



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 21st October 2010

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2	25	10/1181/FL	THE BRIDGE, PARK STREET, BRADFORD STREET AND LOWER DIGBETH, WALSALL	Application for temporary permission for a further 12 months Walsall Market (100 stalls) in Lower Hall Lane (only to be used if redevelopment	Grant Permission Subject to Conditions

				requires future relocations) and removing 5 stalls from Bradford Place, The Bridge and elsewhere in Digbeth.	
3	43	10/1047/FL	LAND AT BARRACKS LANE,BLAKENAL L,WALSALL,WS3 1LQ	Construction of 71 no. affordable dwellings, comprising 39 flats and 32 houses.	Delegate to the Head of Planning and Building Control subject to confirmation of the viability of the scheme including amendments to any conditions that may be required.
4	61	07/1281/RM/W2	LAND ADJOINING JUNCTION 10,WOLVERHAMPTON ROAD,WALSALL.	Erection of B8 distribution and storage building to the south of the site.	Approve Reserved Matters with Conditions
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6	83	10/0901/FL	1 GIPSY LANE,WILLENHAL L,WV13 2HA	Change of Use from Accountancy Office (Use Class A2) to Taxi Office (24 hours) (Use Class Sui Generis).	Grant Permission Subject to Conditions
7	89	10/1079/FL	46 DAISYBANK CRESCENT,WALSALL,WS5 3BJ	Retrospective: Conservatory to the rear	Refuse
8	95	10/0936/FL	38 DOE BANK LANE,BIRMINGHAM,B43 7UE	Conservatory to the rear elevation.	Grant Permission Subject to Conditions

9	101	10/1136/FL	71 SUTTON ROAD,WALSALL, WS1 2PQ	Retention of existing summer house/garden room	Grant Permission Subject to Conditions
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Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

Reason for bringing to committee: Major Application

Application Number: 10/0375/FL
Application Type: Full application

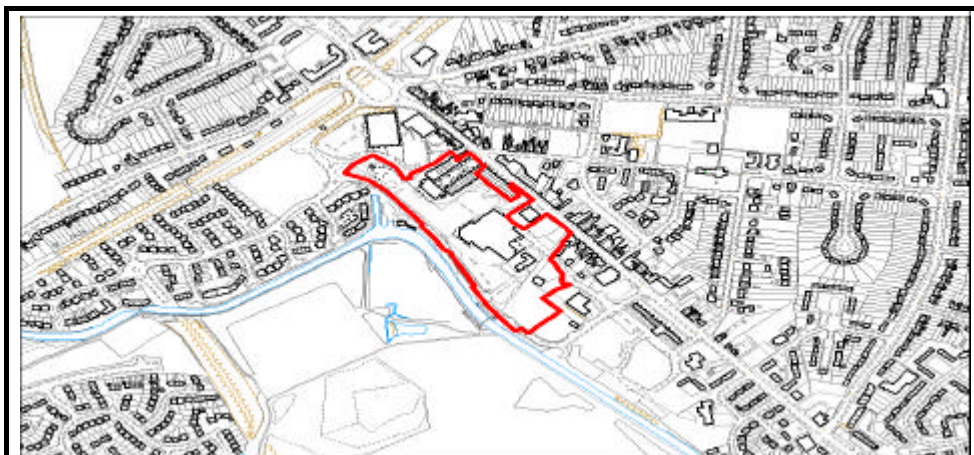
Applicant: Tesco Stores Ltd
Proposal: Comprehensive redevelopment to provide new Tesco foodstore (Class A1 retail), shop units (Classes - A1 retail, A2 - financial & professional services, A3 - restaurants & cafes, A4 - drinking establishments and A5 - hot food takeaway), new access arrangements and car parking, space for a future market square, public realm and landscaping following demolition of existing Tesco store and Ravenscourt Shopping Precinct.

Ward: Brownhills

Case Officer: Andrew White
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: DPP
Location: TESCO STORES LTD, SILVER STREET, BROWNHILLS, WS8 6DZ

Expired Date: 21/07/2010

Recommendation Summary: Delegate to Head of Planning & Building Control to grant subject to conditions, subject to resolution of outstanding objections from the Environment Agency and no further representations raising new material issues, and subject to a S106 Agreement.



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Application and Site Details

The proposal is for demolition of the Tesco store and Ravenscourt Shopping Precinct and redevelopment to provide a new Tesco foodstore and new shop units plus a new public square which would provide a site for a future market, enhanced public spaces and landscaping. The site encompasses land of a former clinic.

The site is located between Silver Street and High Street in Brownhills, within the district centre boundary. Ravenscourt Shopping Precinct lies to the north of the existing Tesco store. To the north west of the site is a new retail development (consisting of 4 large retail units and adjacent to that an Aldi store). To the west and south of the site are residential properties and the Wyrley and Essington Canal, the south east boundary of the site is commercial properties and a senior citizens centre. On the opposite side of Silver Street there is Clayhanger Common SINC and Clayhanger Village SLINC.

There are 28 units in Ravenscourt Shopping Centre which are to be demolished to accommodate the new Tesco store which has a gross floorspace of 8,230 sqm. Two new retail units are also proposed in the gap between 32 and 34 High Street (formerly the entrance to Ravenscourt Precinct) which have a combined floor space of 290 sqm. The proposal seeks an open consent for use of the two units for classes A1 retail shops, A2 financial and professional services, A3 – restaurants and cafes, A4 – drinking establishments and A5 hot food take away. The applicant states these two units could be configured differently depending upon the market demand to provide 1 or 2 units. The two new units are two storeys with a flat roof and glazed elevations.

The new store would be behind the remaining Ravenscourt High Street shops at right angles to them. There is an existing service road between them and the new store. The service road is accessed off Silver Street between the existing petrol filling station and new service yard on the north side of the new store. A new turning head delineated by bollards is proposed at the end of the existing service road adjacent the public space linking the store to the High Street. The main entrance to the Tesco store adjoins the proposed public space and faces the car park located on the south side of the building. The car park accommodates 495 spaces, 22 disabled spaces, recycling facilities and trolley parks. There are lines of trees along Pier Street and Silver Street. On the land between 72 High Street and Kwik Fit premises fronting the High Street it is proposed to remove the existing self set trees and create a new public square which would accommodate approximately 40 market stalls.

The proposed Tesco store has a mezzanine floor in the front south eastern corner to provide a customer café and at the rear north western corner to provide staff accommodation. New ATM machines are also included in the front elevation facing the car park. The elevations of the new store comprise a combination of timber cladding, Eurobond cladding and glazing; there is a canopy along the front elevation and entrance lobby facing the car park. Roof lights and wind catchers are proposed on the roof of the building. The main building has a shallow pitch roof but there is a flat roof area at the rear for plant. A Combined Heat and Power (CHP) unit is incorporated within the service yard at the rear of the store. Tesco advise this will be their flagship Eco-Store promoting low energy consumption.

There are two signalised junctions proposed, one at the entrance to the car park off Silver Street which is a new highway junction and one where Silver Street meets High Street. Silver Street, between High Street and the car park will become two-way traffic. A pedestrian crossing point is included on Silver Street near the canoe centre

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to encourage pedestrian activity between the residential areas and district centre. A temporary car park is proposed to serve the existing Tesco store throughout the construction phases.

A Design & Access Statement, Planning & Retail Statement, Statement of Community Involvement, Landscape Supporting Statement, Flood Risk Assessment, Ecological Assessment & Bat Survey Report, Phase 1 Desk Study Environmental Assessment, Noise Assessment and Energy Assessment have been submitted in support of the proposals.

The Design & Access Statement concludes that the development is consistent with the existing occupation of the site and that consolidation will ensure efficient use of land. The amount of development is appropriate to the site and urban character of the area. Landscaping is incorporated that will enhance the character of the site and areas of public realm created. Pedestrian links between High Street and the canal will be significantly improved. The site is in a sustainable location and benefits from good pedestrian access and public transport links.

The Planning & Retail Statement concludes that the proposals offer the opportunity to deliver some key policy objectives of the UDP and key regeneration initiatives. The new Tesco store will better serve the retail needs of the catchment area and enhance the attractiveness of Brownhills as a retail destination to benefit the whole centre. Approximately 150 additional jobs would be created. The store is of an appropriate scale to serve the role and function of the district centre and is in a sustainable location accessible by a choice of modes of transport.

The Statement of Community Involvement identifies that Brownhills residents have shown enthusiasm over the proposals which have been echoed by Councillors. There is a clear need and desire for a new store which can offer a greater range and better shopping experience for the community. A larger store could reduce the need for secondary journeys to supermarkets in other towns. The proposals create new jobs and opportunities for residents in Brownhills. Walsall Development Team stated they “welcomed the scheme in principle as having major regeneration benefits to the Brownhills District Centre and the wider area”.

The Landscape Supporting Statement concludes that the proposals represent a beneficial impact upon the surrounding townscape. There are a number of opportunities to improve linkages and visual integration of the site with the surrounding area and make an overall positive contribution to the immediate townscape character.

The Flood Risk Assessment advises the site is within Flood Zone 1 of the Environment Agency Indicative Flood Map with little or no risk of flooding from fluvial sources. Surface water run off will discharge via three existing outfalls. Filter drains will be incorporated in the drainage system. Attenuation will be provided to accommodate all surface water within the site for all storm events up to and including the 1:100 year plus 20% climate change event. Site levels will be designed to contain any flood water within car parking areas. There will be a reduction in surface water run off and no increased risk of flooding due to lack of capacity of the infrastructure. Measures to protect water quality and rainwater harvesting are also incorporated.

The Ecological Assessment & Bat Survey Report conclude that with implementation of the appropriate safeguards detailed in the report there will not be any significant adverse effects on the ecological interest on the site. A number of

ecological enhancements have been proposed which will provide benefits for biodiversity and accordingly there are no overriding ecological constraints to redevelopment of the site.

The Phase 1 Desk Study Environmental Assessment concludes that a Phase 2 Environmental Assessment is required which focuses on the identified sources and provides a general coverage of the site. The investigation should specifically include groundwater and ground gas monitoring and would provide preliminary waste classification data. Development abnormalities such as soil and groundwater remediation, waste classification and removal of engineering soils, upgraded water supply pipes should also be considered.

The Noise Assessment has regard to noise levels from the car park, service yard, mechanical services plant, road traffic, construction noise and recycling facilities. It concludes that the development could proceed without the likelihood of subsequent operations harming the amenity of local residents. Road traffic noise from the proposals would cause increases in noise level on surrounding roads too slight to be noticed during the day. The mechanical services on site can be controlled by conditioning noise limits.

The Energy Assessment states the design is based on Tesco "Eco Store" format which achieves 15% improvement in energy efficiency compared to the existing store in terms of lighting, refrigeration units, reduction in heat loss, solar gain from roof lights, natural roof ventilation, grey water recycling and hybrid timber frame construction which uses less carbon and reduces energy use. A Combined Heat and Power (CHP) plant is also feasible that could provide up to 24% energy reduction. Biomass has been discounted due to the detrimental impact upon residential amenities.

Relevant Planning History

09/1832/FL - Installation of a combined heat and power (CHP) unit to provide a sustainable method of powering the existing store – Granted subject to conditions February 2010. This technology is included in the new store.

10/0300/ND - Screening opinion to ascertain whether an Environmental Impact Assessment is required for a proposed replacement retail store, shop units, access improvements and car parking – EIA not required April 2010.

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

Saved policies of Walsall Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

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

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

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

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

3.16, GP7, ENV32, 3.113, 3.114, 3.115 and 3.116: seeks high quality design of developments, 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.

ENV22: Development needs to demonstrate no adverse impact on species protected by European law.

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

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

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

ENV35: 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.

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

5.1 & 5.2: Encourages growth and development of retail, to sustain and enhance the vitality and viability of existing centres

S2: District Centres, including Brownhills, are smaller than Walsall Town Centre and serve more localised roles. Their main role is to meet the needs of the district for convenience goods, local services and community facilities.

S3: 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: 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.

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: 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.

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

8.6 & LC9: Encourage provision of environmental improvements to enhance the attractiveness and recreational potential of the canal network.

BR1: New retail and service development will be concentrated within the primary shopping area. Investment in service, leisure, community and other town centre uses is encouraged outside these areas.

BR6: Encourages provision of public art features.

BR7: Encourages implementation of environmental improvements and targets areas including High Street, The Canal/Silver Street and the area adjacent to Tesco.

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BR8: Identifies land in High Street and Ravenscourt Precinct as opportunities for retailing and other development.
BR9 (i): Identifies land in Pier Street and Kirkside Grove as having opportunity for leisure, service and community developments.
BR13: Seeks to provide and improve pedestrian routes throughout Brownhills Centre.

Supplementary Planning Document (SPD)

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

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

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

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

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

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

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

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

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 comfortable, adaptable and sustainable built environment

Appendix D: Public Art Guidelines identifies the threshold for developers' contribution towards public art as 1000sqm for non-residential proposals.

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

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

PPS4: Encourages sustainable economic growth. Policy EC3 requires a hierarchy of centres to be defined and to identify the need for growth in town centres. Policy EC4 includes advice that seeks to retain and enhance existing markets and encourage a diverse range of complimentary evening and night time uses which appeal to a wide range of age and social groups.

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

Consultations

Planning Policy – No objections in principle. The proposals would draw shopping towards the district centre, which offers the potential to strengthen the centre, particularly if strong physical and functional links can be ensured. The applicants have adequately demonstrated that the proposal would not cause harm to the vitality and viability of the centre as a whole, or of that of the centres within the Borough or elsewhere in the catchment area. The proposals also offer the opportunity for increased employment, particularly home delivery service and further comparison retail trade attracted to the Tesco store.

Transportation – No objections in principle. Highway infrastructure improvements to Silver Street detailed in the Transport Assessment should be implemented in accordance with approved details to be submitted. Other matters relating to the layout and external works should also be implemented prior to first occupation.

A 15 year maintenance period for the two proposed signalised junctions including all ancillary equipment and CCTV is required. This should be secured through a Section 106 Agreement.

There is an existing vehicle access point on Silver Street serving an area of vacant former market land at the southern end of the site. This is too close to the proposed signalised junction and must therefore be permanently closed and reinstated to full kerb height. In addition, the Transport Assessment does not take into account traffic that may be generated by future development of this vacant site and therefore the potential impact on the highway network will need to be independently assessed by the developer at such time as any redevelopment proposals are put forward.

Policy T13 requires a maximum of 588 spaces + 10% disabled spaces based on the retail floor space created. The new store proposes 495 spaces + 22 disabled spaces at a ratio of 1 space per 16sqm ground floor area (excluding the disabled spaces). However, taking into account the sustainable location of the site within Brownhills Town Centre which has access to the bus network and other town centre car parks, the proposed parking provision is considered acceptable.

The Transport Assessment has assessed the highway network based upon a predicted increase in trips of around 24% in the Friday peak and 33% in the Saturday peak. This based upon both TRICS and surveyed data and is considered to be a robust assessment.

The predicted additional trip data has demonstrated that, whilst some queuing was evident along Silver Street and High Street during the store peak hours, adjustments to the signal timings which can be achieved during the detailed design stage are likely to improve traffic flows through the junction. The findings of the Transport Assessment are acceptable.

Public Rights of Way – There are no current public rights of way recorded within the site. It should be made explicit that the pedestrian links across the site will remain in Tesco ownership and maintained by them. In order to prevent public rights of way accruing signage should be installed. A note to the applicant is recommended.

Urban Design- No objections subject to conditions

Pollution Control (Scientific Team) – No objections in principle. Concerns about noise and air quality have been discussed with the applicant and relevant surveys provided. We are confident that no further study is needed to protect local residents from impacts of the proposals. Ongoing discussions with the applicant will be necessary to ensure a positive impact is maintained.

Pollution Control (Contaminated Land) – No objections subject to a Phase II Intrusive Site Investigation being carried out to identify the presence of any contaminants and/or ground gases on the site. Conditions to address these concerns are recommended.

Environmental Health – No objections subject to safeguarding conditions to protect residential amenities.

Strategic Regeneration Framework Team – No objections.

Town Centre Manager – To be updated at Committee.

Building Control – No objections.

