportation statement submitted with the application concludes that there will be no significant transport impact arising from the proposals. It is therefore felt that the development is satisfactory in terms of transportation.

The reservations expressed in terms of policy have been addressed. The disaggregation of the application is not felt to be appropriate in this case as the proposals are seeking to promote a better shopping experience for existing customers. A condition restricting the range of goods that can be sold in line with the original permission has been imposed. The applicant has adequately demonstrated that the proposal would not cause harm to the vitality and viability of centres within the Borough or elsewhere in the catchment area. This is considered to be a modest extension to the store in an established commercial area. The store is on a bus route and in (sturdy) walking distance from a train station – both lead to Walsall and Birmingham. It is true to a point that the site is, and will remain, dependant on access by car, however this will remain the case due to the nature of the store. Furthermore, the submitted transport assessment shows that the expansion of the store would not lead to an increase in trips. Therefore direct accessibility measures are not considered to be required. Ikea already have a voluntary travel plan in place and a condition has been imposed requiring the plan to be resubmitted and updated. The restaurant extension, is considered to be ancillary to the main retail use of the building and as such is satisfactory in policy terms.

It is also considered that it has been adequately demonstrated that the proposal would not cause harm to the vitality and viability of centres and that it accords with the criteria and policies relating to retail issues and it will make a positive contribution to the local economy.

The proposed development is therefore considered to accord with the aims and objectives of the development plan, in particular saved policies 2.1, 2.2, GP2, GP7, 3.6, 3.16, ENV32, ENV35, S6, S7, 7.1, 7.3, T7, T10, T11, T12, and T13 of Walsall's Unitary Development Plan (2005), Supplementary Planning Document: Designing Walsall (2008) and national policy. PPS1, PPS4 and PPG13.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure the protection of controlled waters

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

- i) Prior to built development commencing an 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 ground gas assessment, together with an assessment of the hazards arising from any 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 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 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.

4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

5. Before the development hereby permitted is brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented within six months of the development being brought into use. Thereafter there will be an annual review of the Plan, which shall be submitted to, and agreed in writing by, the Local Planning Authority. This shall identify refinements and clarifications deemed necessary to the Plan and will in turn be implemented within 3 months of approval. The development will at all times be operated in accordance with the Travel Plan, as updated from time to time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote environmentally sustainable forms of transport.

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

Reason: To ensure the satisfactory appearance of the development.

7. The retailing element of the proposed development shall be restricted to non-food retailing use only, other than food and drink sales within Class A3 of the Town and Country Planning Use Classes (Amendment) Order 2005, or succeeding orders, or such food and drink sales which are ancillary to other uses on the site.

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. It would be of environmental benefit if rainwater harvesting is considered for the new roof section.
- E. Economic Development Team within the Council would welcome early dialogue with IKEA regarding the local sourcing of materials and labour. This would initially be aimed at the construction phase but the Economic Development Team would endeavour to work with IKEA, along with local training partners, to ensure that suitably qualified local individuals are able to partake in the recruitment process in relation to filling the retail positions. It is hoped that these positions could be targeted at the long-term unemployed within the Borough. In essence the Economic Development Team would seek to work with the applicants to deliver contracting and subcontracting opportunities for Walsall businesses, utilising the local supply chain wherever possible whilst creating opportunities for apprenticeships, work experience and the local labour market.
- F. National Grid has been consulted on this application and your attention is drawn to the attached reply.
-



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Major Application

Application Number: 10/0854/FL

Application Type: Full application

Applicant: Lovell & Walsall Housing Group

Proposal: Deletion of condition 13 of permission 09/0974/FL requiring new dwellings to be constructed to Code for Sustainable Homes Level 3 standard

Ward: Blakenall

Case Officer: Alison Deakin

Telephone Number: 01922 652487

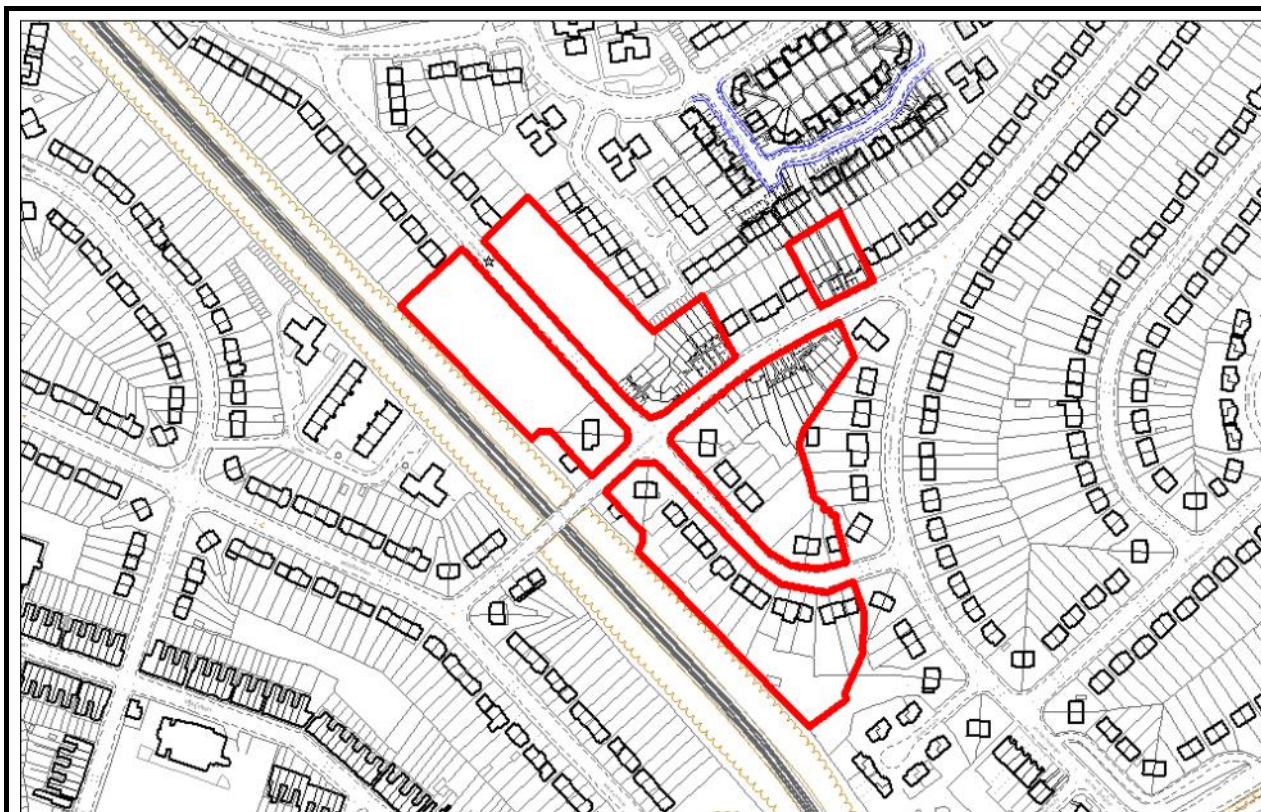
Email: planningservices@walsall.gov.uk

Agent:

Location: LAND AT BEDDOWS ROAD AND RUTLAND STREET, WALSALL

Expired Date: 24/09/2010

Recommendation Summary: Grant



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Application and Site Details

The application relates to planning permission 09/0974/FL for residential development at the junction of Beddows Road and Rutland Street which was granted subject to conditions in October 2009. The current proposal is to remove condition 13 of that permission which reads as follows:

“13. The development shall be constructed in accordance with the Code of Sustainable Homes ‘3 stars’ or Eco Homes ‘good’ standard 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 policy GP2 of the Walsall Unitary Development Plan”

The developers, Walsall Housing Group and Lovell state the reason for the request to remove the condition is due to the present economic climate and the grant funding they were relying on from the Homes & Communities Agency (HCA) is no longer available therefore there is a funding gap of £2.8 million. They state that allowing removal of this condition would reduce the costs of developing the site.

The developer explains that earlier permission was accompanied by a financial appraisal on the viability of the scheme and the reasons why S106 requirements in terms of education, urban open space, public art and healthcare could not be afforded by the scheme. This was supported by the District Valuer who noted that the proposals would require a social housing grant of £59,000 per unit. Committee granted permission on this basis.

In support of the proposals the developer has provided correspondence from Housing Strategy and Partnerships that confirms, subject to detail, that they can support a reduction of the standard if it enables the site to come forward without HCA grant funding.

Relevant Planning History

09/0974/FL – Residential development for 96 properties – Granted subject to conditions 19/10/09

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

Saved policies of Walsall Unitary Development Plan (UDP)

2.1 & GP1: Supports sustainable 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.

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.

3.17 & 3.18: Development proposals must seek to reduce energy consumption and promote production of energy from renewable sources and the need to reduce water consumption.
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.

Supplementary Planning Document: Designing Walsall

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

PPS 3: Encourages reuse of previously-developed land for housing. Paragraph 10 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. Some of the specific outcomes that the planning system should deliver are:

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

Code for Sustainable Homes - Technical Guide (May 2009): The Code for Sustainable Homes provides a comprehensive measure of the sustainability of new homes, ensuring that sustainable homes deliver improvements in key areas such as carbon dioxide emissions and water use. The technical guidance sets out the requirements for the Code, and the process for achieving a Code assessment.

Consultations

Transportation – No objections.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No objections.

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Housing Strategy – No objections. There is a clear commitment from the developer that the removal of the condition will make this development financially deliverable in the short to medium term, providing substantial numbers of affordable housing (and open market housing) that needs to be delivered in the absence of grant funding from the HCA. Removal of the condition should accelerate much needed mixed tenure housing development in this area which otherwise may not take place for some years.

Environment Agency – No objections.

Police Architectural Liaison Officer – No objections.

Fire Officer – No objections.

Network Rail – No objections.

Walsall Children's Services (Serco) – No objections but original comments requiring contributions towards education provision still apply.

Public Participation Responses

Two representations have been made, one in support and one objecting to the proposals. These are summarised as follows: -

- The developer should cover the cost of building to Code for Sustainable Homes Level 3
- Any new housing should be as energy efficient as possible
- Not including solar heating units on the roofs of houses would reduce costs
- Support the housing redevelopment
- Recommend further redevelopment of existing unmaintained housing adjacent to the site
(*not a material consideration as part of the current application*)

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

Determining Issue

- Implications of not building to Code for Sustainable Homes Level 3
- Requirement for Education, Urban Open Space, Public Art and Healthcare Provision

Observations

Implications of not building to Code for Sustainable Homes Level 3

The principle of the residential development has already been established by permission 09/0974/FL. The current application is to remove condition 13 of that permission that required the dwellings to be constructed to Code for Sustainable Homes Level 3.

The Code for Sustainable Homes is an environmental assessment method for rating and certifying the performance of new homes. It is a national standard for use in the design and construction of new homes with a view to encouraging continuous improvement in sustainable home building.

The Code for sustainable homes covers nine categories of sustainable design including: energy and CO² emissions, water, materials, surface water run-off, waste, pollution, health and wellbeing, management and ecology. Performance targets are more demanding than the minimum standard needed to satisfy Building Regulations or other legislation. They represent good practice, are technically feasible, and can be delivered by the building industry.

It will be a statutory requirement (through Building Regulations) that all new houses will need to be 3 stars by October 2010 rising to zero carbon (5 stars) by 2016. "The Code for Sustainable Homes: Setting the Standard in Sustainability for New Homes" (Feb 2008) makes it mandatory for all social housing to be Code 3 (from April 2008) and all houses sold or completed have to complete a certificate of eco-compliance, failure to do so will result in a nil-rating.

The Code generally requires greater insulation and other building efficiency performance values. However, the effect of not building to Code Level 3 means that the new dwellings will not have as many of these sustainable design features as other homes and so will have a nil rating. Nevertheless, the developers will still need to comply with building regulations standards which requires a certain level of building design energy efficiency therefore the developer is not entirely disregarding sustainability measures.

On balance, despite not achieving Code Level 3 the design of the houses will still have certain energy efficiency measures as the developers will have to comply with Building Regulations which are less stringent but comply with relevant legislation. The houses will not look any different to the approved scheme.

Requirement for Education, Urban Open Space, Public Art and Healthcare Provision

On the earlier permission Committee resolved to forego the contributions towards education, urban open space, public art and healthcare provision as the applicant made a case regarding the financial viability of the development. As the current proposal is to remove a condition and does not alter the development in any other way there is no requirement to review Committee's earlier decision.

Summary of Reasons for Granting Planning Permission

The principle of residential development has been approved. Allowing the removal of condition 13 does not release the developer from obligations to comply with Building Regulations that still require certain measures of building design to ensure building energy efficiency. In the circumstances some sustainable measures will still be incorporated into the development and the houses will not have a different appearance.

The proposals do not alter the development layout therefore there is no need to review the Committee decision to forego requirements for education, urban open space, public art and healthcare provision.

For the above reasons the proposals are considered to comply with saved policies GP1, GP2, GP4, GP7, 2.1, 2.2, 3.6, 3.7, 3.16, 3.17, 3.18, ENV10, ENV14, ENV32, ENV33, ENV34, ENV40, 6.3, H3, H4, H9, H10, 3.116, ENV14, ENV32, ENV40, 6.3, H3 and H10 of Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall.

Recommendation: Grant Planning Permission

Note to applicant

Notwithstanding the above please refer to the remaining conditions of planning approval 09/0974/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 09 September 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

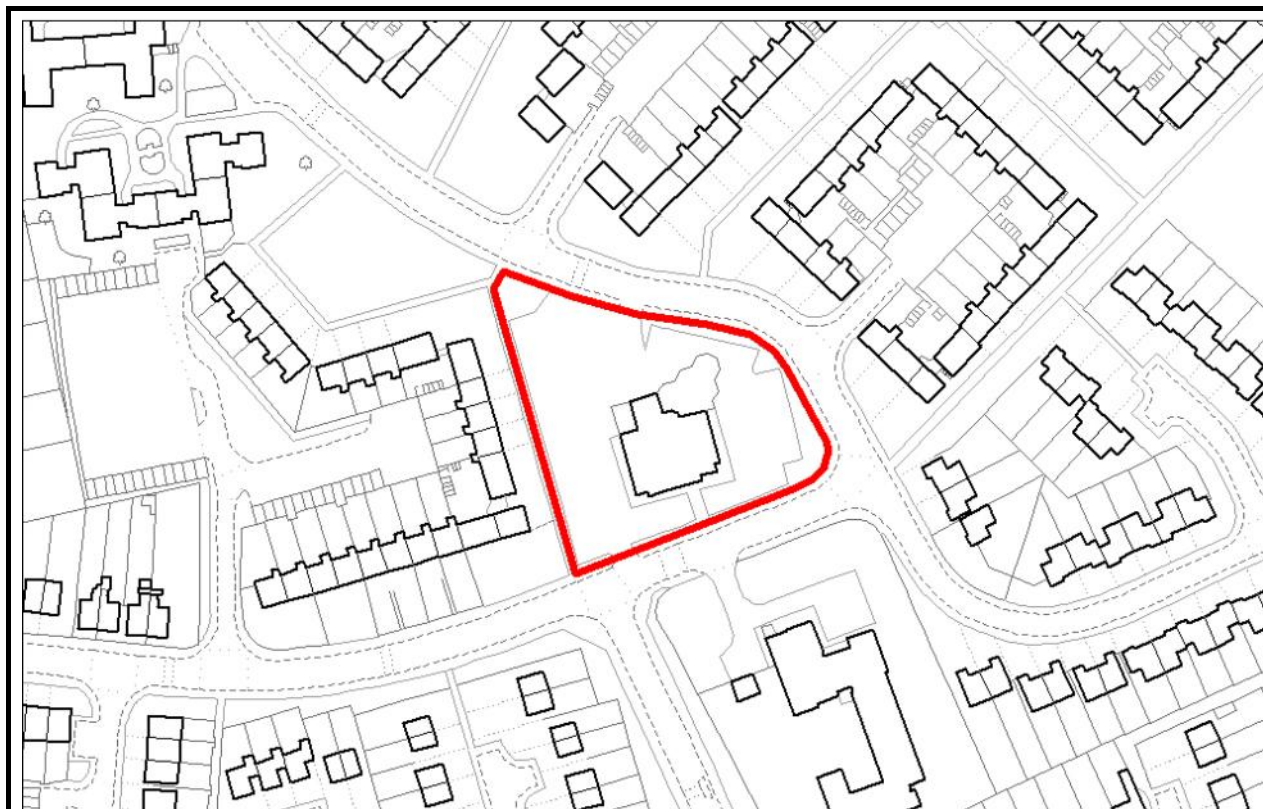
Email: planningservices@walsall.gov.uk

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



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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 proposes the erection of:

- i) an eight bed unit for people with physical and mental disabilities who would be accommodated in a two storey building with a communal garden. This unit would have a three space car park and ambulance/minibus turning area with access off Stroud Avenue (a pub access point exists to the west of the proposed access, and would be closed off) . The occupiers of this 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) ten supported living flats for people with mental disabilities (two blocks of five). These flats would have shared gardens at the rear of approx. 90 square metres. These flats would be on the eastern side of the site, fronting Stroud Avenue, and would be three storeys in height. 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.

Four would be served from an access on the northern side of the site which leads to a courtyard parking area. Within this parking area there would be six unallocated spaces to be shared between the staff and visitors to the supported living flats and visitors to the houses. This area also provides four houses with an allocated space each.

Six further houses would have two parking spaces within their curtilage, which would meet the maximum Council standard. The last three houses would have one space each within their curtilage.

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

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speed humps and chicanes.

iii) a draft unilateral undertaking relating to an open space contribution

iv) a Design and Access Statement setting out the site context and surroundings and how these have influenced the design and layout of the proposals.

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

Saved Policies of Walsall's Unitary Development Plan (UDP) 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: 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.

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.

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

LC1 seeks to retain and enhance urban open space

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

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

Urban Open Space SPD

Sets out the thresholds and contributions sought towards urban open space 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

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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.

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

4 letters and a petition of 128 names have been received, objecting 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

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
- 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, though the details are revised. 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 plus communal unallocated spaces available to all. The Transport Statement sets out the levels of car ownership in this area, which are low, 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 only 900mm on the Stroud Avenue frontage.

Amenity

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 of appendix E require (60 sq.m. not the 68 in the appendix), 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.

The physical disability unit would also have its own separate garden adjoining the entrance to the building, which its residents would share. There is no specific standard relating to amenity space for such development but this appears spacious and its location between the building and Stroud Avenue will also provide an attractive setting for the building and relate well to the landscaped area in front of the adjoining flats.

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 existing 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 applicant has confirmed that this boundary would be a wall no taller than 2 metres in height at footpath level. Officers judge that this would not have an excessive impact on the existing dwellings.

This is a well designed and thought out scheme which would fit well with its surroundings. Although neighbours are concerned about the use of three storey buildings their proximity to Stroud Avenue, which is the main estate road, and their design, which follows the curve of Stroud Avenue, would reduce the impact of the extra storey.

The development proposes a contribution towards the creation or improvement of urban open space in accordance with policy LC1.

The other matters which have been raised, such as devaluing property and covenants are not planning matters. 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

The disability unit occupies the southwestern corner of the application site in an L-shape design. The unit would be predominantly single storey with a two storey development in the northeastern corner. The proposed windows would all face onto a centralised landscaped area with external corridors and blank walls to other properties proposed as part of the development and to Rudge Close. This would therefore eliminate overlooking potential from the development.

The principal impact of the physical disability unit would be on Plots 1 and 18 on the proposed development. However as the proposals are predominantly single storey and would not materially adversely affect the amenities of future residents.

The view from the street would be active and have large elements of overlooking to the communal landscaped area. As such, the proposals would have a positive impact to the street scene and character of the area.

Designing Walsall SPD progresses 20sqm per flat for gardens and amenity space. This would require 140sqm of amenity space to be provided. Taking into account the type of accommodation and the provision of a communal landscaped area of approximately 100sqm it is considered that in this instance the level of amenity space would be appropriate in this instance.

Summary of Reasons to Grant Permission Subject to Conditions and a Planning Obligation

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. A revised plan, relocating car parking space 12, as shown on the submitted plans, to be within the communal car parking area, to be submitted to and approved in writing by the Local Planning Authority.

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

4. 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.

5. 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.

6. Prior to the commencement of development, details of boundary treatment 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: To ensure the satisfactory appearance of the development.

7. 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)

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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.

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 09 September 2010

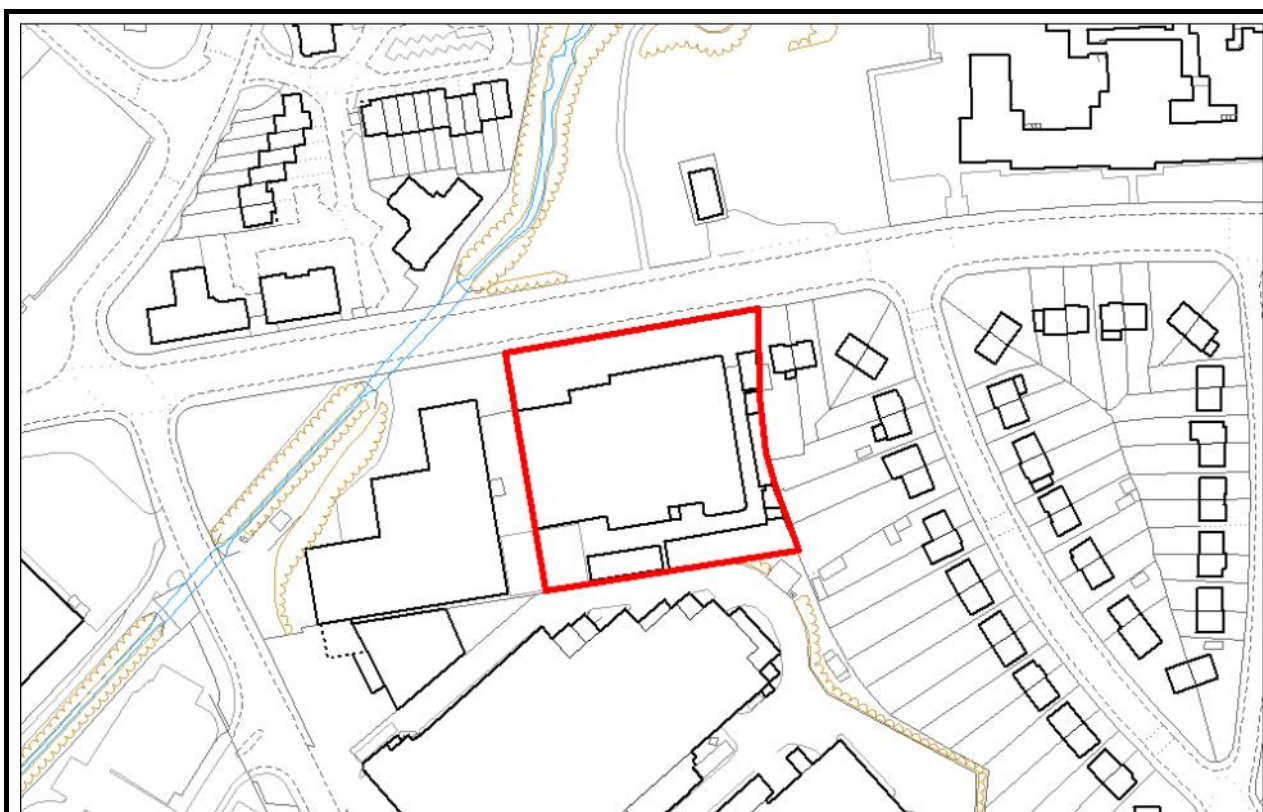
Reason for bringing to committee: Major Application (reserved matters)

Application Number: 10/0881/RM
Application Type: Reserved Matters

Applicant: Brothers Group Holdings
Proposal: Reserved matters for first phase of approved development to provide 15 houses accessed from Walstead Road West.
Ward: Palfrey

Case Officer: Karon Hulse
Telephone Number: 01922 652492
Email: planningservices@walsall.gov.uk
Agent: Metropolitan Estates
Location: BROCKHURST CRESCENT AND WALSTEAD ROAD
WEST, BESCOT, WALSALL, WS5 4AX
Expired Date: 30/09/2010

Recommendation Summary: GRANT SUBJECT TO RESOLUTION OF ENVIRONMENT AGENCY OBJECTION TO MEET THE REQUIREMENTS OF PPS25



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Application and Site Details

This application seeks consent for reserved matters approval for the first phase of this residential scheme on the part of the site fronting onto Walstead Road West, Walsall.

The means of access to the this part of the site was approved at the outline stage and is from Walstead Road West. This report therefore focuses on the remaining reserved matters: appearance, landscaping, layout and scale.

In addition the details include information in respect of condition 4: floor levels, condition 5: drainage layout, condition 11: transport statement and condition 15: cycle storage.

The layout shows fifteen two storey houses comprising 10 semi-detached and 5 detached (mix of three and four bedroom dwellings).

The site has recently been cleared but was previously in engineering uses within classes B1, B2 and B8. It is bounded to the west by existing industrial uses and to the north, east and southeast by residential properties mainly 2 storey (3 storey in the recent developments). Joseph Leckie school is also to the north-east.

At the outline stage it was indicated that the proposed density on the site would be approximately 58 dwellings per hectare. Due to the current economic market the type and scale of residential unit has changed and the demand is currently more towards larger dwellings. As a result of this the density across the site is reduced, this first phase of the development results in a density of 37.5 dwellings per hectare.

The layout provides a good street frontage with houses facing onto Walstead Road West strong which replicates other housing fronting onto Walstead Road West. Individual house types are simple designs.

Car parking is provided within the curtilage of each dwelling.

Relevant Planning History

The outline consent was considered as part of a larger scheme to provide residential all along Brockhurst Crescent with this development also continuing along Walstead Road West.

07/2000/OL/W5 – Outline Residential Development. Granted 15th November, 2007

09/0379/FL – Removal of Condition 16 (Code for Sustainable Homes) on planning consent 07/2000/OL/W5. Granted 1st June 2009.

On 21st May, 2009 the Planning Committee agreed a report which requested a variation to the Section 106 Agreement. The amendments removed the need for financial contributions to education, health or open space and reduced the affordable contribution to 10% across the whole of the development site as submitted in outline planning permission 07/2000/OL/W5.

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

Saved Policies of Walsall Unitary Development Plan 2005

The relevant planning policies of the Unitary Development Plan were previously considered at the outline stage however for fullness of the report they are again listed.

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.

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.

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

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.

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is just about to enter its Examination in Public. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Similarly the following Supplementary Planning Guidance was also previously considered:

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

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

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

Urban Open Space SPD - Sets out the thresholds and contributions sought towards urban open space from residential developments over 10 dwellings.

Regional Planning Policy

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

National Policy

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.

PPS25: Development and Flood Risk Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding. In this case this requires the submission of a surface water drainage strategy, hierarchy for surface water disposal, which encourages a SUDS approach, an in principle agreement from Severn Trent Water approving any outflow rate and connection and supporting calculations that demonstrate the system show in drawing "Drainage Layout", JNM Engineering, No. J01139/A1/001 is adequately designed to route and store water (and hence demonstrate acceptable flood risk) up to and including the 1 in 100 year plus climate change event (30% addition).

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

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Consultations

Transportation – no objections

Housing – no objections

Pollution Control – no objections

Environment Agency – objects on basis that the proposals do not meet the requirements of Planning Policy Statement 25

Severn Trent Water – no objection

Centro – no objections

Fire Service - no objections

Regeneration (Landscape) – no objections

British Waterways – no objections

Representations

One objection from the occupier of the adjacent industrial unit on the grounds of:

- The proposed dwellings are too close to the boundary, noise caused by our delivery trucks and unloading with a forklift, manufacture and test engines in building facing the dwellings.
- Do not agree with the applications noise levels report and consider these were undertaken when we were not testing engines. Need for independent noise test during our engine testing and vehicle unloading periods
- Need extra high level noise barriers would be required and at least 30 ft buffer zone from the fence would be required.

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

Determining Issues

- Principle
- Layout/Access
- Environment Agency objection / Flood Risk
- Noise
- Phasing / Section 106 Agreement

Observations

Principle

Issues relating to:

- comprehensive development,
- housing use against Industrial land need,
- highways,
- density

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- accessibility,
- relationship to neighbouring industrial occupiers and M6 motorway,
- impact on neighbouring residential properties,
- design and layout of the proposals
- Section 106 Agreement

were considered at the outline stage and subject to the finer details being agreed by the reserved matters application the principle of using this site for residential is acceptable.

This application is submitted to consider all matters reserved by the outline approval and conditions imposed by that outline consent but only for a small part of the overall development site. The area subject of this application is the first phase of the larger development site. It is the intention and hope that by developing this site on Walstead Road West it will act as a catalyst to the development of the remaining site which will follow as and when market conditions permit.

Layout/Access

The details include an indicative layout of how this site will fit into the larger development. This site would be accessed from Walstead Road West and has been designed to allow through access to future phases of the wider outline site as and when this happens, although this site could adequately stand alone as a residential site due to the existing relationships with nearby residential.

However, the intention and desire is still to see a comprehensive development which is an important consideration in creating a well-designed and well defined development that does not compromise the operation of neighbouring commercial operators or future development of the residential site

The layout proposes a central vehicular access point from Walstead Road West which serves all the dwellings around a central square similar to the 'home zone' concepts, the road dog-legs in order to achieve a satisfactory visual stop when entering the estate.

The square will have different surfacing from the access road which will assist in traffic calming and it will be overlooked allowing natural surveillance of the area.

Plot 12 is close to the industrial unit to the west however it is side on, and has no side facing windows, its side elevation is also approximately 10 metres away from that building, it is therefore is considered acceptable in terms of potential noise generated by that unit and outlook from the dwelling. Plots 13 to 15 are facing that unit but are at a distance of over 10 metres away, again this is considered acceptable and will provide a satisfactory environment for future occupiers.

Whilst some of the rear gardens are below 12 metres (mostly 10.5 metres) they exceed the required 68 square meters with the exception of plot 9 however this plot provides a two space driveway along its rear side boundary which when the remainder of the larger site is developed could be incorporated into the rear garden and the parking spaces provided along side the elevation. All other standards required by the Designing Walsall Supplementary Planning Document are achieved.

Overall it is considered that the layout is acceptable and will provide an improved relationship between the existing residential in Fullbrook Road and the proposed residential. The new dwellings would not adversely impact on the amenities of neighbouring residential occupiers.

Environment Agency objection/Flood Risk

The Environment Agency have objected to the proposal on the basis that the proposed

development does not meet the requirements of Planning Policy Statement 25 – Development and Flood Risk.

The details required are a surface water drainage strategy, an in principle agreement from Severn Trent Water approving any outflow rate and connection, supporting calculations that demonstrate the system show in drawing “Drainage Layout”, JNM Engineering, No. J01139/A1/001 is adequately designed to route and store water (and hence demonstrate acceptable flood risk) up to and including the 1 in 100 year plus climate change event (30% addition).

However, it is considered that the Environment Agency objection could be satisfactorily overcome by the submission of further information and probably involving the use of conditions. Therefore the application is recommended to be supported subject to further details being submitted which meet the requirements of PPS25 and receipt of the following agreed information: the submission of a surface water drainage strategy, hierarchy for surface water disposal, which encourages a SUDS approach, an in principle agreement from Severn Trent Water approving any outflow rate and connection and supporting calculations that demonstrate the system show in drawing “Drainage Layout”, JNM Engineering, No. J01139/A1/001 is adequately designed to route and store water (and hence demonstrate acceptable flood risk) up to and including the 1 in 100 year plus climate change event (30% addition).

Noise

The adjacent industrial user is concerned about the potential impact from noise generated by its operations site and that potentially the use of the site for industrial purposes could be prejudiced its own operations. They are also concerned that the noise report was undertaken when the company were not carrying out engine testing and vehicle unloading periods.

The application details have included a noise report which was carried out on 17th May, 2010, it concludes that the main noise is generated by the M6 and that there was no significant noticeable noise from industrial buildings to the west and south of the site. This is also the conclusion of pollution control officers who have visited the site on a number of occasions. In view of this it is not considered necessary to undertake any further surveys with regards to the environmental conditions.

Clearly where there are industrial operations adjacent to residential developments there is always the potential for possible noise from operations at the adjoining development. In view of this and in order to protect both the future occupiers of the residential development and the existing industrial operations, conditions requiring noise mitigation measures should be imposed on any approval.

Phasing / Section 106 Agreement

It is intended that this first phase will hopefully act as a catalyst for the development of the larger scheme. The phasing will not prejudice the development of the larger site.

A previous report regarding the requirements of the Section 106 Agreement approved amendments which removed the need for financial contributions to education, health and open space, the affordable housing requirement was also reduced to 10% the details of this application will provide 2 dwellings for affordable housing in accordance with that approval.