Landscape – No objections subject to provision of planting details for which a condition is recommended.

Ecology – No objections. Ecological surveys have not found protected species. The tree planting on Silver Street will have some ecological benefits along the canal corridor.

Police Architectural Liaison Officer – No objections in principle. However, the position of the proposed ATM's lacks surveillance and users would be vulnerable.

Severn Trent Water – No objections.

Environment Agency – Objects. The Flood Risk Assessment fails to provide a suitable detailed surface water strategy. Notwithstanding this objection in the event that permission is granted conditions are recommended to address matters of potential contamination of the site.

Inland Waterways - Objects. The plans are premature pending completion of a strategic development plan for Brownhills. The proposals do not take account of opportunities for beneficial waterfront development and the view of the development from the canal would be of extensive car parking and a large store. This does not create an improved canal frontage or environment for encouraging more tourism.

British Waterways – No objections in principle. However, further details regarding proposed lighting, a revised study to assess the implications of the development on the canal, landscaping, boundary treatment and drainage are requested. Appropriate conditions are recommended to address these matters. The developer should contribute towards improvements to the canal corridor which could be secured by a Section 106 Agreement. An informative is recommended regarding works adjacent to the canal.

Fire Service – No objections.

Centro – No objections in principle. However, due to the size and nature of the scheme and in order to help mitigate any adverse effects from this development and promote sustainable travel opportunities the developer should contribute towards ongoing improvements to public transport infrastructure and service improvements. The proposal offers excellent opportunities for installing Real Time Information displays. As there are over 50 employees the applicant is encouraged to affiliate to Company Travelwise and develop a Travel Plan to promote public transport, walking and cycling. Pedestrian and cycling links and signage should be appropriate design.

Lichfield District Council – No objections.

Public Participation Responses

Fifteen letters of objection have been received raising issues summarised as follows:

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- Until the highways infrastructure that is a statutory condition for housing developments in Clayhanger Lane is implemented in accordance with an existing permission (there is a contract with the landowner for land for the junction improvement) the proposals will again give rise to an increase in traffic requiring implementation of the already approved junction improvements
- Increased traffic and congestion in surrounding roads
- Two signalised junctions in close proximity would cause traffic chaos
- Detrimental to highway safety
- Inadequate service yard area could lead to highway congestion and problems of highway safety
- Two-way traffic proposed on Silver Street is dangerous given the bend in the road
- Loss of on-street parking outside shops on High Street due to signalised junction
- Pier Street should be re-opened to relieve Silver Street of traffic congestion
- The huge Tesco store will result in loss of independent shops and businesses and reduce choice for the people of Brownhills
- Demolition of Ravenscourt shopping precinct reduces independent retail floorspace and replacement of two small units is a token gesture
- The significant increase to Tesco floorspace is out of proportion within the district centre
- There will be three large Tesco stores in a 15 mile radius

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- Freehold owners of retail premises within the application site object until their site has been acquired
- A transitional facility for the market needs to be considered
- Main entrance should be on High Street to encourage footfall
- The orientation of the proposed store severs links to existing stores that would benefit from trip linkages
- Refurbishment and extension of the existing premises would be a better alternative
- Smaller taller building would be more appropriate
- Senior Citizen Centre should be retained and publicised for use by other groups
- Object to land take by Tesco and loss of the Senior Citizen Centre as there is a petition of 300 signatures against this (*this has not been submitted as part of the response to this application*)
- Excessive noise from 24 hour operations including the service delivery yard and staff external area which is closer to residential properties
- There should be measures to prevent anti social behaviour from boy racers on the car park (including the overspill car park)
- Mature trees should be planted for screening not semi-mature
- Staff accommodation in the mezzanine overlooks housing and may disturb residents at night when workers are outside in the smoking area
- Human Rights to own property (*not material to this particular case*)

There have also been some comments of support:

- Welcome extra jobs
- The scheme is good for the area

Following a revised scheme there has been an extended period of public consultation. Any further representations will be reported at Committee.

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

Determining Issues

- Principle of development
- Design and Layout of Store and New Market Place
- Loss of Retail Space within Ravenscourt Precinct
- Access and Parking
- Relationship to surrounding properties
- Flood Risk
- Environmental Improvements
- Public Art

Observations

Principle of development

The site adjoins and redevelops part of the primary shopping frontage of Brownhills District Centre. Policies S3, S4 and BR1 support retail development in such locations provided the applicants demonstrate that the scale and nature of the proposals are appropriate to the size and function of Brownhills District Centre, are sensitively integrated and do not adversely affect the vitality and viability of the centre as a whole, or that of other centres within the Borough.

The existing Tesco store and Ravenscourt Precinct currently have a combined gross floor space of 7100 sqm. The replacement Tesco store and new shop units have a

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gross floorspace of 8520 sqm (8230 sqm + 290 sqm) an increase of 1420 sqm. The applicant advises that the increase in convenience floorspace will not significantly change the store performance in ways that will impact on established convenience retailers in Brownhills. Alternative convenience supermarkets in Brownhills specialise in discount and frozen items and should not be in direct competition with Tesco but can be considered to benefit from trading alongside them.

Although the Tesco store would increase in size, it is considered the proposals would draw shopping towards the district centre thus strengthening its role. The applicants have adequately demonstrated that the proposal would not cause harm to the vitality and viability of the centre as a whole, or other centres within the Borough or elsewhere in the catchment area. The proposals offer the opportunity for increased employment, particularly home delivery service and further comparison retail trade attracted to the Tesco store. Therefore despite objectors concerns that the proposed store is too big and that there is a risk it will draw trade away from other stores or independent retailers, the size of the replacement Tesco store is appropriate to the size of Brownhills district centre and will increase trade and footfall in the area to the benefit of the centre as a whole.

There is an objection from an existing shop that their premises have not yet been acquired by the developer but this is a matter for the developer to resolve.

There have also been letters of support stating the scheme will be good for the Brownhills area and welcoming the extra jobs.

Design and Layout of Store and New Market Place

The layout shows the new Tesco store further north replacing Ravenscourt shopping precinct with car parking area to the south encompassing the site of the former clinic. Although the store is behind High Street shops the main entrance and café are visible from the public space on High Street where environmental enhancements are to take place to encourage pedestrian activity. The café also looks across this public space to provide improved natural surveillance. The introduction of a turning head for the existing service road which is to be paved to match the public space adjacent, defined by bollards for safety, would widen the public space creating better visual links between High Street and the store entrance and vice versa. The proposals therefore offer an improved relationship to the High Street.

Improvements to pedestrian links to High Street are proposed and despite concerns from objectors that the store does not address the High Street to encourage linked trips these enhancements will encourage pedestrians and increase footfall between the new store and High Street.

The new Tesco store offers the opportunity to develop the site to improve the relationship to High Street, improved pedestrian links and enhanced public spaces. This is considered to offer increased benefits to Brownhills over refurbishment or extension of the store (as suggested by objectors).

The large area of car parking is proposed to be enhanced by a line of trees around its perimeter, particularly along Pier Street and also along Silver Street where it faces the canal. This will help reduce the appearance of parking within the street scene. There is also planting proposed adjacent to the new public square.

The provision of a new public square fronting High Street is welcomed within the centre as a replacement for the former market which was outside the primary

shopping frontage. It is considered it would increase footfall in the area and as the market stalls would be demountable, the area can be used as a public square to stage events and activities for the benefit of the community. One objector states there needs to be a transitional site for the market but as the market is not trading at present this is not necessary. The two new shop units also face the High Street and are a similar design to the surrounding units so relate well to the surrounding context.

In removing the existing trees to create the public square would expose the Kwik Fit boundary to the detriment of the street scene. This can be adequately dealt with by safeguarding conditions relating to boundary treatments. This would also apply to the pedestrian link from the store to High Street and again this could be mitigated by conditions.

The combined heat and power unit, wind catchers and roof lights reduce energy consumption and recycling as much as possible and are all welcomed.

Loss of Retail Space within Ravenscourt Precinct

There are high vacancy rates within the existing shopping precinct which is poorly maintained. The precinct currently provides 2370 sqm gross retail floorspace which will be replaced by the new Tesco store that has a gross floorspace of 8230 sqm. This is an overall uplift in the amount of retail floorspace in Brownhills centre with the replacement store and new units providing modern retail premises enhancing the centre as a whole. There are vacant units elsewhere in the centre that could accommodate the displaced businesses including the proposed new retail units on the High Street. These could accommodate independent retailers. The applicant has satisfactorily demonstrated that the proposed development will not adversely affect the vitality or viability of Brownhills centre or other centres in the Borough. In the circumstances the loss of Ravenscourt precinct is acceptable.

Access and Parking

It is proposed that the access between the existing petrol filling station and service yard at the rear of the new store will be one way in only with egress around the back of the petrol filling station onto the roundabout with Silver Street. This access also provides service access to the remaining shops on the south-western side of the High Street and will be improved to include a turning head. Although an objector is concerned that the service yard is inadequate the applicants have designed this to meet their needs and vehicle tracking demonstrates how it will be accessed.

A new signalised junction is proposed on Silver Street almost opposite the pedestrian bridge over the canal. The junction will include a left and right turning lane exiting from the store car park and right turning lane from Silver Street into the car park. The stretch of highway between the car park access and the High Street will become two-way and a new signalised junction at the south eastern end of the High Street. The developers have been advised that a commuted sum of £150,000 + VAT is required to cover a 15 year maintenance period for the two signalised junctions, including all ancillary equipment and CCTV. This can be secured through a S106 Agreement.

The new store would provide 425 parking spaces and 22 disabled spaces at a ratio of 1 space per 16 sqm ground floor area. Although this is below the maximum requirement in policy T13 for 1 space per 14 sqm of ground floor area (588 spaces + 10% disabled spaces) the site is in a sustainable location within Brownhills town centre where there is access to the bus network and other town centre car parks. More parking would also have a greater impact upon the appearance of the site and the surrounding area. On balance the reduced level of parking is acceptable. A

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temporary car park will be available during the construction phases and details are to be provided.

The Transport Assessment has assessed the proposed impact on the highway network based upon a predicted increase in trips of around 24% in the Friday peak and 33% in the Saturday peak. The model has demonstrated that even with the two new signalised junctions some queuing is likely on Silver Street and High Street during peak store hours. However, adjustments to the signal timings are likely to improve traffic flows throughout the junction and ease congestion created. The proposals are acceptable on this basis.

Objectors are concerned that the proposals will increase traffic and congestion in the area surrounding the site detrimental to highway safety. The two signalised junctions close together is also considered by objectors to increase congestion and highway safety problems. However, Transportation is satisfied that the Transport Assessment demonstrates that the proposals will not have a detrimental impact on the surrounding highway network. In particular the new signalised junctions will help ease congestion. The detailed design of the new highway improvements and signalised junction is a matter still to be agreed and will be subject to a Traffic Regulation Order which also involves a consultation process. Concerns about the potential loss of on-street car parking outside shops on the High Street due to the new signalised junction will be taken into consideration at this detailed stage. On balance the provision of a larger car park for Tesco and improved links to the town centre should provide adequate parking to serve the new store and the centre as a whole.

One objector states that highway infrastructure for the housing developments at Clayhanger have still not been implemented in accordance with the permissions and the current proposals should not go ahead until this has been done. However, the proposals have been assessed on their impact upon the surrounding highway network and found to be acceptable in terms of highway safety and traffic generation. Another objector suggests that Pier Street should be opened to traffic to relieve congestion but again, the proposed highway improvements should reduce congestion.

Relationship to surrounding properties

The nearest dwellings to the site are in Watermead Grange and Cygnet Drive on the opposite side of Silver Street. These are across Silver Street over 25m away from the existing petrol filling station junction and over 35m away from the edge of the new service yard at the rear of the new Tesco store. The Canoe Centre is also located in the intervening area providing a visual buffer. At present the proposed service yard area and location of the Combined Heat & Power (CHP) plant is used for open car parking. Pollution Control confirms that the applicants have satisfactorily demonstrated that there is adequate protection for nearby residents in relation to noise and air quality.

Objectors consider there will be a loss of privacy from staff accommodation in the mezzanine level of the store which overlooks their property. However, the building meets the separation standards recommended in SPD: Designing Walsall as referred to above and therefore will not be detrimental to residential amenities.

Neighbours are concerned that there will be excessive noise from 24 hour operations at the store including the service delivery yard. However, as mentioned above the nearest houses are over 25m away with an intervening road and existing 24 hour

petrol filling station nearby. The applicants have provided a noise assessment which demonstrates that measures will be taken to reduce the potential impact of noise upon residential amenity. Additional trees and landscaping is also proposed along Silver Street to help mask the building and car park to protect neighbours visual amenities.

Objections relating to boy racers using the existing store car park causing noise and disturbance to residents have been made. However, 24 hour store operations and planned CCTV should improve surveillance of these areas and reduce the potential for such occurrences. This would also partly address the objection from the police.

Earlier objections were received that the Senior Citizen Centre should be retained. The amended plans have removed this from the proposals and the Centre is now retained.

Flood Risk

The Environment Agency has objected to the proposals on the basis that the Flood Risk Assessment was inadequate. The developer has been made aware of these objections and is seeking to address them. Further information will be provided at Committee on this matter.

Environmental Improvements

The proposals include the welcomed new public square enhancements near the store entrance, the important new market square provision and landscaping along Pier Street and Silver Street. These improvements include paving, landscaping screening of Kwik Fit premises and tree planting representing significant improvements to enhance opportunities for the development to benefit High Street. In addition, the applicants have agreed to do environmental improvements including some additional surfacing and moorings/fencing to the canal adjacent to the bridge and canoe centre. There is also the possibility of new lighting to these areas. There are also proposed environmental improvements to the canal to include surfacing around the bridge and moorings for which a commuted sum of £60,000 is required. These improvements will help address Inland Waterways concerns. It is anticipated that such provisions can be secured through a Section 106 Agreement.

Public Art

As the proposals are larger than the 1,000sqm threshold for non-residential developments public art provision is required. A condition is recommended to ensure provision in accordance with policy DW9.

Recommendation

Delegate to Head of Planning & Building Control to grant subject to conditions, subject to resolution of outstanding objections from the EA and no further representations raising new material issues, and subject to a S106 Agreement to cover highway improvements, environmental improvements, landscaping, moorings and removal of fencing along the canal.

Summary of Reasons for Granting Planning Permission

The site adjoins the Brownhills primary shopping area, is of a scale and nature appropriate to the size and function of the district centre and does not adversely affect the vitality or viability of the centre or others in the Borough. It also provides new employment, enhanced public spaces and landscaping, improved pedestrian links to the High Street, highway improvements and a replacement market place.

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The layout with the store entrance and café overlooking the public space improves natural surveillance and creates a better relationship to the High Street. A new turning head is proposed for the service road to existing High Street shops offering further improvements for existing businesses. The new retail units on High Street are an acceptable design and in keeping with the surrounding units. The design of the Tesco store incorporates measures to reduce energy consumption which is welcomed. The inclusion of a replacement market that faces the High Street is better integrated.

The applicant has demonstrated that the loss of Ravenscourt Precinct will not adversely affect the vitality and viability of the district centre.

The car park provides adequate parking spaces despite being below the number of spaces usually required by policy T13, particularly given the sustainable location of the site in a district centre and availability of alternative car parks and accessibility to the bus network. The highway improvements will help alleviate potential congestion and on balance the proposals have no significant adverse effect on the surrounding highway network or highway safety. The eventual design of the highway improvements will be subject to a Traffic Regulation Order and further consultations under that procedure. The highway improvements can be secured through a S106 Agreement. Suggestions that other highway works should be considered or completed before the current proposals are determined are unnecessary.

The nearest houses are over 25m away from the proposed store and service yard separated by Silver Street, the Canoe Centre and landscaping. In the circumstances this complies with the distances recommended in SPD: Designing Walsall. Adequate measures to protect nearby residents in relation to noise and air quality are proposed therefore there is no detrimental effect upon neighbour's residential amenities. Improved surveillance and CCTV will help reduce crime and anti-social behaviour and help address the police and neighbour's concerns in this respect.

The applicant is seeking to address issues of inadequacy of the Flood Risk Assessment.

Environmental improvements including surfacing around the bridge and moorings alongside the canal, the new Public Square, new market place, landscaping and tree planting are to be secured through a S106 Agreement. Details of public art are to be provided.

For the above reasons the proposed development is considered to comply with the relevant saved policies of the development plan, in particular Policies 2.2, 3.6, 3.7, 3.16, 3.113, 3.114, 3.115, 3.116, 3.117, GP1, GP2, GP3, GP4, GP7, ENV14, ENV19, ENV22, ENV23, ENV32, ENV33, ENV34, ENV35, ENV40, S2, S3, S4, 7.1, T7, T13, LC1, 8.37, LC8, LC9, BR1, BR6, BR7, BR8, BR9 and BR13 of Walsall Unitary Development Plan March 2005 and Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment and Urban Open Space and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Recommendation:

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 (06252 BED11) received 24/09/10
- Proposed Site Plan (sheet 1 of 2) (F/EXT/1166/PL03 Rev M) received 24/09/10
- Proposed Site Plan (sheet 2 of 2) (F/EXT/1166/PL03 Rev M) received 24/09/10
- Landscape Master Plan (ASP2 Revision P)
- Existing/Proposed Retail Unit Plans & Elevations (F/EXT/1166/PL11) received 31/03/10
- Proposed Store Plan (F/EXT/1166/PL07 Rev C) received 24/09/10
- Proposed Elevations (F/EXT/1166/PL05 Rev E) received 24/09/10
- Proposed Roof Plan (F/EXT/1166/PL09 Rev B) received 24/09/10
- High Street 3D Sketch View Market Area (F/EXT/1166) received 24/09/10
- High Street 3D Sketch View Pedestrian Link (F/XT/1166) received 24/09/10
- Existing/Proposed Site Sections (F/EXT/1166/PL10 Rev A) received 28/09/10
- Swept Path Analysis for a 10.35m Rigid Vehicle (SP69) received 24/09/10
- Existing Store Plan (F/EXT/1166/PL06) received 31/03/10
- Existing Roof Plan (F/EXT/1166/PL08) received 31/03/10
- Existing Elevations (F/EXT/1166/PL04) received 31/03/10
- Design & Access Statement prepared by DPP (September 2010) received 28/09/10
- Planning & Retail Statement prepared by DPP (September 2010) received 28/09/10
- Ecological Assessment & Bat Survey Report prepared by Aspect Ecology (June 2010)
- Phase 1 Desk Study Environmental Assessment prepared by Delta-Simons (09-3204.03) received 21/04/10
- Flood Risk Assessment prepared by Pinnacle (Revision A – July 2010)
- Statement of Community Involvement (April 2010) received 22/04/10
- Noise Assessment prepared by C F Bentley (067607 – March 2010) received 31/03/10
- Energy Assessment prepared by DPP Sustainability (March 2010) received 31/03/10
- Landscape Supporting Statement prepared by Aspect Landscape Planning (March 2010) received 31/03/10
-

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

3. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in

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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, reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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

- I. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- II. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- III. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- IV. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- V. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- VI. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

5. Prior to the commencement of the development, full engineering details of the proposed highway infrastructure improvements to Silver Street specified within the Transport Assessment and on the approved plan, shall be submitted for approval in writing by the Local Planning Authority in consultation with the Highway Authority.

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Any street lighting should be agreed in writing with Walsall Council in conjunction with the Council's street lighting partner Amey. This shall include:

- the proposed signalised junctions at the car park entrance on Silver Street and the junction of Silver Street and High Street together with all ancillary CCTV and other associated equipment,
- the adoptable Ferrie Grove/High Street link,
- the pedestrian refuge in Silver Street near the store entrance
- the extended alternative turning facility in Kirkside Grove at the entrance to the proposed overflow parking area,

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

6. Prior to the development first coming into use, all existing vehicle accesses within the application site and made redundant by the proposed development, shall be permanently closed and reinstated back to full kerb height, to a specification to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Prior to the first operation of the development, appropriate measures to control public vehicle access along service road at the rear of existing High Street shops and the new store shall be submitted for approval of the Local Planning Authority and implemented in accordance with the approved details and maintained thereafter.

Reason: In order to prevent indiscriminate parking in the service road and turning area.

8. Prior to the development first coming into use, all internal access roads, vehicle manoeuvring areas and car parking areas shall be fully consolidated, hardsurfaced and suitably drained, and all internal road markings and car parking bays shall be clearly demarcated on the ground. These areas shall thereafter be retained for no other purpose.

Reason: In order to ensure the satisfactory operation and completion of the development.

9. Details of all parking and turning areas for construction traffic and site operatives shall be submitted to and approved in writing by the Local Planning Authority and retained during the period of construction unless the Local Planning Authority agrees otherwise in writing.

Reason: In the interests of highway safety and free-flow of traffic during the period of construction.

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

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

11. Prior to the commencement of the development full details of hard and soft landscaping for the application site to include;

- Silver Street frontage with an ecological dimension, where trees and shrubs should be predominantly native and of local provenance,
- additional trees along the new public square and the car park boundary
- soft landscaping to the boundary with Kwik Fit
- Pier Street resurfacing
- public square surfacing
- public route from the store to the High Street
- turning head at the end of the existing service road adjacent to the public route to the High Street
- planting around the external faces of the service yard

shall be submitted to and approved in writing by the Local Planning Authority. The landscaping areas shall thereafter be maintained in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

12. No development shall be carried out until details of the ventilation equipment and fume control measures including their siting, design and appearance have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use and thereafter retained in working order.

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

13. No development shall commence until details of methods to prevent greases entering the drainage system have been submitted to and approved in writing by the Local Planning Authority. The premises shall not be open for business until this approval has been given and approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement.

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

14(a) Bat survey work has identified a risk that bats may be present in the existing buildings B1, B4 and B5 (as identified in the Aspect Ecology report dated June 2010) and the following precautions shall be taken when implementing the planning permission:

- i. Contractors undertaking demolition works shall be made aware that bats may be present and a watching brief will be required during the demolition of the buildings.
- ii. All demolition and dismantling work in the vicinity of possible bat access points to buildings identified in the Aspect Ecology report shall be carried out carefully by hand.

If no bats or evidence of bats are found during these operations, the approved works can continue.

14(b) If bats or evidence of bats are found during these operations:

- i. the vicinity of the roost shall be immediately reinstated
- ii. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.
- iii. within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
- iv. work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To conserve local bat populations.

15. No part of the development shall be brought into use until a scheme for the erection of bird, bat and hedgehog boxes (recommended in the Aspect Ecology report dated June 2010) is approved in writing by the Local Planning Authority and retained thereafter.

Reason: To conserve local wildlife.

16. No development or site clearance works shall commence until a scheme for the eradication of Japanese knotweed is approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the agreed details.

Reason: To remove a problematic weed from the application site.

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

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

- viii. details of ownership, maintenance and de-commissioning of public art
- ix. budget allocations relating to all of the above criteria

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

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

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

Reason: To minimise glare and show consideration for bats and unnecessary light pollution by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure in accordance with saved policies 8.6 and LC9 of Walsall Unitary Development Plan.

19. Prior to the commencement of development an updated Environmental Assessment shall be submitted to and approved in writing by the Local Planning Authority and mitigation measures thereafter implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: To protect the canal environment in accordance with saved policies 8.6 and LC9 of Walsall Unitary Development Plan.

20. 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 the development is provided with satisfactory drainage and reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

21. No built development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and boundary treatments (to include the boundary around the existing Kwik Fit premises) has been submitted to and approved in writing by the Local Planning Authority. This shall include section details showing the profile of any external cladding. The agreed details shall thereafter be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

22. Prior to the commencement of the development full details of the extent and laying out of the temporary store car park shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation.

Reason: In the interests of highway safety and to ensure availability of adequate car parking during construction.

23. Noise from fixed plant and machinery associated with this development shall not give rise to a Rating Level exceeding 0 dB as determined in accordance with the methodologies contained British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

Reason: To protect the amenities of the surrounding occupiers.

24. Plant and equipment used for the purpose of heating, ventilation, air conditioning, refrigeration and/or freezing shall be situated as detailed in drawings F/EXT/1166/PL07 and F/EXT/1166/PL09 by Saunders Partnership Architects submitted with the application, and thereafter retained in accordance with any approval for the period of their use.

Reason: To ensure the satisfactory development of the site.

Notes for Applicant – Contaminated Land

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

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

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

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

Note for applicant regarding public sewer

There is a public sewer located on the site. Public sewers have statutory protection and may not be built close to, directly over or diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval. If you require any further information please contact Miss Jaz Kaur Jeer on 01902 793883.

Note for applicant regarding highway stopping-up

There are areas of existing public highway within the site boundary that will require formal extinguishment in order facilitate the proposed development. Therefore, prior to the commencement the development, the attention of the applicant is drawn to the requirements and timescales of Section 247 of the Town and Country Planning Act 1990 in this respect.

Note to applicant regarding rights of way

There are no current public rights of way recorded within the site. It should be made explicit that the pedestrian links across the site will remain in Tesco ownership and maintained by them. In order to prevent public rights of way accruing signage should be installed.

Note for applicant regarding demolition

As the proposals involve demolition work, it will be necessary for the developer to notify Building Control Services of their 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.

Note for applicant regarding nesting birds

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All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. Most birds nest between mid-February and the end of August, although exceptions to this do occur. No site clearance work should take place in the bird nesting season if there is a risk that nests may be damaged or destroyed. If site clearance work is unavoidable, a suitably qualified and experienced ecologist should check the development site for the presence of nesting birds prior to the commencement of any site clearance work. If nesting birds are discovered clearance works should be delayed and advice sought from Natural England.

Note to applicant regarding British Waterways Code of Practice

The developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways". British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location. The applicant is advised that consent would be required for any trees and landscaping to be sited on British Waterways' property.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

Reason for bringing to committee: Major Application

Application Number: 10/1181/FL

Application Type: Regulation 3 Consent (V)

Applicant: Walsall Council

Proposal: Application for temporary permission for a further 12 months Walsall Market (100 stalls) in Lower Hall Lane (only to be used if redevelopment requires future relocations) and removing 5 stalls from Bradford Place, The Bridge and elsewhere in Digbeth.

Ward: St. Matthews

Case Officer: Karon Hulse

Telephone Number: 01922 652492

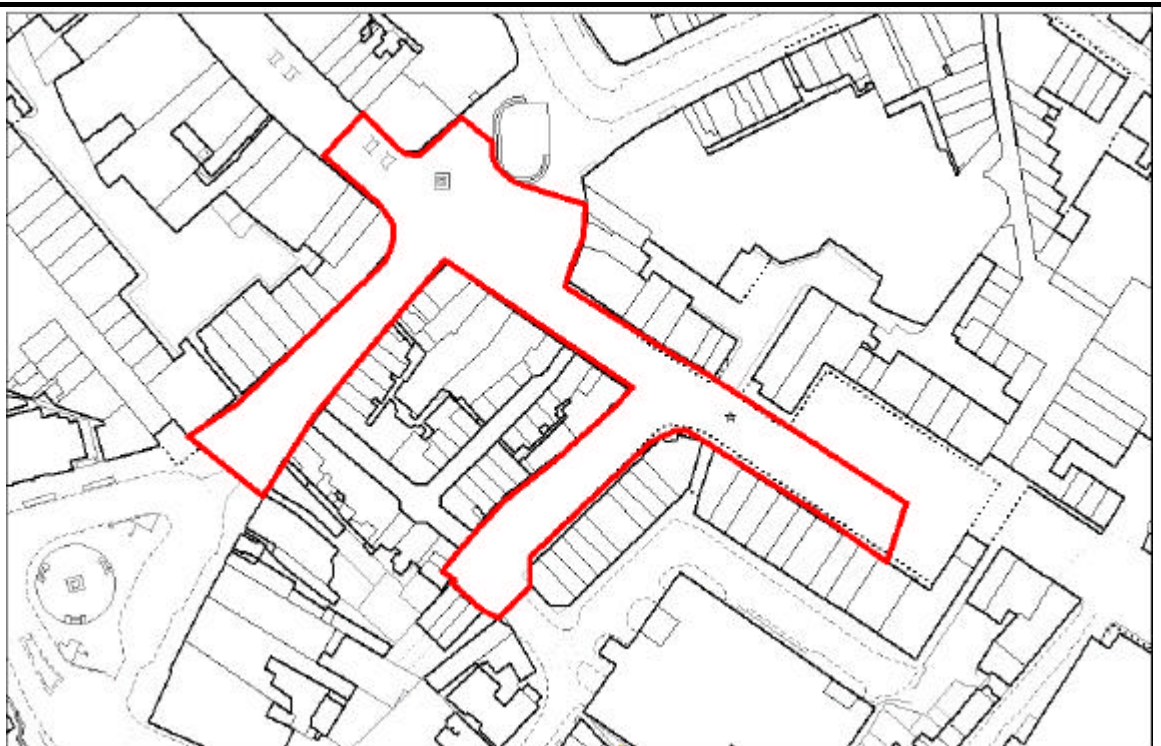
Email: planningservices@walsall.gov.uk

Agent:

Location: THE BRIDGE, PARK STREET, BRADFORD STREET AND LOWER DIGBETH, WALSALL

Expired Date: 03/11/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

Planning permission was in 2009 for the temporary relocation of the Walsall town centre market. It was for one year, and expires on 28th October, 2010. Since that approval the market has operated in its new location, on The Bridge and in parts of Bradford Street and Park Street

The application seeks consent for a further 12 month temporary period for the siting of the market in its current location with some amendments

- to include 12 “reserve” stall plots along Lower Hall Lane
- The meat wagon would be located at the eastern end of
- relocate 5 no. stalls, 2 of which will be removed from Bradford Street, 2 will be removed from The Bridge and 1 no. removed from outside the Victorian Arcade Shopping Centre entrance located in Digbeth. These proposed changes are being made for operational reasons all to be repositioned at the far end of Digbeth.

These alterations are proposed as a result of

1. Bradford Street not receiving a high level of footfall
2. The Bridge stalls limit access to other stalls
3. the stall outside the Victorian Arcade obscures its access.

The market retains the approved 100 stalls along Bradford Street, Park Street, Lower Hall Lane, Digbeth and High Street. The reserve plots are to be utilised if development proposals come forward that may require stalls to be relocated, whilst allowing the market to maintain its operations.

The layout of the stalls provides three metre pedestrian routes between the stalls and the shop frontages (and nowhere less than 1.2 metres between stalls). A four metre corridor for emergency vehicle access (ambulance/fire engine) is also identified.

Operational guidelines for stall holders were prepared to ensure vehicle and pedestrian access is maintained during operating hours, the guidelines have been enforced by the council's market team and civil enforcement officers to maintain a high quality market and deliver the intended objectives of the relocation.

There is no change to the design of the stalls which has given the temporary market continuity and character in its new location. Some stalls face away from the shops and others have been set at an angle to the shops allowing maximum movement of pedestrians around and through the stalls.

The table top boards of the stalls will continue to be secured to the stalls by padlocks to reduce any potential risk of vandalism e.g. on Saturday nights, the operators have been working with the Police and the CCTV monitoring team to ensure adequate surveillance.

The application includes those works already carried out along Park Street and Bradford Street (which removed and relocated seating and planting areas to allow for the accommodation of the market stalls).

The relocation required works to be carried out to the trees on The Bridge to raise the crowns in order to allow for the positioning of stalls, and this was done. The on-street exhibition space on The Bridge is also retained.

The stalls are permanently in place with the market currently operating on Monday, Tuesday, Wednesday, Friday and Saturday, it is not intended to change these times except for occasional markets held at other times such as Christmas.

Vehicular access to these areas is controlled by the amended Traffic Regulation Order (TRO) as a result of the previous consent. This requires that traders' vehicles are removed from the area by 0830 every morning, trading commencing by 0900 with vehicles being allowed to re-enter the area at 1700 hours.

A key element of the application is the impact of the market on the other areas of the town centre. The council, as the applicant, appointed GVA Grimley to provide an update of the evidence base for the market relocation. They prepared the previous report which accompanied the report to committee in 2009.