Summary of Reasons to GRANT SUBJECT TO RESOLUTION OF ENVIRONMENT AGENCY OBJECTION TO MEET THE REQUIREMENTS OF PPS25

The development of this site as phase one is intended to act as a catalyst for the future development of the larger site approved by outline consent ref no 07/2000/OL/W5. The layout will allow the future expansion into the remainder of the site from Walstead Road West whilst being

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able to satisfactorily stand alone on its own as a small well designed and integrated estate in this area. The orientation of dwellings and layout provides separation distances for a satisfactory residential amenity to be provided without prejudicing the existing operations of the adjacent industrial occupier. As such the development of this phase is in accordance with policies GP1, 2.2, 3.6, 3.7, GP2, GP3, GP4, 3.16, ENV10, ENV14, 3.16, GP7, ENV32, H10, 3.116, 3.117, ENV33, ENV40, 6.3, H3, H9, 7.1, T7, T13 and 8.8 of the Unitary Development Plan.

**Recommendation: GRANT SUBJECT TO RESOLUTION OF ENVIRONMENT AGENCY
OBJECTION TO MEET THE REQUIREMENTS OF PPS25**

1. This approval relates only to phase one of the overall larger scheme as approved by outline planning permission 07/2000/OL/W5 dated 15th November, 2007. For completeness and clarity therefore this consent hereby approves the following conditions 1, 2 a), b), c) and d), 4, 8, 11, 13, 14 and 15 for phase one.

2. This consent is subject to all other conditions on approval 07/2000/OL/W5, namely 3, 5, 6, 7, 9, 10, 12, 17 and 19 and the following additional conditions:

a) Prior to built development commencing additional investigation and assessment of ground contamination and landfill gas as shall be undertaken to the satisfaction of the Local Planning Authority. A copy of the findings of the ground contamination investigation and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority within 1 month of completion.

Reason: In order to safeguard the amenities of future residential occupiers.

b) Prior to built development commencing 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 with the Local Planning Authority.

Reason: In order to safeguard the amenities of future residential occupiers.

c) 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: In order to safeguard the amenities of future residential occupiers.

d) No development shall take place until suitable noise mitigation measures to protect internal and external areas with reference to the report from Hoare Lea to Metropolitan Estates reference 10-03662-Walstead Road, Walsall-R1 and dated 15th 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 order to safeguard the amenities of future residential occupiers.

e) Before any other works hereby approved are commenced, details of the means of closure and reinstatement of the existing access and construction of new vehicular access shall be

submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to the occupation of the buildings hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed.

Reason: In the interest of Highway Safety.

Notes for Applicant

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

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

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hour), of 45 dB between the hours 07.00 to 23.00;

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.

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

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

B. 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.

C. 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.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

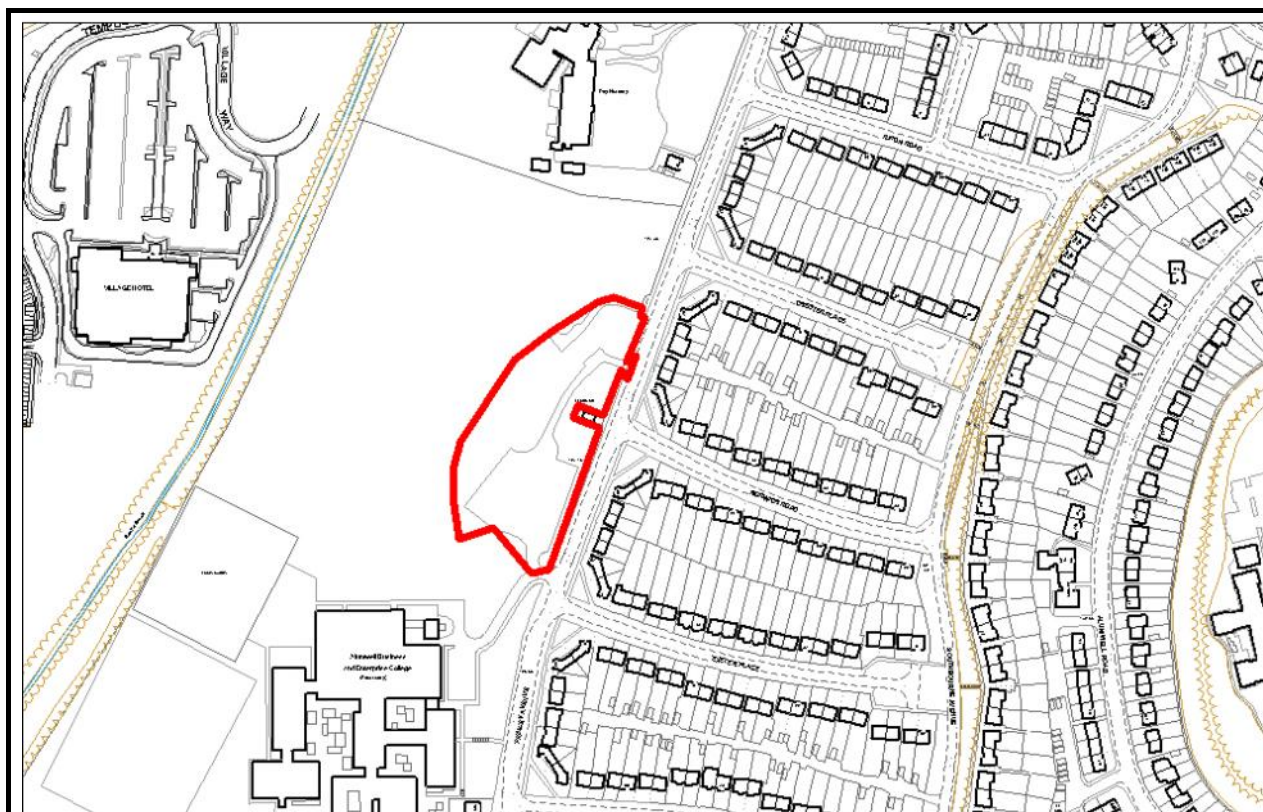
Reason for bringing to committee: Major application

Application Number: 10/0835/FL
Application Type: Full application

Applicant: Childrens Services (Walsall)
Proposal: Proposed new 14-19 education facility, associated landscaping and parking and new service access road adjacent to Alumwell Comprehensive.
Ward: Pleck

Case Officer: Karon Hulse
Telephone Number: 01922 652492
Email:planningservices@walsall.gov.uk
Agent: BBLB Architects
Location: ADJACENT ALUMWELL BUSINESS & ENTERPRISE CENTRE, PRIMLEY AVENUE, WALSALL, WS2 9UA
Expired Date: 05/10/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application seeks consent for the development of a site adjacent to Alumwell Business and Enterprise college (which may be better known as Alumwell Comprehensive school) Primley Avenue, Walsall for a new health and well being education facility known as 'Healthtec'. The facility would be predominantly aimed at use by 14 – 19 year olds and would provide an innovative health and social care resource and education centre.

The new building will run alongside Primley Avenue, with its main entrance facing south towards the existing College. It will consist of two storeys although from Primley Avenue this will appear less than 2 storeys due to the ground levels falling away towards the building, and beyond to the College sports pitches.

Twenty two car parking spaces have been incorporated into the development with 10 sheltered cycle parking spaces and there is an existing bus lay by on the street. Access is gained via a shared access with the Alumwell Business and Enterprise College. The proposals also include relocation of the Alumwell Business and Enterprise College car park which currently forms part of the planning application site. A new car park for the college is being provided adjacent to the existing access. This will both allow the development of the Healthtec building and bring the College car parking closer to the College buildings. These car park works are permitted development not requiring planning permission.

The new building will be modern and the aim of this exclusively educational building is to provide related experience on health and social care in an inclusive and self learning engaging building. The building will however be used by young people from primary, secondary and special school sectors across the Borough, it is not exclusively for use by the Alumwell Business and Enterprise College.

Healthtec is an educational social enterprise partnership delivering the health, social care and science curriculum in schools. There are currently several healthtec facilities in the UK, however, this would be the first purpose built one.

The key aspirations of the new Healthtec Centre is to develop a new facility to meet the changing needs of young people and ensure high quality vocational education and training to meet future employer/employment needs and to prepare young people for future jobs.

Facilities at the centre will include an ambulance parking bay (for practise / training on such equipment), an A&E triage area, a large studio with multiple changeable sets to accommodate, Hospital Ward, Infection Control Station, Rehabilitation Equipment and Delivery Room/Morgue, Community Simulated Suite containing Living Room, Kitchen, Bathroom and Bedroom. There will be a viewing gallery above this to allow interactive scenarios to be delivered in as close as possible authentic health and social care settings by qualified health professionals.

Other facilities will include a laboratory, meeting rooms, conference rooms, auditorium and classrooms and an external sensory garden to encourage the use of the four senses.

The site is located approximately 1 kilometre west of Walsall Town Centre and served well by public transport

The facility is designed to be BREEAM compliant and is intended to achieve an 'Excellent' rating. The existing College operates a waste management plan which includes the separation of various waste materials for recycling. As part of the BREEAM approach water waste minimisation will be installed, lights will operate on PER sensors, the building will use natural day light and natural

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ventilation as much as possible within the classrooms, via low level inlet louvers with high level discharge stacks/light wells in order to minimise energy use and CO2 production.

The following documents have been submitted in support of the planning application:

Design and Access Statement – outlines the key aspirations of the development

Ground Investigation Report – contains a number of recommendations in respect of ground contamination

Transport Assessment – concludes that the development proposals will have no adverse impact on the adjacent highways network.

Public Art (Project Brief) – outlines the opportunity for an artist to be involved with the project, the aims of the artist commission, the appointment and delivery process. It outlines the aspirations for the Health Tec building and its users. It outlines its purpose namely to provide an opportunity to reinforce and accentuate the purpose of the building and to contribute to the unique environment the building aims to deliver.

Tree Survey – recommends tree protection zones and that development of the site is possible within the constraints of the existing trees on the site

Air Quality Assessment – the assessment recommends that no further detailed air quality assessment to consider potential road traffic emissions is necessary nor any mitigation measures required

Environmental Noise Assessment – During the survey the dominant sources of noise were from local traffic movements along Primley Avenue and the M6 motorway, intermittent sources of noise were birdsong and refuse collection vehicles. The noise assessment recommends the provision of adequate background ventilation for the school possibly by way of trickle vents and operable windows.

Ecological Scoping and Habitat Survey – Whilst the report suggests that the majority of the site is considered to have limited and low ecological value, the woodland shrubs and trees along the semi improved area of grassland does hold some ecological value and provides structure to the site along with sheltered areas for nesting and foraging birds to avoid predators, it may also be used by bats for foraging. It is therefore recommended that any loss of trees should be offset by planting of trees or shrubs that are native, present locally, and of local provenance and a minimum of 10 bird boxes should be installed.

Relevant Planning History

None specifically relevant to the determination of this planning 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).

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.

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. It further requires applications on sites which may be affected by contamination, instability and landfill gas to be accompanied by a site investigation report identifying the hazards present, assessing the level of risk, and setting out a strategy and timetable for dealing with them as part of the development.

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.

T12(c)...relates to highway access etc for Health and Educational Facilities

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

8.7: Education, Health and Community Facilities. The enhancement of existing, and the provision of new, facilities for education, health and other community needs (including those of religious groups and other community organisations) will be encouraged. Particular emphasis will be placed on locations which are accessible to all sections of the community by a choice of means of transport, including locations within or adjoining established centres where possible and appropriate (see Chapter 5). The Council will seek to identify any sites required for these purposes through the local planning process. Any land or premises surplus to the requirements of the education, health and other community services will be considered for suitable alternative uses consistent with other policies of this Plan. Projects which contribute to the objectives of the Health Action Zone initiative will be supported.

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.

WM1: waste management activities

WM4: Provision of recycling facilities in development schemes

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.

Supplementary Planning Documents (Planning Policy Guidance) Designing Walsall SPD

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

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

DW2- Safe 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;

DBW3 – all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

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

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

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

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

Natural Environment SPD

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

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 (Planning Policy Statement) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. Planning Policy Guidance 1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." 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.

Planning Policy Statement 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. Planning Policy Guidance 3 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

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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.

Planning Policy Statement 4: Planning for sustainable economic growth, reinforces the Government's application of the 'plan-led approach' and 'town centre first' principles to retail and all other developments for town centre uses. It does, however, provide clarification on how such proposals should be considered. Weight is to be given to the regeneration, social inclusion and mixed use development benefits of retail and town centre use schemes, but only where these also comply with town centre planning policy, rather than being used as a justification for development contrary to policy.

Planning Policy Guidance 13 on transportation seeks to minimise the use of the car by the sustainable location of development.

Planning Policy Guidance 24: Seeks to minimise the adverse impact of noise.

Planning Policy Statement 25: Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

National Policy Statements, which discuss significant infrastructure projects, are also a material consideration in the application process.

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

Consultations

Policy team - Planning Policy approves of the waste management strategy for this development as summarised in the Design and Access Statement. However we considers that the submitted information is deficient in a number of respects:

The development of an education facility on this site is acceptable in principle. The view can be taken that the proposed facility would be complementary to the existing education complex and this outweighs the requirement to consider a more central location. However, significant public transport improvements would be required for the development to be acceptable in accessibility terms.

Transportation - no objections but make comments about areas of improvement

Environment Agency – no objections

Pollution Control (Scientific Team) - no objections

Pollution Control Contaminated Land) - no objections

subject to works being implemented to investigate and remediate any localised ground contamination associated with the sensory garden and ground gas issues associated with the former landfill site.

Regeneration (Urban Design) - no objections

Regeneration (Landscape) - no objections subject to a number of revisions and further information in respect of species types etc.

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Environmental Health - no objections

Fire Service - no objections

Severn Trent Water - no objections

Centro - no objections

Sport England – no objections

Public Participation Responses

None

Determining Issues

- Policy
- Sustainability
- Design/Public Art
- Landscaping
- Ground conditions
- Highways
- Residential amenity

Observations

Policy

The site is located approximately 1 kilometre west of Walsall Town Centre. The proposed education facility would provide training for 14-19 year olds in health and social care and would be used by all schools in the borough.

Adjacent to the application site is Alumwell Business and Enterprise College (an 11-18 comprehensive school) which offers conference facilities and some adult education classes.

Education facilities serving a borough-wide catchment area are defined as a town centre use in the Unitary Development Plan (Policy S1). This is not a town centre site.

Whilst the site is an out-of-centre location the proposed building will form part of a complex of education-related uses. A proportion of pupils attending the adjacent college are expected to use this facility. The site has good levels of public transport (though many pupils would be brought by coach, using the existing bus lay-by on Primley Avenue).

In view of the above, the development of an education facility on this site would be complementary to the existing education complex and this is judged to outweigh the requirement for a more central location.

Sustainability

The Local Development Framework (LDF) policies set out various requirements for new developments with regard to sustainable waste and resource management.

The Design and Access Statement summarises the measures that have been incorporated into the design to promote sustainable development and resource management. This confirms that a

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recognised environmental benchmarking system is being applied to this development (BREEAM for Schools), which is to be welcomed. Provision has been made for a compound big enough to take 4 large wheeled bins enabling segregation of dry recyclable wastes, plus unspecified “components” for water waste minimisation, use of solar shading to minimise heat and need for cooling during the summer, and measures to minimise use of electricity such as lighting controlled by sensors, use of natural ventilation and lighting and heat exchangers. The building is also designed to facilitate eventual deconstruction, using materials which can be easily re-used or recycled all of which is to be acknowledged and supported.

Whilst a waste management strategy is summarised in the Design and Access Statement, it is considered that the submitted information is deficient in a number of respects: a waste audit and at least one Site Waste Management Plan (SWMP) would be useful, and details of the location of the bin storage area or in-house waste management which will be required by a school with its own waste management plan. All of these can be satisfactorily secured by way of conditions.

Design/ Public Art

The aim of the design is to create a vibrant building within the community, the central atrium will provide a stimulating learning environment and flexibility for a selection of teaching and learning environments.

The atrium will allow natural light within the internal part of the building with maximum ceiling heights in the classrooms being used to give a light and airy feeling. The proposed solid building frontage to Primley Avenue reinforces the street scene whilst the other side allows far reaching views across the playing fields to the M6 motorway and beyond, this elevation will be mainly glazed to benefit from those views but also to present a building with a strong and striking appearance to users travelling along the M6.

The car park, access pathways and entrance are all naturally policed by the administration areas providing passive and continuous surveillance.

Overall and on balance the design is acceptable and will be designed to be BREEAM compliant and achieve an ‘excellent’ rating.

The submission of the public art brief identifies that the details of the scheme will be achieved through interviewing and collaborating with an appointed artist at stage 2 which is to be completed by 29th November with 6th December being the start date to implement the artwork. On going work and consultations between the applicants and the councils urban designer will continue through out the process but to date the process so far is acceptable.

Landscaping

Both a hard and soft landscaping scheme has been submitted, the planting scheme is welcomed although a number of amendments have been suggested which involve the sensory garden and inclusion of fruit trees as it would be expected that ‘healthy eating’ will form part of the curriculum taught on site. This will allow for ‘taste’ to be included in the sensory garden (covering all five senses, rather than the four initially explored).

The proposed sprinkler tank (sited in a generally secluded part of the site) needs to be adequately screened from the building and the sensory garden by retained vegetation. The existing vegetation is predominantly deciduous and therefore will not screen it in winter – additional native evergreen screen planting such as holly is suggested in this area and should be included in any enhanced landscaping scheme as required by the recommended conditions.

Initially there was an objection from Sport England which has now been withdrawn however this has resulted in the boundary to the sensory garden being amended, a revised plan indicates that the security fencing has been revised which results in a smaller sensory garden however this will have no impact on its function or intended purpose. The revised planting / landscaping scheme also takes this amended boundary into account.

Ground conditions

The site is well known particularly for its past operations as a former landfill site and implications for contamination etc.

The application is supported by the a Ground Investigation report which gives the results of the soil contamination testing, assessed as the final use being a school use. The analysis and the comparison against industry recognised assessment criteria for schools is flawed in relation to the sensory garden where people will be coming into direct contact with the soil e.g. via planting as well as the potential for inhalation of soil dusts. Further examination of the area of the sensory garden is needed, to review the need for remedial measures. In addition, the report does not contain recommendations for remediation of ground contamination or ground gas.

These need to be secured by way of the recommended conditions.

Highways/Accessibility

This is an out of centre location. The existing school clearly, for the most part, serves the local area as opposed to the new facility which will be attended by pupils from across the borough as well. The application site is close to three bus services to / from the Town Centre via Manor Hospital and one goes on to the Lodge Farm area in Willenhall. There is another bus route from Walsall to Wolverhampton via Willenhall as frequently as every 7 minutes Monday to Friday but the nearest bus stop for this service is approximately 600 metres from the application site. However, these bus routes do not operate from all parts of the anticipated catchment area directly to the facility.

To overcome this lack, provision will need to be made for transport to serve the catchment of the development during the time of operation, and with this in mind it is recommended that any permission is subject to the submission of a Travel Plan.

Residential Amenity - The new building will be opposite nos. 43 to 53, Primley Avenue which are two storey residential properties. Currently they have views across the school playing fields towards the M6 motorway.

The new building will sit approximately 1.5 metres below street level, which will therefore reduce the appearance of the building to those residents opposite. The siting of the building will, in the view of officers, have no adverse impact on the residential amenity of nearby residents.

Summary of Reasons for Granting Planning Permission

The proposed education facility will provide training for 14-19 year olds in health and social care and will be used by all schools in the borough and would be the first purpose built facility in the UK. It has been designed and will be constructed to be BREEAM compliant achieving an 'excellent' rating. The design will create a vibrant building within the local community with a strong and striking appearance to users travelling along the M6 motorway. Externally the sensory garden will provide a tranquil managed space provide a calming atmosphere with the potential for external teaching. Whilst the location is out of centre the provision of a travel plan will encourage and identify a package of proposed measures consistent with the aim of reducing reliance on the car, and encouraging the use of sustainable transport. The development will have no impact on the use

of the existing schools sports fields or on residential amenity of occupiers along Primley Avenue. As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with policies GP1, 2.2, 3.6, 3.7, GP2, GP3, GP4, 3.16, ENV10, ENV14, 3.16, GP7, ENV32, H10 and 3.116: 3.117 & ENV33, ENV40, 7.1, T7, T13, T12, T13, 8.7, LC1, WM1 and WM4 of the Development Plan, national planning guidance and best practice guidance and, on balance, having taken into account all material planning considerations, the proposals are 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. A scheme of public art shall be delivered on site in accordance with the submitted public art project brief and subject to the approval of the artist's detailed designs. These detailed designs shall be submitted to and approved in writing by the LPA by 30th November 2010. The detailed designs shall be accompanied by a public art statement that includes the following information:

- A description of the relationship between the public art statement and the Local Authorities' public art policies
- Description(s) of the artwork that will be realised and its relationship to the HealthTec
- Timescales for the development and implementation of all the public art
- Details of ownership, maintenance and de-commissioning of public art
- Finalised budget allocations relating to all of the above criteria

Reason : To ensure the satisfactory development of the site and provision of public art in accordance with Designing Walsall Supplementary Planning Document.

3. The access, servicing/turning areas and parking facilities shown on the approved plan are to be properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall be thereafter be retained and kept available for those uses at all times.

Reason: In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

4. Within 6 months of the development hereby approved being brought into use, a full Travel Plan shall be developed/submitted to the Local Planning Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and encouraging the use of sustainable transport. A Travel Plan Co-ordinator shall be nominated who will manage the Travel Plan and co-ordinate the annual survey and review, which will be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The site shall be operated at all times in accordance with the Travel Plan.

Reason: To promote sustainable travel with a view to reduce congestion, the environmental impact of car use, and improve health.

5. Prior to the development commencing, full details of a work place strategy which will define working practices throughout the development of this site shall be submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented and complied with where relevant before any development commences and during development.

a) Matters to be considered for inclusion in the working practice strategy are :

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- Vehicle access points for construction purposes
- Location and type of wheel washing equipment
- Location of site offices
- Proposed storage compound for materials
- Proposed lorry manoeuvring areas
- Signage to indicate site and directions
- Times of deliveries to the site

b) The strategy should also include any other relevant practices which may affect the amenity of the nearby residents and Alumwell Business and Enterprise College and other schools close by. The strategy should also relate to duration of demolition, construction or engineering works on the site until the erection of the buildings and laying out of hard surfaced areas and landscaped areas is complete. This includes land reclamation, stabilisation, preparation, remediation, refurbishment or investigation and the siting of plant, machinery or equipment.

c) Any alterations or changes to project commencement times or duration of construction periods shall be submitted to and approved in writing by the Local Planning Authority prior to those amendments being implemented.

Reason : To ensure the satisfactory development and functioning of the site and to safeguard the amenities of nearby residential occupants

6. Prior to the development commencing the following information should be submitted to and approved in writing by the Local Planning Authority:

- a) A waste audit.
- b) A Site Waste Management Plan (SWMP);
- c) Details of bin storage area located within the development;
- d) Details for the provision for recycling including in-house waste management e.g. composting and provision of SUDS proposals in particular relating to rainwater harvesting and permeable paving to car parks.

The development shall be constructed and operated in accordance with the approved details.

Reason: To encourage the developments which provide for in house recycling in accordance with policy WM1 of the Unitary Development Plan.

7. For the duration of the reclamation of the site, and the construction period, the access(es) 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.

8. 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 0700 to 1800 weekdays, and 0800 to 1300 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with these works shall be started up or operational on the development outside these permitted hours.

Reason : To safeguard the amenities of the area and occupiers of adjoining premises

9. 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.

10. 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, boundary treatments and methods to prevent unauthorised access by vehicles onto the adjoining Local Nature Reserve along the improved access road. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason : To ensure the satisfactory functioning and appearance of the development and prevent unauthorised vehicular access onto the adjoining Local Nature Reserve.

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

- i) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2) The applicant shall also provided a supplementary report assessing risk to future users of the sensory garden area of the development
- 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 CL3)

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

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

Reason: To ensure the satisfactory appearance of the development.

13. 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.

14. 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

Reason: To ensure the satisfactory appearance of the development.

15. Prior to first occupation details of CCTV equipment to protect the future users of the building and the building itself shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall have been implemented and completed. They shall be thereafter retained in good working order at all times.

(NB. The CCTV should be installed to cover all external areas of the building and its hard drive stored in a secure location inside the Healthtec building.)

Reason : To protect the building and users of the facility and prevent unauthorised removal of recorded evidence.

16. Prior to first occupation details of amplification equipment and sound proofing for the premises shall have been approved in writing by the Local Planning Authority, the approved details shall be implemented before the premises are brought into use and thereafter retained, any future additions of such equipment shall also be submitted to and approved in writing by the Local Planning Authority before first being installed.

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

17. No plant or equipment used in connection with supplying, generating and/or transferring heating, ventilation, air conditioning, silencers, filters, chilling and freezing systems in the new building shall be installed until the location of such equipment has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the new building is first used and thereafter retained in good working order.

Reason: To safeguard the amenities of local residents and to ensure the satisfactory functioning of the development.

18. The development shall not be brought into use until self closing doors have been fitted to the premises, and these shall thereafter be retained at all times. There shall be no provision in the

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design of the doors to lock or hold them open and they shall not be wedged or otherwise held open.

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

19. Prior to first occupation a scheme for lighting to be used on the shared car park for both the Alumwell Business and Enterprise College and the new Healthtec building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and maintained in accordance with the recommendations issued by *The Institution of Lighting Engineers* for the reduction of light pollution. No light shall be directed at, illuminate, reach or cross any occupied dwelling and cause undue glare or distraction to occupiers of adjacent residential properties or users of the highway, by reason of intensity or positioning.

Reason: To ensure the satisfactory appearance of the development, to safeguard the amenities of the nearby occupants and in the interests of highway safety.

20. No development shall be carried out until full details of existing and proposed levels of the site, accessways 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.

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

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

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

22. 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 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.

Notes for Applicant

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

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

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

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

If further site investigations are undertaken, and if it is concluded that extensive remediation work is necessary to stabilise areas affected by previous mining activity and/ or deal with contamination, the applicant should be requested to confirm whether prior extraction of coal will be undertaken as part of this work. The applicant should also be advised that an incidental licence will be required from the Coal Authority for any works which would involve the removal of coal, even where the coal is re-deposited within the site (see Coal Authority Website: <http://www.coal.gov.uk/services/licensing/index.cfm>).



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Major Application

Application Number: 10/0362/FL
Application Type: Full application

Applicant: Mr Thandi

Proposal: Refurbishment of existing retail premises and 3 apartments and erection of 9 2-bedroom apartments on Pleck Road frontage with associated car parking, landscaping and associated works and demolition of existing ancillary buildings.

Ward: Pleck

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Email: planningservices@walsall.gov.uk

Agent: Khoury Architects

Location: LAND CORNER OF PLECK ROAD AND IDA ROAD, WALSALL, WEST MIDLANDS

Expired Date: 12/07/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Current Status

Members deferred the application at the 8th July 2010 Committee for the following reasons:

1. To change the relationship between solid and void on the Pleck Road frontage. This clearly has implications in terms of the Pleck Road air quality and the windows need to take account of this (i.e. be non-opening). Members liked the rear elevations.
2. Members were concerned with regard to the durability and the use of timber as the main material. They were concerned about the visual impact of this but I feel that with adequate assurance and explanation as to the long-term viability this issue may be overcome.
3. Members are seeking clarification on the use of solar panels and other eco-credentials.

In response the architects have prepared an amended scheme increasing the glazing and vertical emphasis interest to the Pleck Road elevation, however this is restricted due to the air quality and noise issues associated with Pleck Road and the impact that this would have on the amenity of future residents. Attention is drawn to condition 5 of the recommendation which limits the use of habitable windows and stipulates that they are non-opening. Other principal changes include the bringing forward of the first and second floors on the northern part of the development, the introduction of vertical features and surround to the windows, landscaping detail, brick to the ground floor to take account of the neighboring building, a brise soleil concept to the main entrances along with amendment to the entrance features to make these more dominant to the street scene. Officers maintain the view that the architects have responded to the constraints presented by Pleck Road and that the design is a modern and well-thought out solution and of high quality.

The applicant has also submitted additional Sustainability Statements and a Statement specifically relating to Timber Cladding which details the high level of sustainability from the use of materials and examples of best practice where timber has been used as an external material. The use of timber as part of development is commonplace, both in Walsall and in the wider construction industry, in addition the wooden framing are guaranteed for 60 years. Walsall schemes including timber as a principal external material, include the award winning Smiths Flour Mill, Tesco, and Crown Lofts on the Waterfront. The material is durable and an effective external material, often, through the grain of the wood, adding texture, warmth and depth to elevations that cannot be achieved by brick, glass or render. The 3-D elevations presented show that the use of timber will add to the street scene and present an interesting façade treatment. It is considered that the use of timber is a sustainable and durable material.

Aside from the use of sustainably sourced materials the development will be constructed to the latest Building Regulations standards which will achieve an appropriate level of energy efficiency. The proposals also intend to use green walls which will add to the ecological benefit of the proposals and will aid the insulation of the proposals and offer reduction in the acoustic impact of surrounding uses. Overall the proposals will meet and exceed sustainability standards and offer high quality sustainable residential accommodation that will improve the quality of the environment and take account of reducing the impact of development on the environment.

Application and Site Details

The proposals comprise refurbishment and extension of an existing retail premises and 3 apartments and erection of 9 2-bedroom apartments on Pleck Road frontage with associated car parking, landscaping and associated works and demolition of existing ancillary buildings to the rear of the site.

The proposals are to retain the existing frontage buildings with three-storey contemporary building also on the Pleck Road frontage. The proposals will accommodate 17 car parking spaces, together with cycle stands and refuse facilities. The proposals also include a significant area of communal amenity space and would be capable of being accessed from both Pleck Road and the rear car park.

The area is mixed in character with residential and commercial development prominent in the area. The Walsall hospital re-development makes this the principal and significant feature to Pleck Road in particular. To the rear of the application site is generally characterised by family housing.

Relevant Planning History

On land covered by red and blue outline

09/0754/FL - Demolition of attached rear wing of accommodation, change of use of ground floor flat (No1) into service + staff accommodation together with a new A3 use linking with existing retail shop. Formation of 2 No refurbished apartments at first floor from the remaining residential accommodation. Refurbishment of whole existing exterior including windows and the installation of new shop fronts + surroundings. Refused – 04/09/09

07/0187/FL/W7 - 22 no. Residential Units and 1 no. Retail Unit – Granted 3rd January 2008.

06/0385/OL/W7 - OUTLINE: 23 Flats in 3 storeys plus penthouse plus 3 no. Retail Units – Withdrawn

06/0396/FL/W7 - 13 No. Flats in 3 Storeys plus Penthouse – Withdrawn

BC33088P – Display of 4 hoardings – Granted April 2005 for a period of two years

Relevant Planning Policy Summary

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.

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.

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.

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.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is just about to enter its Examination in Public. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

DBW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DBW3 – all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

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

Regional Strategy for the West Midlands

The recent Ministerial Statement by Eric Pickles indicates that the Regional Strategy will be abolished however, until the legislation is passed through Parliament the Regional Strategy is still a material consideration.

The focus for the Black Country policies are to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

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

A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

Policies UR1, UR1b, UR1c and UR3 which seek to regenerate urban areas and in particular the major urban areas. Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations.

Policies QE1, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space. Policy CC1, EN1, EN2 seeks to conserve energy and address climate change.

Policies T2, T3, T4, T5 and T7 seek to reduce the need to travel and promote sustainable modes of transport.

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.

Consultations

Transportation – No objection

Pollution Control Scientific Team – No objection

Pollution Control Contaminated Land Team – No objection

Access Officer – No objection however there will need to be an accessible toilet in the retail area to comply with Building Regulations Approved Document M section 5.7

Centro – No objection

Land Drainage – No objection

Fire Service – No objection

Public Participation Responses

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1 letter of objection concerned about parking and the number of flats

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

Determining Issues

- Principle of the development
- Impact on the street scene and character of the area
- Impact on neighbouring residential occupiers
- Education and open space contributions

Observations

Principle of the development

The application site is out of centre in retail policy terms and any additional development would need to meet a local need and this needs to be demonstrated. No such evidence has been submitted. However, the retail floorspace proposed is largely as existing with the total floor area being proposed at 100sqm from the existing at 43sqm. Taking into account the total floorspace created being relatively small there would be limited opportunity for the floorspace to be considered other than providing a local need. Whilst the applicant has not demonstrated this, on balance the level of floorspace is not considered to be significant enough to warrant a refusal on retail harm to the town centre or Pleck Local Centre.

Impact on the street scene and character of the area

The proposals maintains the traditional element of the old shop whilst extending the retail floorspace whilst the newbuild would be of a contemporary design reflecting the new hospital development in scale and mass.

The proposals are linked through a lightweight glazed structure to provide a transition between the traditional and modern architectural responses. Overall it is considered that the proposals would provide a positive addition to the street scene and be in keeping with the existing and proposed developments in the area.

Impact on neighbouring residential occupiers

The proposals would allow for good separation to neighbouring residential properties and would not move closer to neighbouring residential properties than the existing development. The proposals would not therefore result in undue overlooking, loss of privacy or loss of light to neighbouring residential properties.

It is also noted that the proposals would represent a significant improvement on existing car wash and largely underutilised areas and structures which are of detriment to neighbouring residents.

As such the proposals are considered to be an improvement to the amenities of neighbouring residential occupiers.

Education and open space contributions

Whilst the development includes 12 residential properties, the proposals will create nine properties with the refurbishment of the existing 3 residential properties. Whilst there is scope for more units at a higher density (as shown by planning permission reference 07/0187/FL/W7), the proposals are a comprehensive scheme relating to the whole site and makes good use of land. As such taking into account the number of units created, no contribution is sought in this instance.

Summary of Reasons for Granting Planning Permission

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The proposed extension to the retail shop would improve the viability of an existing retail premises that provides a local need.

The proposals are a mixture of contemporary and traditional designs and would be acceptable in view of the street scene and character of the area, in particular the redevelopment of Walsall Hospital. The proposals would have no material adverse impact on the neighbouring residential or commercial properties and would be acceptable to their amenities. In addition, subject to satisfactory discharge of conditions relating to noise and air quality, the proposals would provide a suitable residential environment for future occupiers.

The proposed car parking layout is acceptable, would provide an acceptable level of car parking and the provision of cycle parking facilities will be an improvement to the choices available to residents. The proposals would be in keeping with the style and layout of the existing retail store and the improvements to the forecourt will be an improvement to the street scene.

Overall taking in to account all consultation responses and public participation responses the proposals are considered to be in accordance with the Development Plan, in particular Policy GP2, GP7, ENV10, ENV32, ENV33, S6, S7, T7, T8, T9 and T13 of Walsall Unitary Development Plan.

Recommendation: Grant Permission Subject to Conditions

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

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

2. No construction, demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 09.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In order to safeguard the amenities of neighbouring residents.

Note for Applicant

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

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

Reason: In order to safeguard the amenities of future residential occupiers.

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

Reason: In order to safeguard the amenities of future residential occupiers.

5. Windows of habitable on the façade fronting onto Pleck Road shall be non-openable and ventilation of internal areas shall occur using induction air from the rear of the premises (i.e. the façade furthest away from Pleck Road) unless an air quality screening assessment has been undertaken, and suitable mitigation measures to protect internal areas, as required have been agreed in writing with the local planning authority. The development shall not be occupied until such measures have been fully implemented.

Reason: In order to safeguard the amenities of future residential occupiers.

6. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. This scheme shall include indications of all hard surfaces, walls, fences, the existing trees and hedges to be retained, together with the new planting to be carried out, and details of the measures to be taken to protect existing features during the construction of the development. The development shall be carried out in accordance with the agreed scheme and implemented prior to the first occupation of the dwellings.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

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

Reason: To ensure the satisfactory appearance of the development.

8. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed materials.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory development of the site.

10. 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

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

11. The car parking shown shall be laid out in accordance with layout shown on the approved plans prior to the first occupation of the residential scheme.

Reason: In order to ensure satisfactory functioning of the development.

12. Prior to the commencement of development the details of cycle stores shall be submitted for the approval of the Local Planning Authority. The approved details shall be implemented prior to the first occupation.

Reason: To ensure the satisfactory appearance of the development, and to promote use of the bike, and minimise use of the car.

13. Prior to the commencement of development a scheme for external lighting (including a timetable for installation) will be submitted for the approval of the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

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

14 Prior to the commencement of development the details (external appearance, number and materials) of bin stores (for residential and commercial refuse) shall be submitted for the approval of the Local Planning Authority. The approved details shall be implemented prior to the first occupation.

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Reason: To ensure the satisfactory appearance of the development,

Notes for applicant

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

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

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

B) Unless otherwise specified in a relevant standard, code or guidance, sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 1 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or British Standard BS 61672 Electroacoustics- Sound Level Meters - Part 3: Periodic tests, within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise". British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use. British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995
This is not an exhaustive list.

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

D) Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers,

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

E) As 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.

Notes for Applicant – Contaminated Land

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

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

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

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

CL4) The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23: Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The

results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Major Application

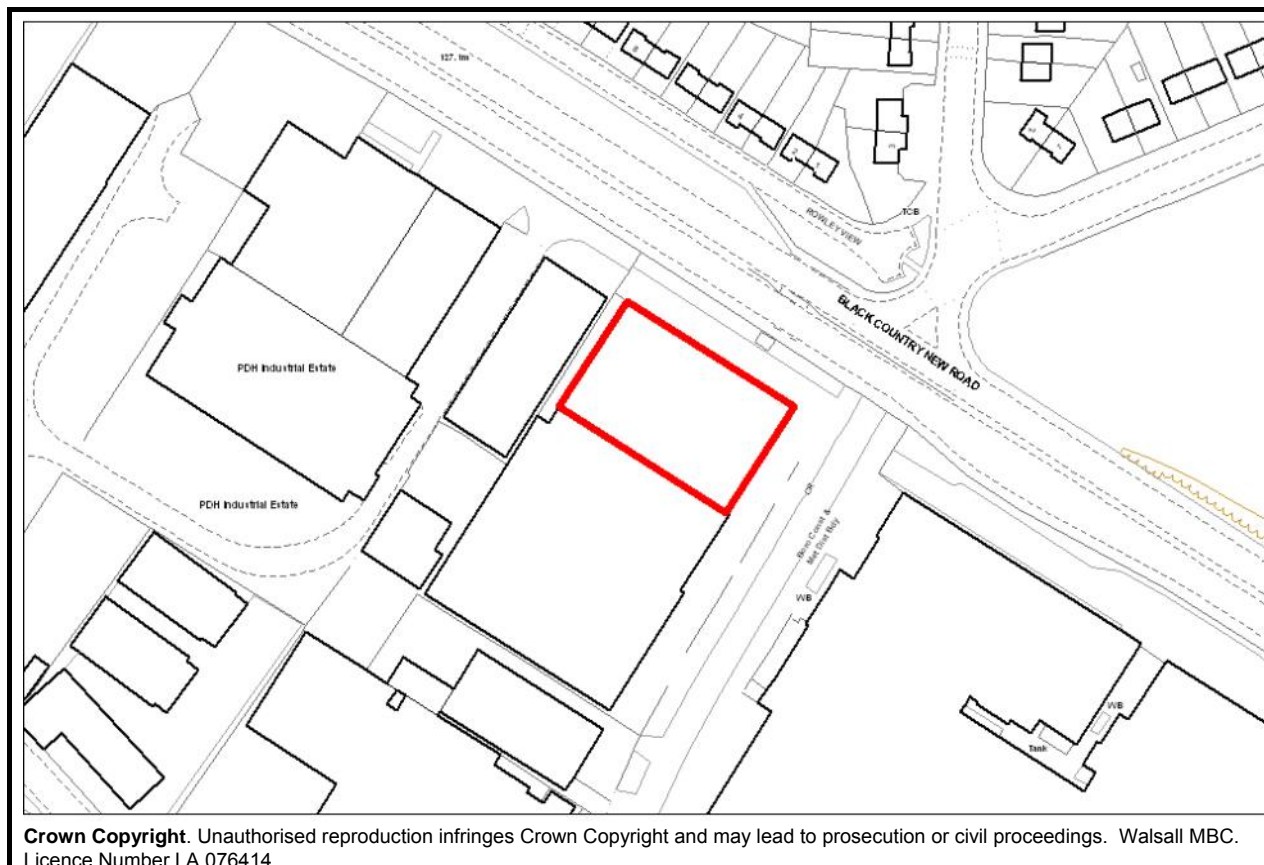
Application Number: 10/0682/FL
Application Type: Full application

Applicant: Spire Midlands Ltd
Proposal: Rebuild of industrial unit

Ward: Darlaston South

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Newchurch - IAE
Location: Units 1 & 2, Newman Business Park, Southern Way, Wednesbury
Expired Date: 01/11/2010

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application is for the rebuilding of a former industrial unit at Southern Way, Darlaston which forms part of the Newham Business Park. The factory is side on to the Black Country New Road.

The former factory was burnt down and this application seeks to replace the building like for like. Whilst some of the external shell remains this is in poor condition and can not be repaired.

The total floorspace is 1,350square metres on a site of 0.21ha.

Relevant Planning History

None

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).

Saved Policies of Walsall's Unitary Development Plan (UDP) 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: 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, and 3.116: seeks the design of developments to create high quality 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.

JP5 – Seeks to protect Core Employment Areas for industrial and commercial operators.

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.

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;

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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.

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 seeks flexible and high quality industrial and commercial development and provide modern industrial and commercial environments to boost sustainable economic growth.

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

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

Consultations

Transportation – No objection

Pollution Control (Scientific Team) – No objection

Pollution Control Contaminated Land Team - No objection subject to a desk study and site reconnaissance being carried out to identify the potential for contaminants and/or ground gases likely to be present on the site. Should the potential presence of contamination and/or ground gases be identified on site a ground contamination survey and site investigation should be carried out to identify risk to future occupants or structure on the site.

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Fire Service – No objection

Landscape – No objection however the trees and boundary treatment to the Black Country New Route needs to be maintained.

Environment Agency – No objection – development is of low environmental risk

Highways Agency – No objection

Development and Delivery Team – No objection

Public Participation Responses

One letter of objection has been received from a local resident concerned that the building will again be subject to fire and be a health hazard with toxic fumes and leaks. Reference is made to the difficulty in dealing with the previous fire and that no fire prevention measures were in place.

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

Determining Issues

- Principle of the use
- Visual impact of the development
- Relationship to the Black Country New Route
- Fire protection
- Car parking and servicing

Observations

Principle of the use

The application site is located in a large industrial and commercial area which is safeguarded for industrial and employment use under Policy JP5. The principle of the use and rebuilding of the factory is therefore supported by policy.

Visual impact of the development

The proposals are for the replacement of the former factory on a like for like basis in terms of scale and mass of the proposed building. The proposals would form part of a cohesive and defined set of industrial buildings and would form part of the commercial character of the area. Therefore whilst the building is large, it is in keeping with the area.

Relationship to the Black Country New Route

There are young road side trees to the north of the building, in a shrub planted strip behind a railing fence, which provide a valuable partial screen to the industrial architecture. The retention of these features will be important in ensuring that the development contributes positively to the street scene. A condition is therefore recommended for the protection of this feature. The proposals are therefore considered acceptable.

Fire protection

Notwithstanding the comments of the neighbouring local resident, the Fire Service have raised no objection to the proposal to rebuild the factory. Whilst the fire at the former factory was clearly an issue for local residents, the new factory will be built to modern fire regulation standards and as such all relevant efforts will be made to reduce fire risk.

Car parking and servicing

There would be no alteration to the existing car parking or servicing areas which are to the front and side of the premises. The Business Park is managed by a security controlled entrance on Southern Way. Overall there is no objection to this arrangement.

Summary of Reasons for Granting Planning Permission

The application seeks to rebuild a former factory. The application site is in a location identified for employment and industrial occupiers and is acceptable in principle. The visual impact would be in keeping with the overall character of the industrial estate and retention of the .

In terms of fire protection the fire service raise no objection to the proposals and the proposals will be rebuilt to modern standards of fire protection and building regulation requirements.

As such, having considered all material considerations, 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, JP7, 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.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Major Application

Application Number: 10/0342/FL
Application Type: Full application

Applicant: Calderfields Golf & Country Club

Proposal: Proposed erection of chalet tourist accommodation (comprising 20 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and steam room), new staff offices, shop and revised reception area and alterations to golf course layout together with landscaping works and associated plant facilities.

Ward: St. Matthews

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

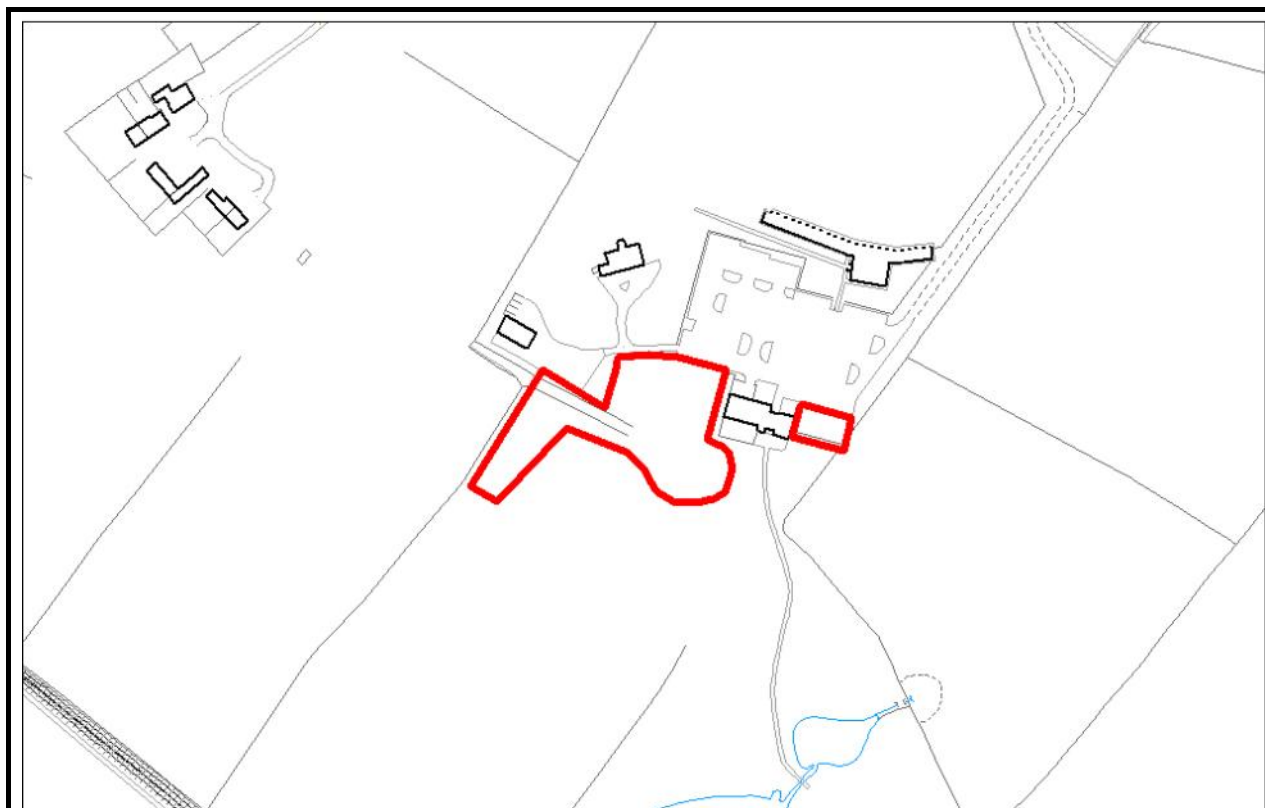
Email: planningservices@walsall.gov.uk

Agent: Cerda Planning Ltd

Location: CALDERFIELDS GOLF CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS

Expired Date: 10/08/2010

Recommendation Summary: Refuse



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Status

Members deferred the application at the last committee (19th August 2010) for the following reasons:

1. To reduce the number of chalets
2. Adopted a more traditional design to the chalet units
3. Reduce the distance to the main clubhouse.

In response the applicant has reduced the number of units from 30 to 20 units and progressed a more traditional 'log cabin' design. In addition the applicant has added a pergola feature to the rear of the health and fitness suite.

As a result of the changes and reduced number of units and amendments to the layout the proposals. The applicant presents two options for committee's preference:

Option A amends the proposals to reduce the distance from the end property to the clubhouse by approximately 20m to approximately 80m at the maximum point. This layout is more reflective of the fairway gradient but more visually prominent and longer.

Another option B is also presented to committee, with the chalet units around a small communal seating and landscaping area. Whilst the proposals would be more regimented and linear in layout, the proposals would be less prominent and closer to the clubhouse. Officers consider that this Option more closely matches the desires of the Committee in their deferral however both Options have their own merit.

The resultant changes would reduce the visual impact of the chalet proposals however it is the view of officers that the comments previously raised would remain material particularly with regard to inappropriate development in the Green Belt and the size and scale of development, in particular the health and fitness suite and the prominence of the chalet development. Therefore it is the view of officers that the previous recommendation and reasons for refusal are still relevant.

Application and Site Details

The application relates to extensions and alterations to the existing golf course which comprises a single and two storey clubhouse, and ancillary golf course accommodation. There is an existing car park. There is also a driving range and golf shop on the site which is under separate ownership.

The application comprises

- 30 chalet units for tourist accommodation, each of 19 m² (total 570 m²);
- A health and fitness suite (comprising a 20m swimming pool, gym, studio, treatment rooms, sauna and steam room) total floor area 1118 m²,
- New staff offices, a shop and revised reception area, and
- Alterations to golf course layout (in particular the 18th Green)

There are also a number of ancillary works relating to hard and soft landscaping to ensure that the new development can be accessed and appear attractive in the landscape.

The existing on-site accommodation comprises:

- A clubhouse (1161 m²)
- The greenkeepers workshop (1205 m²)
- Driving range bays (571 m²)
- a golfing shop (449 m²)

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The proposed chalet units would be arranged in two blocks of six, one block of eight and one block of 10. These units would be positioned adjacent to the 18th fairway in an L-shaped format. The proposed leisure accommodation would extend the existing clubhouse between the car park and the 18th green.

In addition the applicant has submitted the following information:

Design and Access Statement -

This report considers the range and is type of business required by golf courses in modern economic environs moving away from being bastions of male society to modern family friendly locations with a range of associated sporting activities.

The applicant highlights the range of facilities offered at Seedy Mill in Lichfield, Branston golf club near Burton upon Trent, and Lea Marston golf course.

It is noted that the proposed leisure and overnight accommodation is not visible from any of the roads and public vantage points surrounding the golf course, and the existing metal clad, golf driving range entirely shields the vista of the existing and proposed development. It is also noted that the location of the golf course is on the fringe of Walsall's urban area.

The applicant intends that only the golfers on a few fairways approaching the 18th hole will be aware the additional accommodation. The applicant notes that the proposals are all single storey and considers that the proposals will be easily accessible by all and adequate provision has been made for disabled users including car parking, changing facilities, toilet facilities and general circulation around the facilities. 10% of the bedrooms will be fully DDA compliant.

Accommodation will be flat roofed, highly insulated, timber structures with sedum roofs and it is aimed to blend the proposals into the wooded area with minimal impact.

The proposals for the new leisure suite are a contemporary design. A fully glazed elevation from the swimming pool to the 18th green will aim to accentuate the purpose of the golf course within the open rural countryside. The proposal will include strong vertical columns as well as horizontal 'brise soleil' features will compliment the existing line of trees bordering the golf course and enhance solar gain within the swimming pool area.

The applicant highlights that the proposals are designed in a manner to provide good levels of natural daylight and support natural ventilation. The proposals also seek to utilise rainwater harvesting as well as automated water management systems. As such, the applicant considers that the proposals will be sustainable development.

In addition the applicant notes that by providing overnight accommodation and catering in the clubhouse, car journeys undertaken by golfers on the golf academy courses and visiting golf societies will be significantly reduced.

Ecological assessment

The site on which the development is proposed has been surveyed and is currently considered to be of low ecological value due to its small size, the dominance of low biodiversity examples of common habitats and lack of features or evidence of species likely to be of significant ecological value.

It is recommended that bat and nesting boxes be erected on buildings and nearby trees. In addition, it is considered that landscaping should consist of native species.

Transport statement and travel plan

Seek to reduce the car journeys and promote sustainable modes of transport as well as identifying that the number of parking spaces are appropriate and that the impact on the local highway network would not be significant. Recommendations include the provision of cycle racks and safe storage facilities for staff and patrons as well as introduction of a car share scheme. No significant safety issues, in relation to the highway network, have been identified.

Planning Statement

This statement reports on planning history and planning policy background at the time of the application submission. The report draws on the need to support outdoor sport and recreation as well as supportive policies within the Unitary Development Plan (UDP), the Regional Strategy for the West Midlands (now cancelled by the Government) and national planning policy in relation to sustainable development, green belts, town centre development, and transport.

The applicant sets out that the development is inappropriate within the green belt but considers that very special circumstances apply. These being:

- Essential facilities in sport and recreation, including spectator accommodation, which are acceptable in the Green Belt, could be more harmful to the visual amenities of the green belt than those proposed.
- The viability and competitiveness of the golf course is compromised. Without the proposals the golf club will fail and go into administration. The impact of this would mean that the visual amenities of the green belt would be severely harmed by the dereliction of the clubhouse.
- The extensions of modest height and scale and are sensitive design to minimise the impact on the green belt.
- The proposed chalet accommodation would not be visible from any public vantage points. Chalets will be situated within the setting of the existing golf course and as such will not impact on the openness or setting of the green belt.
- The policy for tourism in rural areas within national planning policy sets out that local authorities support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing cities. The applicant considers that viability should be taken into consideration in this regard.
- The proposals are located within a short distance of Walsall Town Centre and the Arboretum.

The applicant also notes the changing demands of leisure facilities and the need for golf clubs to respond to such changes. It is noted that the applicant considers the full fitness suites, such as that proposed, are now expected on golf courses as part of the suite of facilities available.

The applicant also notes that there is a requirement to cater for wider age ranges of the age, gender and family activities. The applicant also draws attention to the competitive nature of golf courses with an increasingly affluent and mobile population seeking to use the best facilities.

It also highlights the increasing demand for golfing breaks and the need to provide accommodation to satisfy such a trend. The applicant considers that accommodation provided on-site is more attractive to such uses than staying off site.

A supporting letter from the resident golf professional is also provided as part of the statement.

Sequential Test Exercise

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The applicant considers that there are no suitable available or viable sites located within the town centre and that local authorities should take account of any genuine difficulties which applicants can demonstrate are likely to occur in operating the applicant's business model from a sequential preferable site in terms of scale, format, car parking provision and scope for disaggregation.

The sequential exercise draws attention to the business case and that further investment in facilities are required to underpin the viability of the golf course. The applicant highlights that any assessment of modern golf club facilities need to take account of the issue that a golf course can no longer operate merely on the basis of membership and green fees. The applicant considers that as a minimum overnight accommodation and leisure facilities are required to generate revenue and to maintain and operate the golf course. It is considered that the proposals, in the view of the applicant, are essential. The need for co-location forms the central plank of the applicant's case.

Assessment of the existing hotel accommodation highlights the need for the competing hotels to accommodate 30 golfers at any given time on a weekday and weekend as a comparison to the chalet accommodation proposed in particular with regard to block booking capability. In this regard the applicant has submitted evidence of existing hotel accommodation and concludes that leisure and conferencing facilities are limited in the town centre and do not promote the golf course's objectives and therefore would not be realistic alternatives.

In terms of planned accommodation, the applicant considers that Gigaport proposals are out of centre and notes that the waterfront development will include a 100 bed hotel. The applicant considers that other sites highlighted by officer's that are allocated for hotel use have not been subject of any developer interest rendering the development sites as unviable. The applicant dismisses sites within the town centre with the benefit of planning permission (St Matthew's Quarter, Station Street, and Tesco phase 2) also as unviable and undeliverable within a reasonable time period.

In terms of vacant land (e.g. Hollyhedge lane) the applicant acknowledges that both sides of Hollyhedge Lane could accommodate a hotel and leisure facilities. However the applicant claims that as no planning application has been submitted for such a use that the sites are unviable and undeliverable for the purposes of this application.

As such it is the view of the applicant that there are no suitable, available or viable sites and that the case for co-location of the facilities outweigh the needs of existing cities in the town centre. The applicant also concludes that there would be no impact on existing facilities and that these are inadequate to deal with their proposed users.

Business Case

This outlines the need for investment and outlines the current financial state of Calderfields Golf Club stating that the golfing operations in the financial year of 2008-09 resulted in an operating loss of £92,155. This figure does not include interest charges relating to repayment of loans, approximately £150,000.

The cost of the project is estimated to be £2.8 million and will be covered over a 30 year cycle with refurbishments on approximate six-year cycle. Membership of the health club would be a mix that would include family membership and would be open not just to golfing membership but also to local residents.

The applicant highlights that 38 jobs would be created by the proposal including course manager, bookings clerk and chalet manager, health and leisure centre staff, and associated staff to manage the facilities.

A supporting statement also states that the proposals will result in an estimated annual operating profit of £346,734 as a result of the proposals.

Relevant Planning History

The site has long planning history dating back to the original outline planning permission for the golf course in 1977. The following are some of the more recent and relevant planning applications on the golf course.

There have been 3 applications (all refused), relating to hotel development on the site. These references are BC24461P, BC27844P and BC34716P. The latter was also dismissed at appeal (01/03/93) for the following reasons.

1. Inappropriate development in the Green Belt
2. Need not demonstrated

BC39306P - Use of land as driving range and putting green. Construction of driving range building, professionals shop, maintenance building, locker room extension, safety fencing, lighting, access and car park – Granted 1993.

BC50055P and 02/1785/FL/E6 – Managers dwelling (Granted 04/09/97) and amendment to the planning permission. Granted 2002

05/1442/FL/E7 - Extensions to male locker room, snooker room, kitchen and lounge dining area. Granted 2005.

09/0683/FL - 2 Conservatory extensions to club house – August 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).

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: 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.

ENV1, ENV2 and ENV3 times be about, stipulations for the control of development within the green belt, and sets out criteria to which proposals will be considered a detailed evaluation.

ENV7 sets out areas of countryside character and is protection of all habitats and landscape value through Countryside Area Profiles (CAP). The application site is located within the Longwood Gap CAP.

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

ENV11 considers the impact of light pollution, in particular on the natural environment.

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

3.16, GP7, ENV32, and 3.116: seeks the design of 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.

S1, S2, S3 sets out and defines town centre boundaries, hierarchy of centres, the sequential test criteria and the integration of developments into the centres.

S6 and S7 sets out the criteria for meeting local need and the judging development not located within centres.

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.

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.

LC7 directs indoor sporting activity to town and district centres or other places easily accessible by choice of means of transport in order to minimise the need to travel, particularly by the car, and also seeks the protection of existing facilities.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is currently undergoing its Examination in Public (EiP). The aims and objectives of the JCS import principles echo the aims and objectives of the UDP. The control of development within the green belt, the town centres first policy, and the need to promote sustainable development are all key elements of the JCS. Until the completion of the EiP and publication of the Inspector's findings, the JCS carries limited weight.

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;

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

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.

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

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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.

Planning Policy Guidance Note (PPG) 2: Sets out the broad principles for the protection of the Green Belt and defines inappropriate development. The key aims are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. One of the key criteria is that the erection of new development is inappropriate unless essential for outdoor sport and recreation.

PPS4 is a broad planning policy document covering all aspects of economic development. Policy seeks to ensure that development, such as indoor leisure uses, are located within recognised centres. Guidance also seeks to amplify the sequential test approach and clarifies the need to strengthen town centres ahead of developments outside the urban area. The proposals also seek to preserve and strengthen rural communities and associated economic requirements (e.g. farm diversification).

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

The Good Practice Guide for Tourism should also be considered as a material guidance document. The recognises budget hotels, motels and travel lodges, and advises that these facilities cater more for car-born travellers, often for a single overnight stay – e.g. business travellers en-route to a destination. In such cases, the preference of developers will be for sites on major traffic routes outside of the centre of large towns or tourist centres. Locations, for example on a ring road or on a major route out of the town centre, will usually be the most appropriate locations if a town centre location is not suitable, available or viable.

The application is a departure from the UDP and as the proposals include a development in Green Belt and a town centre use in an out of centre location, should members be minded to approve the proposals, the application will need to be referred to the Government Office (or its replacement under the transitional arrangements announced to the regional planning structure).

Consultations

Transportation – No objections to the current proposal following the submission of the revised Transport Assessment (TA), subject to a condition requiring a revised plan showing a reduction on the car parking to from 173 to 134 car parking spaces, the introduction of 14 disabled parking bays and the provision of cycle parking, in accordance with UDP Policy T13.

Pollution Control (Scientific Team) – No objection – need to consult Environmental Health

Pollution Control (Contaminated Land) – No objection

Environmental Health – No adverse comments

West Midlands Leaders Board – the application does not fall under the criteria for regionally significant planning applications under the conformity protocol operated by the Leaders Board. We do therefore not intend to comment on this application

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British Waterways – No comments

Natural England - No objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal.

Support the ecologists report recommendations on enhancement. Bat roosting boxes and nest boxes should be erected and landscaping should consist of native species. In addition, Natural England views the proposed landscaping scheme as a key mechanism for achieving lasting biodiversity enhancement on the site.

Sport England - The proposals will require the relocation of the 18th green of the golf course to accommodate the proposed development. Subject to this relocation being delivered to an appropriate quality and in a timely manner to ensure a continuity of sporting use, we do not wish to raise objection to the principle of the application.

Generally supportive of measures to secure the future viability of existing sport sites as long as they do not compromise the principle function of the site as a facility for formal sport.

Access Officer - The Design and Access Statement (DAS) needs to include what standards will be used for the development – e.g. Building Regulations 2000 Part M, BS8300- 2009 etc. The DDA does not specify any particular standards for developments so cannot be quoted in the DAS. More detail required of accessible change and toilet areas needed

Public Participation Responses

Three letters of objection have been received, from local residents and one from the owner of the driving range and golf shop. The objections raised are as follows:

- there should be no extensive development on the green belt
- continual applications to extend the golf club beyond the needs of golf
- proposals are a potential precursor residential development
- Noise, disturbance and antisocial behaviour on the site as a result of the function and banqueting activity being exacerbated by the proposals
- Nature of the golf course has altered such that the proposals are more akin to a nightclub and function venue than as a golf club and driving range
- The presence of an existing manager's dwelling means there is no requirement for a new dwelling
- The proposals are a major development in the Green Belt and further development would be unacceptable as they would impinge on the aesthetic appeal of the area and increase traffic activity and noise
- The design of the proposals have no aesthetic appeal whatsoever, and are simply ranged in rows wherever they can be fitted onto the site. They appear redolent of a 1950s Butlins camp.
- Car parking is limited. At peak times with weddings and Sunday lunches the car park is very nearly full. With additional accommodation the car parking for the Golf Shop and Driving Range could be compromised.
- The chalet accommodation being proposed would not attract golfers to stay, this type of accommodation known as Dormy Houses, are more suited and used at Championship Courses. If allowed this accommodation would be no doubt be used for wedding parties wishing to stay overnight.
- There are a number of restrictions on the sale of goods and car parking relating to the sale of land and relationship between the Golf Course and Driving Range.

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

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Determining Issues

- The principle of development
- The Sequential test – Chalet/Hotel Proposals
- The Sequential test – Leisure uses
- The Business Case
- The Design of the proposals
- Very special circumstances
- Car parking provision
- Comments of residents and neighbouring businesses

Observations

The principle of development

As stated this development is in the Green Belt. The proposals are also located outside any recognised town centre and need to be considered within this policy framework.

Appropriate development in the Green Belt is identified as facilities for the essential needs of outdoor sports and recreation, agriculture or forestry, limited extension to dwellings, infilling of villages, or the development of major existing sites identified within the UDP. This proposal would need to be assessed against the essential needs of outdoor sports and recreation.

The applicant considers and has put forward a case that the economic viability of the golf course and modern requirements are such that more and extensive facilities are now expected on golf courses. That said the extent of development proposed and the case presented also highlight a wider strategy for membership and marketing and as such it is considered that the development would not be for the purposes essential to the needs of outdoor sports and recreation.

In addition, the inclusion of a shop, swimming pool, significant spa and fitness facilities to a proposed total floorspace of 1118 m² means that the floorspace would be nearly doubled as a result of the proposals. This significant extension to the existing clubhouse, which is not small in size and offers restaurants and changing facilities in addition to the basic golfing accommodation, staff facilities and reception areas would indicate that the proposed extensions extends beyond facilities essential for outdoor sports and recreation.

Whilst it is recognised that golf courses need modern facilities that cater for a wide range of ages and family activities (e.g. changing and limited additional social facilities), it is not accepted that such significant extensions are automatically required in this regard.

In addition, the proposals would compete with existing and proposed hotel and leisure provision within the town centre and as such need to be tested against criteria within PPS4.

It is considered that the proposals are inappropriate in a Green Belt and very special circumstances need to be demonstrated in this regard, as a policy test, assessed later in this report.

The Sequential test – Chalet/Hotel Proposals

The applicant has submitted a sequential test exercise which principally relies on the need to co-locate facilities at the golf course in order for them to be available and suitable for the users of Calderfields Golf Club. However the business case submitted indicates that the development will be available to the wider community, in addition to members of the golf course.