The current brief required advice to consider the following:

- Temporary relocation for three to five years or less, in the context of the current one year term of the planning permission;
- The possibility of a permanent relocation;
- The return of the Market to its original location in Digbeth;
- Advice on alterations to the layout of the Market in its current location; and
- Advice on any new locations within the town centre that may be applicable for the Market.

They tested the proposal against national planning policy and development plan policy and assessed the likely impact upon the town centre having specific regard to the indicators set out in Appendix D of PPS4.

They considered four scenarios:

Scenario 1: The market remains in its relocated position as approved by the previous consent and as currently exists on site. The stalls are laid out in a north/south, east/west cross principally in Digbeth, The Bridge, Bradford Street and the southern end of Park Street.

Scenario 2: The market remains in its relocated position with some adjustments - as shown on the deposited plans with this planning application.

Scenario 3: The market returns to its original location at Digbeth. This is the location prior to November 2009, primarily around Digbeth and in Lower Hall Lane, with stalls around the outside and in the middle of the open market square. However, in a change, the stalls would extend no further than the Overstrand

Scenario 4: The market relocates to another position entirely. Opportunities to relocate the Market within the town centre are limited, but under this scenario the consultant assessed the following possible locations:

Within the Norton & Proffitt/St. Modwen scheme

Within the Threadneedle scheme

The upper part of High Street and the Digbeth area, reflecting the historic location of the market;

The vacant site previously occupied by Shannons Mill.

The consultants tested the proposals and their likely impact on the town centre having specific regard to the indicators as set out in Appendix D of PPS4 (a policy revision since the previous permission, and set out in the Policy section) :

- A1 – Diversity of main town centre uses;

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- A2 – The amount of retail, leisure and office floorspace in edge of centre and out of centre locations;
- A3 – The potential capacity for growth or change of centres in the network;
- A4 – Retailer representation and intentions to change representation;
- A5 – Shopping rents;
- A6 – Proportion of vacant street level property and the length of time properties have been vacant;
- A7 – Commercial yields on non-domestic properties;
- A8 - Land values and the length of time key sites have remained undeveloped;
- A9 - Pedestrian flows;
- A10 – Accessibility;
- A11 – Customer and residents views and behaviours;
- A12 – Perception of safety and occurrence of crime; and
- A13 – State of the town centre environmental quality.

There has been little change to the type of retail on offer since the original report was undertaken although the consultants have found that the amount of vacant floorspace in the study area has decreased significantly since the 2009 study, the Digbeth Area and Lower Hall Lane still having the greatest amount of vacant unit floorspace but now joined by George Street (excluding Asda).

Whilst there are some signs of improvement reflected in slightly improved retailer demand, the overall picture remains one of further decline. This is demonstrated by the reduction in footfall, continued decline in overall comparison turnover, lack of investment in new comparison floorspace and continuing underperformance against average indices for a town of its size.

The consultants have suggested that the economic downturn along with uncertainty and lack of progress with the investment proposals for the wider St Matthew's Quarter redevelopment (which are leading to an overall deterioration in the environment of the St Matthew's Quarter) were contributing factors to the decline of the Market.

However since its relocation and the introduction of a more stringent management regime of the markets service including new facades for stalls, better control of litter / recycling, improved goods storage and improved security, the vitality and viability of the town centre market appears to have improved. However whilst the markets new location is popular with stall holders and has attracted new occupiers throughout the week this is not a view shared taken by existing retailers around the site.

The key findings that have emerged from this update of the evidence base are that:

- The town centre as a whole is continuing to struggle, as indicated by lower overall comparison turnover, lower footfall and lower bus patronage. The main reasons, in their judgment, are the continuing economic uncertainty and competition from out of centre retail park and larger town centres.
- The relocation of the Market is strongly supported by market traders as the Market has shown signs of improvement in the new position despite the difficult trading conditions.
- There are equally strong views expressed by those investors and retailers whose properties have market stalls outside their shops and who wish to

have them removed because they are adversely impacting on trade and/or may be affected by proposed construction works.

- Conversely, some traders have been adversely affected by the removal of stalls and loss of footfall associated with the Market.

In light of these findings GVA Grimley's main conclusions are as follows:

- The long term viability of Walsall Town Centre is more reliant on private sector developers bringing forward improvements to their investments (for example, Norton and Proffitt / St Modwen and Threadneedle / Zurich) than it is on the Market. As both of these investors have plans to carry out extensive regeneration proposals to their holdings in the next 12-24 months, we consider that any planning consent in relation to the Market should be only for a further 12 months. This will allow a further assessment to be undertaken to respond to the changes necessitated by these schemes and with a view to finding an acceptable short-medium term solution;
- As so many existing retailers / investors have expressed concerns over the location of stalls outside their frontages, the simplest and most pragmatic course of action is to keep the stalls in their current position for the next 12 months rather than to attempt to address some stakeholder needs over others.

On the basis of the above the consultants have recommended that the planning application should seek a further approval to retain the Market in its current location, subject to minor amendments to five stalls / kiosks and the meat wagon and consideration of a 'reserve area' for relocating stalls in Lower Hall Lane.

The planning application seeks a further 12 months consent.

Relevant Planning History

08/1084/FL - Temporary permission for the relocation of market, granted August, 2008. Following a legal challenge, there was a report to Committee in October, 2008 and this led to the revocation of this permission.

08/1624/FL – Application for temporary permission for the relocation of market. Withdrawn 11th November, 2008

09/1276/FL - Relocation of existing Walsall Town Centre Market (100 Stalls) to new temporary location (trading 8am to 5pm, seven days) - option to include 16 stalls in Park Street. Refused 28th October, 2009 (*this was an alternative to the next entry in the history, which was felt to be inappropriate on the information then available*).

09/1277/FL – Relocation of existing Walsall Town Centre Market (100 stalls) to new temporary location (trading 8am to 5pm, seven days) - option to include 8 stalls in Park Street. Grant Subject to Conditions 28th October, 2009 (*This is the implemented permission.*)

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 2005 and others have again been outlined in full below:

The key principles of the Unitary Development Plan are sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion (2.1, 2.2 and 3.6). The town centre is important in many of these things in many ways, and a number of policies touch on this (e.g. GP1, GP2, GP4, 4.6).

Equal opportunities, community safety and the needs of disabled people are identified as important themes (GP5, GP6, GP7, T1, WA19).

Town centres have an important role, especially as the locations for facilities that will attract large numbers of trips (5.1, 5.2, S2, S3, S4).

Much of the town centre is covered by a Conservation Area (there are three overall). The Bridge, and Digbeth as far as Lower Hall Lane, are in one CA, the rest of Digbeth is in the Church Hill CA. Policies 3.15, ENV29 and WA5 set out the intention to preserve or enhance the character of those areas. Good design is important and proposals which do not take into account their context or surroundings will not be permitted (ENV32).

The site adjoins two Listed Buildings (Lloyds Bank, and the Arcade). The UDP has policies on protecting such buildings. Policies 3.14, 3.16, ENV27 and ENV28 address these issues.

Chapter 5 on Strengthening Our Centres sets out a number of issues. The central tenet is encouraging the growth and development of the service and leisure sectors to strengthen the economy and meet the needs of the community (5.1). Enhancing the vitality and viability of the centres is the mechanism (5.2).

Walsall Unitary Development Plan (UDP) Policies S2, S3 and S4 apply. The application site is also in the area covered by Walsall's UDP Development Opportunities WA1, WA2, WA7 and WA10.

Policy WA1 outlines the primary shopping area of the town centre to include Park Street/ Digbeth/ High street and extending into Bradford Street, Bridge Street, Old Square and The Saddlers Centre.

S3 seeks the integration of development into centres. It addresses the scale and nature of proposals, and that this is relevant in functional and visual terms.

Policies S2 and S4 in Chapter 5 set out the importance of the town centre and WA2 addresses the market. Policy WA2 and the associated text, are important in relation to this application, and set out:-

WA2: The Market. ...The Council recognises the importance of the market as an attraction for visitors and the significant role it plays in meeting the needs of the local community. Where necessary, the Council will carry out improvements to the operation and setting of the market, to maintain and increase its attractiveness.

12.5... The market, in Digbeth/ High Street, is an asset to the town. It is a significant shopping draw and contributes greatly to the vitality of the town - both on general market days and on those days when a more specialist market is held. The policy recognises the positive contribution made by the

market and reflects a desire to maintain and increase its attractiveness. An important factor in the attractiveness of the market is the setting in which it is held: the Council is specifically encouraging redevelopment in the Digbeth area, which could provide an opportunity to greatly enhance the setting of the market.

The Digbeth part of the site is within opportunity area WA10. That policy sets out the intention to concentrate major comparison retailing investment in the Digbeth / Old Square area. The continued presence of a department store in Old Square is an objective, as well as its improvement. The policy identifies conflict between the market and the shopping centres and seeks to resolve it.

Designing Walsall SPD

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

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

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

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

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

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

Conservation Area Management Plan for The Bridge and adjoining streets

This identifies that the principal strength of this area lies in the high quality of much of its building stock and this creates many strong opportunities for improvements. It identifies that the style of street furniture and paving materials throughout the conservation area would benefit from review. Some areas currently suffer from too much visual clutter and the design schemes/materials are not always well integrated or locally distinctive. An overall scheme of renewal should be considered.

The Walsall Regeneration Company was spearheading regeneration and one of their schemes involved the transformation of Bradford Place into a major new public space, removing the buses, improving links with the railway station, and linking the Saddlers Centre with the Victorian Arcade and the Jerome Retail Park.

In relation to Park Street it sets out that there is nothing uniform about this streetscape –which means the streetscape has visual interest. The style of paving and street furniture, particularly the excessively large and bulky brown brick municipal planters, could belong to any shopping ‘high street’ in any number of towns of this size. The Grade II listed Lloyds TSB bank on the corner with The Bridge, is an impressive landmark baroque-style building which gives a sense of dignity to the entrance to the street from the town’s main public square. The more general negative features relate to the public realm. While there are several unattractive 1960s and ‘70s infill buildings along the street, the overall attractive and eclectic nature of its buildings manages to prevent these from dominating visually, and they are generally of an appropriate scale. It is really the floorscape and street furniture that detract from the historic quality of the street. The materials used for both the paving (harsh red brick paviers) and the large bulky planters (harsh blue bricks) bear no relationship to the traditional materials used in the construction of buildings on the street of any period, and indeed can be found as standard on most shopping streets.

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The proliferation of black bollards and bins at the junction of Bridge Street and The Bridge is not ideal. Similarly, the lighting scheme, while relatively unobtrusive, would benefit from replacement with a better quality of lamp design.

The paving scheme adopted for The Bridge is a little patchy, with areas of patterned coloured brick paviors and areas of concrete slabs, and the design of the street furniture is rather harsh-looking. It may be difficult, given the significant loss of historic buildings fronting onto the square, to find an overall paving and street furniture scheme that works for this area.

In terms of improvement actions the document refers to the need for integrated improvements to the public realm, including new street furniture and paving, and improvements to the way in which traffic flows around the area, and its relation to pedestrian routes, could have a beneficial impact on the conservation area.

Opportunities exist for further tree planting. For example the planting of trees would help to soften the rather 'hard'-looking space at The Bridge. The addition of trees would help to soften the streetscape at the eastern end of Bridge Street and would be more beneficial than the current planter in screening Nos. 54-68 from the street frontage.

Bradford Place presents a significant opportunity for enhancement, to make it more accessible and appealing to pedestrians and usable as a public square. All forms of new development within the conservation area should draw from the existing historic buildings in terms of materials, scale and massing.

The surviving historic street pattern within the conservation area should be preserved and reinforced where possible by new development. Important views and vistas should be preserved or opened up.

Joint Core Strategy

Since the last application, there have been key policy changes. The RSS and PPS4 issues are set out below. The other issue is the publication of the submission version of the Black Country Joint Core Strategy (BCJCS). The draft versions of both of PPS4 and the Preferred Options of the BCJCS were considered as part of the previous report.

The BCJCS Publication document encourages the regeneration of Walsall as a Strategic Centre to provide a focus for significant new retail development, as well as essential local services. It also emphasises the importance of easy access by walking, cycling and public transport. This has been through the public examination process but the Inspectors report has not yet been published at this stage. The Core Strategy could carry only limited weight.

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.

The revocation and subsequent abolition of the RSS was not anticipated, although the implications for Walsall town centre are unlikely to be significant assuming the BCJCS focus on Walsall as one of four strategic centres is held to be sound.

National Planning Guidance

Since the last application, there has been the publication of PPS4, this replaces

- PPG4 (Industrial, Commercial Development and Small Firms),
 - PPG5 (Simplified Planning Zones),
 - PPS6 (Planning for Town Centres)
- and
- economic development sections of PPS7 (Sustainable Development in Rural Areas).

The purpose of the merged guidance is to streamline national planning policy to create a coherent and comprehensive policy framework for planning for sustainable economic growth in urban and rural areas and especially in town centres.

PPS5 (Planning for the Historic Environment (2010) which replaces PPG15 (Planning and the Historic Environment) and PPG16 (Archaeology), places greater emphasis on conserving and enhancing what is significant in heritage terms about a place, rather than protecting an entire area for its own sake. PPS5 also states that Local Planning Authorities (LPAs) should take into account the desirability of a new development making a positive contribution to the character and local distinctiveness of the historic environment.

PPS1 on delivering sustainable development and good design identifies the need to avoid run down town centres, and the need for sustainable and inclusive action. Good design is important in promoting well mixed, integrated development, and this can promote social inclusion.

PPG13 (on transportation) and PPS4 envisage concentrating uses generating large numbers of people in centres, for sustainability reasons.

Consultations

Transportation – no objections

Pollution Control (Contaminated Land/Scientific Team) – no objections

Environmental Health – no objections

Regeneration Strategy (Planning Policy) – no objections

Public Rights of Way Team – no objections

Fire Service – no objections

West Midlands Police – no objections

Urban Design and Built Conservation Team (Regeneration) – no objections

Centro – Concerns regarding access onto Bradford Place, they consider there may be conflict between buses and pedestrians moving around Bradford Place with market traders egressing from Bradford Street onto Bradford Place.

Drainage – no objections

Public Participation Responses

Agents for the BBC Pension Trust (landlords of 1-11 Park Street, Walsall and 82-87 Bradford Street) object to the 12 month extension of the market relocation particularly with regards to the location of the market on Bradford Street because:

1. the free flow of the pedestrian traffic is inhibited by the close proximity of the market stalls to their clients shop frontages
2. the signage and tenant frontages are completely obscured by the market stalls
3. a number of the market stalls are of competing businesses to that of my clients' tenants

which both indirectly and directly impact upon both their client's investment and tenants businesses and therefore strongly object.

National Australia Group CBRE (units 8/10 Park Street) - Object to the 12 month extension of the market relocation but no reasons given.

Invista Real Estate Investment Management (Saddlers Centre) – object on following grounds:

This is not temporary, it will become permanent....The market was moved to its current location as a temporary measure in 2009 and it is now proposed that the market remains in its current location. When the market was relocated, this was confirmed as a temporary move which our client acknowledged and therefore no objection was raised. It now transpires that it is highly likely that the market will remain in its current location. Our clients preference is that the market should be returned to its original position which our client believes would then benefit the main retail stakeholders in the town.

Current location obscures shop fronts.....The markets presence has led to pedestrian congestion on Bradford Street making the entrance to the Saddlers Centre less attractive to the consumer and in turn reducing the footfall to the centre. this in turn has affected the ability to re-let units not just within the Saddlers Centre but also in the prime retail pitches along Bradford Street.

The market does not make a significant contribution in terms of retail spend, contributing only 2% of the total comparison spend in the Walsall town centre. The GVA Report concluded that the markets relocation should be temporary (12 months) to enable the council to respond to the needs of development interests and to further assess the impact on existing traders and investors through independent survey and monitoring.

Our client disagrees with the report's findings and questions the validity of statements made in the GVA report regarding the continuing decline
The goods sold by the market are frequently identical to those sold in retail units. the low overheads of the market mean they can often undercut the established competition.

Our client believes that if the market is left unchanged will cause untold damage to any future plans to enhance the retail offer and drive away future investment.

No evidence that the appearance of the stalls has been upgraded. Lack of day to day strong management.