The submitted assessment considers that there are no suitable, available or viable site is located in or on the edge of the town centre and that's local authorities should take account of any genuine difficulties which applicants can demonstrate are likely to occur in operating the applicant's business model from a sequential preferable site in terms of scale, format, car parking provision and scope for disaggregation. As such, the applicant considers that golf users are unlikely to use existing or town centre accommodation.

The applicant considers that as a minimum overnight accommodation and leisure facilities are required to generate revenue and to maintain and operate a golf course. Officers reject the case that overnight accommodation and leisure facilities are automatic requirements of golf courses, particularly of the scale proposed.

Considering that the site and course are located within close proximity to the Walsall town centre it is also considered entirely plausible that disaggregation is possible and that users of the golf course may also wish to be located in the town centre to take advantage of other facilities (e.g. banks, bars and shopping facilities) once they have completed their round of golf. The need for the co-location can also be justified for town centre locations and is not specific to the golf course.

The applicant highlights need for the competing hotels to accommodate 30 covers at any given time on a weekday and weekend as a comparison to the chalet accommodation proposed that the application site and is with regard to block booking capability. The applicant's case however suggests that groups of 30 are automatically required at the golf course (i.e. a single group would occupy the entire proposed chalet accommodation).

Officers reject the case progressed by the applicant that block booking automatically precludes town centre accommodation and existing hotel facilities for groups of 30 are automatically required. It is more likely, that smaller groups e.g. blocks of four or eight, would use the accommodation and these could be accommodated within existing hotel provision. There is also nothing to say that the golf course could not foster links to hotels and facilities in the area to promote combined trips and use of taxi firms to and from the golf course. Promotional material could also be used to identify to locate hotel accommodation, particularly as the golf course has a well developed website.

In terms of planned accommodation, the applicant incorrectly considers that Gigaport proposals are out of centre and notes that the waterfront development will include a 100 bed hotel. This would add to the available capacity of hotels within the town centre. Neither of these opportunities are adequately progressed in the submitted assessment and both the sites could be delivered in a reasonable timescale (especially the Waterfront Hotel). The proposals are expected therefore to be capable of providing accommodation for golf users in the near future.

The applicant considers that other sites highlighted by officers on allocated sites or sites capable of accommodating hotel use have not been subject of any developer interest and that without the delivery of planning permission the development sites are unviable. In addition the applicant dismisses sites within the town centre with the benefit of planning permission (St Matthew's Quarter, Station Street, and Tesco Phase 2) also as unviable and undeliverable within a reasonable time period.

In terms of vacant land (e.g. Hollyhedge Lane) the applicant acknowledges that both sides of the road have areas could accommodate a hotel and leisure facilities. However the applicant claims is as no planning application (relating to hotel development) or land ownership has been submitted for such a use that the sites are unviable and undeliverable for the purposes of this application.

Officers disagree with the assessment of allocated sites and those with planning permission, investment should be targeted at the town centre sites in the first instance and development of out-of-centre sites would undermine the deliverability of these sites. It is the view of officers, that there are a number of planning permissions and available sites where hotel accommodation could be delivered and are suitable, available and viable.

As many of the sites are vacant and available for development, for planning permission and development to be delivered should the applicant choose to invest in any of these locations rather than the application site.

Officers consider that there are a number of sites that are identified and available for development that could be delivered in a similar timeframe as the current application. The scope for disaggregation and flexibility of format has also not been adequately considered. The scheme is not supportable in this respect.

Sequential Test – Leisure Proposals

Many of the arguments remain the same as raised above. Officers consider that there are a number of sites that could offer suitable leisure development within the town centre. The applicant intends to market the leisure development beyond the golf course membership bringing the proposed development into direct competition with the Gala Baths and other town centre gyms.

In widening the membership to local residents, the applicant's case also reduces in terms of the need for the development to be co-located to the benefit of golf members and users of the golf course and that the development is of specialist need for golf course modernisation.

Furthermore the proposed leisure would compromise the deliverability of potential leisure development within the town centre, as part of the Waterfront, St Matthews and other allocated and approved development.

The presence of shops, salons and beauticians also cause concern on the impact of these uses on the trade of established town centre premises. Furthermore the existing golf shop also caters for golf trade and needs. There is no requirement therefore in local need terms to provide an additional shop for the site.

As such, it is the view of officers that the proposals have failed to demonstrate that the applicant has considered flexibility of use and disaggregation of the uses and that other town centre sites are suitable, available and viable. The proposals would also unduly compete and compromise the viability of existing facilities within the town centre and facilities on the site.

The Business Case

It is noted that there is an operational loss relating to the golfing activity however, the Business Case does not refer to other facilities already present on the site, e.g. the restaurant, wedding and functioning/conference income.

The applicant is seeking to provide chalet and leisure accommodation to supplement the golfing activity. However, the golf course is currently aided by the income from other functions and activity. Based on the potential income rates advertised from this on the golf course's website, it is considered that this omission is a significant oversight and the entire financial situation has not been presented.

Officers also consider that another viability issue has been the separation of golfing activity through the sale of the golf course and the separate ownership of the driving range and golf shop which would otherwise provide income that would be associated with the game of golf.

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Therefore taking into account the extent and range of conferencing and function facilities on the site, it is the view of officers that the purposes of chalet accommodation, in particular, are not solely aimed at the needs of the outdoor sport but at developing further the conference and functioning facilities.

The business case presented does not offer a breakdown of the necessity of the development scale or proportion. It shows a positive annual income of over £300,000 as a result of the proposed development but does not examine whether the viability of smaller leisure provision and/or a smaller number of chalets could not underpin the viability.

Notwithstanding the other functions on the site, Officers question whether the scale of development proposed is the minimum essential facilities, for example whether 20 units or lower and a smaller scale leisure activity could be equally viable. The applicant has also failed to demonstrate that the number of units proposed is the minimum amount of development necessary. Overall, the applicant has failed to demonstrate the need for these additional facilities, based on the lack of detail in the financial case on existing ancillary facilities and the significance of the scale required.

The Design of the proposals

The development should be examined against the Green Belt tests set out in Paragraph 1.5 of PPG2 and amplified by Policies ENV1, ENV2 and ENV3 of the Unitary Development Plan. Attention should also be given to the Longwood Gap Countryside Area Profile (Policy ENV7).

The purposes of including land in the Green Belt are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 1.6 of PPG2 is also relevant in that development proposals should promote the use of land to provide opportunities for access to the open countryside for the urban population; opportunities for outdoor sport and outdoor recreation near urban areas; retain attractive landscapes, and enhance landscapes, near to where people live; and secure nature conservation interest.

The two remaining criteria to improve damaged and derelict land around towns and to retain land in agricultural, forestry and related uses are not relevant in this instance.

With regard to the physical extensions and alterations and in terms of the criteria progressed in Policy ENV3 of the UDP the layout of the proposed chalets form a significant length of the 18th fairway (approximately 100m) and would be prominent to users of the golf course and the clubhouse. The proposals would fail the test of safeguarding the countryside and as indicated in the sequential test issues would not assist urban regeneration and utilise the derelict or other urban land.

It is considered that the siting, design, and grouping of the proposed buildings would also fail to bring forward significant enclosure. The chalet units are only comprised bedroom and bathroom facilities; there would be a need to walk to the main clubhouse for dining and leisure use. The distance of approximately 150m to the rear entrance would be significant.

The architectural style and external appearance of the proposals have some merit, in echoing a golf course/driving range ethos. The sustainability credentials are considered to be acceptable and

the lightweight contemporary designs would not be out of keeping with the existing buildings on the site.

The quality of new landscape schemes is also questioned as formal details have yet to be submitted, however the proximity to the fairway and the practical issues of preventing golf balls hitting or damaging the chalet or leisure use is not highlighted.

There may also be a requirement, as a result of the position of the chalet units, for nets or other equipment would affect the openness of the golf course and the Green Belt.

Overall it is considered that the cumulative physical effect of proposals and the sprawling nature of the chalet development would have an adverse impact on the openness of the Green Belt and the rural character of the area.

Very special circumstances

Development in the Green Belt must meet the policy test of meeting 'very special circumstances' if it is to be capable of approval. The applicant's submitted their case for very special circumstances in their Planning Statement is set out below, with comments interpolated:

- Essential facilities in sport and recreation, including spectator accommodation, could be more harmful to the visual amenities of the green belt than those proposed.

Comment

To clarify, the guidance states that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation. Proposals that are for essential facilities would need to demonstrate that they are of appropriate design and character. Inappropriate designs and obtrusive development should also be resisted. This therefore is not considered to be a very special circumstance.

- The viability of the golf course is compromised. Without the proposals the golf club will fail and go into administration. The impact of this consequence would mean that the visual amenities of the green belt would be severely harmed by the dereliction of the clubhouse.
- The proposals are considered essential to the golf club in terms of viability to ensure that the club remains competitive and is other courses in the region.

Comment

The business case is discussed above. Officers remain unconvinced that the viability, particularly with regard to the existing level of ancillary activity on the site, has been properly tested and that the scale of proposals are the minimum necessary. Therefore the financial case is not accepted as a very special circumstance and that with the wider use current of the golf course question whether the proposals are genuinely for supporting the needs of outdoor sport and recreation.

- The extensions of modest height and scale and are sensitive design to minimise the impact on the green belt.
- The location of the proposed chalet accommodation would not be visible from any public vantage points. Chalets will be situated within the setting of the existing golf course and as such will not impact on the openness or setting of the green belt.

Comment

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The proposals form a significant length of the 18th fairway and are very significant in terms of their visual effect on the layout and relationship to the golf course and clubhouse activity. This is not considered a very special circumstance.

- The policy for tourism in rural areas within national planning policy sets out that local authorities support the provision of expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing cities. The applicant considers that the viability should be taken into consideration in this regard.

- The proposals are located within a short distance to Walsall town centre and the Arboretum.

Comment

The location of the golf course has been considered. The policy for tourism is clear and Officers consider that needs could be met by existing and proposed hotel accommodation, in a reasonable timescale. The impact on the deliverability of existing planning permissions is also questioned. The proposal does not form very special circumstances in this regard.

Car parking provision

The comments of Transportation Officers are noted. The existing parking (173 spaces) is over UDP Policy T13 maximum requirements (the existing complex only needs 110 spaces). Based on the current proposals the car parking requirement equates to a maximum total of 134 car parking spaces with an additional 14 disabled spaces and as such the 173 spaces provided are still contrary to policy T13. Transportation Officers have requested a condition be added in this regard should planning permission be granted. The applicant has agreed to such a request and this would in turn mean that further landscaping detail would need to be progressed.

There is no cycle provision shown or provided on the site, for staff or visitors. This would need to be provided and promoted should planning permission be granted. Indeed this forms part of the applicant's own submitted Travel Plan.

Therefore there is no objection to the parking provision on the site.

Comments of residents and neighbouring businesses

Officers have noted the comments and concerns of neighbouring residents and business, particularly over the increasing level of activity at Calderfields and anti-social behaviour.

Many of the points have been considered above and there is recognition of the need to protect the nature of the Green Belt.

Officers note the comments with regard to the noise, disturbance and antisocial behaviour on the site as a result of the function and banqueting activity being exacerbated by the proposals and that the nature of the golf course has altered such that the proposals are more akin to a nightclub and function venue than as a golf club and driving range. This is further evidence of the significance of the existing ancillary facilities that are present on the site. There is much unauthorised activity on site. These complaints could be resolved by enforcement action. That will be the subject of a future report, if this application is refused.

Whilst Officers disagree with local residents over the aesthetic appeal Officers note the concerns over design quality and the sprawling nature of the proposals and the impact that this would have on the rural character of the area.

Recommendation: Refuse

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1. The proposed layout, scale and mass of the proposals are of significant scale that would adversely affect the openness and rural character of the golf course and the Green Belt. The distance between the proposals and relationship to the golf course are also significant. As such, the proposals would cause significant harm to the character of the Green Belt against which the applicant has failed to demonstrate very special circumstances and the purposes of including the land within this designation and also to the aims and objectives of the Longwood Gap Countryside Area Profile and are contrary to Policies GP2, ENV1, ENV2, ENV3, ENV7, ENV32, and ENV33 of Walsall Unitary Development Plan 2005, Policy DW3 of Designing Walsall Supplementary Planning Document and the aims and objectives of Planning Policy Guidance Note 2.

2. The applicant has failed to demonstrate that the proposed hotel and leisure facilities cannot be adequately provided on sequentially preferable sites in or on the edge of Walsall Town Centre and/or other centers in the Catchment Area and that there is no scope for disaggregation of the uses, flexibility of format or provision of suitable sequentially preferable facilities within a reasonable timescale. The scale of the development and proximity to Walsall Town Centre are also material factors and the proposals would compromise the deliverability of allocated sites within the Unitary Development Plan and sites with planning permission for redevelopment within the town centre and compromise the viability of facilities already present within the town centre, particularly in terms of leisure provision. As such the proposals are contrary to Policies S1, S2, S3, S6 and S7 of Walsall Unitary Development Plan 2005 and the aims and objectives of Planning Policy Statement 4 and the Good Practice Guide for Tourism.

3. The applicant has failed to demonstrate, in the Business Case and Sequential Test Exercise:
- a) That full consideration of the need for the proposals, including viability existing ancillary facilities already present on the site;
 - b) Notwithstanding point a), whether the scale is the minimum necessary to underpin the viability of the Golf Course;
 - c) That the proposals are ancillary to the purposes of outdoor sport and recreation; and
 - d) The provision of ancillary facilities (e.g. shops, beautician premises, salons) are necessary for the purposes of outdoor sport and recreation.

As such the submitted application and supporting documentation have failed to demonstrate very special circumstances to outweigh the harm to the Green Belt, required to underpin the viability of the Golf Course, and are necessary for the purposes of outdoor sport and recreation. As such the proposals are contrary to the aims and objectives of Policies GP2, ENV1, ENV2, ENV3, ENV7, S1, S2, S3, S6 and S7 of Walsall Unitary Development Plan 2005, Policy DW3 of Designing Walsall Supplementary Planning Document and the aims and objectives of Planning Policy Guidance Note 2 and Planning Policy Statement 4.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

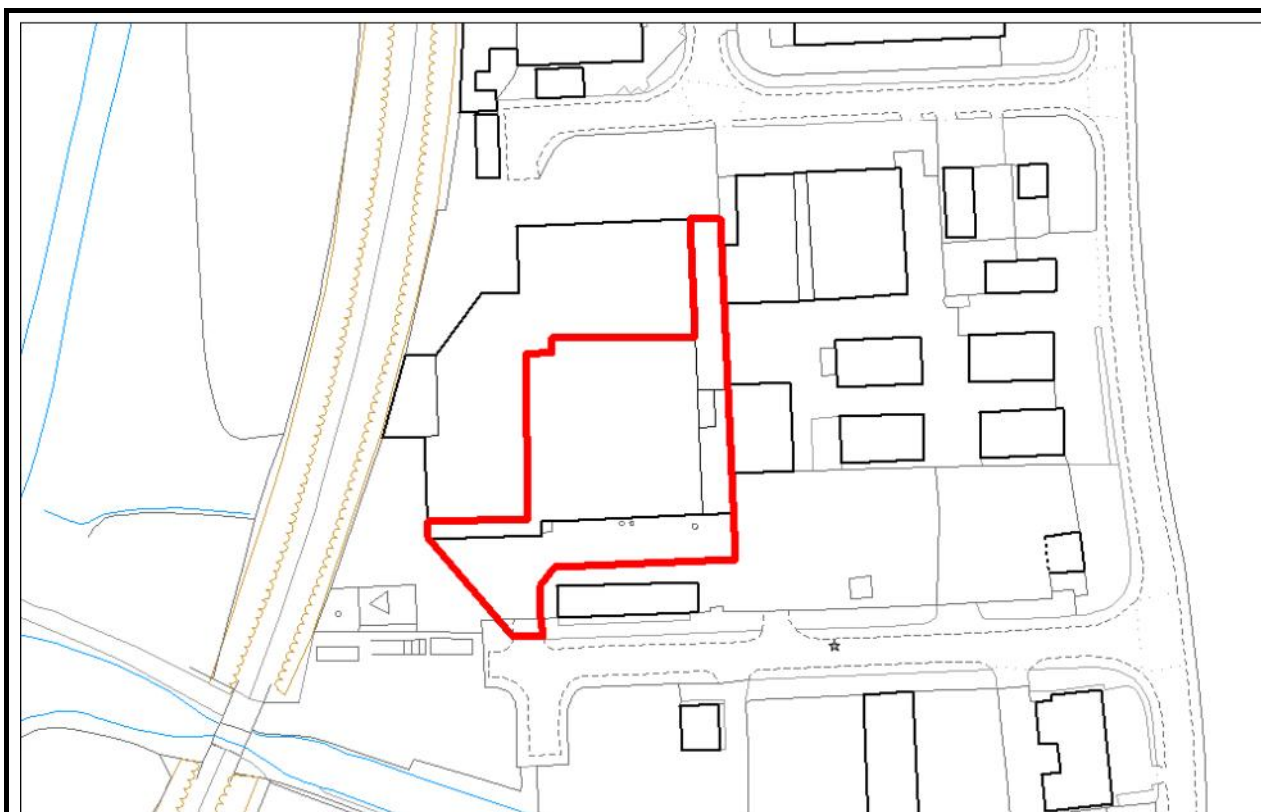
Reason for bringing to committee: Major Application

Application Number: 10/0672/WA
Application Type: Waste Application

Applicant: Envirosol Ltd
Proposal: Change of use to transfer and treatment of hazardous and non-hazardous waste.
Ward: Brownhills

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: S A Simmonds
Location: THE FORMER GREEN BIODIESEL LTD SITE, COLLIER CLOSE, WALSALL, WS8 7EU
Expired Date: 06/10/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and site details

The site is on the northern side of Collier Close, an industrial area at the southern end of the Coppice Side Industrial Estate, which is identified within the UDP as a Core Employment Area.

The site is largely surrounded by other industrial uses including metal work, engineering, plant hire and skip hire/waste transfer station.

The site is part of a large industrial premises formerly occupied by a manufacturer of bio diesel from waste vegetable oils. The remainder of the premises is occupied by the applicant who already operates a hazardous waste transfer station approved in 2007. The proposals would lead to full occupation of the building.

Part of Brownhills Common and The Slough Site of Importance for Nature Conservation (SINC) is situated immediately to the west of the site. Its a former railway embankment with a greenway along the top and well vegetated embankments. The Wyrley and Essington canal is situated to the south of Collier Close.

The application proposes the change of use of the remainder of the building to the transfer and treatment of hazardous and non-hazardous waste, to be operated by the applicants who are an established waste management company who's head office is situated to the south east of the site in Collier Close.

The existing operation in the other half of the building involves the receipt of waste in small quantities and mixed loads, which are then sorted and re-packaged into larger containers for disposal or recycling.

The proposals would expand the existing transfer station and allow treatment of waste within the remainder of the building, which will result in much of the throughput of the existing operation less hazardous, and more suitable for recycling.

The use would require no external works to the existing building. The internal layout would include: bunding to contain the floor area, rag washing machine, 3 x pH adjustment tanks, lime mixing tank, 2 x specialist treatment tanks, 2 x transfer pumps, fume scrubbing tower, local extraction vents, filter press, 2 x existing storage tanks and existing carbon filter system.

The treatment area would be accessed from the existing facility and all materials would be transported to and from there within the building by forklift truck. The existing roller shutter door on the front elevation (to Collier Close) will not be used. The existing access and loading arrangements would continue unaffected, with a one way system for vehicles operating, in from West Coppice Road and out onto Collier Close.

The proposed treatment use would work with the products already brought to the site to the transfer station and the site would operate utilizing the existing staff. Activities within the building would operate on a 24 hour basis, as existing.

An Environmental Statement has been submitted in support of the proposals which concludes that there would be no adverse impact from the proposal.

The site would be subject of an Environmental Permit issued by The Environmental Agency which would regulate the site. the applicant already has a Permit covering the existing transfer station adjacent to the site.

Relevant Planning History

Green Biodiesel site

05/0521/FL/E3, change of use to produce biodiesel from virgin vegetable oil and used cooking oils, granted subject to conditions 11-07-06.

10/0078/ND, Scoping Opinion: change of use from production of biodiesel from virgin vegetable oil and used cooking oils to transfer and treatment of hazardous and non-hazardous waste. An Environmental Assessment will be necessary for the proposed development, 19-02-10.

Chemtech site Collier Close, adjacent to the application site.

05/1924/FL/E7 new warehouse approved 30-11-05.

45m x 20m x 9m max height on the same site as the current proposals, approval not yet implemented.

Former JB Patterns site

06/1399/WA/E9 erection of hazardous waste and treatment transfer station, refused 20-10-06.

Insufficient information provided to demonstrate compliance with Policy WM3 of UDP and failure to demonstrate that the use could be accommodated within the site without any consequent hazard to all users of the adjoining highway network.

07/0136/WA/E9, change of use of part of building to hazardous waste transfer station, granted subject to conditions 29-06-07.

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).

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

GP2 – Environmental Protection

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

3.7 indicates protection of people from unacceptable noise pollution and other environmental problems.

ENV10: Pollution

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

JP5 – Core Employment Areas

Locations of strategic importance and good accessibility.

Paragraph 4.4 defines core employment uses as industrial and distribution, Use Classes B1 (b), B1 (c), B2 and B8. Proposals for other uses will only be permitted when they are uses that are ancillary or complimentary to the development of an existing business.

JP8: Bad Neighbour Industrial Uses

The location of potentially bad neighbour uses will be given very careful consideration taking into account the particular environmental implications of individual proposal, such uses should be within an existing employment area, and should not have a detrimental effect on the environmental quality of employment areas. Uses should not have an adverse, or potentially adverse, environmental impact on housing, schools, facilities for sport and recreation.

10.1 states that an integrated approach towards the minimisation and management of waste will be adopted when considering proposals for waste management facilities, having regard to relevant guidance at the national and regional levels and the Council's own integrated waste management strategy.

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10.2 The pre-treatment, recycling and disposal of waste should take place close to its source. Consideration will be given to the merits of small scale facilities which can be more easily integrated into the urban area.

10.3 there will be a progressive movement of waste management methods up the waste hierarchy with greater emphasis on reduction, re-use and recovery and an overall reduction on the reliance on landfill.

10.4 work towards targets for waste minimisation, the reuse of materials, recycling and composting.

10.10 From April 1996, the Environment Agency has had responsibility for waste regulation.

T13 – Parking Standards

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

ENV32: Design & Development Proposals

Poorly designed development or proposals that fail to properly take account of context or surroundings will not be permitted.

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

WM1: Consideration of Proposals for Waste Management Activities

The establishment or extension of such facilities will be permitted if they represent the best practicable environmental option with no unacceptable adverse impact on the environment or amenities and should be contained within buildings rather than carried out in the open.

WM3: Special Waste

New or expanding facilities for the treatment of special waste will be required to demonstrate that they can operate successfully without detriment to the environment or the health, safety, general well being and amenity of local people and wildlife.

Designing Walsall (SPD) (February 2008)

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

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

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

PPS10: Planning for sustainable waste management

Paragraph 1 the overall objective on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and using it as a resource

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wherever possible. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and compositing, using waste as a source of energy.

Paragraph 3 Regional planning bodies and planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that help deliver sustainable development through driving waste management and help implement the national waste strategy. Paragraph 28 waste planning and pollution control authorities should work closely to ensure integrated and timely decisions under the complementary regimes.

Consultations

Transportation – No objections, it is considered that there is no additional parking requirement for the proposed use over and above that of the existing B2 use. The applicant controls existing parking adjacent to the site (21 spaces) and there will be no increase in staff numbers over the existing operation. The current level of parking is considered acceptable. The Environmental Statement submitted confirms 'no net change in freight or service operation' and no additional traffic to and from the site associated with the change of use. Therefore the proposals are unlikely to have any significant detrimental impact on the surrounding highway network.

Natural Environment – No objections. The site is adjacent to Brownhills Common and The Slough SINC and former railway embankment with a greenway along the top, well vegetated. The site is set back from the boundary and the existing building is to be re-used and only the process will change. If any changes to the building are required a bat survey will be required before permission is granted.

Pollution Control – Scientific Team - No objections, the proposals form an extension of the process already carried out in the adjacent premises and the use is regulated by the Environment Agency.

Contaminated Land Team – no specific contaminated land requirements

Fire Officer – No objections.

Environment Agency – no objections, the use will require an Environmental Permit under the Environmental Permitting Licence Regulations 2007. The proposals are an extension to the applicants existing operation carried out in the adjacent building. It is envisaged that the proposals will not pose a significant change to the surrounding environment.

British Waterways – No objections the change of use is within the building only. Assurance is required that there will be no hydrological connection to the canal in the event of a pollution incident. The conditions of the Environmental Permit must be adhered to. The building is a sufficient distance from the canal so there is no potential adverse impact on the infrastructure of the canal.

Planning Policy – No objections. The proposals are considered an acceptable use for the site and would comply with national and local policy on waste management. If consent is granted a condition should clearly define the hazardous waste the use is for. The Environmental Statement submitted appears to cover all the issues outlined in the Scoping Opinion issued in Feb 2010. Although this is a sui generis use within a core employment area, policy JP5 permits uses that are ancillary or complimentary to the development of an existing business and the head offices of the parent waste management company are already situated to the south east of the site in Collier Close. The proposals would provide an integrated transfer and treatment facility on the same site and would reduce the environmental and other impacts of transporting waste elsewhere. The

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proposals are consistent with the locational guidance in nation policy and the emerging Block Country Core Strategy.

Public Participation Responses

None

Determining Issues

The determining issues here are:

- Principle of the use
- Site layout and use
- Impact on surrounding occupiers and SINC
- Compliance with Waste Management policies.
- Public Art

Observations

Principle of the use

The site is situated within a Core Employment Area. The proposed use involves waste treatment and waste transfer. Although waste transfer is not specifically cited as being considered acceptable within a core employment area as it is a sui-generis use, in this case the proposals relate to the expansion of an existing waste management company and JP5 explains that uses that are ancillary or complementary to the development of an existing business are acceptable in principle. There are therefore no objections in principle to the proposed use.

Site Layout and Use

The existing activities within the adjacent site include receipting, sorting, storage, bulking and transfer of hazardous and non hazardous commercial industrial waste for disposal or recycling. The proposals will complement and expand this use to allow the treatment of some of the waste already on the adjacent site.

Much of the throughput of the existing transfer station is oily rags from industrial processes, which are deemed hazardous waste and are currently sent for incineration. The proposed rag washer will render the rags suitable for recycling and the water/oil can also be recycled.

Many of the wastes currently transferred are aqueous and only hazardous due to their pH. Mixing and addition of lime can render the wastes into an inert sludge, which can then be separated by use of a filter press into a non-reactive, neutral filter cake and water suitable for recycling. The Environmental Statement indicates that around 80% of the outputs from the treatments are water which can be recycled.

The Environmental Permit for the site will list the range of wastes that can be handled and regulate the formal process for receipting, handling, monitoring and control of the process. Local extraction vents and carbon filtration systems would be used to deal with any vapours and gases that may arise from the treatment processes.

Delivery vehicles would continue to enter the site via West Coppice Road, unload under a covered area adjacent to the western boundary with the SINC, (as existing) and leave the site via Collier Close continuing the one way system that already operates within the site. All movements in and out of the new part of the building would be completed by forklift trucks, from the existing use into

the new treatment area. The Environmental Statement confirms that there would be no net change in freight or service operations to the site and no additional traffic to and from the site.

The site layout is considered appropriate and acceptable for the proposed use.

Impact on Surrounding Occupiers and SINC

The works to create the existing operation created a separation between the buildings and the adjacent SINC and have improved the overall appearance of the site, removing unsightly structures and improving the visual backdrop to the SINC and Greenway route.

The existing access points to the site and the building would remain unchanged and the entire building would be provided with a protective bund to contain any accidental spillage.

The proposed use would take place within the building and would have no adverse impact on the visual amenity of the area.

Waste which requires treatment is currently managed at facilities remote from the transfer station. As the waste to be treated would already be on site the proposals would reduce the impact on the environment by reducing the transport distance for the waste to be treated and would comply with policy 10.2 of the UDP.

The proposed use would be well regulated by EA and HSE and it is considered that the proposed use would have no adverse impact on the surrounding natural environment or SINC. The site was previously used for the production of biodiesel with other heavy industrial premises surrounding and a skip hire/waste transfer station existing to the south off Collier Close. It is considered that the proposed use would have no greater impact on the amenities of the surrounding occupiers and would have no adverse impacts on the environment or amenity of the surrounding area.

The Environmental Statement submitted has been assessed by a number of consultees and the conclusions are considered to be valid that the proposed use would have no impact on the amenities of the surrounding occupiers and would have no adverse impacts on the environment or amenity of the surrounding area.

Compliance with Waste Management Policies

Policy WM3 relates to Special Waste and indicates that applications for treatment of special waste will be required to demonstrate that they can operate successfully without detriment to the environment or the health, safety, well being and amenity of local people and wildlife.

The site is situated within a Core Employment Area with no residential properties the vicinity. The proposals show an internal layout of the building to comply with EA and HSE regulations with bunding to the whole building to contain any accidental spillage. It is considered that the proposals would have no adverse impact on the adjoining natural environment and SINC. The operations would be contained within the building in line with UDP policy WM1 and would have no adverse impact on the visual appearance of the area.

The proposals relate to the expansion of an existing waste transfer station to provide additional treatment facilities for wastes within the Borough. A facility such as this would help move waste up the “waste hierarchy,” and would expand the range of facilities currently available locally for managing oily rags and liquid wastes.

The site would be subject of an Environmental Permit issued by The Environmental Agency which would regulate the site, the applicant already has a Permit covering the existing transfer station adjacent to the site.

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The proposals are considered an acceptable use for the site and would comply with national and local policy on waste management.

Public Art

As the proposals are larger than the 1,000sqm threshold for non-residential developments a public art contribution would be required.

Whilst it is the norm to provide this through a financial contribution due to recent changes to government guidance it would be appropriate to deliver the artwork within the site through a condition and the final details would be confirmed through the submission of a public art statement, a recognised and structured process in collaboration with a public art consultant and an artist, meeting the aims and objectives of the Public Art policies and wider regeneration objectives of the Council.

Summary of Reasons for Granting Planning Permission

The use of the site for a waste facility has already been established with the approval of the existing transfer facility operated by the applicant and is considered an appropriate use to compliment the existing businesses in this core employment area.

The proposals would allow waste currently brought on site to be treated, resulting in greater recycling capacity, less impact on the environment from reduced transport and a reduction in landfill, and would comply with both national and local policy on waste management.

The Environmental Statement submitted has been assessed and the conclusions are considered to be valid: the proposed use would have no impact on the amenities of the surrounding occupiers and would have no adverse impact on the environment or amenities of the surrounding area.

Public art will be provided within the site, the final details will be confirmed through the submission of a public art statement, a recognised and structured process in collaboration with a public art consultant and an artist, meeting the aims and objectives of the Public Art policies and wider regeneration objectives of the Council.

The proposed development is considered to accord with the aims and objectives of the development plan, in particular saved policies GP2, 3.7, ENV10, JP5, JP8, 10.1-10.4, WM1 and WM3 of Walsall Unitary Development Plan March 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. No open storage shall take place within the application site at any time.

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

3. The site shall be laid out in accordance with the submitted plan SAS/CHEX/02, prior to first occupation of the site for the use hereby permitted and no alterations shall be made without the prior written approval of the Local Planning Authority.

Reason: In order to secure the satisfactory development, use and occupation of the application site.

4. Within six months of the grant of planning permission a public art statement shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the following:

1. a description of the relationship between the Public Art Statement the Local Authority's public art policies and/or strategies
2. details of the appointed artist's contribution to defining the public art proposals
3. 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
4. a programme of on-site and off-site temporary public art where appropriate
5. timescales for the development and implementation of all the public art
6. details of the commissioning for artists
7. training opportunities where available for less experienced artists and public art managers
8. details of ownership, maintenance and de-commissioning of public art
9. budget allocations relating to all of the above criteria

The public art shall be provided in accordance with the details approved within the Public Art Statement.

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Departure

Application Number: 10/0867/CC
Application Type: Conservation Area
Consent
Applicant: Edward Robertson
Proposal: Construction of 3 dwellings

Ward: Aldridge/Central & South

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent: Brownhill Hayward Brown
Location: BEACON VIEW, LITTLE ASTON
ROAD, WALSALL, WS9 0NN
Expired Date: 20/08/2010

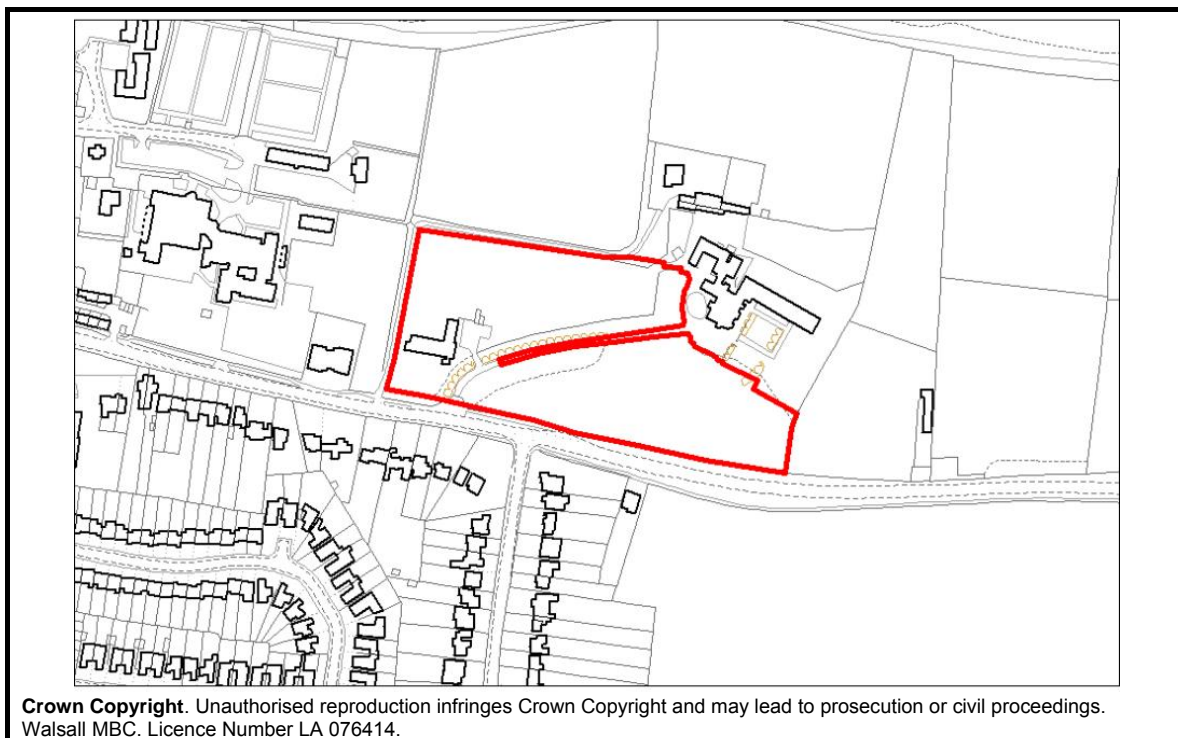
Recommendation Summary: Grant Cons. Area Cons.

Application Number: 10/0866/FL
Application Type: Full application
Applicant: Edward Robertson
Proposal: Construction of 3 new dwellings

Ward: Aldridge/Central & South

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent: Brownhill Hayward Brown
Location: BEACON VIEW, LITTLE ASTON
ROAD, WALSALL, WS9 0NN
Expired Date: 23/08/2010

Recommendation Summary: Grant Subject to Conditions Subject to Referral to Government Office



Application and Site Details

The conservation area consent application is for demolition of the existing brick built garage at the site. The garage has a floor area of 42m². Consent is required for demolition because the volume of the building is greater than 115 cubic metres.

The full planning application is for construction of 3 new houses on the Council owned site of the former Beacon View Children's Home. Outline planning permission was granted in October 2009 which determined the access, scale and layout of the new houses. The Children's Home building has since been demolished but there is a garage remaining on site.

Access to the site is via a driveway shared with Aldridge Court Nursing Home which is located to the north east. The character of the surrounding area is spacious plots with trees and hedges along the boundaries. There is a sports ground set behind Little Aston Road, new flats to the west and Cooper & Jordan School further to the west. Opposite the site there is a mix of dwellings of differing age and design set in spacious plots facing Little Aston Road.

The planning proposals show three houses clustered together on the western half of the site with a paddock behind plot 1 on the eastern half. Plot 1 is "L" shaped and has 4 bedrooms with an attached garage. Plots 2 and 3 are smaller houses with 5 bedrooms each which would include basement areas for provision of parking and ancillary living accommodation. They also provide accommodation in the loft areas. Revised plans showing these details will be available at the Committee meeting.

The footprint of plot 1 is 192m² (150m² + 42m² to replace the existing garage footprint) and plots 2 and 3 are each 122m² each, creating a total footprint of 436m². Whilst no account was taken of the existing garage footprint in the floor space proposed in the outline proposals, the applicant explains that they have utilised the additional 42m² floor area allowance the garages provide to enlarge plot 1..

The houses are wide fronted Arts and Crafts style with features such as hipped roofs, projecting gables, chimneys and tile hangings. The overall ridge height of each dwelling is 8.6m which the applicant states is to achieve the required design of the roof and provide an adequate pitch to enable use of small clay roof tiles. Whilst this is greater than the 7.5m ridge height restriction on the outline consent the applicant notes the original building on site was acknowledged on the earlier permission as 7.8m high. The applicants also state that, by their calculations, the original building was actually 8.2m high making their proposal only 400mm taller.

The proposed houses are located within the developed parts of the site in order to prevent further disturbance to the surrounding landscape. The eight trees to be removed are as recommended in the Tree Report and approved on the outline permission. The Design & access Statement says bird nesting and bat boxes will be fitted in appropriate locations. New landscaping is also proposed around the perimeter of the site.

A Design & Access Statement, Ecological Appraisal and Tree Report have been submitted in support of the proposals.

Relevant Planning History

09/1134/OL – Outline application for demolition of existing building and development of 3 houses – Granted subject to conditions - October 2009. Access, layout and scale were determined at outline stage. A condition limiting the footprint of each of the houses to no greater than 131 sq m and ridge height of 7.5m was included to safeguard the amenity of the green belt.

09/1135/CC - Demolition of existing Children's Home building – Granted subject to conditions - October 2009. This referred to demolition of the fire damaged children's home and did not include demolition of the garage.

Relevant Planning Policy Summary

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

Saved policies of Walsall Unitary Development Plan

GP1: Supports the sustainable location of development.

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

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

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

ENV3: Identifies more detailed considerations for proposals in the Green Belt. ENV4: Redevelopment of major developed sites may be permitted provided they have (i) no greater impact (and where possible less impact) than the existing development on the openness and purposes of the Green Belt, (ii) the height of existing buildings is not exceeded and (iii) the area to be covered by buildings would not occupy a larger area than the aggregate floor area of the existing buildings, unless it would achieve a reduction in height which would benefit visual amenity.

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

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

3.16, 3.113, 3.114, 3.115, GP7, ENV32, H10 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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.

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.

T7: All parking provision should be sensitively designed and integrated into the townscape or landscape and satisfy the car parking standards set out in Policy T13.

T13: All development should provide an adequate level of car parking to meet operational needs. Account should be taken of the location of development in relation to local facilities and public transport.

Supplementary Planning Documents

Designing Walsall SPD

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

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

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

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

DW4- Continuity- Attractive spaces within new development should be defined or enclosed by buildings, structures and/or landscape

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DW5-Ease of movement- All new development should contribute to creating places that are well connected, easy to get to and safe to move through

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

DW7- Diversity- All new development should contribute to creating lively places that offer a mix of activities to the widest range of possible users

DW8- Adaptability- New development should contribute to creating flexible and adaptable places that can easily change over time

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

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

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

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.

PPG2: Seeks to protect against inappropriate development that is harmful to the Green Belt.

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: The historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

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.

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

Consultations

Transportation – No objections subject to provision and maintenance of access and parking areas, visibility splays at the access point and provision of a bin hardstanding. The supplied autotrack drawing shows a smaller refuse vehicle than Walsall operates and is therefore unworkable. However, as the drive will remain private a bin hardstanding can be accommodated near the highway. There are 3 parking spaces per unit which is acceptable.

Public Rights of Way – No objections in principle but require details of fencing adjacent to the right of way and recommend the conifers bordering the right of way are maintained by the occupiers.

Pollution Control (Scientific Team) – No objections in principle. A condition is recommended to address issues from noise arising during development.

Pollution Control (Contaminated Land) – No objections.

Environmental Health – No objections.

Conservation/Urban Design – Use of Arts and Crafts style dwellings will effectively add something new to the Conservation Area in terms of character and built style. The preferred option would be for each of the dwellings to have a more distinctive appearance. It is unlikely that the additional height of the roof pitch would unduly compromise views of the Green Belt from either north or south directions as the wooded area adjacent to the nursing home is to remain. The key views of the new dwellings will be from the street and the detached garage on plot 3 would not improve the character or appearance of the conservation area. The Arts and Crafts style dwellings do not create a particularly strong frontage and the detached garage further undermines this.

Arboricultural Officer – No objections in principle subject to the provisions for tree protection in the tree report being implemented.

Ecology – Previous comments for the outline permission stated no objections subject to the recommendations of the ecological appraisal. Recommended conditions have been replicated. Comments to be confirmed at committee.

Landscape – No objections subject to provision of details regarding boundary treatments and planting.

Fire Officer – No objections.

Public Participation Response

None received.

Determining Issues

- Principle of residential development in Green Belt
- Conservation Area Consent for demolition of the garage
- Layout and Design
- Impact on the character and amenity of Conservation Area
- Access and parking

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Observations

Principle of residential development in Green Belt

The principle of residential development for three detached houses has been established by the outline planning permission 09/1134/OL. Although the construction of new buildings inside the Green Belt is inappropriate in most cases it was considered that the site was comparable to a major developed site whereby redevelopment for residential purposes is not inappropriate.

It was considered that the proposal met the criteria in Annex C of PPG 2 to such an extent so as to constitute very special circumstances. It was considered that, because of the very special circumstances of the case, the grant of permission for this individual case would not alone constitute a departure from the development plan requiring referral to government office.

The present proposals are also for development of three houses and the proposals are best tested against Annex C of PPG2. Paragraph C4 states the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it.

Redevelopment should:

- (a) Have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- (b) Contribute to the achievement of the objectives for the use of land in Green Belts;
- (c) Not exceed the height of the existing buildings; and
- (d) Not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

Ensuring that the proposed houses do not have a larger combined footprint than the building they replace helps avoid any greater impact upon the openness of the Green Belt. The footprint of the original children's home was 394m² and the existing garage has a footprint of 42m² giving a total of 436m². The combined footprint of the proposed new houses is identical at 436m². The outline permission restricted the replacement footprint to 393m² (131m² per dwelling) but this did not include a replacement footprint for the existing garage which is permissible under the Green Belt policies.

Plot 1 has a larger footprint than plots 2 and 3 as the developer has utilised the replacement footprint for the existing garage on site. Nevertheless the three houses have no larger combined footprint than the original buildings on the site and this helps avoid any greater impact upon the openness of the Green Belt. The buildings are also positioned within the existing developed part of the site so as not to encroach further within the Green Belt.

Constraining the height of the buildings is also important. The proposed houses have ridge heights of 8.6m, which is an increase of 1.1m above the 7.5m height restriction on the outline permission. The developer has explained that this is to enable a steep enough pitch to allow the use of clay roof tiles to benefit the design and visual appearance of the dwellings. It has been acknowledged in the outline permission that the original building had a ridge height of 7.8m high so the increase is only 800mm higher. The developer also states that the original building was actually 8.2m high making the current proposals only 400mm higher.

The increase in height of the proposed houses is a product of a quality design approach. The houses are still positioned within the developed part of the site and offer a significantly improved design from the original Children's Home, enhancing the quality of the green belt and conservation area. The increase in height does not prejudice the openness of the Green Belt. As landscaping is

retained throughout the site views of the new houses are restricted other than from Little Aston Road. Therefore, the increased height the proposed dwelling heights are considered acceptable.

Annex C of PPG2 states the character and dispersal of proposed redevelopment will need to be considered as well as footprint. The proposed footprint of the houses (aggregate ground floor area of the buildings) is identical to the original buildings on site and despite being larger than the outline permission has no greater impact upon the character and openness of the Green Belt. Although the houses are dispersed throughout a greater part of the site the improvement in the design and more appropriate scale of the houses compared to the Children's Home is considered to be an improvement upon the visual amenities of the area.

The increase in height of the replacement buildings does exceed the parameters in Annex C. Because of the height increase it is considered that the scheme should be referred to government office.

Conservation Area Consent for Demolition of the Garage

The existing garage is brick construction with a flat roof and has no distinguishing features of merit. It has also been bricked up and there are obvious signs of vandalism and graffiti that detracts from the character and appearance of the conservation area. In the circumstances the demolition of the garage to allow re-development to take place for three houses will be an improvement.

Layout and Design

The proposed house plots occupy the same part of the site as the outline permission but rather than positioning the dwellings in an arc facing Little Aston Road they are clustered together so that plot 1 faces plots 2 and 3, sideways on to Little Aston Road. The proposed houses are set back over 25m from the highway boundary behind existing trees and shrubs that are to remain. There is also existing screening to the other boundaries that will remain. For this reason the buildings will not be obvious or obtrusive within the street scene and not visually prominent from Little Aston Road or the wider Green Belt.

There is approximately 34m between the facing elevations of plots 1 and 2. This is more than adequate to comply with space and separation distances in Appendix E of SPD: Designing Walsall. Plot 1 has a 15m long garden and plots 2 and 3 have 20m long gardens. Each of the dwellings also has a private rear garden in excess of 68m².

The layout retains the land to the east of plot 1 as a paddock which retains the open character of the area. Retention of the land as a paddock was a requirement of the outline permission.

Impact on the character and amenity of Conservation Area

The Urban Design officer comments that Arts and Crafts style dwellings will add something new to the Conservation Area in terms of character and built style. Whilst each of the houses should ideally have a more distinctive appearance from the others in order to enhance the Conservation Area further this is not sufficient grounds to warrant refusal of permission.

Siting the houses side on to Little Aston Road does not provide the opportunity to further improve the character or appearance of the Conservation Area by raising the profile of the quality development on the street frontage. Nevertheless, as the dwellings are set well back from the boundary with the highway and the existing trees and shrubs to the Little Aston Road frontage are being retained, there will be restricted views of the site. The proposals do not detract from the appearance of the Conservation Area.

The demolition of the vandalised garage will also be an improvement to the appearance of the Conservation Area.

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On balance, and recognising the green belt context, it is considered that the development as a replacement of the former buildings would enhance the character and appearance of the Conservation Area.

Access and parking

The means of access to the site utilises the existing shared access off Little Aston Road which has existing visibility splays. The means of access is acceptable to Transportation and the Fire Service.

Plot 1 has an attached double garage and plots 2 and 3 have basement parking for 2 vehicles. There is also space for parking a further 2+ vehicles on the driveways, therefore providing ample parking. The driveways to each of the individual dwellings will be private and gated.

Summary of Reasons for Grant Subject to Conditions Subject to Referral to Government Office

The principle of developing three houses on this previously developed site in the Green Belt is acceptable and has previously been granted outline permission.

The combined footprint of the houses and garages is no larger than the original buildings on the site despite being larger than allowed on the outline permission. The taller buildings allow for an improved design and as there is no increase in footprint there is no greater impact upon the openness of the Green Belt. The proposed houses are located within the previously developed part of the site; the open land to the east is maintained as a paddock and landscaping and trees are retained around the perimeter of the site. The houses also offer an improved design and reduce the massing of any individual building on the site. There are no prominent views of the houses from the wider Green Belt area or from Little Aston Road. On balance, the proposals do not prejudice the function of the Green Belt and offer a benefit to the visual amenities of the area and comply with the aims of Annex C of PPG2, which together are considered to be very special circumstances

In terms of the appearance within the Conservation Area the dwellings are not prominent or visible. They do not harm the appearance of the Conservation Area and introduce a new element which is an improvement to the buildings they replace.

The proposed layout exceeds recommended garden areas and space and separation distances and therefore protects the amenity of future occupiers. The nearest existing dwellings are too distant to be adversely affected by the proposals.

There are at least 4 car parking spaces for each dwelling which is considered acceptable given the number of bedrooms and the fact that they are aimed at aspirational occupiers. The means of access is also acceptable.

In light of the above the proposals are considered to accord with the aims of policies GP1, GP2, GP7, 2.2, 3.6, 3.7, 3.16, 3.21, 3.113, 3.114, 3.115, 3.116, 3.117, ENV1, ENV2, ENV3, ENV4, ENV14, ENV18, ENV23, ENV29, ENV32, ENV33, 6.3, H3, H10, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

Recommendation: Grant Subject to Conditions Subject to Referral to Government Office

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Conditions to be attached to Full Planning Permission 10/0866/FL

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

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

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

- Location Plan received 25/06/10
- Site Plan (Landscaping Proposal) received 25/06/10
- Location of Homes in relation to badger survey (2696-08)
- Location of Homes in relation to habitat survey (2696-09) received 25/06/10
- Plot 1 - Floor Plans and Elevations received 25/06/10
- Plot 2 – Floor Plans and Elevations received 25/06/10
- Plot 3 – Floor Plans and Elevations received 25/06/10
- Detached Garage received 25/06/10
- Design & Access Statement prepared by Brownhill Hayward Brown received 25/06/10
- Habitat Survey Plan (May 2009) received 25/06/10
- Photographs (May 2009) received 25/06/10
- Badger Survey (May 2009) received 25/06/10
- Trees to be removed (2696-11) received 25/06/10
- Report on trees prepared by Andrew Cook (10 July 2009) received 25/06/10
- Ecological Appraisal prepared by Simon Phipps (September 2009) received 25/06/10

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

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

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

Reason: To protect the amenities of surrounding occupiers.

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

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

5. 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, and sections showing access to the basement parking areas 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

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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.

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

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

7. Prior to the first occupation 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. Prior to the commencement of the development a revised plan shall be submitted for approval in writing by the Local Planning Authority showing a bin hardstanding area and a visibility splay at the access point, measuring 2.4m X 25m in an easterly direction along the access to Aldridge Court. The approved splay shall thereafter be kept clear of vegetation and structures between 600mm and 2m in height above road level at all times.

Reason: To maintain highway safety.

9. Prior to commencement of the development, details to incorporate bat roosting features into the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The proposals may provide access to bats to cavity walls or under roof tiles and/or incorporating purpose made Schwegler-type roosting boxes into the fabric of the building. 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.

10. Prior to commencement of the development, details to incorporate bird nesting boxes in appropriate locations within the site. The use of a variety of nesting boxes would provide a resource for local bird species. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve and enhance local nesting bird populations.

11. Notwithstanding the submitted landscaping plan prior to the commencement of the development a further detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority that includes; details of proposed garden boundary treatments, development site boundaries enhancing hedgerows, the creation of diverse ground flora, creation of habitat to perpetuate habitats for birds within the site, takes account of the ecological appraisal of September 2009 enhancing and reinforcing the existing habitats. The agreed scheme shall be implemented within 12 months of the development completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a

tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to define the permission and to safeguard the visual amenity of the conservation area, green belt and natural environment of the site and the immediate vicinity.

12. No development shall commence on site until the boundary details have been submitted to and approved in writing. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development and to secure the site.

13. Prior to the commencement of development full details of proposed external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Any details of external lighting approved by the Local Planning Authority shall be installed in accordance with the approved details and retained as such.

Reason: To safeguard the visual amenities of the area.

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 trees in the Conservation Area on site.

15. The approved tree protection measures and fencing detailed in the Arboricultural Report dated 10 July 2009 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005.

Reason: To safeguard the trees in the Conservation Area on site.

16. 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.

Reason: To safeguard the trees in the Conservation Area on site.

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

Reason: To safeguard the trees in the Conservation Area on site.

18. The tree/bramble/ever green hedge buffer to the north/east and southern boundaries of the application site shall be retained and maintained at all times.

Reason: To safeguard the visual amenities of the conservation area, green belt and the wider area.

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

Reason: To enable the Local Planning Authority to retain effective control over future development of this site and the Green Belt.

Conditions to be attached to Conservation Area Consent application 10/0867/CC

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

Reason: To safeguard the trees in the Conservation Area on site.

3. The approved tree protection measures and fencing detailed in the Arboricultural Report dated 10 July 2009 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005.

Reason: To safeguard the trees in the Conservation Area on site.

4. 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.

Reason: To safeguard the trees in the Conservation Area on site.

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

Reason: To safeguard the trees in the Conservation Area on site.

6. The tree/bramble/ever green hedge buffer to the north/east and southern boundaries of the application site shall be retained and maintained at all times.

Reason: To safeguard the visual amenities of the conservation area, green belt and the wider area.

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

Reason: To protect the amenity of neighbouring occupiers.

8. No ground fires shall be permitted on the site for the purposes of waste disposal.

Reason: In order to safeguard the amenities of local community.

NOTE FOR APPLICANT; The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining

thereto. Also, any damage caused to the public highway caused as a result of the demolition works shall be reinstated at the applicant's expense.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Major Application

Application Number: 09/0333/FL
Application Type: Full application

Applicant: Junction 9 Properties
Proposal: Retention of single storey and two storey rear extensions and also the retention of the change of use to a house of multiple occupation comprising 14 bedrooms, lounge and kitchen.

Ward: Darlaston South

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Mr David Onions
Location: 10,11 & 12 PINFOLD STREET, WALSALL, WS10 8UN

Expired Date: 03/06/2009

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application is for the retention of two storey and single storey rear extensions and the conversion of the 3 premises of 10, 11 and 12 Pinfold Street into 14 one-bedroom bedsits and a small communal area in the single storey extension. The proposals would retain the existing shops on the Pinfold Street frontage of the buildings.

The applicant states that the extensions and conversion were completed in February 2007 however have produced no evidence to support this claim.

There is an existing courtyard area to the rear measuring approximately 50sqm which is the storage area for the residents plus an additional area, currently filled with building materials and inert waste from the construction process which is fenced off and also in the ownership of the applicant.

The applicant has submitted a statement in support of the application. The applicant notes that the proposals are in Darlaston Town Centre and that the proposals are well situated in relation to the public transport and the ASDA superstore. It is noted that there are other extensions of similar size and scale and the predominant character is Victorian two storey buildings with a mix of uses, predominantly commercial on the ground floor and residential above.

The applicant advises that the properties are let on a private rental basis to individuals in need of low cost accommodation.

Relevant Planning History

BC57838P - Demolition of existing buildings & erection of 12 houses and 8 flats for general needs and a Young Parents Scheme, comprising of 10 flats with communal facilities & all associated external works – Withdrawn 2001.

11 Pinfold Street

07/1213/FL/H3 – Formation of habitable room in roof space with rear dormer - Granted August 2008

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).

Saved Policies of Walsall's Unitary Development Plan (UDP) 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: 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

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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.

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.

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

S8 – considers the appropriateness of housing in town centres.

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;

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

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

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.

Consultations

Transportation – No objection

Pollution Control (Scientific Team) – No objection

Pollution Control Contaminated Land Team – No objection

Fire Service – No objection, satisfactory for fire access

Housing Standards – No objection in principle however detailed discussions have been ongoing with regard to minor breaches (such as drainage connections and fire control) of the Housing Act Legislation (Category 2). This should prevent the need for enforcement under section 234 of the Housing Act 2004 and Statutory Instrument 724 'The Houses in Multiple Occupation (Management)(England) Regulations 2009'.

Public Participation Responses

None

Determining Issues

- The principle of the use
- The design and visual impact of the extensions

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- Amenities of existing occupiers
- Car parking provision

Observations

The principle of the use

The legislation has altered during the course of the planning application through amendments to the use classes order and regulations relating to Houses of Multiple Occupation.

Officers, through Housing Strategy, have been in detailed discussions with the applicant with regard to this site and the applicant's overall property holdings and the minor issues that require improvement.

The purpose of the amendments to legislation is to resolve differences between Planning and Housing Acts and to ensure the standards of Housing Act requirements are brought into design standards for planning purposes.

The principle of the use is not discouraged and is supported with the need to locate low cost accommodation close to public transport and facilities.

Overall the proposals are supported in principle.

The design and visual impact of the extensions

The extensions are similar in size and scale to extensions built to neighbouring properties. The extensions to the rear are rebuilt extensions of previous poor quality single and two storey extensions with only a small portion as entirely new additions. Nevertheless the entire element of the two storey and single storey extension to the rear are the subject of this application.

The proposals are difficult to see from any public vantage points and extensions to neighbouring properties would also shield the proposals from the private amenity areas and windows of neighbouring properties.

The design, whilst flat roofed and bulkier than Victorian-style extensions and flat roofed in order to accommodate the dwelling units and keep the height of the roof down, are finished in a manner that would be in keeping with the surrounding area and the existing property.

Overall, whilst improvements could be made and the design is not of high quality there is no objection to the extensions.

Amenities of existing occupiers

The comments of housing standard officers are noted in particular with regard to the ongoing relationship with the applicant. It is noted that the properties in the rear extensions are significantly smaller than the converted parts of the building, however no objection is raised to the size of the units by Housing Standards.

The separation between flats in the rear extensions is relatively small and the properties on the ground floor have a degree of intervisibility, however, residents appear to be content with the relationship and this seems to build a sense of community with other residents.

At the application site the internal courtyard area is 6mts by 9.5m (total 51sqm) of 'private amenity space'. There is an additional area to the rear of the courtyard that is currently in the ownership of the applicant that is not in use and is filled with building materials. Including this area beyond the fence would create 113.5sqm. The presence of the materials significantly lessens the quality of the development and could lead to environmental issues. The area should therefore be cleared and

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incorporated into the landscaping and amenity space for the flats. Officers judge that the alternative of further building in this area would not be appropriate.

Whilst the proposals do not meet the standards progressed within Designing Walsall SPD, in district centre locations, a lesser amount of amenity space may be acceptable, where suburban standards could not be expected, and in this case the arrangement of space is well enclosed, overlooked and usable.

Overall, whilst not of excellent quality, refusal of the proposals cannot be substantiated in this respect.

Car parking provision

It is noted that highways officers raise no objection to the proposals despite the absence of car parking. This recommendation has been made taking into account two recent Planning Inspectorate decisions on similar nearby proposals, which have dismissed the previous Highway Authority objections on the lack of car parking.

In both cases the Inspector has upheld the appellant's justification for the provision of no car parking based on a research document on residential car parking and the type of housing not automatically requiring parking provision.

The location of the proposed use within the town centre and opposite ASDA is noted. The proposals would have strong links to public transport and Darlaston District Centre which militate against the need for car parking.

Officers consider the proposals to be acceptable in terms of car parking in this instance.

Summary of Reasons for Granting Planning Permission

The application site is located on previously developed land within Darlaston Town Centre, close to public transport and facilities.

The extensions to the rear are rebuilt extensions of previous poor quality single and two storey extensions with only a small portion as entirely new additions.

The proposals are difficult to see from any public vantage points and extensions to neighbouring properties would also shield the proposals. The design, is also considered acceptable.

The location of the proposed use within the town centre and opposite ASDA would have strong links to public transport and Darlaston District Centre which militate against the need for car parking.

As such, having considered all consultation and public participation responses and the material planning considerations, the proposed development is considered to comply with the Development Plan, in particular policies GP1, GP2, GP4, GP7, T1, T2, T8, T9, T13, ENV10, ENV13, ENV32, ENV33, H3, H9, and H10 of Walsall Unitary Development Plan, March 2005; Adopted Designing Walsall Supplementary Planning Document, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions

1. Within 3 months of this permission details of landscaping for the entire redline and land in the ownership of the applicant shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be completed within 6 months of the scheme being agreed.

Reason: In order to safeguard the amenities of residents of 10, 11 and 12 Pinfold Street and to

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ensure satisfactory development of the application site.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0893/FL

Application Type: Full application

Applicant: Wm Morrison Supermarkets Plc

Proposal: Demolition of existing ambulance station and erection of a warehouse extension to existing foodstore, creation of new staff car park and diversion of existing footpath

Ward: Aldridge/Central & South

Case Officer: Barbara Toy

Telephone Number: 01922 652429

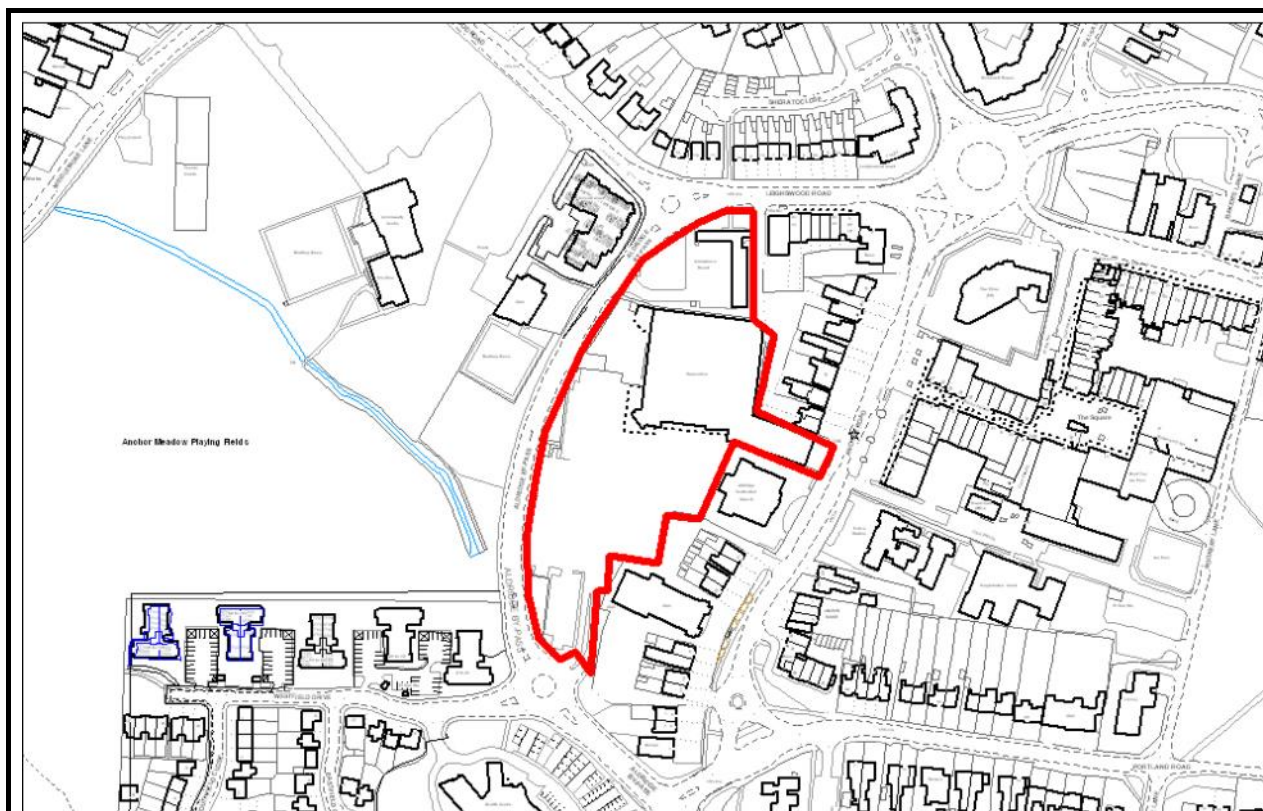
Email: planningservices@walsall.gov.uk

Agent: WCEC Architects

Location: MORRISONS
SUPERMARKET, ANCHOR
ROAD, ALDRIDGE, WALSALL, WS9 8PT

Expired Date: 04/10/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Licence Number LA 076414.

Application and site details

The site is situated in the Aldridge District Centre between Anchor Road and Aldridge By-Pass. The site comprises an existing retail food store with car parking to the south and west, vehicle access from an existing traffic island situated to the south of the site, pedestrian link access to the east onto Anchor Road, service yard and access onto Aldridge By-Pass to the west of the existing building and an existing ambulance station (single storey building and parking area) set to the north of the site, with its own access off Aldridge By-Pass.

A public right of way exists through the existing car park to the south of the building and a footpath (created when the store was built) sits between the existing store and the ambulance station, and runs from Aldridge By-Pass through to Anchor Road.

To the west on the opposite side of Aldridge By-Pass lies Anchor Meadow public open space, a bowling green and club and Croxall Court, which is a three storey block of 36 flats. To the north are two storey houses on the opposite side of Leighswood Road. To the east of the site are retail and commercial premises within the district centre.

This application is a resubmission following a refusal in November 2009 for demolition of the existing ambulance station, erection of a 643sqm warehouse extension to the existing foodstore, construction of a new service yard, extension of existing car park, provision of ambulance office and ambulance parking bay and diversion of existing footpath.

This application now proposes demolition of the existing ambulance station and erection of warehouse extension to the existing foodstore, creation of new staff car park and diversion of the existing public footpath.

The extension would house a new warehouse and would allow the existing bakery, deli, fish and butchery departments to move into the existing warehouse area, thus creating an increase in sales floor area. The appearance and design of the proposed extension would match the existing store. The gross floor space of the building would increase by 1135sqm and the net sales area increase would be 647sqm.