In conclusion very concerned about the negative impact the market relocation will have on retailing in the town centre...permanently relocating the market to its current position will not lead to customers returning and the town centre will continue to deteriorate as a retail destination.

Toni and Guy (87, Bradford Street) – object to the renewal of the temporary permission for a further 12 months of Walsall Market

relocation particularly within Bradford Street. In the past 10 months the market stalls located directly outside 87 Bradford Street have been used extremely infrequently. This has resulted in the frontage of our shop being obscured from view and an unsightly, unoccupied market stall being the only thing which can be seen from within our shop.

We do not object to the relocation of the market and in fact actively encourage proposals to regenerate the town centre, we would just ask the market stalls outside 87 Bradford Street are relocated if not removed. They are very rarely used and during the time they are used other adjacent stalls remain empty which could be used in their place should enough traders require them. I'm sure the above statement can be validated by the market managers records since the relocation.

In summary, we would respectfully request that the stalls outside the front of our premises (stalls 15 – 18 inclusive) are relocated or removed and we are given a fighting chance to weather this recession and hopefully be a part of Walsall Town Centres' future.

Ryman (84 Bradford Street) - object to the market stalls as they are a nuisance and obstruct the entrance to our store as well as affecting trade.

Shoe Zone (83, Bradford Street) – do not object to the proposals subject to the stalls maintaining at least a 2 metre gap between them and the shop fronts to allow sufficient space for a pedestrian walkway.

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

Determining Issues

- Policy and Policy Changes

- Relationship between town centre and market

- Previous determining issues and their relevance:

The determining issues set out below seek to draw out the new issues that need to be considered in this application, but also hark back to those determining issues from the last occasion that remain relevant.

- The Development Plan and Other Policy Implications
- Impact on Bradford Place Bus Services
- Implications for the Conservation Area/Listed Buildings
- Town Centre Security
- Accessibility / Free Flow of Pedestrians / Amenity / Safety
- Other Mechanisms to Support Servicing/ Delivery and Collection Of Goods
- Mechanisms to Support Access for People with Disabilities

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- Market Management (Refuse Collection, Recycling and Disposal, Street Cleansing, Storage of Goods)
- Days of Market Operation

Observations

Policy and Policy Changes

As recorded in the Policy section, since the last application, the key policy changes have been the publication of PPS4, the abolition of the West Midlands RSS, publication of the submission version of the Black Country Joint Core Strategy (BCJCS) and the adoption of PPS5 (Planning for the Historic Environment (2010) which replaces PPG15 (Planning and the Historic Environment) and PPG16 (Archaeology).

As set out above, GVA Grimley have assessed the performance of the town centre against the health check indicators outlined in annex d of PPS4 which they grouped together under 5 separate headings:

- Retail hierarchy and indicators
- Growth prospects and retail demand
- Performance of the town centre
- Town centre movement
- Town centre perceptions

There are no policies which resist the relocation of the Market.

The retention and improvement of Walsall Market has support in both national policy guidance (at a general level) and, specifically, in local planning policy. The Unitary Development Plan recognises the role of the Market and seeks through its policies to secure improvements to it. Policy WA2 of the Walsall UDP seeks to secure improvement in the Market, albeit the supporting text assumes this would be in its existing location in Digbeth / High Street. Whilst the Unitary Development Plan may have anticipated that the Market would remain in its previous location at Digbeth, there is no specific policy provision requiring this provided a reasonable planning justification is made to support a proposal for relocation. The existing permission was given against the same background.

Relationship between town centre and market

The consultant's report with this application records key findings that:

- The town centre is struggling, with lower overall comparison turnover, footfall and bus use.
- There is continuing economic uncertainty and competition.
- The relocation is strongly supported by market traders as the Market has shown signs of improvement in the new position.
- Retailers and investors around the present market perceive an impact on their turnover because the new stalls have obscured their shop frontages and impacted on their business
- The Arcade has suffered from the removal of stalls resulting in a significant reduction in footfall through the Arcade, though their entrance in Digbeth has suffered from congestion and reduced visibility.
- Threadneedle, in relation to Old Square comment on the impact of a reduction in footfall caused by relocation of the Market on Old Square, this is corroborated by

the Old Square centre manager (this was a view received as a result of the consultation carried out with key stakeholders).

- The viability of the town centre is more reliant on private sector developers bringing forward improvements
- Investors have plans for regeneration in the near future
- consent for the Market should be only for a further 12 months to allow further assessment if these schemes commence
- moving the market for the next 12 months is not an option they support
- Since the markets relocation, evidence has shown that there has been an increase in both rental incomes and number of stalls being let.

It is clear from this material that there is a strong relationship between the market and the shops around it, and this can be both positive and negative. There is, as a result, no clear direction for the future of the market in this information, at present.

The future of the town centre is also affected by larger economic factors, regional and national. These influences are not affected by the location of the market.

The consultants do not consider that moving the market back to its original setting would have any detrimental impact on the town centre turnover, as a whole. However, they do advise that moving the market back without any redevelopment works in Digbeth, to stimulate more confidence in the town centre could risk a further deterioration in the vitality and viability of the centre. Whilst the majority of retail occupiers and investors would welcome the return of the Market to its original position the Market Traders would not support such a move and would more than likely result in the demise of the market per se. It was concluded last year that without the temporary consent and relocation to The Bridge, the market was unlikely to continue to operate and this continues to be the risk. This in turn would probably have a negative impact on the operation of surrounding businesses. A key consideration in giving a one year permission was to test the implications of the new site for the rest of the town centre. The recommendation is that, on balance a further year is appropriate in the wider interests of the viability of the town centre and in order that a further monitoring can be undertaken.

Previous Determining Issues

The following outlines the previous determining issues which resulted in the temporary approval of the market in its current location. For most those previous issues have not changed to such an extent that they will impact on the determination of this application.

Impact on Bradford Place Bus Services

Centro again have raised the same concerns to those previously raised, namely the suggested need for a transport assessment / surveys to ensure bus services will not be unduly delayed by traders' vehicles, and how this will be controlled, impact of traders vehicles exiting onto Bradford Place may hinder free flow of buses. They also suggest that the trading hours will result in conflict with buses at peak times, and potential safety issue for stallholders and customers.

However, no evidence has come forward to support Centro concerns and in the absence of such the overall increase in traffic in Bradford Place is not judged to be a significant risk to the safety of this area.

Transportation officers agree with these conclusions.

Implications for the Conservation Area/Listed Buildings

The main part of the site is on The Bridge, and in the associated Conservation Area.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities (or the Secretary of State) when considering whether to grant consent for listed building works. The Act states that the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The duty to pay "special" regard makes this a positive duty not merely one to take this matter into account.

The proposal has no significant, permanent effects on the street scene. It has no physical effects on the nearby Listed Buildings (Lloyds Bank which is currently shrouded by scaffolding, and the Arcade) or the buildings in the Conservation Area (the remainder of the area round the application site).

It is clear that the presence of the market on The Bridge has had an impact on the character and appearance of the Conservation Areas, and the setting of the Listed Buildings. However the judgement that needs to be made is whether it would preserve or enhance the Conservation Areas, or harm the setting of the Listed Buildings. With a proposal such as this, the conclusion is very much a judgement. There is no doubt that the market's presence has added new experience and activity in this locality which is considered important in such a town centre location but it also appears to sit comfortably within the CA and close to the Listed Buildings without any detrimental impact. The conclusion is that there is no reason in these issues to oppose a new permission.

Town Centre Security

There are no objections or concerns raised by the Police to this planning application, the potential concerns raised by the last application regarding possible security issues have not materialised and therefore this is not considered to be an issue. The measures put in place to prevent any security issues have clearly proved to be adequate.

Accessibility / Free Flow of Pedestrians / Amenity / Safety

Consultation has been undertaken with West Midlands Fire Service, Police and Ambulance Services and appropriate Council officers to ensure the operation of the new market does not adversely affect access for emergency vehicles, servicing vehicles and pedestrians. Neither the Fire Service nor the Police Authority object to the renewal of this temporary permission.

The new management regime appears to be working well with enforcement of the guidelines being undertaken by the Council's Markets Team and Council's Civil Enforcement Officers and the emergency services.

Other Mechanisms to Support Servicing/ Delivery and Collection of Goods

Walsall Council Markets Team continue to work with the Traders Association to oversee the servicing and setting up of the market and to ensure that encroachment on vehicle routes is not compromised. The amended Traffic Regulations Order (TRO) which is now in place enables market traders to pack down their stalls at 1700 hours - an hour earlier than the previous TRO.

This has allowed the traders to depart from the market during a period of trading time which is very quiet for them and also to allow street cleansing operations to commence earlier.

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The current TRO is operating as an experimental one only, this will need to become permanent to address the needs of the market and its operations. If at such time the market relocates to a more permanent location then the TRO will again need to be examined.

Mechanisms to Support Access for People with Disabilities

The overall design considerations to maintain pedestrian and vehicle access as previously outlined have been designed to ensure pedestrians (whatever their disability) have opportunities to access the proposed market site, and move safely through it. The designs have been led by best practice design guidance for people with disabilities such as the Department for Transport's Inclusive Mobility Guide (2005) and have been informed through consultation with disability groups (Walsall Disability Forum).

The 3 metre distance between shop fronts, and stalls and the 4 metre access for vehicles, will enable mobility impaired and visually impaired pedestrians to circulate in the market area. These distances meet with minimum good practice guidelines (DfT 2005 pg 7). A distance of 2 metres is maintained between each market stall and the street furniture (e.g. benches and phone boxes) where possible. The exception is in Bradford Street where a pinch point is found due to the location of a bin serving a market stall, but alternative routes between stalls can be found and the distance over which the pinch point is created is less than 2 metres.

All other proposals and measures which have previously been implemented are relevant and acceptable.

Market Management (Refuse Collection, Recycling and Disposal, Street Cleansing, Storage of Goods)

The current refuse collection which was introduced following the relocation provides new arrangements for the separation, recycling and disposal of waste from the Market. All bins and roll cages are monitored by the market staff during trading hours and replaced when full. These arrangements would continue if this application was successful.

Days of Market Operation

The market will continue to operate on Monday, Tuesday, Wednesday, Friday and Saturday, but with occasional markets on other days. The stalls will remain in position.

Conclusion

This application seeks to continue operating the market in its current location for an additional twelve months. This time period is a result of advice from GVA Grimley who were requested to update their previous assessment of the impact of the town centre market relocation.

The market has been operating in its current location for the past ten months, whilst the original analysis indicated that it anticipated a reduction in overall turnover it has operated well since its relocation. This may have been in part attributed to the improved management regime, the new outlook of the stalls, better control of litter / recycling, improved goods storage and improved security. Also the number of stalls being let and the number of permanent traders has increased again. No distinction can be made as to whether its improved success is as a result of its relocation or

improvements to appearance, environment and management; or general economic influences on customer spending patterns.

The consultant's updated report indicates that the town centre is continuing to struggle primarily because of the continuing economic uncertainty and competition from out of centre retail park and larger town centres. The relocation of the Market and this subsequent request to retain it for a further 12 month period is strongly supported by market traders, however there are equally strong opinions and objections by investors and retailers whose properties have market stalls outside their shops and who wish to have them removed because they are adversely impacting on trade and/or may be affected by proposed construction works. Conversely, some traders have been affected by the removal of stalls and loss of footfall associated with the Market.

In balancing these competing positions, there is no clear scenario that outperforms the others and as such and in line with the recommendations and findings of the consultants it is accepted that a further approval to retain the Market in its current location should be supported subject to minor amendments to five stalls / kiosks and the meat wagon and consideration of a 'reserve area' for relocating stalls in Lower Hall Lane. The markets location is better for the town centre as a whole having regards to the role the market currently plays in a challenging economic climate.

Summary of Reasons for Granting Planning Permission

Local and National planning policy states that maintaining the viability and vitality of a town centre is essential. The relocation of the town's market to its current location has resulted in an improved market with an increase in market stalls being let.

Policy WA2 of the Unitary Development Plan seeks the improvement and retention of the market. While it is clear from the wording that this was envisaged, when the policy was originally drafted, as being in Digbeth / High Street, the objective of the policy is to ensure that a vital and viable market is retained in the town centre. The relocation of the market has clearly improved the vitality and viability of the market to the benefit of its long term retention.

The issues raised by the objectors about the impacts of the new market stalls have been recognised and some stalls have been repositioned so as not to impact on some existing traders. The consequences of relocating from Digbeth, on traders and owners in that area, are comparable with those which would result from the continued decline of the market if it remained in that location, such that this is a neutral factor in the decision to approve the continued relocation. The continued anticipated growth in the strength of the market, drawing from this further temporary permission, will offer potential gains for traders such as those in Digbeth from the stronger and more attractive market close to their shops. Limiting the duration of the planning permission to one year will enable the effects of the relocation to be monitored and reassessed at the end of the temporary period.

The positive benefits of the markets presence support this proposed location. The proposed layout will allow and maintain good accessibility and free flow of pedestrians, protect the amenity, security and safety of users and occupiers of the town centre and conserve and enhance the appearance of the conservation area and Listed Buildings. Consequently, subject to the continued implementation of the approved town centre management plan and vigorous control through the use of planning conditions and other regulations, the resiting of the market is considered to

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be in accordance with the Unitary Development Plan in particular policies 2.1, 2.2, GP1, GP2, GP 4, GP5, GP6, GP7, 3.6, 3.14, 3.15, 3.16, ENV29, ENV32, 4.6, 5.1, 5.2, S2, S3, S4, T1, WA1, WA2, WA5, and WA19 and national policy as set out in PPS1, PPS4, and PPS5.

Recommendation: Grant Permission Subject to Conditions

1. The relocation of the Walsall market to the approved site shall cease no later than 1 year from the date of this decision. Within two months of the market vacating the temporary site approved by this permission, that site shall have been made good and returned to its original condition prior to the market's temporary siting (with the exception of any below ground works), unless otherwise agreed in writing by the Local Planning Authority. The works shall include reinstatement of bins, benches, planting areas and advert hoardings and making good any surfaces which may have been damaged resulting from the siting of the stalls and power supply pods, or other works/activity.

Reason: To enable the Local Planning Authority to retain effective control over the site and to protect the amenities of the area.

2. The shaded footprint area of the individual stalls shall dictate the limit of the stall sales area and no stall shall extend the display sales table surface area beyond the limits of the stall.

Reason: To ensure free movement is maintained around the stalls at all times in the interest of highway safety.

3. No stall retractable canopy extensions shall encroach onto the vehicular corridors at any time and any stall retractable canopy extensions which may be required to overhang over the pedestrian corridors shall not be below a height of 2.1m, at any point.

Reason: To prevent accidental vehicle and pedestrian contact and in the interest of highway safety.

4. Those areas designated for pedestrian movement shall be retained for that purpose only and shall be kept clear of obstructions at all times.

Reason: To allow for the free flow of pedestrian movement

5. The areas designated for vehicular and emergency access shall be kept clear of obstructions at all times and retained for those purposes only.

Reason: In the interests of highway safety and to ensure access for emergency vehicles is maintained at all times.

6. All waste generated by the market during trading hours and temporary or removable bin storage shall at the end of trading be removed from the site fully. Only public waste bins which have been re-sited as a result of the market relocation will be allowed to remain in situ.

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

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

Reason: To ensure the satisfactory appearance of the development.

8. The approved management strategy for the site shall be fully implemented at all times, any amendments to the strategy shall be submitted to and approved in writing by the Local Planning Authority before they are first put into operation.

Reason: To ensure the environmental quality of the town centre is enhanced.



Planning Committee
Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

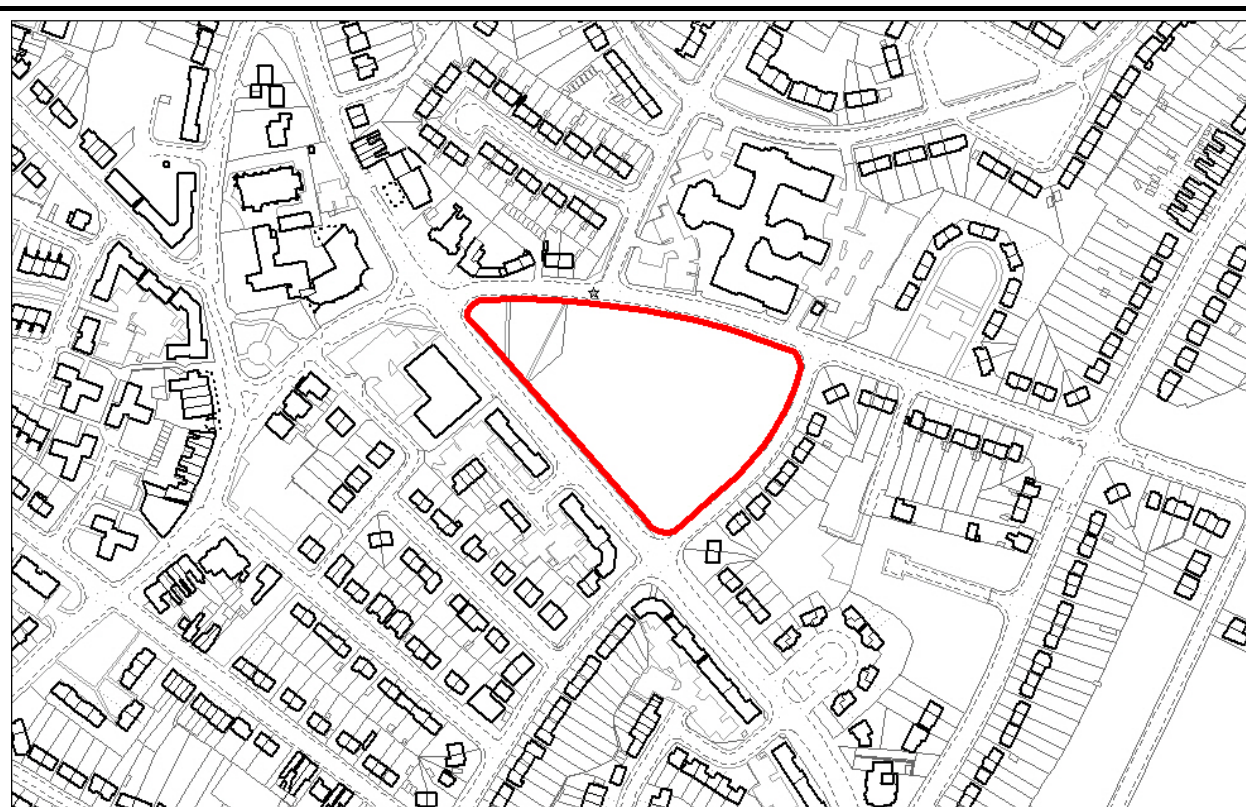
Reason for bringing to committee: Major Application

Application Number: 10/1047/FL
Application Type: Full application

Applicant: Walsall Housing Group
Proposal: Construction of 71 no. affordable dwellings, comprising 39 flats and 32 houses.
Ward: Bloxwich East

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: BM3 Architecture
Location: LAND AT BARRACKS LANE, BLAKENALL, WALSALL, WS3 1LQ
Expired Date: 03/11/2010

Recommendation Summary: Delegate to the Head of Planning and Building Control subject to confirmation of the viability of the scheme including amendments to any conditions that may be required.



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Application and Site Details

The site comprises a roughly triangular area of land bounded by Walker Road, Barracks Lane and Guild Avenue. The site is now cleared but was formerly occupied by 44 semi detached and terraced houses.

The site is situated on the edge of the Blakenall local centre, with the north western corner of the site actually within the local centre boundary. The local centre provides a community centre, church and nursery school as well as local shops and services.

The surrounding area is predominantly two storey residential properties to the east on the opposite side of Guild Avenue and beyond. To the north is the Blakenall Village Centre, which provides a medical centre, library, pharmacy as well as offices for local services. To the south are modern three storey apartments fronting Walker Road and to the west the Blakenall local centre.

This application is a revised scheme following a previous approval at the site in 2008 for 42 flats and 32 houses and now proposes to provide 39 apartments and 32 houses mix tenure, within three new street blocks created by two new shared surface access roads through the centre of the site.

The accommodation would be; 2 x 1 bed apartments, 37 x 2 bed apartments, 16 x 2 bed houses, 14 x 3 bed houses and 2 x 4 bed houses, approx 42 affordable housing units would be provided (26 rented flats, 9 rented houses and 7 shared ownership houses). The proposals would provide a mix of two, three and four storey flats and two storey detached and semi detached houses. One gated secure parking court would be provided for the apartments as well as frontage parking and driveway and undercroft parking for the houses. 175% parking would be provided for the houses and approx 100% parking for the apartments. Pedestrian access would be provided to both the street and the rear amenity/parking areas of the flats. Private rear gardens would be provided for each house and communal private amenity space for the flats as well as bin and cycle storage and landscaping.

The properties would front Walker Road, Barracks Lane and Guild Avenue as well as each side of the newly created vehicle access routes through the site, creating three perimeter blocks. One access route would run between Walker Road and Barracks Lane across the centre of the site but with no vehicle access into or from Walker Road, with a further route from Guild Avenue meeting it in the middle. 36 of the proposed apartments would be provided within the north western street block with amenity space and parking court in the middle, the houses and the remaining 3 apartments would form the other two street blocks.

Two houses and two flats will be adapted for wheelchair use and occupation.

The properties have been designed in accordance with national design and sustainability guidance and a mix of materials are proposed including, red brickwork, render, grey and red hanging brick tiles, grey roof tiles and the inclusion of solar panels within the layout.

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

- **Design and Access Statement**
Provides an analysis of the area, the accommodation proposed (including the tenure mix), the design principles adopted and analysis of massing, appearance, materials, landscaping and trees, as well as discussing the access and parking arrangements.

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- **Extended Phase I Habitat Survey**

Recommends that the two nature conservation sites some distance to the east are not anticipated to experience adverse impacts from the proposed development. A habitat/species enhancement scheme should be incorporated into the landscape scheme and tree protection to any trees to remain should be provided. Construction works should be commenced outside the nesting bird season, if this is not possible then suitable nesting habitat should be checked for nesting birds and if found the nest should remain intact.

- **Walkover Survey and Desk Study (Ground Contamination)**

The report was undertaken in February 2010. The report recommends further investigations including an intrusive investigation to assess the ground conditions and the monitoring of ground gas and rotary boreholes to assess the geology to establish the risk of shallow mine workings.

- **Noise Assessment**

The report concluded that the majority of the site is classified as Noise Exposure Category (NEC) B during the day and NEC A towards the central region of the site and no specialist acoustic mitigation is required. The use of thermal double glazing with acoustic trickle vents is recommended. No additional mitigation is required to protect rear gardens.

- **Transport Statement**

The traffic generating potential of the site has been estimated using the same trip rates previously used to estimate the traffic from the already approved residential development of the site. These are considered to be robust and a worst case analysis of the traffic situation. The level of traffic that will be generated is slightly less than that for the previous approved scheme. Accessibility by walking, cycling and public transport is considered excellent, as the site is situated adjacent to the Blakenall local centre.

The site area of 1.18 ha would provide a density for the proposed development of 60 dwellings per hectare.

The applicants have indicated that once a partner for the scheme has been confirmed a full viability assessment for the scheme will be provided for appraisal by the District Valuation Service (DVS).

Relevant Planning History

Various applications for demolition of the dwellings on the site.

07/2330/FL/E9, erection of 78, 1 2 3 and 4 bed dwellings and associated parking, Withdrawn 13-12-07.

07/2647/FL/E9, construction of 74 x 1, 2, 3 and 4 bed dwellings with associated parking, granted subject to conditions and S106 14-03-08.

Relevant Planning Policy Summary

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

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

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

GP1: The Sustainable Location of Development

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Relates to sustainable development, the location of facilities where they are accessible to everyone and minimise the need to travel.

GP2: Environmental Protection and Policy 3.6

Requires new development to contribute to the improvement of the environment.

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

GP3: Planning Obligations

Used to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by the development.

GP7: Community Safety

Proposals are expected to have regard for the objectives to designing out crime.

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

Policy 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 and creates a sense of place.

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved.

H4: Affordable Housing

25% of total dwellings shall be affordable homes.

H9: Minimum Densities

Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites, but significantly higher densities exceeding 50 dwellings per hectare will be encouraged if close to local centres.

H10: Layout, Design and Dwelling Mix

Requires a high quality living environment to be created, well integrated with surrounding land uses and local character.

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

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

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

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.

ENV34: Public Art

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

LC1(d): Urban Open Space

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

Policy 8.8 and 8.9 indicates that residential developments will only be permitted where adequate school capacity and health care provision exists or can be provided.

The Council will require developers to make a contribution to the costs of providing these facilities.

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Flats with communal parking 1.5 spaces per unit

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.

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.

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) (April 2006)

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Education (SPD) (February 2007)

Requires a contribution towards local education facilities on residential developments of 10 units or above.

Affordable Housing (SPD) (July 2005)

Requires provision of affordable housing in developments of at least 1 hectare or 15 dwellings.

Healthcare (SPD) (January 2007)

Requires a contribution towards new or enhanced community healthcare facilities in developments of 1 hectare or 30 dwellings.

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

Expands on the policies contained within the environment chapter of the UDP. The document provides criteria for when a bat survey is required and the requirements of the survey and advise on development that may affects 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: Delivering Sustainable Development, emphasis is give to the need to reject poor design and the need for sustainable development.

PPS 3: Housing, the objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use
- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

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

Consultations

Transportation – No objections subject to conditions. A revised plan is required to include an autotrack to ensure a refuse vehicle can negotiate the proposed layout, the extent of adoptable highway, revised parking layout for plots 40, 41 and 42 and visibility splays. The proposals would provide 100% parking for the apartments and 175% for the houses, which is considered acceptable. The Transport Statement submitted updates that submitted with the previous approval and concludes that the scheme will generate a marginally less traffic. Appropriate conditions recommended.

Pollution Control – Scientific Team – no objections subject to conditions to ensure noise mitigation measures incorporated in accordance with the noise report and to control the hours of working on site.

Contaminated Land Team – no objections subject to conditions to ensure an intrusive investigation is carried out to assess chemical contamination, ground gas, geology and risk of shallow mining.

Fire Officer – Satisfactory access for fire appliance.

Education Walsall – The level of surplus places in local secondary schools is below 10%, therefore a contribution towards secondary school provision is required of £118,931.10.

Landscape Officer – No objections subject to condition to ensure submission of full planting details.

West Midlands Police - no objections. The development is situated in a high crime area for both burglary and vehicle crime and therefore Secure By Design accreditation should be sought. Specific design guidance offered which has been forwarded to the agent.

Housing – support for the proposals which will provide much needed mixed tenure housing in the area. Two wheelchair adapted houses are proposed and welcomed, two additional ground floor flats also need to be wheelchair adapted, although not shown on the submission the applicant has agreed to provide these. An indicative tenure scheme is provided, which is supported which would provide more than the requisite 25% provision of affordable housing on the site.

Drainage – no objections

Severn Trent Water – no objections subject to condition to ensure suitable drainage and an informative for the applicant.

Urban Design – no objections. The site lies within the Goscote Lane Corridor and is covered by a masterplan commissioned by WHG and Walsall Council. The proposals conform to the guidance and aspirations within the masterplan and would provide homes that will be durable, adaptable, attractive and will inspire pride in the community. The proposal will contribute to a positive sense of place within Goscote. The proposals are based on acceptable principles of layout, design and sustainability. The appearance of the buildings have taken inspiration from features within the local vernacular.

Public art – in order to comply with the SPD a public art contribution would be required. The site has been carefully designed and the space used to maximum without appearing overcrowded, therefore accommodating a physical piece of public art would be inappropriate. It is therefore proposed that a piece of art work is delivered that does not rely on tangible forms of artwork and focuses instead on community engagement. Almost half of the properties within the site will be owned by WHG so there will be an on-site community presence to become involved in the project and the brief can reflect this. Condition recommended that requires the provision of a public art statement, through the appointment of a public art consultant.

Centro – no objections, the development is within minimum standards for accessibility to public transport, with frequent bus services operating along Walker Rd. The development would benefit from a Residential Travel Plan.

Environmental Health – no objections

Public Participation Responses

None.

Determining Issues

- The principle of residential development.
- The design and layout of the proposals
- Impact on surrounding occupiers
- Access and parking arrangements
- Provision of Education, Urban Open Space, Affordable Housing, Healthcare and Public Art

Observations

Principle of residential development

The application site comprises previously developed, now vacant land and would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which encourage the reclamation and development of derelict and previously developed land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and PPS 3 – Housing, encourages development of brownfield sites for residential purposes.

The site is in a predominantly residential area, close to local services, shops and bus routes and is a sustainable location. Residential development on the site is therefore appropriate.

The proposal would provide a density of 60 dwellings per hectare which is above the 30-50 dwellings per hectare suggested in Policy H9 (a) as suitable for most sites, but Planning Policy Statement 3 no longer requires Local Authorities to meet the density within this range. The site is well served by a local bus route and is partly located within the Blakenall local centre where higher densities exceeding 50 dwellings per hectare are encouraged in Policy H9 (c) i and PPS 3. The proposal would make efficient use of the land in this context.

Design and Layout.

The key principles of the layout and design of the scheme are to create active frontages to each of the three existing roads and the new two shared surface access routes through the site to enhance the street scene, provide a development of an appropriate scale and character to the surrounding pattern of development, create feature buildings to mark prominent corners, clearly define public and private spaces and create a safe and secure environment.

The inclusion of the new vehicle routes through the site creates three distinct street blocks and allows all the properties to address the street frontages and create private space to the rear.

The proposals provide a high degree of built form along the street frontages to reflect the surrounding pattern of development. The Walker Road frontages would comprise two and three storey units facing the existing three storey modern residential development opposite rising to four storey on the corner. Two and three storey would also be provided fronting Barracks Lane, facing the existing Village Centre which is a dominant building in the neighbourhood. Two storey properties would be situated on either side of the new access routes through the site, which would be narrower and a

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reduced height would be more appropriate, and two storey properties facing the existing two storey semi detached houses in Guild Avenue. The proposals would relate well to the scale of the existing surrounding development and are appropriate.

The junction of Barracks Lane and Walker Road is an important corner, visible for some distance from the west and from the local centre, a four storey element of the apartment building is proposed on the corner providing a corner feature within the design to properly address the corner and create a landmark. On a similar basis the junctions of Walker Road/Guild Avenue and Guild Avenue/Barracks Lane would be addressed by two wide fronted houses set at right angles to each other to form an 'L' shape to create corner features.

The appearance of the buildings has taken inspiration from features within the local vernacular, in particular materials that typify the Midlands' local distinctiveness and re-work these in a more contemporary style to add a sense of quality and innovation. The scale of dwellings incorporates Lifetime Homes, which is a positive feature.

The proposals provide shared private amenity space for the apartment blocks, to the rear with access from the buildings and each house would have its own private rear garden. The shared amenity space for apartment block 1 would provide an area of approx 500sqm for 36 units which equates to approx 14sqm per apartment slightly below the 20sqm guidance in appendix E of Designing Walsall but is considered acceptable in this instance. All the amenity space and gardens would be provided within the secure street blocks. Approx 43% of the houses would have garden areas below the 68sqm guidance in Designing Walsall, but this reflects the surrounding pattern of development where a mix of garden sizes exists. Residents would also benefit from a large area of public open space off Shakespeare Crescent, approx 350m to the east of the site. In this case the garden sizes are considered appropriate and it is also important to remember the overall aims of redevelopment and regeneration of the area.

One of the street blocks is roughly triangular and so the houses are set at an angle to each other at the rear. Whilst the 24m separation distance guidance in Designing Walsall is not met in all cases, the properties are set at an angle to each other there, positioned around the frontage of the site, with no property looking directly into any other. As the habitable room windows would not directly face each other there would be no undue loss of privacy.

Impact on surrounding occupiers

As the proposals occupy the whole of an existing single street block and the scale of the proposed development is in context with the existing surrounding properties, the proposals would have no adverse impact on the amenities of the surrounding residential occupiers.