The existing service yard would remain in its current position unaffected by the proposals.

The existing access to the ambulance station off Aldridge By-Pass would be utilised to provide access to a new 31 space dedicated staff car park.

The proposals include a small office for use by the ambulance service within the extension and one parking bay (for one ambulance) utilising the staff car park entrance.

The proposed extension would be built over an existing footpath to the north of the existing store, created when the store was built in compliance with Condition 14 on planning approval BC36201P. The proposals therefore include an alternative route for the path.

The applicant has indicated that the proposals would create approx 100 new jobs, approx 50 full time positions and 50 part time.

The proposed extension to the store (647sqm) falls below the 1000sqm threshold for a developer contribution towards Public Art.

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

- Design and Access Statement

- Transport Assessment
- Noise Report
- Retail and Planning Statement
- Statement regarding the Footpath Diversion
- Statement regarding Aldridge Ambulance Station
- Detailed landscaping scheme

Relevant Planning History

BC33819P, outline application for the erection of a foodstore, associated service area, parking, new vehicle access and pedestrian link to the town centre and diversion of a public footpath. Granted subject to conditions 16-10-91 after a local appeal.

BC36201P, amended proposal for a foodstore, associated service area, car parking, new vehicle access and pedestrian link to the town centre and regional offices. Granted subject to conditions 07-07-92.

BC52221P, proposed extension adjacent to the entrance to form cash point room, extension to canopy and alterations to car park. Granted subject to conditions 25-03-98.

03/2067/FL/E12, extension to existing foodstore. Granted subject to conditions 15-01-04. Subsequent appeal against Condition 5 relating to car park charges, dismissed 08-09-04.

09/0915/FL, demolition of existing ambulance station and erection of warehouse extension to existing foodstore, construction of new service yard, extension of existing car park and provision of ambulance office and ambulance parking bay and diversion of public footpath, refused 25-11-09.

Reasons for refusal:

1. The increased noise of early morning and evening deliveries would be detrimental to the amenity of those living in neighbouring properties, particularly those in Croxall Court. This would arise due to the increase of traffic movement, in particular in relation to heavy commercial vehicles, as the service road would be moved closer to residential properties. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV10 and ENV32.
2. The mixing of ambulances with heavy goods vehicles wishing to use the access road and service yard could lead to conflict, prejudicing the safe and effective manoeuvring of vehicles.

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).

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

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

GP2: Environmental Protection

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

Policy 3.16 requires high quality design.

GP6: Disabled People

Dedicated disabled parking should be provided and transport facilities should be designed to ensure easy access for everyone with convenient interchange facilities.

GP7: Community Safety

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Development proposals should have regard to 'designing out crime'.

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV33: Landscape Design

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

ENV35: Appearance of Commercial Buildings

The design of frontages to shops and other commercial buildings should be appropriate to their setting and sympathetic to the building on which they are situated.

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

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

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

S2: The Hierarchy of Centres

(b) District Centres, including Aldridge, smaller than Walsall Town Centre and serve more localised roles. Meet the needs of the district for convenience goods, local services and community facilities.

S3: Integration of Developments into Centres

In order to ensure proper integration proposals should be of scale and nature appropriate to the size and function of the centre and sensitively integrated in functional and visual terms with the primary shopping area, pedestrian routes, public transport etc.

S4: Town & District Centres: General Principles

The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses. To safeguard the existing level of shopping, leisure and other provision, but development must not be at the expense of the vitality and viability of the centre as a whole.

Primary shopping areas are identified in each district centre to protect the retail function.

S8: Housing in Town Centres

It should be recognised that the particular benefits of living in a centre could mean the acceptable level of residential amenity may not be the same as that expected in suburban locations.

Residential development must support and not prejudice a centre's retail, commercial and leisure functions.

AL1: Aldridge Primary Shopping Area

New retail development and investment will be concentrated within this area.

T4 – The Highway Network

(b) District Distributors are important routes connecting the main residential and employment areas of the Borough. Heavy commercial traffic will be allowed.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. (a) where appropriate the Council increase the provision of short stay parking for shoppers and visitors to local centres.

(e) all parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area.

T13: Parking Provision

Standard car parking spaces should be 4.8m x 2.5m, 10% of all parking spaces should be reserved for disabled people and each reserved space should be at least 4.8m x 3.6m.

Food and Convenience Goods shops – 1 space per 14sqm of gross floor space, at least 1 bike stand for every 20 parking spaces, with a minimum of 2 bike stands and taxi facilities.

Designing Walsall (SPD) (Feb 2008)

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

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

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

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

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

DW5: Ease of Movement – connections to existing routes

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

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

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

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

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

Appendix D: Public Art Guidelines, identifies the threshold for developers contribution towards public art as 1000sqm for non-residential proposals.

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

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

PPS4: Planning for Sustainable Economic Growth (Supersedes PPS6: Planning for Town Centres)

EC14: Supporting Evidence for PAs for main town centre uses.

A sequential assessment is required for applications for town centre uses that are not in an existing centre or in accordance with an up to date Development Plan.

PPG13: Transport

Promotes sustainable patterns of development which reduce the need to travel, especially by car.

Consultations

Planning Policy – no objections. The net increase in size of the floorspace for the store would be 647sqm. This is 119sqm larger than the extension approved in Jan 2004, PA 03/2067/FL/E2. The main part of the existing store adjoins the primary shopping area (PSA) and the western pedestrian entrance is within the PSA. The proposals are therefore well integrated to the PSA and complies with policy S3 as an in centre development. In accordance with PPS4 14.6 and S4(c) of the UDP the applicant has considered the impact of the proposals on other centres within the catchment area, and adequately demonstrated that the proposals would not cause harm to the vitality and viability of centres within the Borough.

Transportation – no objections subject to conditions relating to cycle storage, motorcycle parking and visibility.

Parking

Policy T13 would require 341 car parking spaces for the existing store and 422 for the site following the extension. The site currently provides 291 spaces (85% of the UDP requirement) and proposes 322 spaces (76% of the UDP requirement). The additional 31 spaces provided would however be dedicated for staff use only. The site is in the Aldridge District Centre with good links to public transport and is highly accessible therefore the level of parking is considered acceptable.

Access

The service yard access will remain unchanged and the new staff car park area and ambulance parking will utilise the existing ambulance station access point off Aldridge By-Pass.

Deliveries

The Transport Assessment (TA) identifies that there will not be any increase in the number of deliveries to the store as a result of the increase in the retail floor area. Presently there are 12 vehicles arriving and departing on a daily basis, 3 – 6 of these are HGV's. Due to the size of the current store these deliveries are often only part loads, the proposed size of the warehouse will result in full loads that can be accommodated within the existing service yard. In terms of deliveries the development is likely to have little or no impact on the local highway network.

Ambulance Service

A small ambulance service would be retained in the form of an office and parking space for one emergency vehicle, which would be located to the rear of the store and share the access to the staff car park.

Public Rights of Way Officer – Whilst the existing footpath between the existing store and the ambulance station does not appear on the definitive map of Public Rights of Way, it may have prescriptive rights. The footpath was created when the store was built to comply with condition 14 on the original approval (BC36201P) which required the footpath to remain available for use by members of the public at all times. The applicants appear to accept this as they have suggested an alternative route for the path. The proposed route is acceptable provided that where it crosses the staff car park it is clearly marked and signed and all the land must be within the ownership of the applicant. This needs to go through the formal legal procedures for an extinguishment order and a new route created. This process may attract objections, resulting in a public local inquiry and the order may not be confirmed. Cost for local orders and all construction would have to be met by the applicant. The claimed public right of way should remain unobstructed until legal orders have been confirmed.

West Midlands Police – no objections. Secure boundary treatment is required to the staff car park boundary to the rear of the shops on Leighswood Road. Planting should not impede views of the parked vehicles and access control measures should be provided to prevent unauthorised access to private and staff areas.

Pollution Control – Scientific Team – no objections subject to condition re noise mitigation measures in line with the recommendations of the noise report submitted. The removal of the

ambulance station from the site with the inherent noise from vehicles leaving and sirens sounding through the night would be beneficial to residents of nearby properties.

Contaminated Land Team – no objections subject to conditions.

Fire Officer – considered satisfactory for fire service access.

Environmental Health – no objections, the delivery bay remains as existing.

Landscape – no objections, full planting details have been provided and are considered appropriate for the site. The proposals are an improvement over the previous scheme, the staff car park with frontage of trees and shrub planting will retain the open character of the corner and provide greater visual amenity for local residents.

Centro – no adverse impact on the existing infrastructure and numerous bus services exist in the vicinity. Welcome Morrisons travel plan for the site.

Urban Design – No objections to the design of the building.

Public Participation Responses

Six representations have been received, including a letter from Richard Shepherd MP.

One letter puts forward support for the proposals:

- Benefits to Aldridge including
 - Jobs
 - Improved choice/facilities/parking for shoppers
 - Will allow the ambulance service to implement major review aimed at improving services to residents
- Morrison's have addressed the concerns of residents re noise and lorry activity
- At a loss to understand the previous decision of the planning committee to refuse consent against officer recommendations
- Now being given a second chance, urge the Committee not to let the benefits to residents from the proposals slip away.

Richard Shepherd MP

- Concerns at the lack of a crossing point on Leighswood Road or the By-Pass for residents
- Failure of the ambulance service to identify suitable alternative sites from which their ambulances can regularly meet their statutory response times across the constituency
- Introduction of a 31 space staff car park is likely to increase congestion at the traffic island and has requested that a seven day traffic survey be carried out once the schools have returned in September.

One letter expressing support in principle to the proposals but consider that:

- The proposals should include better links to the Aldridge District Centre and the Gala Bingo site, which will be coming forward for development in the near future
- Links should include removal of existing boundary fencing to open up the site
- Create a pedestrian link through the Gala Bingo site
- Create additional parking for visitors to the centre within the Morrison's site/Gala Bingo site.

One letter of objection:

Lack of initiatives in Aldridge centre generally

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Benefit for the store not customers/residents
Insufficient parking for the size of the store
Loss of ambulance station creating a delay in response times
Additional traffic on the By-Pass together with single and double decker buses.

One letter signed by two residents from Croxall Court includes a number of questions: (*answers in italics*)

Where is the proposed ambulance response room?

On the street elevation of the warehouse extension, adjacent to the ambulance parking bay.

Will there be alterations to the pedestrian refuge to allow pedestrians to cross the By-Pass?

The proposed new route for the footpath shows use of the existing pedestrian refuge.

Will there be additional lighting to the new car park and will lighting be on during the night?

Some lighting may be required for safety but a condition is recommended to require details to be submitted to ensure no adverse impact on surrounding occupiers.

Is the loading bay to be extended?

No the loading bay and service yard remains as existing.

Will the staff car park have one way in and out? ambulances currently have to use lights and siren to cross the traffic.

The access would have no restrictions

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

Determining issues

Whether the proposals overcome the previous reasons for refusal in terms of:

- Impact of heavy good vehicle traffic on the amenities of the surrounding residential occupiers in particular Croxall Court
- Conflict between ambulances and heavy goods vehicles utilising the same vehicle access

Additional issues:

- Principle of the extended store
- Design and Layout
- Parking and Highway Safety
- Footpath
- Loss of the Ambulance Station

Observations

Impact of HGV traffic on the amenities of the surrounding residential occupiers in particular Croxall Court

The proposals include no alterations to the existing service yard and serving arrangements for the store, all heavy goods vehicles would continue to use the existing access to the service yard which is situated to the south of Croxall Court. The submitted Transport Assessment includes details that the numbers and size of vehicle expected at the store following the extension would remain as existing. Due to the size of the existing warehouse a large number of the existing deliveries are part loads, the proposals would allow for improved storage and therefore the loads would be full, but no increase in the number of vehicles visiting the store. There would therefore be no change in circumstances over the existing situation in terms of deliveries to the store, therefore no additional adverse impact on the amenities of the surrounding residential occupiers.

The existing vehicle access opposite Croxall Court would be utilised for access to the proposed 31 space dedicated staff car park and a single emergency vehicle. The car park would have a controlled entry system to prevent general use which would be located in a position so as not to

hinder the ambulance access and egress to the site or the proposed footpath route. It is considered that the proposed use would not be dissimilar to the existing ambulance station in terms of comings and goings and would therefore have no additional adverse impact on the amenities of the surrounding residential occupiers, in particular the residents of Croxall Court.

The proposals therefore overcome the first reason for refusal on the previous application

Conflict between ambulances and heavy goods vehicles utilising the same vehicle access

As stated above the proposals include no alterations to the existing service yard, service access or arrangements, so all heavy goods vehicles would continue to use the access situated to the south of Croxall Court. The proposed layout includes a small office for the ambulance service as part of the proposed warehouse extension with a parking bay for one emergency vehicle adjacent. This would use the existing access to the ambulance station situated to the north of the service access. Heavy goods vehicles and the ambulance would therefore use separate access points and avoid any conflict.

The proposals therefore overcome the second reason for refusal on the previous application.

The principle of extending the store

The proposed extension would provide:

- A warehouse extension would allow the existing warehouse area to be incorporated into the retail store.
- This would provide an additional 1135 sqm gross floorspace and an additional 647 net floorspace.
- Resulting in a 5909sqm gross and 2498sqm net foodstore on completion.

The site provides the anchor store for Aldridge District centre. It is the only large convenience store in the centre. The main part of the store immediately adjoins the primary shopping area (PSA) of the centre and the western pedestrian link entrance to the store is in the PSA. The site is therefore well integrated and is development within the centre, which would comply with policy AL1, providing investment in the PSA. The scale of the development is appropriate to the scale of the centre and the catchment the centre serves. There is no evidence to suggest that the expansion of the store might harm investment in other opportunities within the district centre. The proposals would comply with policy S4 which seeks to sustain and enhance the range and quality of shopping for all those who use the centre and it is not considered that the development would be at the expense of the vitality and viability of the centre as a whole.

Design and Layout

The proposed extension has been designed to match the existing building in terms of materials, red facing bricks with blue brick soldier courses and matching roof tiles, roof line to follow the existing, with the same level and pitch, first floor windows, gable roof features and includes a 3m high boundary wall to the service yard to match the existing.

The proposed landscaping to the boundary of the new staff car park would retain the open character of the corner whilst adding to the general amenity of the street scene and area and obscuring full views of the parked cars. This is considered appropriate and a better solution than the high boundary wall to the service yard proposed on the previous scheme.

Parking and Highway safety

The current parking provision of 291 spaces represents 85% of the requirements of policy T13, the proposals are 76%, providing an additional 31 parking spaces dedicated to staff. This would free up 31 spaces within the main store car park for customers that would otherwise be used by staff.

The new staff car park would have a controlled entry system to prevent unauthorised users that would be positioned so as not to hinder ambulance access and egress or the proposed footpath. The store is located within the Aldridge district centre with good links to public transport and allows for shared journeys to other shops and services in the centre and is highly accessible to cyclists and pedestrians, so the parking level is considered satisfactory in this instance.

The new staff car park would utilise the existing vehicle access for the ambulance station, which currently caters for staff cars and emergency vehicles. It is not envisaged that the proposals would result in any additional disruption to the highway network.

The submitted Transport Assessment (TA), indicates that there will be no significant increase in the number of deliveries to the store as a result of the increase in retail floor space, after the initial stocking of the new warehouse. Presently 12 vehicles arrive and depart on a daily basis, only 3 to 6 of these are HGV's. Due to the size of the current store these deliveries are often only part loads, the proposed size of the warehouse will result in full loads that can be accommodated within the existing service yard. In terms of deliveries the development is likely to have little or no impact on the local highway network.

Further advice from Transportation on the concerns raised by Richard Shepherd MP and Councillor Flowers will be reported at the Committee meeting.

Footpaths

The existing public right of way (PRW) through the main car park area will remain unaffected by the proposals.

The footpath that runs to the north of the existing store and service yard, between the site, the ambulance station and around the rear of the store from Aldridge By-Pass through to Anchor Road, was created when the store was built (to comply with Condition 14 on planning approval BC36201P).

The proposals require the removal of the first 70m of the footpath. The applicants have included in their proposals an alternative 2m wide footpath to run from Aldridge By-Pass through the proposed staff car park (with appropriate crossing point) and along the side and rear of the new extension to rejoin the existing footpath route around the store to Anchor Road.

Whilst the existing footpath does not appear on the Definitive Map of PRW's there could be a prescriptive right of way. If this claim is made a formal extinguishment order would be required to be completed and a new route created. This is not however an issue that can be resolved by the planning process, other than to note that a planning approval would result in the closure of the existing path and an alternative pathway would be provided as part of the approved scheme, with conditions recommended to ensure implementation of the new footpath route. The alternative route proposed by the applicant would provide a route of similar distance for pedestrians from the north of the site, which is considered acceptable. Pedestrians to the south of the site are likely to continue to use the existing public right of way across the main car park area as this would provide the most direct route to the district centre.

Loss of the ambulance station

The ambulance service has provided a statement that confirms that as a result of recent consolidation of their service, the Aldridge ambulance station is no longer required. A new centrally located site will be acquired which will be more fit for purpose. Whilst the concerns raised regarding the loss of this local facility are recognised, this is not in itself a material planning consideration for the current proposals.

Summary of Reasons for Granting Planning Permission

The proposal provides a new warehouse, an increase in retail floorspace, a dedicated 31 space staff car park, increasing the overall parking provision, and the diversion of an existing footpath to an existing retail foodstore located within a district centre. The site is well integrated with the primary shopping area and the proposals comply with policies S4 and AL1 of the UDP which seek to sustain and enhance the range and quality of shopping in the centre whilst encouraging investment in the primary shopping area, which would not adversely impact on the vitality and viability of the centre. The closest alternative foodstores are located in Brownhills, Walsall town centre and out of the Borough in Great Barr.

The design would match the existing building and the change in layout from the previously refused application, which now proposes that the heavy goods vehicle access is to remain in the same as existing are considered appropriate and would overcome one of the previous reasons for refusal.

The previous application proposed to bring the building, the new service yard and its vehicular access closer to the existing residential properties opposite, this application proposes no change in circumstances to the existing situations in terms of deliveries to the store. The submitted Transport Assessment indicates that the proposals would not result in any significant increase in the number or size of vehicles delivering to the store would remain the same. The residential properties are built on the edge of the district centre where it is recognised that the level of amenity for residents would not be the same as that expected in a suburban location. The existing access opposite Croxall Court would serve a dedicated staff car park and single emergency vehicle and would have no additional adverse impact on the amenities of the surrounding residential occupiers, in particular residents of Croxall Court. The proposal to keep the existing service area and to locate a staff parking area where the ambulance depot is currently located, would minimise any potential impact to the amenities enjoyed by nearby residents and overcomes one of the previous reasons for refusal. The existing open corner of the Ambulance Depot would be retained with landscaping which would obscure full views of the staff car park.

The proposals require the removal of the first 70m of the footpath. The applicants have included in their proposals an alternative 2m wide footpath to run from Aldridge By-Pass through the proposed staff car park (with appropriate crossing point) and along the side and rear of the new extension to rejoin the existing footpath route around the store to Anchor Road. The alternative route proposed by the applicant would provide a route of similar distance for pedestrians from the north of the site, and is acceptable

The loss of the existing ambulance station has been raised regarding response times. This is an issue for the ambulance service and not a material planning consideration for the current proposals.

The points which have been raised about the merits of improving pedestrian, vehicular and visual linkages with the rest of the town centre and to improve parking and access arrangements for the town by using the Gala Bingo site, is not proposed in the submitted planning application, which has been considered on its own merits.

The proposed development is therefore considered to accord with the aims and objectives of the development plan, in particular policies GP2, 3.6, 3.7, 3.16, GP7, ENV32, ENV33, ENV35, 3.113, 3.114, 3.115, S2, S3, S4, S8, AL1, T4, T7 and T13 of Walsall's Unitary Development Plan (2005), Supplementary Planning Document: Designing Walsall, PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth and PPG13: Transport.

Recommendation: Grant Permission Subject to Conditions

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

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

2. Prior to the first use of the staff car park hereby approved the new footpath link from Aldridge By-Pass to the rear corner of the existing store to rejoin the existing path, shown on drawing number 07-049 PL-09 shall be fully implemented.

Reason: In order to ensure future provision of pedestrian access to the district centre.

3. Prior to the commencement of the development details of the construction, lighting and boundary treatment of the new footpath link from Aldridge By-Pass to the rear corner of the existing store to rejoin the existing path shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: In order to provide satisfactory pedestrian access to the district centre.

4. The external materials of the extension hereby approved shall match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. The retail food store shall not exceed a gross floorspace of 5,909sqm, including a net sales area not exceeding 2498sqm.

Reason: in order to define the permission and restrict the size and operation of the premises.

6. All loading and unloading of goods shall take place within the curtilage of the site.

Reason: In the interests of highway safety.

7. No materials, goods or refuse shall be stored or deposited in the open on any part of the site.

Reason: To ensure the satisfactory appearance of the development.

8. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels of the proposed extension, 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.

9. No development shall take place until the location and details of the access control system to be provided to the new staff car park have been submitted to and approved in writing by the Local Planning Authority. The access system shall be installed and operational prior to first use of the car park and extension hereby approved in accordance with the approved details and thereafter retained in working order.

Reason: In the interests of amenity and securing the site.

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

Reason: To safeguard the visual amenities of the area.

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

Reason: To ensure the satisfactory provision of parking areas.

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

vii) 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)

viii) 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)

ix) 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)

x) 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.

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

xii) 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.

13. A) At all times that the food retail store is open for trading, the car park on the site shall be available for use as short-stay parking for shoppers on the site, and shoppers in the Aldridge district centre.

B) The car park will remain free of charge for up to 3 hours for shoppers and visitors to the Aldridge district centre and no one shall be allowed to park on the car park for more than 3 hours.

C) The extension hereby approved shall not be brought into use until a scheme to enforce part (B) of this condition has been submitted to and approved in writing by the Local Planning Authority. The store and car park will operate in accordance with the approved scheme at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the car park serves the needs of both shoppers and visitors to the District Centre, and complies with policies 7.38, S4 and T7 of Walsall's Unitary Development Plan (2005).

14. 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 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of the amenity of the surrounding residential occupiers.

15. No development shall commence on the site until details of all boundary treatment (including walls, fencing and railings) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the extension hereby approved.

Reason: In the interests of securing the development and to safeguard the visual amenity of the area.

16. No development shall commence on site until details of any plant, ventilation and fume extraction equipment or refrigeration equipment to be installed within the new extension have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the extension hereby approved.

Reason: In the interests of the amenity of the surrounding residential occupiers.

17. The new car park to the north of the site shall remain for use by staff only at all times.

Reason: In the interests of the amenity of the surrounding residential occupiers and highway safety.

18. 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 be required by conditions: -

07-049 PL-05 – Proposed Elevations submitted 5 July 2010

07-049 PL-01 – Proposed Store Plan submitted 5 July 2010

07-049 PL-07 – Proposed Sections submitted 5 July 2010

07-049 PL-03 – Proposed Site Plan submitted 5 July 2010

07-049 PL-04 – Existing Site Plan and Location Plan submitted 5 July 2010

07-049 PL-06 – Existing Elevations submitted 5 July 2010

07-049 PL-02 – Existing Store Plan submitted 5 July 2010

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07-049 PL-08 – Proposed Levels submitted 5 July 2010
07-049 PL-10 – Existing Roof Plan submitted 5 July 2010
07-049 PL-11 – Proposed Roof Plan submitted 5 July 2010
07-049 PL-12 – Proposed Car Park and Landscaping submitted 5 July 2010
07-049 PL-09 – Proposed Warehouse Extension, Footpath Diversion submitted 5 July 2010
9014 CSK01 Rev P5 – Proposed Drainage Layout submitted 5 July 2010
West Midlands Ambulance Service planning Statement submitted 20 July 2010
Noise Assessment undertaken by Belair Research Limited submitted 5 July 2010
Statement, Proposals for Diversion of Existing Footpath submitted 5 July 2010
Preliminary Contamination Statement for WM Morrison Supermarkets plc submitted 5 July 2010
Design and Access Statement submitted 5 July 2010
Retail and Planning Statement – Peacock and Smith Ltd submitted 5 July 2010
Transport Assessment – TTHC submitted 5 July 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

CL1

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

CL2

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

CL3

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

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

Planning Committee

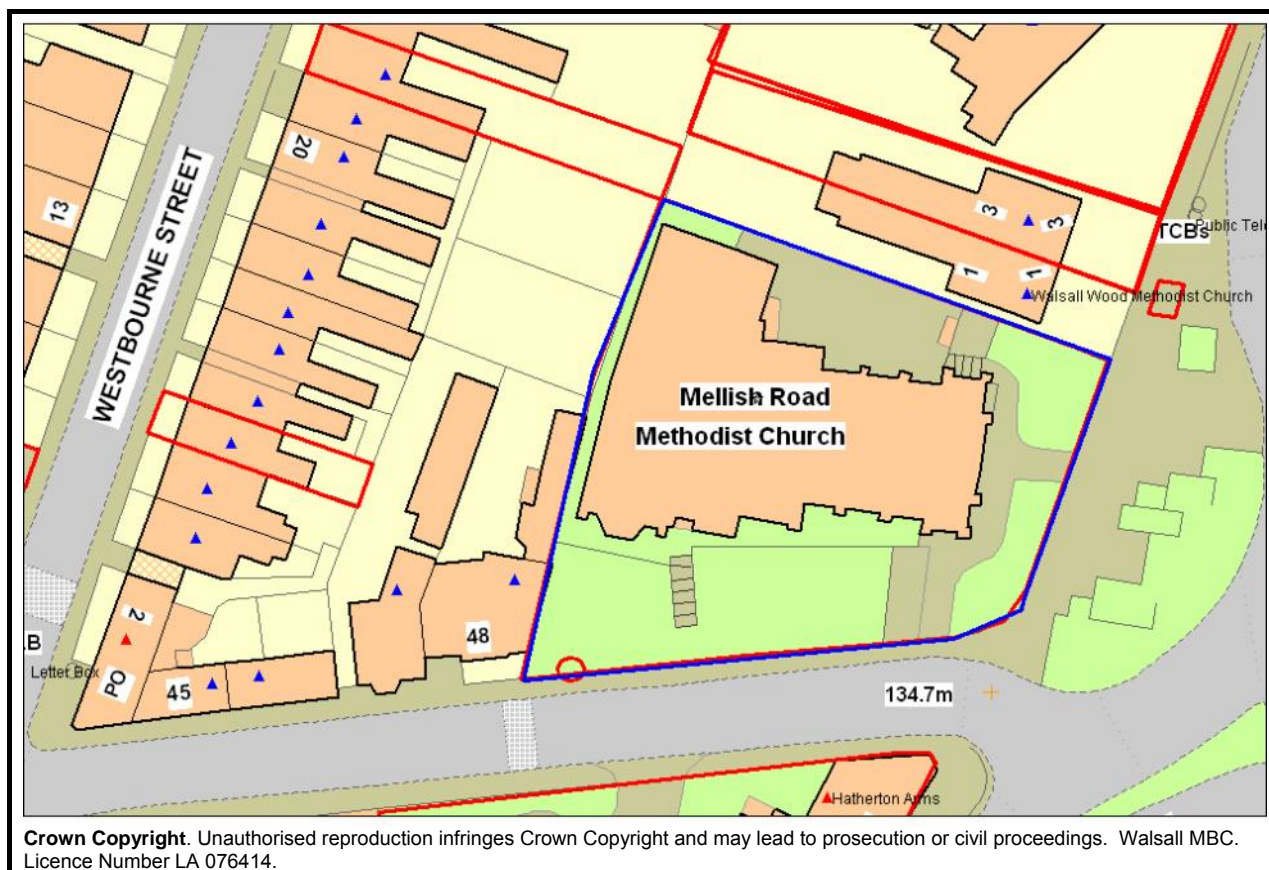
Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Significant Community Interest

Application Number: 09/1521/LB
Application Type: Listed Building Consent to Demolish (D)
Applicant: Mr Ali & Kahn
Proposal: Demolition of existing listed building
Ward: St. Matthews

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email:planningservices@walsall.gov.uk
Agent: Haden Ritchie Bailey
Location: METHODIST CHURCH,
MELLISH ROAD/LICHFIELD STREET,
WALSALL, WS4 2HT
Expired Date: 20/01/2010

Recommendation Summary: Grant Subject to Conditions Subject to Referral to Government Office



Application and Site Details

The application is for the demolition of the former Methodist Church, which is within the Arboretum Conservation Area and is a Grade II listed building. The building is also on the Council's Buildings at Risk register. The building was built in 1910 in Gothic Revival style, with the main influence being that of the perpendicular style of architecture which is evident in the window headers. The building ceased use as a place of worship in 1992.

The full list description is as follows:

Church. 1910 by Hickton & Farmer. Limestone ashlar, with brick exposed on north side. Slate roof. Free Gothic style. Comprises a nave with clerestery, north and south aisles, south transept, and southeast porch with tower and spire. A basement is approached from Butts Road. At the east end is a doorway with pointed head and fleuron order flanked by quatrefoiled lozenge-shaped windows. Above is a 5-light window with Perpendicular tracery. The tower has clasping buttresses, and 3-light windows below the upper stage. This is set back with angle buttresses, octagonal pinnacles, and bell openings, and carries a stone spire. On the south side is a pointed doorway. The south aisle is of three bays separated by buttresses. The basement windows have segmental heads and are of four lights with transom. The upper windows are of three cinque-foiled lights with flat heads. The clerestory windows are of three lights. Interior: plastered and painted, with four-bay arcades of moulded pointed arches, and round piers with capitals. West bay wider, with organ on north side. East gallery has timber front. Roof boarded above level of raised tie-beam. Trusses have wall-posts carried on corbels, and false hammer-beams. East window, dated 1910, depicts scenes from the life of Christ. (BoE, Staffs, p 295).

The building is in a very poor condition, especially the nave where the internal fabric has suffered considerable fire damage, where the last arson attack occurred in February 2008. The main east facing gable has had to be partially removed for safety and the interior and the remaining roof structure is therefore very much exposed. All of the stained glass windows have been destroyed and removed. The internal fittings and fixtures, including associated artefacts have long since disappeared. With regards to the remaining fabric, the facing limestone is very much all that remains, as well as some of the charred roofing timbers and some decorative roof trusses (it should be noted that the underlying structure is a brick building).

In support of the application the applicant has submitted the following information:

Structural stability report

This indicates the structural stability of the Church and the defects present. The report concludes that extensive underpinning of the front and side of the church is likely to be required along with similar work to the rear part of the building. The cost of this work, and the changes in level on the site, could jeopardise the viability of any refurbishment scheme. Whilst the author is reluctant to recommend the demolition of a listed building, in this instance, it is concluded that this is the only viable option.

Design and Access Statement

This further outlines the structural conditions, cost of refurbishment and the agent's opinion of aesthetic value of the existing Church. An indicative scheme of apartments is included in the Design and Access Statement and a 3D image is progressed. A budget estimate of £2.5m for refurbishment and conversion is included.

Photographs

The applicant has also submitted a number of photographs showing the internal and external structure and the poor state of repair of the existing structure.

Marketing Exercise

The applicant has undertaken a marketing exercise to advertise the availability of the Church to elicit responses and interested parties who would be interested in the refurbishment of the Church. There have been 7 parties who have expressed interest in the Church.

Relevant Planning History

The history of the Church predates the planning system. There have been several efforts to bring the Church back into use and also issues relating to urgent works notices and enforcement action. The only relevant application is:

BC63015P/C – Change of use to community business centre. Granted 14/11/2001

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).

Saved Policies of Walsall's Unitary Development Plan (UDP) 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: 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.

ENV28 – seeks to preserve and safeguard listed buildings and unless stringent tests have been satisfied demolition or loss should not occur.

ENV29 – seeks to preserve and enhance the character of Conservation Areas

3.16, GP7, ENV32, 3.116: seeks the design of 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.

7.1: Seeks to promote an efficient highway network;

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.

LC8: seeks to retain community facilities unless alternative locations can be found

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;

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DW4- Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;
DW5 Ease of movement- create places that are easily connected, safe to move through;
DW6 – Legibility - new development should contribute to creating a place that has a clear identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW10 – new development should make a positive contribution to creating a sustainable environment.

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 5: Seeks to preserve and enhance Heritage Assets, such as listed buildings. The key policy is HE9 which states:

Where the application will lead to substantial harm to or total loss of significance Local Planning Authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or*
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and*
(b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and*
- (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.*

To be confident that no appropriate and viable use of the heritage asset can be found under policy HE9.2(ii) local planning authorities should require the applicant to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the heritage asset’s conservation and to find charitable or public authorities willing to take on the heritage asset.

Consultations

Transportation – No objection

Pollution Control Scientific Team – No objection subject to conditions relating to mitigation of noise and disturbance to neighbouring residents.