Access and Parking Arrangements

It is proposed to create two new vehicle access routes through the site, running from Barracks Lane to Walker Road and from Guild Avenue to meet the other new route in the centre of the site. These routes would be adopted highway, in the form of a shared surface creating a route with properties and parking on the frontages either side. The new route would provide pedestrian and cycle access only onto and from Walker Road, no vehicle access would be permitted, but would require vehicles to enter and leave via Guild Avenue and Barracks Lane.

Parking would be provided in the form of a parking court and street frontage parking for the apartments in block 1 at 100%, below the 150% maximum provision of Policy T13. For apartment block 2 a garage would be provided for each units below plot 39 and each house would have driveway and parking below the first floor of the building. 175% parking would be provided for the houses, which is slightly below the 200% maximum provision in policy T13. Whilst the level of parking is slightly below the maximum requirements of Policy T13 of the UDP, it is a maximum requirement and the level proposed is considered appropriate by Transportation given the sustainable location so close to the local centre and public transport facilities.

The parking court to the rear of apartment block 1 would have a gated and secure access point from the new access route and disabled parking spaces are included and the parking court would be overlooked by surrounding properties, which would create a safe and secure space.

Provision of Education, Urban Open Space, Affordable Housing, Healthcare and Public Art

Education

The level of surplus places in local secondary schools is below 10% therefore a contribution of £118,931.10 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP.

Urban Open Space

An Urban Open Space contribution of £108,230.00 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP.

Healthcare

A Healthcare contribution of £60,719.40 is required to comply with Policy 8.9 of the UDP and Healthcare SPD.

Affordable Housing

25% affordable housing at 100% social rent would be required on site to comply with the Affordable Housing SPD and saved policy H4 of the UDP. The proposals include an indicative schedule of tenures which would provide 35 units (2 x 1 bed apartments, 24 x 2 bed apartments, 5 x 2 bed houses, 2 x 3 bed houses and 2 x 4 bed houses) for social rent and 7 units (2 bed houses) for shared ownership within the development, which equates to 59% of the development as affordable housing. The proposed layout and tenures therefore complies with policy. An appropriate condition is attached to ensure the provision of the units.

Public Art

The Council's policies relating to public art have, until recently, sought S106 contributions to be used cumulatively in a strategic way. Due to recent government changes this is not an option at present and to fulfil the Council's policy requirement for applications for 10+ dwellings public art must be delivered that relates to the site more specifically.

Ordinarily the Council's advocated best practice method for delivering public art as part of developments with an artist(s) being involved from inception rather than post-planning permission. Due to the government policy changes being introduced recently, the development has been designed and this application submitted prior to these changes and therefore the opportunity to involve an artist in physically designing the development has not been possible.

The site has been carefully designed and the space used to the maximum without appearing overcrowded. Therefore, accommodating a physical piece of public art would be inappropriate. It is therefore proposed to provide a piece of artwork that does not rely on tangible forms of artwork and focuses on community engagement. As almost half of the proposed properties will be owned by WHG there will be an on-site community presence that could become involved in such a project and the brief can reflect this.

A condition is attached which will require the submission of a public art statement. A public art consultant should be appointed to assist in selecting and interviewing appropriate artists who would be able to focus on working with the community (potentially based on future residents of this site).

The applicant has indicated that once a partner for the scheme has been confirmed a viability assessment for the above contributions will be provided for appraisal by the DVS. The outcome of this will not be known until after your Committee have considered this report. Members are therefore requested to delegate this decision to the Head of Planning and Building Control subject to confirmation of the viability of the scheme.

Summary of Reasons: Delegate to the Head of Planning and Building Control subject to confirmation of the viability of the scheme including amendments to any conditions that may be required.

The proposals provide a high quality design and layout, which incorporates two new access routes through the centre of the site to provide three street blocks. The proposal makes good use of previously developed land within a sustainable location and integrates well with the surrounding layout. The design of the properties whilst contemporary include key characteristics of the properties in the surrounding area, and include a mix of materials.

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

Whilst a number of gardens proposed do not meet the 68sqm area required by Appendix E of Designing Walsall, the proposed mix of garden sizes reflects the surrounding pattern of development. Residents would also benefit from a large area of public open space off Shakespeare Crescent, approx 350m to the east of the site.

The level of parking whilst falling below the maximum guidance within policy T13 is considered appropriate in this highly sustainable location.

The proposed development is considered to comply with the relevant policies of the development plan, in particular saved policies 2.1, 2.2, 3.16, GP1, GP2, GP3, GP7, 3.114, 3.115, ENV14, ENV32, ENV33, ENV34, H3, H4, H9, H10, LC1(d), 8.8, 8.9, T7 and T13 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Document: Designing Walsall (2008), Supplementary Planning Document: Urban Open Space (2006), Supplementary Planning Document: Education (2007), Supplementary Planning Document: Healthcare (2007) and Supplementary Planning Document: Affordable Housing (2005).

Recommendation: Delegate to the Head of Planning and Building Control subject to confirmation of the viability of the scheme including amendments to any conditions that may be required.

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

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

2. Prior to the commencement of the development, samples of all facing, roofing and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details.

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

3. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained as such.

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

4. Full details of existing and proposed levels of the site, roads, access routes and floor levels for the proposed dwellings, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this approval. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development. The development shall be carried out and retained in accordance with these approved details.

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

5. No occupation of the development shall take place until suitable noise mitigation measures to protect internal areas, as detailed by recommendations contained in report reference D131296_NOIS_JMI from Scott Wilson, submitted on 4th August 2010 have been fully implemented.

Reason: In order to ensure a satisfactory living environment for the residential occupiers.

6. Prior to the commencement of development written confirmation shall be submitted to the Local Planning Authority that Walsall Waste Management are satisfied that the proposed refuse collection arrangements, particularly in relation to apartment block 1, are acceptable.

Reason: To ensure the satisfactory operation of the development.

7. Prior to the first occupation of any new dwelling fronting an existing street, all redundant footway crossings in that street shall be removed and reinstated back to

full kerb height and, any new footway crossings to serve the new dwellings shall be constructed, all to a specification to be agreed in writing with the Local Planning Authority.

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

8. Prior to the development first coming into use, full details of the proposed anti motorcycle barriers, between Walker Road and the north/ south access road, shall be submitted to the Local Planning Authority for approval in writing. The agreed measures shall be implemented prior to first occupation of any unit on the site and thereafter retained.

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

9. The development hereby permitted shall not be brought into use until the accesses, turning area's and parking facilities shown on the approved plan have been properly consolidated, hardsurfaced, drained, and the parking bays clearly demarcated on the ground in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained and kept available for those uses at all times.

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

10. All individual driveways that join a footway or shared surface shall provide a pedestrian visibility splay measuring 2.4m x 3.4m and within those splayed areas nothing shall be erected, planted or allowed to grow that exceeds a height of 600mm above carriageway level.

Reason: In the interests of pedestrian/vehicle inter-visibility and highway safety.

11. The development shall be constructed in accordance with the Code of Sustainable Homes Level 3 relating to energy efficiency / CO₂, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and saved policy GP2 of the Walsall Unitary Development Plan.

12. Prior to the commencement of development on site full details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include paved areas, a detailed planting plan clearly identifying proposed planting areas, areas of turf, location of proposed trees, correct botanical names, sizes at planting and planting densities of all proposed planting, details of how trees would be staked and topsoil specifications. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced

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

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

13. The delivery of Affordable Housing for the site shall be provided in accordance with the Tenure Mix Schedule included in the Design and Access Statement received by the Local Planning Authority on 4th August 2010 within a 15% tolerance.

Reason: In order to define the permission and comply with Policy H4 of the UDP and Supplementary Planning Document: Affordable Housing.

14. Two houses and two apartments adapted for wheelchair occupation shall be provided within the development.

Reason: In order to provide appropriate accommodation for disabled people in accordance with saved policy GP6 of Walsall's Unitary Development Plan.

15. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

* Bank and Public Holidays for this purpose shall be: Christmas Day; Boxing Day; New Years Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

16. Within 6 months of commencement of work on site a public art statement shall be submitted that demonstrates the following:

- i. A description of the relationship between the Public Art Statement and the Local Authorities' public art policies and/or strategies
- ii. Details of the appointed artist(s) contribution to delivering the wider objectives of the Goscote masterplan
- iii. Description(s) of work that will be realised through the collaboration between the appointed artist, other artists, architects and/or other design professionals, including public art consultant(s)
- iv. Details of opportunities for community engagement
- v. A programme of on-site or off-site temporary public art where appropriate
- vi. Timescales for the development and implementation of all the public art
- vii. Details of the commissioning for other artists
- viii. Training opportunities where available for less experienced artists and public art managers
- ix. Details of ownership, maintenance and de-commissioning of public art
- x. Budgets relating to all of the above criteria

The scheme of public art shall be carried out in accordance with the timetable detailed under (v) above.

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

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

I. Prior to built development commencing additional site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

II. Prior to built development commencing a copy of the findings of the additional site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

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

IV. The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

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

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

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

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 required by conditions: -

51923/D100 – Location Plan submitted 4th August 2010

51923/D05 Rev A – Site Layout Site H submitted 4th August 2010

51923/D07 – Roof Plan Site H submitted 4th August 2010

51923/D08 – Apartment Block 01 Ground Floor Plans submitted 4th August 2010

51923/D09 – Apartment Block 01 First Floor Plans submitted 4th August 2010

51923/D10 – Apartment Block 01 Second Floor Plans submitted 4th August 2010

51923/D11 – Apartment Block Third Floor Plans submitted 4th August 2010

51923/D12 – Apartment Types Floor Plans submitted 4th August 2010

51923/D13 – Apartment Block 01 Elevations sheet 01 submitted 4th August 2010

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51923/D14 – Apartment Block 01 Elevations Sheet 01 submitted 4th August 2010
 51923/D15 – Apartment Block 01 Elevations Sheet 03 submitted 4th August 2010
 967.H.01 – Outline Landscape Proposals submitted 4th August 2010
 51923/D16 – Apartment 37-39 Plans & Elevations submitted 4th August 2010
 51923/D17 Rev A – House Type A Plans & Elevations submitted 4th August 2010
 51923/D20 – House Type B Plans & Elevations submitted 4th August 2010
 51923/D21 Rev B – House Type C Plans & Elevations submitted 4th August 2010
 51923/D22 Rev B – House Type D Plans & Elevations submitted 4th August 2010
 51923/D23 – House Type E Plans & Elevations submitted 4th August 2010
 51923/D24 Rev C – House Type F Plans & Elevations submitted 4th August 2010
 51923/D32 – street Scenes Site H submitted 4th August 2010
 51923/D34 Rev A – Boundary Treatment Site H submitted 4th August 2010
 51923/D35 Rev A – Boundary Treatment Details submitted 4th August 2010-10-06
 7353A/2 - Land Survey submitted 4th August 2010
 Walkover Survey and Desk Study Report No M2868 by Sub Surface Midlands Ltd submitted 4th August 2010
 Extended Phase I Habitat Survey by Middlemarch Environmental Ltd report No. RT-MME-105805 submitted 4th August 2010
 Noise Assessment D131296_NOIS_JM1 by Scott Wilson submitted 4th August 2010
 Transport Statement LK/10159/25-06-10 by Singleton Clamp & Partners Ltd submitted 4th August 2010
 Design and Access Statement submitted 4th August 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 **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.

Severn Trent Water

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

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

Centro

It is advised that the development could benefit from a Residential Travel Plan. For further advise on this you should contact Centro’s Sustainable Travel Team on 1021 214 7409, who can advise on public transport promotion initiatives and journey planning.

Transportation

Any agreement for street lighting should be agreed in writing with Walsall Council’s street lighting partner Amey.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

Reason for bringing to committee: Major application

Application Number: 07/1281/RM/W2

Application Type: Reserved Matters

Applicant: Oakus Developments

Proposal: Erection of B8 distribution and storage building to the south of the site.

Ward: Pleck

Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

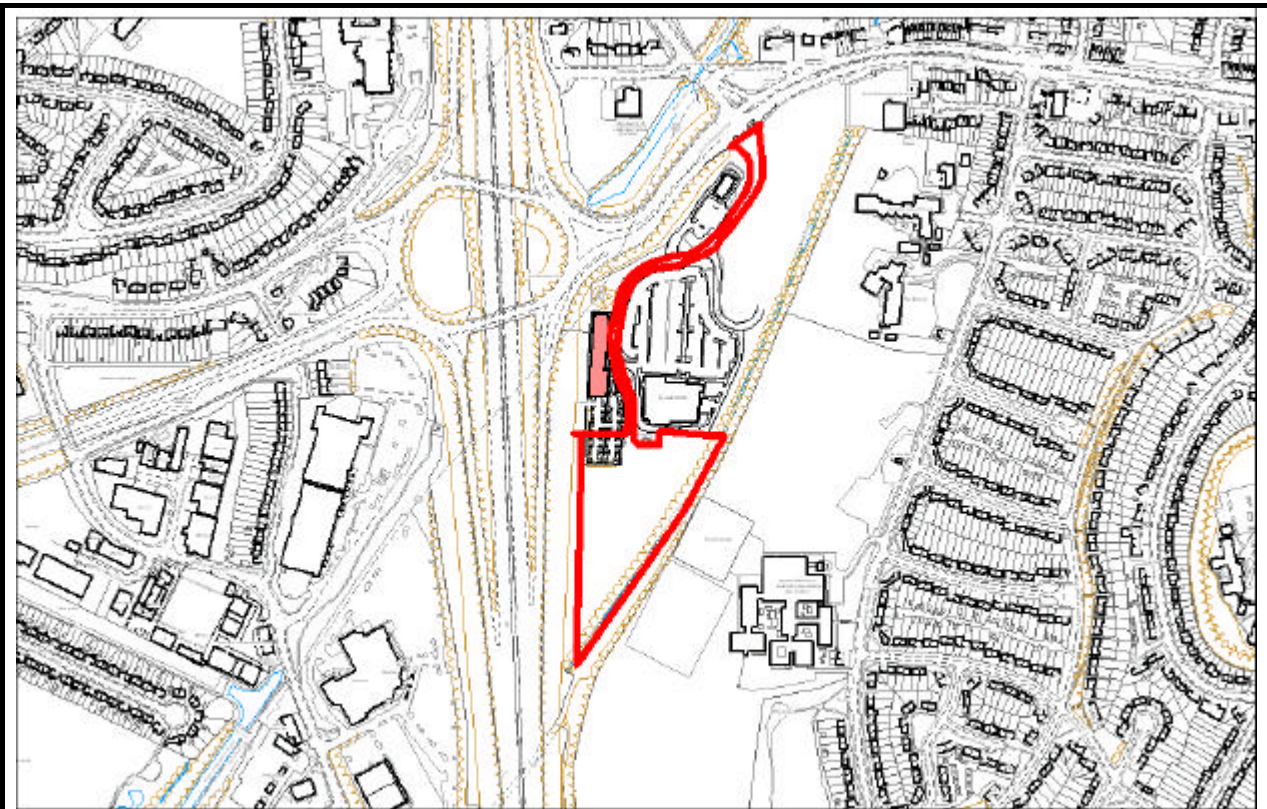
Email: planningservices@walsall.gov.uk

Agent: Corstorphine & Wright Ltd

Location: LAND ADJOINING JUNCTION 10, WOLVERHAMPTON ROAD, WALSALL.

Expired Date: 13/12/2010

Recommendation Summary: Approve Reserved Matters with Conditions



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Application and Site Details

The site is on the south east of Junction 10. It is part of what is known as the Tempus 10 site. Tempus 10 is an identified employment and development site in the UDP. There has been an outline planning permission given for a range of uses.

Offices have been approved at the entrance to the site (from Wolverhampton Road) but not yet constructed. Two hotels and a hot food outlet have been approved and built in the centre of the site.

This application relates to the southern end of the site, adjoining Alumwell Comprehensive school, to the east. Beyond the school is the Alumwell housing area. The west boundary of the site is the edge of the M6.

The application is for approval of reserved matters and conditions, covering

- the siting, design and appearance of the buildings,
- car spaces, lorry parking, surfacing
- access for large vehicles
- enhancing the Sneyd Brook as a visual element
- enhancing the motorway corridor through the creation of wildlife corridors
- provision of varied and functional open spaces

It is for 8,192 sq.m. (gross internal floorspace) for B8 use (warehouse and distribution) on the ground floor plus ancillary offices of 1.130 sq.m. on two upper floors (lift access to the upper floors is included).