Pollution Control Contaminated Land Team – No objection subject to conditions relating to ground contamination assessment.

English Heritage - Fully recognise the merit of this building as a local landmark and one which is valued by many in the local community. However following extensive investigation, English Heritage is now of the view that retention of the listed building, although structurally feasible, is unrealistic and unattainable economically. The evidence required by policies HE9.2 and HE9.3 of PPS5 has been fully sought and tested. English Heritage does not therefore object to the demolition of this Grade II listed building.

Built Conservation – No objection taking the advice of English Heritage, recommend conditions relating to building recording.

The Victorian Society: Considers Mellish Road Methodist Church to be a fine grade II listed building. The church with its prominent spire is located at a key location on Lichfield Road in the Arboretum Conservation Area. It was opened in 1909, having been designed by local firm Hickton and Farmer. We understand the tower and spire were added shortly afterwards, and the Sunday school buildings completed in 1935, though all in a sympathetic style. There are unusual hints of Art Nouveau such as in the treatment of the clasping buttresses to the upper parts of the tower.

Although the building has suffered from severe neglect in the years since its closure, and more recent fire damage has seen the destruction of the east window and gable, the listed building has the potential to be restored and once again become a positive focal point at the end of Mellish Road in the Arboretum Conservation Area. It is stated in PPG15 that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area, and this applies particularly to listed buildings. This point has been identified within the character appraisal and management plan for the Arboretum Conservation Area adopted by Walsall MBC in 2007 (pages 7-9), where it clearly states that the restoration and sensitive reuse of the building could have a positive impact on the area and one of the main routes into Walsall town centre. We consider that demolition as an end in itself is not acceptable in this case.

From the available documentation it seems to us that the current situation has arisen largely as a result of neglect, and we would request that further work should be done to establish the viability of restoration and new use for the building. It is stated within the Arboretum Conservation Area Management Plan that Mellish Road Methodist Church is a priority for protection repair and reuse, and that this is what the Council are seeking. We would expect to see a heritage statement as part of this application, which considers the architectural and historic merits of the building. We therefore believe that options for regeneration by a developer or historic buildings trust should be further explored to seek a viable scheme that protects the building in accordance with this stated policy. The debate over the exact nature of the structural condition casts doubt over the justification for demolition of the listed building.

We therefore strongly object to this application as it is currently presented and urge Walsall Council to refuse consent.

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20th Century Society: Mellish Road Methodist Church is a fine Grade II listed building situated in a key location in the Arboretum Conservation Area and with its prominent spire makes a very positive contribution to the area.

Despite recent fire damage and severe neglect the listed building has potential to be restored and as stated in the management plan for the Arboretum Conservation Area, sensitive reuse of the building could have a positive impact on the area. It would be a great tragedy if this building were to be demolished.

We should therefore wish to support the Victorian Society in their strong objection to this application as it is currently presented and urge Walsall Council to refuse consent.

SAVE Britain's Heritage - Object to this application for the demolition of the Grade II listed former Methodist Church. It is extremely disappointing that the current owner has failed to protect the site adequately from vandalism and neglect. Even before the tragic fire in 2008 the building had suffered significant damage from vandals. Accordingly, the current poor state of the building which is the result of neglect by the owners, should not be used as justification for its demolition.

National planning policy guidance set out in PPG15 gives a number of tests that must be met if a listed building is to be demolished. These tests include a requirement for the building to be offered with unrestricted freehold on the open market at a realistic price. Although advertisements were put in the local press, there is no information available on what, if any, offers were received, so it is impossible to clarify whether this test has been adequately met.

SAVE is also concerned by the poor quality of design of the proposed replacement building, which in terms of scale, bulk and materials is clearly not of the standard which the Design and Access Statement accompanying the applications says is required. The Statement sets out that 'any replacement needs to be high quality in terms of design and materials'.

Public Participation Responses

Eleven letters have been received in response to this application.

One letter has been received in support of the application from the immediate neighbour to the application site raising issues of fire damage, rubbish being thrown onto the site, anti-social behaviour, and the property being a dangerous structure.

Ten letters object highlighting the importance of the building to the locality and the loss of the historic fabric to be of concern. The loss of a community use and facility and the lack of need for more flats is also expressed in many representations. The **Hatherton Community Group** have submitted a detailed letter with regard to the application which is summarised below and echoes the concerns of objectors. Particular concern is that adequate assessment has not been carried out, in particular of the historic fabric and viability and that there is a need for a community based facility.

Amongst the above letters received 2 letters have been received from the Hatherton Community Group and the Counsel for Living Organisation expressing interest in acquiring the site. In addition, a total of 5 other parties have expressed interest in acquiring the site directly to the agent and applicant. The Council have written to all those parties following the advice of English Heritage seeking clarification of the availability of funding and assessment of their Business Case the outcome of this will be reported to committee in the Supplementary Paper.

The following comments have been raised in relation to the submitted evidence and interest in the marketing assessment, particularly by the Hatherton Community Group:

Market Testing

Advertisements inviting contact to the owner's mobile in local newspapers are not sufficient and that, in two cases, the adverts were in the appropriate section of the newspaper. The availability of the owner on the original marketing exercise was also an issue and the asking price, of c.£400,000, was unreasonable and unrealistic.

Structural Condition

Setting aside the crucial ground issues, AABC Architects have concluded that the remaining fabric of the Edwardian Church can be saved and have provided evidence of local buildings that have been saved by introducing a skeletal frame one of which, the Ribbon Factory in Coventry, did not require any funding.

Whatever else it is of course in the ground where the enduring problem is and there is every reason for the community, the building owners and English Heritage to believe that this matter should have been addressed when heavy government subsidies were given to the Local Authority decades ago and when this problem first became apparent. The application gives the demolition and subsequent residential scenario as a smooth fait accompli yet, in fact, any development is unviable without subsidy to fill the voids and therefore new build development is most unlikely. The issue with regard to new build residential is even more negative as an NHBC warranty is very doubtful. Thus external funding will be required to address the ground conditions for the 'old' church and for the 'new' residential and yet it will probably be easier to source funding in the historic building context where a charity will be able to garner funds still widely available whereas housing will have to join a long queue to dip into depleted or withdrawn regeneration funds. In considering the redevelopment as a true and comparable alternative the options are either a church restored or a hoarded site.

No solution is given to the adjoining house, 3 Lichfield Road, which is similarly undermined.

Costs

A cost report by a Quantity Surveyor is in the application and concludes that a fabric cost of £168psqft applies - we have omitted the contingencies and fees of 25% because these are far beyond normal historic building funding regimes' tolerance. £168psqft is the applicant's figure predicated on putting his case across and we have been advised by AABC architects that a figure of £150psqft would be high. Nonetheless if, for this argument, we accept the £168psqft then if the Edwardian parts alone were restored then the contract would be £1.175M which is far below the figure of £2.5M used by the applicant.

Sustainability

The application contains no substantive information on the deliverability or practicality of the replacement. Is such a residential scheme really viable or needed here at this time? It is essential that any creditable alternative to replace a listed building has vivacity. The vaunted 'new' residential scheme has not been tested and we believe it would fare badly and be unviable in itself.

A listed building is listed for an important purpose and in any justification the application to demolish should be considered against benefits of the replacement. We do not regard residential as being a particular benefit particularly with no community element. The design for the 'new' residential is proscribed as being 'high qualityin both the design and materials'; whereas plainly it is not.

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

Determining Issues

- Principle of demolition
- The quality of the building
- Structural Issues
- Marketing Exercise
- Illustrative proposal

Observations

Principle of demolition

Demolition is only acceptable in exceptional circumstances. The main principle is to question on what is being 'conserved' in this case. In this instance Conservation Officers and English Heritage agree that it can be argued that there is very little fabric that can be conserved. Even if the building is restored, it is questionable what degree would be 'original fabric' and it is of the opinion that less than 35% would test the parameters. This raises other ethical questions especially on whether the building would then remain worthy of its listed status, though that is a matter for English Heritage and the Secretary of State. Conservation Officers opine that it would be unreasonable (due to the cost and destruction of features) to expect the original stained glass to be reinstated, and as it would be converted, the interior plan would be very much altered. Delisting may be an option that could be explored.

Overall, it is viewed that the building should not be retained for its own sake, where it could just become a glorified ruin or an interesting pile of stones. As with all listed buildings, they should be used and serve a relevant purpose within the community.

Therefore unless the above detailed tests being satisfied relating the viability of structural repair and restoration together with interest parties not coming forward demolition should be resisted.

The quality of the building

The architectural and historic importance of the building, including its relative rarity should be considered. Whilst Methodist (non-conformist) churches and chapels of this age are not considered particularly rare generally, ones which are built in this particular revival style are especially rare.

However, there are very few examples which are built in the perpendicular gothic style, which makes it distinct. It is robust and industrious in appearance. Also non-conformist places of worship of this age tend to be built in brick, thus giving a more domestic appearance, but this church is built in a more formal limestone skin that reflect the geology on which it is standing. The stonework and masonry is attractive and makes a distinct contrast to the domestic brick built buildings that surround it. However, the interior of the building is very much destroyed and only some of the roof timbers remain. The loss of internal fabric counts against its retention.

The contribution the building makes to the overall streetscene is very important. It is a landmark building, not just in terms of the Arboretum Conservation Area (which the Conservation Area Appraisal picks up), but it also serves as a key gateway feature on a key route into the town centre. There are significant views of the church especially along Mellish Road. Whilst the building makes this contribution, due to the very bad condition of the building, it is considered that it currently detracts from the other qualities of the conservation area and it is a negative feature. It could be argued (due to the building's poor appearance gives a negative impression of the town and may put off potential investment) that the proposed demolition of the building could contribute to the amenity of the area, as well as the overall economic wellbeing of the area.

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Structural Issues

In addition to the structural survey report undertaken by the applicant, it should be noted that the Council have undertaken reports as follows:

Nov 1990: Ove Arup Preliminary Report on Ground Movements

Oct 1992: Ove Arup Investigation of limestone workings (Geotechnical Investigation)

June 1996: Ove Arup- Infilling Completion Report

April 1997: Fairbrothers Structural Appraisal

Dec 2004: RA Clarke Structural Appraisal

Dec 2005: CJ Associates Geotechnical Investigation

2005: H&R Sols Bill of Quantities for repairs

Nov 2006: Roger Bullivant Estimate for underpinning works

June 2007: STATS Geophysical Report

Feb 2008: Lambert Smith Hampton: Economic Appraisal

These reports have been shared with English Heritage and the applicant. The structural officers at English Heritage have reviewed all the information and visited the site and their comments are summarised below

The former Methodist Church was constructed above an area of former mine workings. Works undertaken in 1990 to stabilise the underlying ground adversely affected the building and were ceased. It seems that further works were undertaken to allow Ove Arup, in its 1996 completion report, to certify the area as being stable. However subsequent borehole and geophysical investigation works indicated that there were still some sizeable voids below the building. Roger Bullivant prepared an estimate for underpinning the building on piles but did not include an allowance for filling of voids. Heritage & Regeneration Solutions prepared costs for above ground repairs to the building. The latest cost estimate progressed by the applicant for conversion of the building to residential units indicates a substantial cost deficit with refurbishment costs equate to £260 per square foot and compare to typical new build rates of £76 per square foot.

It is concluded by English Heritage that from the above documentation that the former mine workings present a significant hazard in terms of possible formation of sink holes and settlement of ground surface. Despite the extensive works undertaken to eliminate the hazard, English Heritage consider that the subsequent surveys demonstrate that the potential for further settlement is high. Any future developer of the site would have to address or accept this issue.

Whilst the specific cost cannot be commented on the level of cost associated with the proposed piled-raft underpinning scheme prepared by Roger Bullivant Ltd (subsequently used by LSH) English Heritage accept the need for such a solution given the uncertain nature of the underlying ground.

Similarly, while not going through the detail of the repairs to the buildings or the nature of the conversions works suggested in building up the restoration or conversion cost estimates it is agreed by English Heritage that significant works will be required. There is no suggestion in any of the reports that the existing fabric is beyond repair and this is a view that is endorsed by English Heritage.

It would seem that the alarming looking cracks to the west end of the building, caused by ground movements associated with the former mine works., have not worsened appreciably since 1990. However to confirm the presumed lack of movement or to establish that movement has in fact continued, a repeat set of survey measurements would need to be taken by the applicant.

With the above in mind English Heritage continue that the building is in a derelict condition and as such presents a potential danger to trespassers. Not only are interior safety features, such as hand-rails and some floors, missing but the west end of the nave roof is badly fire damaged and has potential to be further damaged by wind forces, as does the west end gable. There is therefore an ongoing danger of falling and from objects falling from height, and as such some mitigation action is required. However despite these obvious faults which could be managed by installation of barriers, temporary supports and sheeting, the building envelope generally seems sound although in many places needing attention.

English Heritage Structural Surveyors conclude that they feel confident in suggesting that differing end uses and differing conversion schemes may require significantly different invested sums. Officers note the comments of English Heritage and that this evidence forms part of their lack of objection to the proposed demolition. As such, the sizeable investment required would appear to make development unviable.

Marketing Exercise

The marketing exercise carried out has failed to meet the standards or requirements set out by Council and English Heritage Officers. The size, location and detail of the advertisements have been of insufficient quality and have only attracted, as a result, limited local interest. A wider and more comprehensive marketing exercise should have been carried out, especially due to the historic nature of the building.

That said 2 local parties have expressed an interest in the site to the Council and a further 5 parties have been in contact with the agent for the application as a result of a further marketing exercise.

In this regard English Heritage comment that whilst they do not wish to discourage local groups from pursuing their interest if it leads to the preservation of the listed building, a crude redaction from identified and assessed costs suggests that basic fabric repairs and ground stabilisation (excluding any internal works or fit-out) are in the order of £2.5M a figure likely to be beyond the reach of most voluntary organisations especially where the possibility of grant aid is limited. Unless any of these groups has already or can produce clear evidence of a viable business plan before say the end of August, English Heritage have suggested that the marketing campaign be terminated.

Officers have written to parties who have declared their interest in the site, asking them to clarify their business case and availability of funds. Initial reports are that the financial viability eliminates many interested parties however that the Hatherton Community Group are continuing to express interest. This is being clarified and will be reported to members in the Supplementary Paper.

Illustrative proposal

As the site is in a dominant position within the Arboretum Conservation Area, the design quality of the new build is paramount. Putting aside the issue of whether the site is suitable for redevelopment and demolition of the existing Listed Building, any new build must be of a high quality design which reflects the former Church's landmark status within the overall streetscape within the conservation area. The design guidance and principles contained in both Designing Walsall SPD and the Arboretum Conservation Area Appraisal and Management Plan must be followed in order to deliver a successful redevelopment scheme. The design should be contemporary but follow the church's general form in terms of scale, footprint and use of materials.

In terms of use the tests for the retention of a community facility on the site have not been progressed and with the interest expressed in the site, there is a need to consider whether the cleared site can be developed for or include a community element. Marketing has already

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identified three groups who are interested in the site and whilst funds would not allow for retention of the Church, these requirements of these groups should be assessed in terms of any new build facility or scheme.

With regard to materials, red brick is a dominant material within the conservation area and there is scope to reference the Church through the reuse of materials (e.g. limestone ashlar dressing details). The architectural details should be innovative and full of interest to reflect the other buildings in the vicinity which have rich but variable architectural detailing.

The proposed drawing (3D visual) in the Design and Access Statement demonstrates limited understanding of the proposed design principles. The proposals for use of contemporary design, a principal corner tower (to act as the landmark), building line to match adjacent properties, varying relief and vertical emphasis of the windows are generally supported.

Overall the illustrative proposal shown in the submission would not be of sufficient quality as a replacement to the Mellish Road Church as a landmark development in the Conservation Area or as a gateway development. The need for significant improvement to this proposed design is therefore highlighted to Members.

Conclusion

Officers very reluctantly agree with the recommendations of English Heritage that there should be no objection to the demolition. The criticisms of the current owners and the current marketing campaign and illustrative proposals should be noted and an inspirational landmark development should now be progressed with a community focus at the core of any proposal.

Recommendation: Grant Subject to Conditions Subject to Referral to Government Office

1. No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the building concerned. The record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is to Level 3 of English Heritage's 'Understanding Historic Buildings, A Guide to good Recording Practice' (2006). The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

Reason: To secure the proper recording of the listed building'.

2. Prior to the commencement of demolition, details of the protection and storage of existing materials and stonework identified as of architectural interest under Condition 1 shall be submitted to and approved in writing by the Local Planning Authority. Stored materials shall be reused in any redevelopment of application site.

Reason: In order that materials are protected in a secure place from theft, vandalism or unauthorised works during the course of works, pending a redevelopment of the site which may be re-use materials at a later date to reflect the special character and interest of the building to be demolished.

3. Prior to demolition a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement produced detailing actions and time scale to be taken to prevent localised contamination.

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

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4. Following demolition and removal of the building a validation report shall be provided to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building.

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

5. 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: To safeguard the amenities of neighbouring and nearby residents

6. Levels of ground and/or structure-borne vibration transmitted to occupied buildings shall not exceed the lowest specified criteria for 'low probability of adverse comment' (0.02 m.s-1.75 for clarity) assessed with reference to British Standard BS 6472:1 2008 'Guide to Evaluation of human exposure to vibration in buildings.

Reason: To safeguard the amenities of neighbouring and nearby residents

7. All hand-held pneumatic machinery used in respect of demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels.

Reason: To safeguard the amenities of neighbouring and nearby residents

8. All plant and machinery in use shall be maintained and silenced in accordance with the manufacturers' and/or supplier's instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design, and wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

Reason: To safeguard the amenities of neighbouring and nearby residents

9. No operations or activities incorporating explosive blasting, drop-balling or thermic/thermal lances shall be undertaken.

Reason: To safeguard the amenities of neighbouring and nearby residents

10. Demolition operations shall not commence until the methods used for the purposes of controlling grit, dust and fume from such activities have been agreed and approved in writing by the local planning authority.

Reason: To safeguard the amenities of neighbouring and nearby residents

NOTES FOR APPLICANT

A) For the purposes of Condition 5 Bank and Public holidays 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

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Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0754/FL

Application Type: Full application

Applicant: S.S Properties

Proposal: Convert public house to 5 flats

Ward: Palfrey

Case Officer: Karon Hulse

Telephone Number: 01922 652492

Email: planningservices@walsall.gov.uk

Agent: Mr Hussain

Location: ROYAL OAK PUBLIC HOUSE,
LORD STREET, WALSALL

Expired Date: 20/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application seeks consent to change the use of the former public house known as The Royal Oak on Lord Street, Walsall to 5 two bedroom flats. The application also proposes to remove outbuildings and demolish part of the rear ground floor which will increase the rear garden amenity area, this is accessed through a pedestrian gateway from the inner courtyard and is currently overgrown.

The application details include 4 parking spaces, refuse area and cycle storage in the inner courtyard area accessed from Queen Mary Street.

The building is locally listed.

Relevant Planning History

05/0866/FL/W1 – Demolition and erection of 9 flats. Undetermined.

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).

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.

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.

ENV28: The 'Local List' of Buildings of Historic or Architectural Interest

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

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.

LC8: local community facilities

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

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is just about to enter its Examination in Public. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

DW2- Safe 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;

DBW3 – all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

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

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

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

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

Regional Planning Policy

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

National Policy

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

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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. Requires 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.

Consultations

Transportation – no objections provided the car parking identified within the inner courtyard is removed as due to its size it will not allow for vehicles to access / egress in a forward gear and therefore will result in vehicles reversing onto the highway

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

Fire Service - no objections

Severn Trent Water – no objection

Housing Standards – no objections

Regeneration (Conservation) – no objections subject to retention of the locally listed building and protection of the buildings frontage fabric.

Public Participation Responses

Five letters of objection and a petition signed by 35 people have been received on grounds of

- Limited car parking for existing residents
- No flats in the area therefore out of character
- Other flats have caused issues for residents
- Flats will not do justice to this locally listed building
- Impact on no. 5 and 7 Queen Mary Street
- Problems with drug users and prostitutes
- Noise pollution

Three letters in support of the proposals stating that they would rather see it converted than left empty, vandalised and derelict, pubs result in loud music, drunks and anti social behaviour, preserve and save our heritage.

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

Determining Issues

- appropriateness of the re-use of this building for residential/loss of community building
- retention of locally listed building

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- benefits to existing residential amenity and amenity of future occupiers
- protection of highway safety/car parking.

Observations

Appropriateness of the re-use/loss of community building

The re-use of this property for residential, is in principle, acceptable and welcomed as the existing public house is currently vacant, run-down and could lead to being a potentially problematic site if it remains vacant for any further length of time. Its change of use would retain the building mostly as it exists therefore its historical value would be protected.

In accordance with the Unitary Development Plan, encouragement should be given to the provision of housing within and close to town, district and local centres, provided that their retail and commercial functions are not prejudiced. In this case it is clear that there is no longer a need for this property to be used as a public house. Policy LC8 specifically relates to loss of community facility including loss of public houses. It has been vacant for sometime, there are a number of other public houses nearby which could easily accommodate the needs of the local community and the proposed retention of the building will allow for this locally listed building to be retained.

The inside of the building has been mostly stripped and appears to have been broken into on a number of occasions. The rear garden is completely overgrown and is currently inaccessible. The proposed residential use is considered to be acceptable and its location in a predominantly residential area, close to facilities, services and amenities of the local centre (Palfrey Local Centre is within 500 metres), would offer a type of accommodation which could benefit either singles, couples or single parent families. This type of accommodation would therefore provide for a proportion of housing requirements for the community in this area.

PPS3 supports the recycling of under used buildings for housing and particularly in town centres. It is acknowledged that this is not within a town centre however in view of its close proximity to the local centre, the principle use of this building for residential can be supported.

Retention of locally listed building

This building is not a listed building, only of local interest. However, the Conservation Officer supports the re-use of the building but would request that details of any external works to the frontage of the building are submitted to the Local Planning Authority for approval. This could be satisfactorily addressed by way of a condition.

Benefits to existing residential amenity and amenity of future occupiers

It is not considered that there will be any impact on the existing amenities of residents in this area. Indeed, its reuse will remove a use which if reopened as a public house or similar could potentially introduce noise, nuisance and disturbance at late hours.

There was previously living accommodation above the pub for occupation by the landlord. The relationship between the proposed first floor residential element and surrounding residential properties will therefore remain the same.

The rear garden area is currently heavily overgrown and will need to be cleared, following this it would benefit from being landscaped, a condition requiring full details of any landscape scheme is recommended to secure this. This will provide a large open area which will benefit the future occupiers.

Protection of highway safety/car parking.

The transportation officers have adopted the following views:

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The yard area off Queen Mary Street is indicated for car parking, the existing access is only 2 metres wide which does not achieve the required pedestrian visibility splays, consequently, this would be unacceptable for use by vehicular traffic and unsatisfactory on highway safety grounds. Furthermore, the yard area, due to its limited size (even with buildings being demolished), can not accommodate the proposed car parking without vehicles having to reverse out onto the highway; again this would be detrimental to highway safety.

The Royal Oak public house is approximately 289 m² GFA, based on the ground floor footprint, which under Unitary Development Plan policy T13 requires 13 car parking spaces plus 2 disabled spaces. This is based on 1 space per 22^{m²}. However this does not take into account any further uses on any other floors, i.e. possible function room or residential uses at first floor, which clearly will increase the parking demand. This parking is currently only provided on street.

The proposed 5 apartments require a maximum of 10 car parking spaces, based on 2 spaces per apartment. Therefore the apartments will reduce the need for on street parking by at least 50% overall. Clearly residential parking is different in nature and periods of time to the existing public house parking patterns, however the site is in a residential area so the parking pattern will only mirror the existing situation.

In view of the above and as the proposed parking would not be useable, it is considered that the provision of off street car parking should not be required and as such should be removed from the scheme. A condition requiring the layout of the yard area removing the car parking should be attached to any approval.

In addition to the above, this site is in an accessible location and the type and size of the units to be provided suggests that the owners, more than likely, will not own cars. This could result in any car parking area provided not being utilised at all.

Again it is considered the proximity to the local centre and its services can be a justification for allowing a more flexible approach to the provision of parking spaces (in accordance with government guidance which states that the closeness of amenities should be taken into account). The proposals include provision of secure cycle storage areas.

Summary of Reasons for Granting Planning Permission

The proposed change of use to residential respects the urban character of the surrounding area whilst protecting the amenity of existing householders, there will be little change to the physical appearance of the building therefore the fabric of this locally listed building will be protected and retained. The proposed type and scale of unit will meet a proportion of the housing requirements of the local community in this area and whilst no car parking is to be provided it will not result in any additional demand for on street parking above that which existed for the public house. On balance, having taken into account all material planning considerations and in view of the above, the proposal is acceptable and complies with policies GP1, 2.2, 3.6, 3.7, GP2, GP4, 3.16, ENV14, 3.16, GP7, ENV32, H10, 3.116, 3.117, ENV33, ENV40, 6.3, H3, H9, 7.1, T7, T13 and 8.8 policies of the Unitary Development Plan.

Recommendation: Grant Permission Subject to Conditions

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

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

2. Before any other works commence a revised plan showing the removal of all car parking within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

3. Prior to the occupation of the buildings hereby approved the existing vehicular access onto the adjoining highway (Queen Mary Street) shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

Reason: In the interest of Highway Safety.

4. This development shall not be carried out until the details of the type and colour(s) of the protective finish to be used on all external joinery shall be submitted to and approved in writing by the Local Planning Authority. In the case of replacement or partial replacement of any windows and doors, the new joinery shall match the existing joinery adjacent in respect of materials, dimensions and profiles, unless otherwise agreed in writing by the Local Planning Authority. The details shall also include measures to protect, retain and incorporate the following exterior features as part of the works hereby approved:

- (a) the signage and
- (b) exterior fenestration (including exterior windows and doors)

Reason: To ensure the satisfactory appearance of the development and protection of a locally listed building in accordance with policy ENV28 of the Unitary Development Plan

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

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

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

Reason: To ensure the satisfactory appearance of the development.

7. 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.

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

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

Reason: To safeguard the amenities of nearby occupiers.

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

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Major Application

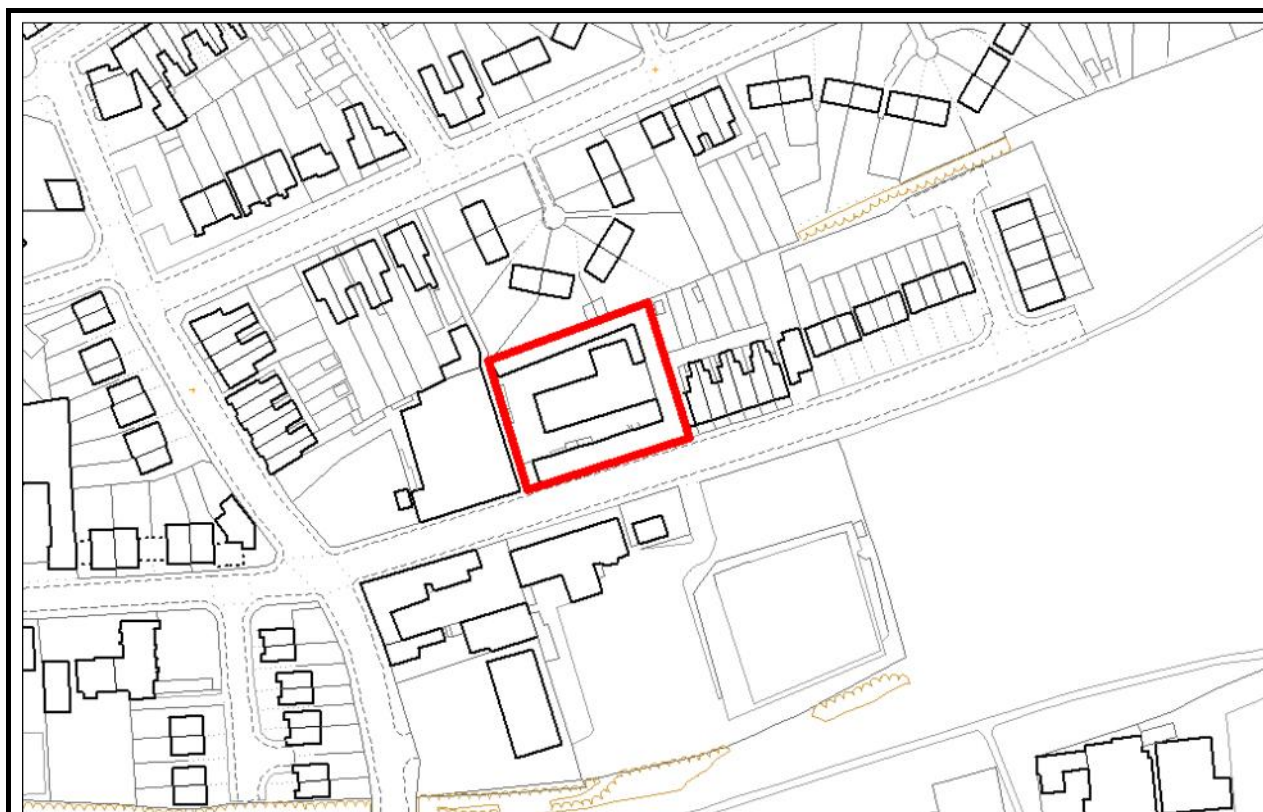
Application Number: 10/0659/FL
Application Type: Full application

Applicant: Mr John Noakes
Proposal: Change of use of derelict factory to nine 2 x bed apartments, demolition of central buildings, and provision of soft landscaped area in the centre of the site.
Ward: Willenhall South

Case Officer: Marilyn Kowalski
Telephone Number: 01922 652492
Email: planningservices@walsall.gov.uk
Agent: Central
Location: A J M BUILDINGS, VILLIERS STREET, WILLENHALL, WV131DF

Expired Date: 09/08/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site is currently part overgrown land, and partly vacant works buildings. The proposal includes the demolition of the buildings on the eastern boundary and those in the centre of the site. The buildings fronting Villiers Street are to be retained and converted into 9 two storey units. A single long building along the rear boundary of the site, is to be split into five units to provide bike/cycle stores, a euro bins/storage area and caretakers storage area for the units. Part of an area in the centre of the site is shown as a soft landscaping area.

Access into the site is via an existing point off Villiers Street. A security gate is to be erected 6m back from the back of the footpath. This access continues into the site to provide access to the storage buildings at the back of the site, and branches off to serve as an access to parking spaces at the back of the proposed flats.

Nineteen parking spaces plus 2 disabled spaces have been provided. This equates to 225% approx. The disabled spaces are located close to the site entrance and the majority of the remaining spaces are at the rear of the small garden areas with six spaces on the opposite side of the accessway. The applicant has notated the plan assigning one space per flat with a visitor space in between.

Individual amenity areas have been provided to the rear of the units each with a minimum area of 20sq m.

Relevant Planning History

07/2339/RM/W2 12 Apartments (Reserved Matters application to Outline Application 04/1466/OL/W2) Approve Reserved Matters 22nd January 2008

07/1472/RM/W2 Reserved Matters to Outline 04/1466/OL/W2 Erection of 12 Apartments. Refused on 17th September 2007 for poor design, no private amenity space, and inadequate visibility splay arrangements (among other issues of detail)

04/1466/OL/W2 Outline residential development for 12 apartments Grant Subject to conditions and a S106 Agreement 21st July 2005

On the adjoining site:-

On the adjoining site to the west , 04/685/FL/W2 for the erection of 14 apartments at former works site c/o Cemetery Road, Villiers Street was approved in July 2004 subject to a S106 Agreement for a public open space contribution

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

Saved policies of Walsall's Unitary Development Plan 2005

2.1 and 2.2 define the overall strategy of the plan, GP1 and 3.1 seek sustainable development, urban regeneration, & environmental improvement are identified

GP2, GP7, 3.6, 3.16, ENV18 and ENV32 - improve the environment of the Borough

T7 parking provision should be well designed and sensitively integrated. T13 also sets parking standards.

T10 (c) Accessibility standards for all transport modes should continue to be met throughout the life of a development.

T13 Car Parking standards

H3 encourages additional housing through the re-use of previously developed sites. Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

Policy H10 is about layout, design and dwelling mix of housing.

Designing Walsall SPD

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

DBW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DBW3 – all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has 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 seeks to promote sustainable use of previously developed land.

PPS 3: Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.

4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

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

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment.

PPS23 Planning and Pollution Control.

Consultations

Transportation – No Objection subject to a condition requiring parking to be laid out and properly consolidated surfaced and drained.

Pollution Control Scientific Team - No objection 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) – No objection, subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the former factory. Conditions to address these concerns have been provided.

Environment Agency - Having received Geotechnical and Geoenvironmental information the application is satisfactory subject to the implementation of conditions.

Centro – The proposed development is within the integrated Transport Authority's minimum standards for accessibility by public transport, as there are several buses operating along Temple Bar within walking distance of the site. None of Centro's existing infrastructure is adversely affected

Fire Officer (amended): Access satisfactory. Comment will be made at Building Regulation stage regarding means of escape from individual flats. Sprinklers are recommended.

Police Architectural Liaison Officer – No objection. Detailed comments made regarding security matters

Operations Manager, Waste Collections – No objection to a distance of 15 metres for collection of bins, however, the bins should be placed on a hard standing and be accessible on day of collection.

Environmental Health – No objections. No complaints have been received regarding the club opposite and the industrial unit adjacent is not one that has any environmental health enforcement on it.

Severn Trent Water – No objection subject to the inclusion of a condition regarding disposal of surface water and foul sewage.

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Representations

I have received one letter objecting to the application on the following grounds:-

The wall running the length of the side boundary of no 23 Villiers Street currently provides security and makes homes and gardens more secluded and safe;

Removal of wall would make properties more vulnerable to thieves;
Lack of policing in the area;

Increase in on street parking and through traffic danger to young children in street - already have problems with parking due to the club in Villiers street;

If plans are approved a lot of problems will be created for residents in this very small street, and especially for the 1st row of houses;

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

Determining Issues

Design/garden size
Parking/transportation issues
Amenity of occupiers
Security/operational issues
Ground Contamination

Observations

Design/garden size

For apartments, the layout meets the requirements of the Unitary Development Plan, however, for houses the rear amenity area proposed is below the 68 sq m required. The properties are a cross between the two, and therefore a flexible approach has been taken. The main purpose of prescribing minimum distances is to ensure that all occupants have a satisfactory level of amenity whilst reflecting the existing and emerging character of an area. However by creative design it can be possible to achieve shorter distances. In this instance, there is no overlooking from buildings at the rear and the layout provides additional landscaping in the centre of the site. The overall amenity provision is therefore considered to be satisfactory.

Parking/Transportation issues

The Unitary Development Plan requires that flats with allocated parking require 2 spaces per unit; houses up to 3 bedrooms also require 2 spaces. This development provides at least 2 spaces per unit with additional disabled provision. Parking is therefore satisfactory. Although, on the deposited plans, some parking spaces have been assigned to the individual flats, some of these spaces are not best located to the flats they are intended to serve. It is therefore preferable, to avoid conflict, if the spaces are not assigned individually. A condition is suggested.

The access road to the spaces is 6m in width. This will allow sufficient manoeuvring distance to enter the spaces.

A condition requiring gates into the rear amenity areas from the parking spaces, to allow direct rear access into the units has been suggested.

Amenity of occupiers

The applicant is proposing to erect 'hit and miss' Paling fencing at a height of 800mm between the amenity areas to allow the areas to be delineated. The Designing Walsall SPD Appendix "E" requires the provision of fencing at a minimum height of 1.8m for the first 4m from the rear of houses and a condition is suggested to secure this. Amenity areas of 20 sq. m. are required for the units. At least this amount and generally more has been provided.

One of the units in the long building at the rear of the site is to be converted into a caretakers storage area for the units. The applicant has explained that the "caretaker" is the landlord who will maintain the shared garden area.

Security/operational Issues

A resident in the vicinity of the application site has objected to the development on the grounds that the removal of the wall to the building running the length of the side boundary of no 23 Villiers Street would cause a loss of security. A condition has been suggested requiring this wall to be either retained to a height of 2m or replaced by a means of enclosure of 2m in height.

The police architectural liaison officer has made detailed comments. He requires that the gates affording access to the rear should be of robust construction with no climbing aids or gaps below where unauthorised access could be gained. He would like to see a railing style design would allow occupants views in and out of the site prior to leaving or entering, It is felt that this would deter criminal or anti social behaviour and provide reassurance to residents. To ensure security is maintained at all times the gates should be self closing. An access control system should be installed to prevent unauthorised access to the secure rear area. A condition is suggested. This should comprise an electronic lock release and telephone entry system so residents can speak with callers prior to affording or declining them access. A note for applicant is suggested. He has asked that all doors should conform to PAS24 and windows should conform to BS7950 and the performance standard relevant to the material of their construction. He would also like consideration to be given to using laminated glass in all ground floor glazed areas, especially the windows fronting onto Villiers Street. There should be good levels of lighting installed to illuminate the car parking and communal areas. The lighting should be controlled by a timer or dawn to dusk sensor. Utility meters should be located on the outside of the building to negate the need to enter a property to access the meter. This in turn will reduce the opportunity for bogus official type offences to occur. Mail delivery boxes located in a communal area will also negate the need for entry to a secure area. A note for applicant is proposed.

There is an area to the rear of Plot 1 where bins could be stored on refuse collection days, this is 15 m from the pavement. The operations manager for waste collections has no objection to collecting the bins from a distance of 15 metres, however he has asked that the bins should be placed on a hard standing and be accessible on day of collection, a condition is suggested.

Environmental issues

The Contaminated Land Team supports this development, however the site was a former factory. A site investigation and assessment of site contamination and ground gas is required prior to the development commencing. Conditions have been suggested. The scientific team have said that measures need to be put in place to address noise issues arising. Conditions are suggested. The fire officer is satisfied with the development, but would like a note for applicant asking for a sprinkler system.

The Environment Agency have also suggested conditions

Summary of Reasons for Granting Planning Permission

The layout of the site provides for sufficient amenity area for the proposed dwellings. Parking meets the prescribed requirements. A condition requires gates into the rear amenity areas from the parking spaces, to allow direct rear access into the units. 'Hit and miss' fencing is proposed between the amenity areas and a condition also requires the provision of fencing at a minimum height of 1.8m for the first 4m from the rear of houses to ensure a satisfactory privacy area for residents. A condition requires that a wall running the length of the side boundary of no 23 Villiers Street be either retained to a height of 2m or replaced by a means of enclosure of 2m in height to overcome the objection from the resident of that property. The comments of the police architectural liaison officer have either been incorporated into conditions or notes for applicant to ensure the satisfactory security of the development. The operations manager for waste collections has no objection to collecting the bins from a distance of 15 metres, however he has asked that the bins should be placed on a hard standing and be accessible on day of collection, a condition has been imposed. Conditions have been imposed to overcome environmental issues. The fire officer is satisfied with the development, a note for applicant asking for a sprinkler system has been included in the decision.

The proposed development is therefore considered to accord with the aims and objectives of the development plan, in particular saved policies 2.1, 2.2, GP2, GP7, 3.6, 3.16, ENV18, ENV32, T7, T10 (c), T13, H3 and H10, of Walsall's Unitary Development Plan (2005), Supplementary Planning Document: Designing Walsall (2008)

Recommendation: Grant Permission Subject to Conditions

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

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

2. No development shall be carried out until full details of external lighting for the development, (to be controlled by a timer or dawn to dusk sensor) to illuminate the car parking and communal areas, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the first property hereby permitted is occupied.

Reason: In the interests of safety and security.

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

Reason: To ensure the satisfactory development of the site.

4. 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.

5. Prior to development commencing 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 during construction. (This may involve the use of a wheel wash, road sweepers, etc.)

Reason :In the interests of highway safety.

6. The development hereby permitted shall not commence until drainage plans for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason : To ensure that the site can be satisfactorily drained. And to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. Prior to built development commencing:-

xiii) 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')

xiv) 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)

xv) 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)

xvi) 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.

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

xviii) 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.

8. Prior to development commencing, a noise survey shall be undertaken to

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the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory development of the site.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

A. A desk study identifying:

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

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

C. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

D. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To prevent the pollution of local 'Controlled Waters'

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

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

Reason: To ensure the satisfactory development of the site.

12. 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, this shall include either the retention and making good of the wall running the length of the side boundary of no 23 Villiers Street to a height of 2m or its replacement by a means of enclosure of 2m in height to be agreed in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions which shall include the provision of fencing at a minimum height of 1.8m for the first 4m from the rear of units. 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 occupants and to ensure the satisfactory appearance of the development.

13. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

14. All planted and grassed areas and associated protective fencing shall be maintained for a period of 24 months from the full completion of the approved scheme. Within this period:
- grassed areas shall be maintained in a tidy condition by regular cutting and any areas that fail to establish shall be reinstated;
 - planted areas shall be maintained in a tidy condition by regular weeding and litter collection;
 - 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;
 - any damage to protective fences shall be made good.

Reason

To ensure the satisfactory appearance of the development.

15. Prior to the first occupation of any dwelling to which this permission relates the area for car parking shall be laid out, in accordance with the approved plans (other than assigning spaces to individual units). The areas shall be properly consolidated, surfaced and drained (as required by other conditions of this permission), 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.

16. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority).

Reason

To ensure the satisfactory appearance and functioning of the development.

17. Before the development hereby permitted is brought into use gates shall be inserted in the rear garden area boundaries of the units linking the amenity areas to the car parking areas.

Reason: To ensure the satisfactory functioning of the development.

18. The proposed gates on the access road shall be of robust construction with no climbing aids or gaps below where unauthorised access could be gained. These should be of a railing style design. The gates should be self closing. An access control system shall be installed to prevent unauthorised access to the secure rear area. The gates shall be open on bin collection days to ensure that the bins are accessible on the day of collection.

Reason: To deter criminal or anti social behaviour and provide reassurance to residents, and to ensure that the bins are accessible on collection days.

19. Before the development hereby permitted is brought into use, details of a hard standing for euro bins in the area to the rear of the garden area to Flat 1 (shown on plan no MH/C3), adjoining the access road, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented and thereafter retained prior to occupation of the first dwelling.

Reason: To ensure the satisfactory functioning of the development.

20. This permission approves drawings numbered:-

MH/C3 Site Layout dated 20th July 2010
MH/C3 Floor Plans dated 20th July 2010
MH/C3 Elevations dated 20th July 2010
0/0659/FUL Existing Layout Plan
Location plan

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

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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. With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:
- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 35 dB together with a maximum instantaneous level of 45 dB LAFmax, between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hour), of 45 dB between the hours 07.00 to 23.00;
- E. 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.
- F. 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.

- G. 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.
- H. 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.
- I. The Fire Officer has recommended the fitting of a domestic sprinkler system. For further information contact Mick Nicklin, Fire Safety Inspecting Officer (Planning) Telephone 0121 380 7594, email mick.nicklin@wmfs.net
- J. The access control system required by condition 17 of this permission should comprise of an electronic lock release and telephone entry system so residents can speak with callers prior to affording or declining them access. All external doors should conform to PAS24 and windows should conform to BS7950 and the performance standard relevant to the material of their construction. Consideration should be given to using laminated glass in all ground floor glazed areas, especially the windows fronting onto Villiers Street. Utility meters should be located on the outside of the building to negate the need to enter a property to access the meter. This in turn will reduce the opportunity for bogus official type offences to occur. Mail delivery boxes located in a communal area will also negate the need for entry to a secure area. For further information contact Mark Ledo, Crime Reduction Officer & crime Prevention Design Advisor Walsall police station WS2 8HL tel no. 01922 439103 email: ledo_1892@west-midlands.pnn.police.uk
-



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0976/FL

Application Type: Full application

Applicant: Mr J.S. Uppal

Proposal: Proposed change of use from A1 (retail) to A5 (hot food takeaway).

Ward: Blakenall

Case Officer: Barbara Toy

Telephone Number: 01922 652429

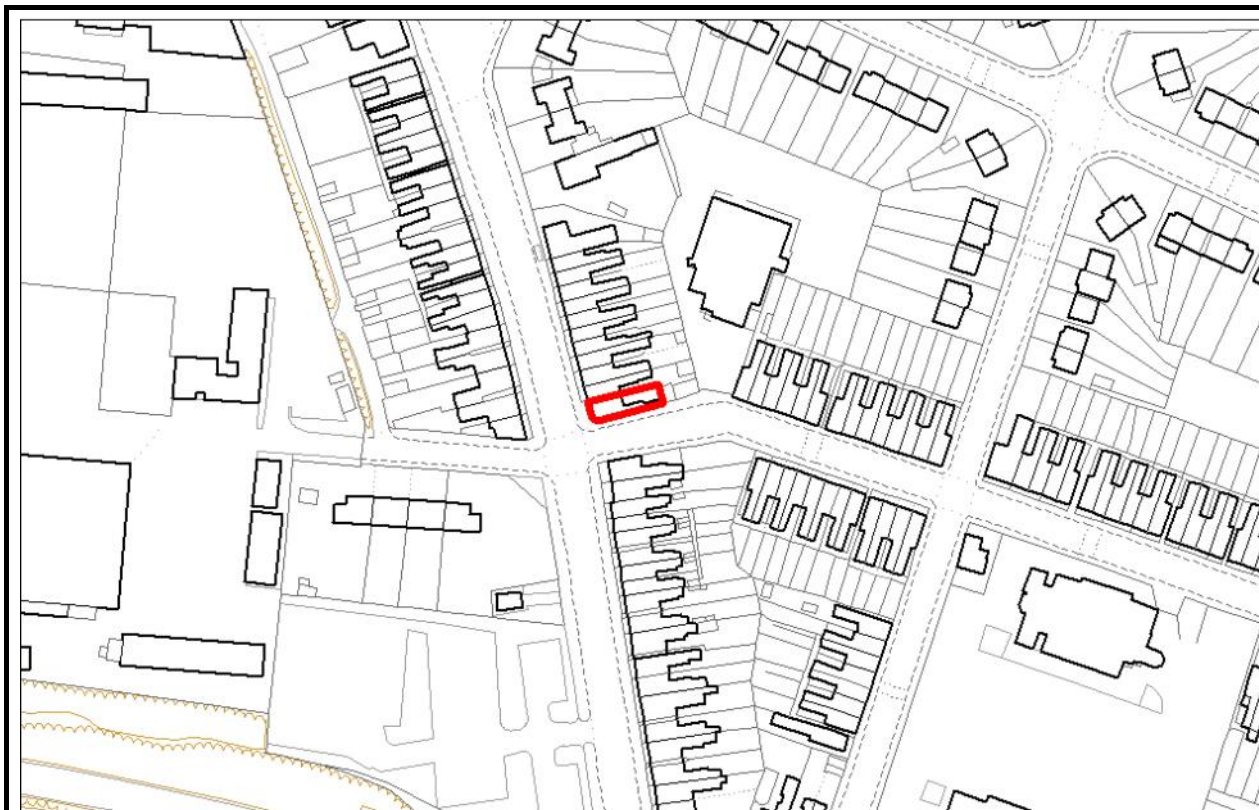
Email: planningservices@walsall.gov.uk

Agent: GT Designs

Location: 176 BLOXWICH ROAD, WALSALL, WS2 7BQ

Expired Date: 14/09/2010

Recommendation Summary: Refuse



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Application and site details

The site is situated on the eastern side of Bloxwich Road on the northern corner of the junction with Essex Street and comprises a vacant retail shop with flat above.

A single storey detached building to the rear of the application site has signage for a takeaway with home delivery. This use is not operational and is unauthorised.

178 Bloxwich Road to the north is a terraced house attached to the application premises, with further residential properties beyond to the north and on the opposite side of Bloxwich Road to the west. To the south are terraced houses in Bloxwich Road and to the east in Essex Street. Immediately to the rear is the entrance to West Midlands Travel social club, set back from the street frontage.

A public car park is set to the south west on the opposite side of Bloxwich Road.

This application is a revised submission following a previous refusal and now proposes the change of use of the ground floor from A1 retail to A5 hot food takeaway. The proposed hours of opening: 1200 – 1400 and 1600 – 2200 Mon – Fri, 1100 – 1400 and 1700 - 2200 Sat and closed Sun and bank holidays. The first floor flat would remain unchanged. The revised scheme includes 6 parking spaces within third party land to the rear of the site and includes details of the proposed flue and fume extraction equipment, including extraction ducting to the street elevation of the property.

Relevant Planning History

Various alterations and extensions to the shop premises approved 1981 and 1992.

09/1460/FL, change of use from A1 retail to A5 hot food takeaway, refused 23-12-09.

Reasons for refusal:

1. The proposed development would have an adverse impact on the amenities of the surrounding residential occupiers in terms of cooking odours, noise and disturbance, litter and additional traffic particularly during the evening. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular Policies ENV32, S10 and T13.
2. The proposed development would be likely to exacerbate existing parking problems in the vicinity, and result in indiscriminate parking on street in restricted areas, to the detriment of highway safety and inconvenience to other users of the surrounding highway network. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular Policies ENV32, S10 and T13.

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).

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

GP1: Supports the sustainable location of development

3.7 seeks to protect people from unacceptable noise, pollution and other environmental problems.

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

II The creation or susceptibility to, pollution of any kind.

ENV10: Pollution

(a) It Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

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

ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted.

S1: Definition of Town Centre Uses

(a) It Class A2 (Financial, professional and other services) offices

S6: Meeting Local Needs

Outside identified centre, existing local shopping, service, leisure, community and other facilities – in the form of shopping parades, clusters, single shops etc will be encouraged to continue to meet day to day needs of the community.

S10: Hot Food Takeaways

These uses will be appropriate in the Town, District and Local Centres subject to the following considerations:-

- I. The use proposed must not adversely affect the amenities of the existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- II. Where the Council is minded to grant planning permission, the closing time for hot food takeaways will be considered in relation to the amenities of nearby dwellings. Conditions can be imposed on the permission stating opening and closing times
- III. Permission will not be granted where the absence of adequate off street parking would be likely to lead to on street parking in a hazardous location.
- IV. Permission will only be granted where ventilation and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment would not be detrimental to visual amenity.

T7: Car Parking

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

T13 Parking Standards

Hot food takeaways - 4 car park spaces for establishments with a gross floor space up to 50m²; then 1 space per 22m² of gross floor space. At least 1 bike stand for every 5 car park spaces with an absolute minimum of 2 bike stands. Taxi facilities.

Designing Walsall (SPD) (Feb 2008)

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 – Well Designed Sustainable Buildings - 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

PPG 24: Planning and 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 (para. 10). 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) (para. 12). There will also be circumstances when it is acceptable - or even desirable in order to meet other planning objectives - to allow noise generating activities on land near or adjoining a noise-sensitive development (para. 18). Fast food restaurants pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Need to consider the noise generated within the premises and the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

Consultations

Transportation – Objection. This is a corner location with Bloxwich Road being a classified District Distributor road and main bus route and carries high volumes of traffic. There are double yellow parking and loading restrictions on Bloxwich Road and Essex Street within the immediate vicinity of the site to protect the junction from indiscriminate parking. The proposals would be detrimental to the free flow of traffic along Bloxwich Road and have a detrimental impact on vehicle manoeuvring at the junction, visibility along Bloxwich Road for vehicle existing Essex Street and residents parking in Essex Street. Stafford Street/Bloxwich Road has a higher number of injury accidents than any other similar route in Walsall and therefore any development that could further impact on highway safety should be resisted. The location of the proposed car park to the rear of the premises off Essex Street would mean that customers would have to turn off the main road and into a car park that is out of view. It is considered unlikely that customers would utilise the car park but will instead park as near as possible to the shop entrance (on the corner). The proposed extractor flue located on the Essex Street elevation would project over the public highway which is unacceptable.

Traffic Management – A licence under Section 177 of the Highways Act 1980 would be required for the proposed extraction flue that would overhang the public footway. If applied for Traffic Management would undertake consultation with Planning, Building Control, Structures and Environmental Health to confirm the requirements for any conditions to be incorporated within the licence (ie maintenance, fixings etc).

Environmental Health – Concerns that the proposed use would be detrimental to the amenity of local residents through odour control, noise and disturbance and drainage. Though the submission includes details of odour control that would meet DEFRA guidance, no odour control system will eliminate all odours and the residual odour may be unacceptable to nearby residents. Maintenance/servicing of any system would be imperative to ensure performance levels are always achieved. Noise insulation works may be necessary to control the transmission of noise between the premises and the neighbouring residential property. As well as noise from the plant and equipment the potential noise and disturbance from delivery vehicles and personnel and customers and their vehicles must be considered. A restriction on opening hours may be beneficial

but may not minimise noise and disturbance to an acceptable level for nearby residents who are not accustomed to this kind of noise and disturbance during the evening hours and at weekends. Environmental Health have received a letters of objections from local occupiers, direct.

Fire Officer – Satisfactory fire service access.

West Midlands Police – objection, despite the use of the club car park this is still considered an unsuitable location for an A5 use, it is a busy road, predominantly residential with limited, restricted parking. The premises are located on a junction and indiscriminate parking would compromise the safety of other road users, both vehicle and pedestrian, and likely lead to complaints from residents re parking. The proposals include use of the club car park to the rear, but customers coming from the main road would be unaware of this car park and are likely to use a car park that is out of view. The public car park on Bloxwich Road is unlikely to be used due to the distance from the site and the fact that customers would have to cross the busy main road. Question whether another hot food use in the area as there are already a large number.

Public Participation Responses

A petition in support of the proposals containing 298 signatures has been submitted but provides no reasons for the support.

Two petitions have been received against the proposals (43 signatures and 51 signatures). The following objections have been raised by the two petitions.

- Increase parking problems/conflicts which already exist
- Adverse impact on road safety, at an already problematic junction
- Increase in traffic flow and obstruct free flow of traffic from cars pulling in and out
- Increase in noise and disturbance (by people, vehicular activity, cooking noise, machinery noise) at hours not accustomed
- Increase in litter and vermin
- Encourage anti-social behaviour where youths will congregate
- Too close to residential properties and local schools
- Saturation of takeaway uses in the area

Eighty two letters of objection have been received (predominantly in the form of 4 different standard letters submitted by individuals)

Objections:

- Takeaway saturation already within this residential area
- Adverse impact on residential amenity
- Disturbance from coming and going of cars and customers
- Noise
- Previous refusal reasons are accurate and still apply, no change in circumstances
- Exacerbate existing parking problems in residential streets
- Double yellow lines on the corner and adjacent to the site.
- Customers unlikely to use car park proposed as inconvenient, will park on street in residential streets
- Detrimental to flow of traffic, Essex Street very narrow, with narrow pavement.
- Danger to pedestrians from cars pulling up outside the entrance door.
- Difficult road junction, busy with traffic and bus stop in close proximity
- Increase in air pollution

- Agreement to use bus club parking area inappropriate and unreliable, as not public property and could be withdrawn at any time, therefore not a solution to the parking issue, gates locked a lot of the time.
- Cars entering and leaving the proposed parking area would cause an obstruction to highway users and a danger to pedestrians.
- Loss of public parking on Bloxwich Road when new houses are built (10/0763/FL)
- Increased risk of fire in close proximity to residential accommodation
- Increase in litter and waste food attracting vermin
- Long opening hours, including night opening, increased disturbance from activity at hours not accustomed to and when background noise at low level
- Inappropriate position of extraction flue, over the public footpath creating an eyesore and health risk
- Insufficient information provided regarding cooking equipment
- No confirmation of opening hours
- Sunday and bank holiday opening, no let up for residents
- Regardless of extraction equipment it is impossible to fully eliminate odours
- Close proximity to two schools
- Blocked drains from cooking oil
- Together with bus club, will create a nightmare corner with anti social behaviour and congregation of people
- Illuminated sign and brightly lit shop floodlight into homes
- Property devaluation (not a material planning consideration)
- Business competition to other takeaways (not a material planning consideration)
- No evidence to suggest they have tried to let/sell the premises as a retail shop
- No provision for disabled customers
- The Council should be supporting healthier living not encouraging more hot food takeaways.

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

Determining Issues

Whether the proposals overcome the previous reasons for refusal in terms of:

- Impact on surrounding occupiers
- Parking and highway safety

Observations

Impact on surrounding occupiers

Policies S1 and S10 of the UDP identify A3 and A5 uses as Town, District or Local Centre uses, which may also be appropriate in other shopping and commercial frontages, subject to no adverse impact on the amenities of residential occupiers in the vicinity, including those in any flats above the premises. The application site comprises an isolated individual shop outside any centre, surrounded by residential properties, including a terraced house adjoining to the north. Whilst Bloxwich Road is a busy district distributor route, the area is predominantly residential in use and character, the coming and going of customers, particularly in the evening would therefore create noise and disturbance to the surrounding residents over and above that of the existing general retail use. The proposed use therefore conflicts with policy S10, as the premises are not situated in a commercial frontage and the use would have an adverse impact on the amenities of the surrounding residential occupiers.

The proposals include opening until 2200 hours Mon - Sat, which is well beyond the normal hours of a retail shop, and in a residential area this is considered would cause noise and disturbance at an unreasonable time in the evening to the surrounding residential occupiers.

Due to the close proximity of residential accommodation it is considered that the proposed use would have an adverse impact on the amenities of the residents in terms of litter, noise and disturbance cooking odours and coming and going of customers and traffic, and would therefore conflict with this element of policy S10.

The proposals include extract ducting to the side elevation of the property, fully visible from the street and surrounding residential properties and is considered obtrusive and dominant within the street scene and out of character with the residential character of the area. The submitted details show the ducting projecting from the side wall of the building by approx 0.5m at 2.65m above ground level, overhanging the footpath, this would require a licence from the Highway Authority. The submitted details are therefore unsatisfactory in terms of design and location.

The proposals fail to overcome the previous reason for refusal in relation to adverse impact on the amenities of the surrounding residential occupiers in terms of cooking odours, noise and disturbance, litter and additional traffic particularly during the evening.

Parking and highway safety

The site is situated on the corner of Bloxwich Road and Essex Street, which together with Norfolk Place opposite forms a crossroad junction. Bloxwich Road (B4120) is a District Distributor route, with high volumes of traffic. There are double yellow parking restrictions on Bloxwich Road and Essex Street within the immediate vicinity of the site.

The nature of an A5 use is likely to attract a higher number of short customer trips by car than the existing A1 use of the premises. The proposals are likely to result in indiscriminate parking on street in restricted areas, detrimental to the free flow of traffic along the District Distributor route and detrimental to vehicle manoeuvring at the junction and visibility for vehicles exiting Essex Street.

The proposals include 6 parking spaces to the rear within third party land (West Midlands Travel Bus Club), this number of spaces would comply with policy T13 requirements for the proposed use. However the parking area is out of view from the premises and customers from the main road would not be aware of it. It is considered that customers are unlikely to use the car park, but instead park on street in close proximity to the entrance door to the premises. The approval for the extension to the bus club premises and car park in 2003 (02/2387/FL/W1), included a condition (6) to restrict the use of the car park to be used in association with the building the subject of the permission only. Therefore the use of the parking area by customers to the hot food takeaway would require a variation of this condition. The car parking area on the frontage of the premises has no spaces marked out and has no footway crossing for the access on Essex Street. An increase in the number of comings and goings from this car park/access could have increased adverse impact on the amenities of the adjoining residential occupiers and pedestrian safety.

Despite the proposals including 6 parking spaces to the rear of the premises on third party land the proposals fail to overcome the previous reason for refusal in terms of exacerbating existing parking problems in the vicinity and result in indiscriminate parking on street in restricted areas to the detriment of highway safety and inconvenience to other users of the surrounding highway network.

Recommendation: Refuse

1. The proposed development would have an adverse impact on the amenities of the surrounding residential occupiers in terms of cooking odours, noise and disturbance, litter and additional traffic particularly during the evening. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular saved policies ENV32, S10 and T13.
 2. The proposed development would be likely to exacerbate existing parking problems in the vicinity, and result in indiscriminate parking on street in restricted areas, to the detriment of highway safety and inconvenience to other users of the surrounding highway network. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular saved policies ENV32, S10 and T13.
 3. The proposed extraction flue and ducting would be visually intrusive and dominant within the street scene and have an adverse impact on the visual amenity of the area. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular saved policies ENV32 and S10.
-



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 09 September 2010

Reason for bringing to committee: Involves the sale of Council owned land

Application Number: 10/0816/FL
Application Type: Full application

Applicant: Mr Harris
Proposal: 2 No. 3 bed semi detached dwellings on land adjacent to 6 Forge Road and adjacent to public byway Willenhall No.68.

Ward: Short Heath

Case Officer: Jan Scrivens
Telephone Number: 01922 652436
Email: planningservices@walsall.gov.uk
Agent: Spooner Architects
Location: LAND ADJACENT 6 FORGE ROAD, WILLENHALL, WV12 4HD

Expired Date: 02/09/2010

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



Application and Site Details

This application proposes the erection of a pair of semi-detached houses on vacant land on the eastern side of 6 Forge Road, Willenhall,

Forge Road is a public by way linking a public footpath from Sandbeds Road to Ashmore Lake Way. It provides access to a large warehousing operation to the south and a rear access to a social club. There is a pair of semi-detached dwellings immediately to the west. The application site includes a 2 metre wide strip of Council owned land which is part of a landscaped amenity space between 6 Forge Road and Sandbeds Road.

Each dwelling would be two storeys in height and have one parking space accessed from Forge Road. Their rear gardens would be approximately 65 square metres. The Council's land extends around the rear of the site with the exception of a narrow strip of land which is owned by the applicant. This runs to Spring Lane along the side of "Dunby", a detached house which fronts Spring Lane.

Amended plans have been submitted which exclude this strip of land from the application site.

Relevant Planning History

07/1416/FL/W6 - Erection of two 3 bed semi-detached houses. Refused 5th September, 2009 for reasons relating to overdevelopment and poor functioning of the development.

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).

Unitary Development Plan (UDP) (2005)

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

ENV32 requires the design of proposals to be appropriate to their surroundings

H3 supports the provision of additional housing through the re-use of previously used sites.

H10 expects the design of residential development to create a high quality living environment

T7 and T13 relate to car parking standards.

Appendix E of Designing Walsall Supplementary Planning Document sets out standards for private amenity space and distances between habitable room windows

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.

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

In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

Designing Walsall Supplementary Planning Document (SPD)

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

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

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

DW3: Design should respect and enhance local identity;

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

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

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

Annexe E: ... 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 68m² 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.

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.

National Policy Statements, which discuss significant infrastructure projects, are also a material consideration in the application process.

Consultations

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Transportation: No objection

Pollution Control Scientific Team: No objection. Recommends a condition restricting working hours.

Pollution Control Contaminated Land: No objection

Environmental Health: No objection

Fire Service: No objection

Representations

The occupiers of “Dunby” have objected to the original plans for the application on the following grounds:

- loss of trees/shrubs
- potential for applicant to obtain rear access to the houses from Spring Lane
- loss of view across the amenity space if a rear access/fencing is allowed
- safety hazard created by the above due to loss of visibility
- loss of security if access is created

Neighbours have been reconsulted on the amended plans and any further comments will be reported to the meeting.

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

Determining Issues

- Amenity/whether the development overcomes the previous refusal reason
- Parking

Observations

Amenity/ whether the development overcomes the previous refusal reason

The previous application was refused on the grounds of “overdevelopment” and “poor functioning”.

Regarding overdevelopment, extra Council land has been included in the application and this enables pathways to be created at the side of the dwellings. This gives a greater sense of space and improves access to the plots for pedestrians and refuse collection. This is therefore no longer “overdevelopment”.

The previous application did not satisfactorily provide for the storage and collection of refuse from the site, and the parking layout did not provide for flat access to the front of the property. This has now been addressed. Therefore the proposal has overcome the “poor functioning” condition.

The concerns of the resident to the rear, regarding the creation of a rear access, are controlled by a condition which has been suggested which states that there shall be no vehicular access to the site other than through the access as shown on the plans. This is from the front of the site only. The piece of land adjacent to their dwelling appears to be part of the public amenity space (even though it is privately owned) and if it is not used as part of the development there would be no adverse effect on the amenity of the area.

Conditions are also suggested to ensure that the plot has a satisfactory boundary treatment so that

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it does not create security problems for neighbours or appear unsightly.

The development would have rear gardens which would be slightly below the area required by appendix E. However the site is open to the rear and there would be no overlooking or neighbours directly to the rear to disturb or intrude.

The acquisition of the additional strip of land would result in the loss of some trees and shrubs but the greater part of the amenity area would be retained to screen the site.

Parking

The development would have only one parking space per dwelling which would not meet the Council's maximum standards. The site is however close to public transport and Transportation has raised no objection on these grounds.

Summary of Reasons for Grant Permission Subject to conditions, unless additional information is received which raises further material considerations

The proposed use of the site for residential is in accordance with policies GP2, 3.6, ENV32, H3, H10, T7 and T13 of the Unitary Development Plan and Appendix E of Designing Walsall Supplementary Planning Document. The approved layout will create a sense of space and improve access to the plots for pedestrians and refuse collection. The use of appropriate boundary treatment will ensure the continued security of adjacent neighbours and whilst there will be a loss of some trees and shrubs on the nearby open amenity area, the greater part of the amenity area would be retained and provide a satisfactory screen to the site and visually enhance the environment. Whilst parking provision is below the Unitary Development Plan standard the site is close to public transport and therefore gives choice of alternative travel modes. On balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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

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

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

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

3. 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.

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

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

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

5. 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.