Access is from Wolverhampton Road, at its junction with Bloxwich Lane. The four arm traffic light controlled junction which presently exists was, in part, created specifically to serve the development of Tempus 10. The junction is connected to the current application site by an unadopted road through the Tempus 10 site, that road also serving the existing and proposed developments of the rest of the Tempus 10 site.

Parking for the proposal is 46 car spaces, mainly on the southern edge of the site close to the office entrance. An additional 41 spaces are provided to the south of these, to serve the budget hotel. A service road passes through this area to the delivery and service yard at the southern end of the site. The scheme is speculative, and designed to meet the perceived needs of the market.

The warehouse is 12.5 metres to the eaves, 15.5 metres to the ridge. The office area is lower, flat roofed, and 11 metres tall.

The warehouse is clad in silver composite cladding, with a contrasting grey area below the eaves. The cladding has a "sinusoidal" profile shape, and to quote the agents " ... the large curved profile gives an interesting texture to the elevation due to the play of light across its surface. "The darker upper edge to the cladding of the building lightens the appearance of the roof and reduces the visual mass of the building". The office building is also silver clad but in a much smoother texture and has extensive windows.

Landscaping is proposed to all boundaries, with a galvanised security fence.

The site is close to known sources of ground gas, and there is ground contamination.

The current application was submitted in 2007 (before the expiry of the outline permission, as extended). It has been amended in 2010 (prior to that it included

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offices on the northern frontage of the site, but this element has been superseded by other permissions.

It is supported by a Design and Access Statement which sets out the influences and choices in the design. It has been updated as the scheme has evolved.

Relevant Planning History

BC56152P Outline - for mixed uses including

- two hotels,
- conference and leisure complex;
- B8 (storage and distribution depot),
- B1 (offices)
- Restaurant / hot food sales.

This was approved in 2002.

The permission includes (among many other things) an over arching requirement for good design in the development. It also includes a restriction on the permitted B8 warehouse floorspace of 9,552.72 sq.m. A layout was agreed as a broad masterplan (only) for the site, and has guided subsequent applications. The permission defines the need to enhance the visual quality of the Sneyd Brook (on the eastern edge of the site) and the M6 boundary on the west. Provision of a cycle route is required (to facilitate a possible connection to Bentley Mill Way, under the M6) – part has already been constructed.

Deliveries and despatches and the movement of heavy goods vehicles are prohibited on the site between 11 p.m. and 7 a.m., with no movement of goods on Sundays, Bank or Public Holidays.

There have been a series of subsequent applications to give effect to parts of that outline, for the two hotels and the hot food outlet. All three have been built.

There was an application for warehouses and offices that was withdrawn (04/1431/RM/W7).

There have been other applications that have been approved:-

- 05/0217/RM/W2 – reserved matters to BC51562P – B1 offices – granted 2005
- 05/0262/FL/W2 – an extension of the time to make applications under the outline – granted for 2 years, in 2005
- 09/0605/FL – B1 offices – granted 2009

Budget Hotel:-

05/0839/FL/W2 Erection of a 4 storey budget hotel together with associated parking grant permission subject to conditions 2nd November 2005.

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*).

Saved Policies of Unitary Development Plan

There is a site specific policy in the UDP:-

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“Policy JP4.1: East of M6 Junction 10

- (a) This site is safeguarded for high quality development which must satisfy all of the following:-
 - I. A particularly high standard of design and landscaping.
 - II. Creation of gateway or landmark features which make a powerful statement promoting Walsall as a place for high quality development.
 - III. Enhancement of the nature conservation value of the site.
 - IV. No adverse affect on the amenities of users of land nearby, especially the schools.
 - V. Must be considered as a coherent whole from the outset.
- (b) It must be demonstrated, before development can be permitted, that problems of ground stability and landfill gas will be satisfactorily overcome. Any development proposals must also take into account the potential impact on the M6 and junctions 9 and / or 10, and be consistent with Highway Agency Policies in this regard. (For further guidance on these issues, see Policies T4 and T5).
- (c) This site is allocated for employment uses under Policy JP1, but, exceptionally, will also be considered for other high quality uses including hotels and B1(a) offices, subject to there being no adverse impact on investment in any centre.”

In addition, the more general UDP policies of relevance include:-

2.1, 2.2, and GP1 on the general promotion of the economy and sustainable principles.

GP2, 3.6 and 3.7 seek to protect the environment, and 3.16 and ENV32 promote good design

3.12, ENV23 and ENV24 promote nature conservation.

The transport system is supported in 7.1, 7.2, 7.3

T7 to T13 control parking and other transport modes.

Designing Walsall

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

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

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

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.

Natural Environment SPD

To fully assess, protect and secure compensatory planting for trees and for protected animals, plants etc.

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

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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.

PPS4: ...seeks a positive approach to the location of new business developments and assisting small firms....economic growth and high-quality environment to be pursued together....the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

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

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

PPS24: Seeks to minimise the adverse impact of noise.

Consultations

Policy – support the proposal.

Transportation - No objections. The applicant has provided a revised plan which overcomes the issues previously raised by the Highway Authority.

Highways Agency - no objection

Centro – Concerned.

No infrastructure is affected. While there are good bus provisions on Wolverhampton Road, the nearest bus stop is too far to meet the relevant standards. Improvements should be arranged, and this can be done in part by a Travel Plan. The development should be affiliated to Company TravelWise. Parking is over provided and should be reduced. (*parking has been reduced now*)The proposed cycle parking should be required by condition. (*cycle parking condition is recommended*). .

"Walsall Council should consider whether the developer of a scheme of this size and nature should make a financial contribution towards the ongoing improvement being made to public transport infrastructure in the area as well as the long-term development of the public transport network. This is supported by Walsall's UDP Policy T10 "

Pollution Control, Scientific Team – no objection

Pollution Control Contaminated Land Team previously a landfill site – need to secure compliance with conditions of outline planning permission in this respect,

Environment Agency – no objection

Police A.L.O. – access road should be straighter (and thereby safer). Building is isolated and needs security measures to reflect this.

Coal Authority – no adverse comments – ask for inclusion of their standard informative

Severn Trent – no objection subject to a condition being imposed (drainage plans to be agreed) and a Note for Applicant (on location of sewers).

Drainage – the maintenance of the watercourse is the land owners responsibility – it is likely that the depth of the watercourse would call for large machines and a clear 6 metre area should be allowed for access.

National Grid (gas network) – risk is negligible

Fire Service – satisfactory.

Urban Design – No objections.

Environmental Health – No objection.

Inland Waterways Association – No adverse comments

Public Participation Responses

None relating to the application as it now stands.

Determining Issues

- Planning policy and the status of the outline planning permission.
- Design
- Transportation issues
- Drainage
- Compliance with conditions of the outline permission

Observations

Planning policy and the status of the outline planning permission.

The principle of the development has been accepted in the form of planning permission BC56152P. There have been no policy changes relating to this site since that application was approved that would call this into question.

Design

The proposal is a clean modern design. The most interesting elevation is around the entrance area, facing into the Tempus 10 site, and towards Alumwell School.

The elevations facing across the landscaping towards the M6 are simple, but consistent with this style of development in such relationships.

Members will be familiar with large warehouse developments adjacent to motorways. There is a general characteristic of such buildings, large simple blocks of colour, enhanced by simple arrangements of contrasting colour or materials. It is an approach to design which serves such large buildings well, and it has been adopted

here. The simple wall colour is enhanced by the texture of the material, and by the contrasting band of colour below roof level.

There is scope for landscaping with tall trees on the southern part of the site, and this would enhance the effect the scheme has when seen from the M6. This should be an expectation as the landscape design moves forward.

The design is acceptable.

Transportation issues

Amended plans have been received which show 46 parking spaces for the warehouse proposal, and 41 spaces for the budget hotel. The spaces for the budget hotel are needed as the boundary of the warehouse overlaps part of the budget hotel where parking was to be provided. The maximum level of parking by UDP standards equates to 41 spaces based on 8,192 sq. m. plus an additional 5 disabled spaces - total 46 spaces, parking provision is therefore satisfactory.

A footpath link has been illustrated on the plans linking the car park to a zebra crossing over the access road to the Budget Hotel.

Condition 13 of the outline permission requires a scheme identifying which car spaces belong to each use. Such a scheme has not yet been submitted but will be particularly relevant in this case. An additional condition is suggested to supplement this condition requiring details of signs directing hotel guests to the overflow parking.

The applicants have revised the scheme since it was originally submitted. Cycle parking has been provided in accordance with UDP Policy T13. Pedestrian access to the development has been improved by the provision of footpath links in line with policies T8 and T11.

Centro have made the point that although there are good bus provisions on Wolverhampton Road, the nearest bus stop is too far to meet the relevant standards. They have asked that improvements should be arranged, and have said that the council should consider whether the developer of a scheme of this size and nature should make a financial contribution towards the ongoing improvement being made to public transport infrastructure in the area as well as the long-term development of the public transport network. This cannot be done at this stage as this was not a requirement of the outline permission. There is however, a condition on the outline permission requiring a travel plan, and Centro have stated that a Travel Plan can go some way towards meeting this requirement. Parking has been reduced, and cycle provision has been included in the scheme. The scheme is therefore considered to be broadly acceptable.

Drainage

Severn Trent seek a further condition. As the outline permission has been given, it is not possible to add this condition. The drainage engineer has commented that it is likely that the depth of the watercourse would call for large machines and a clear 6 metre area should be allowed for access. A note for applicant is suggested

Compliance with conditions of the outline permission

Apart from the conditions already mentioned above, the developer has submitted details to comply with various other conditions of the outline permission. These are being assessed and some can be discharged as part of the decision should the

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application be approved. However, some of the details require refinement and will be ongoing. These need not delay the determination of this application.

Regarding the requirement for public art in the outline application (condition 6 bullet point 8), no details have been forthcoming so far for any part of the site. As this is the last plot to be considered in detail, it is important that this element is dealt with in a satisfactory manner. Since the outline condition was imposed, methods of dealing with public art have progressed and it has proved successful in more recent schemes to impose detailed conditions structuring how this can be achieved. It is therefore proposed to add specific conditions at this reserved matters stage detailing the process. These are not adding new requirements, and are no more onerous than the outline condition but are necessary to reflect the current position. The conditions have been split in order to allow a high quality piece of public art to be commissioned and delivered with structured measurable intervals, at which different trigger points are met, for the purposes of monitoring and delivering best practice.

Condition 18 of the outline permission requires a cycle route through the site close to the Sneyd Brook. Space for this has been provided on the plans alongside the brook. However, the applicant has expressed a preference to submit details of this at a later stage. The condition will therefore be carried forward.

Summary of Reasons for Granting Planning Permission

The development proposed is consistent with UDP policy on the use of the site. It makes adequate parking provision, and arrangements are included in the proposal, and / or envisaged under the terms of the outline planning permission for the site, for other modes of transport to be accommodated and promoted.

Ground conditions are known to require careful handling, and this is addressed through the conditions on the outline planning permission.

The proposed development complies with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP2, 3.6, 3.9, 3.12, and JP4.1 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Approve Reserved Matters with Conditions

This decision notice incorporates a decision on Reserved Matters submissions, subject to new conditions deriving from those submissions.

Approve Reserved Matters :- (numbers in bold are conditions of the outline permission referred to)

1) A) (i) timing of reserved matters submission, and B (i), siting (ii) design (iii) external appearance

3) points 1, site dimensions, and point 6 traffic management (already dealt with under previous reserved matters submissions).

6) point 1 regarding integration into surrounding area and pedestrian routes but, details of levels and lighting are all still to be approved. Regarding security, within point 1, some details have been confirmed by applicant others are still to be agreed.

Point 2 (enhance the Brook), point 3 (enhance motorway corridor), point 4 (varied public spaces), point 6 (strong design), point 7 (relate to road frontages), point 10 (provide for less mobile), point 11 (maintenance of public areas)

8) (A) and (B) details of road improvements

10) management of traffic light signals

14) (A) servicing and manoeuvring areas approved but details of surfacing materials and means of surface water drainage still required.

**Subject to the following conditions:-
New conditions**

1. Unless otherwise agreed in writing, within 3 months of the grant of this reserved matters, a first stage public art statement shall be submitted to and approved in writing by the LPA demonstrating the following:
 - A brief for the commissioning of an artist(s) for the on-site art work, including budget allocations.
 - Details of how the artist(s) will be commissioned.
 - Details of any other individuals to be appointed to assist with the brief and/or appointment, i.e public art consultant, local authority representatives, community stakeholders.
2. Unless otherwise agreed in writing, within 6 months of the grant of this reserved matters, a second stage public art statement shall be submitted to and approved in writing by the LPA demonstrating the following:
 - A description of the relationship between the public art statement and the local authorities' public art policies and/or strategies
 - Details of the appointed artist and how this commission took place
 - Descriptions of the work(s) that will be realised through the collaboration between the appointed artist and any other design professionals, if involved, including any public art consultant
 - Descriptions of proposals for community engagement
 - Training opportunities where available for less experienced artists and/or other design professionals/apprentices
3. Unless otherwise agreed in writing, within 9 months of the grant of this reserved matters, a third stage public art statement shall be submitted to and approved in writing by the LPA demonstrating the following:
 - Timescales for the development and implementation of all the public art
 - Details of ownership, maintenance and de-commissioning of public art
 - Detailed budget allocations, including fees and materials
4. Unless otherwise agreed in writing, within 18 months of the grant of planning permission the public art referred to in the public art statements under conditions 1, 2 and 3 shall be implemented in accordance with the details of works contained in the approved public art statements.

5. The development hereby permitted shall not be brought into use until details of and the location of signs directing Budget hotel guests to the overflow parking spaces shown on drawing number 10358/0310 have been submitted to and approved in writing by the Local Planning Authority. The signs shall be implemented before the development is brought into use and thereafter retained. The scheme should include details identifying which car spaces belong to each use as required by condition 13 of outline planning permission BC 56152P.

NOTE FOR APPLICANT - the following conditions are ongoing:-

- 1) (A) (ii)** Timing of commencement.
- 2)** defining.
- 3)** point 5, no preclusion to revisions
- 4)** no cash and carry (ongoing no need for discharge)
- 5)** defining
- 12)** loading and unloading in specific areas - ongoing no need for discharge
- 14) (B)** parking of vehicles in certain areas - ongoing no need for discharge.
- 15)** delivery vehicles forward gear – ongoing no need for discharge.
- 16)** position of buildings - defining
- 17)** wheelwashing equipment required on site, but no details necessary.
- 21)** landscape maintenance - ongoing no need for discharge
- 22)** no new fences or gates without planning permission- ongoing, no need for discharge
- 29)** restriction on hours of construction etc. – ongoing, no need for discharge
- 30)** floodlights, ongoing, no need for discharge unless not in accordance with the first part of the condition.
- 31)** location of plant or equipment – ongoing, no need for discharge
- 32)** no public address facility – ongoing, no need for discharge
- 33)** no external works– ongoing, no need for discharge
- 34)** no plant or equipment - ongoing, no need for discharge
- 35) (A)** details of litter and refuse details needed. **(B)** no materials in the open - ongoing, no need for discharge
- 36)** doors to remain closed - ongoing, no need for discharge

37) restriction on times for delivery and despatches for B8 use - ongoing, no need for discharge

40) migrating gas - ongoing, no need for discharge

NOTE FOR APPLICANT - the following conditions are not yet discharged / complied with:-

1(B) (iv) landscaping (details needed)

3) point 2: levels of the site, point 3: details of existing and proposed underground services, point 4 levels of floors, footpaths, roads and landscaped areas (details needed)

6) point1, levels differences, lighting and security measures (regarding security, within point 1, some details have been confirmed by applicant others are still to be agreed.; point 5 landscaping; point 8 art provision (see new conditions 1, 2, 3 and 4); point 9 security, some details have been confirmed by applicant others are still to be agreed (see also note for applicant "I" on original outline planning permission BC 56152P);

7) schedule of facing materials (details needed)

9) site remediation (details needed)

11) Green Transport Plan (details needed)

13) scheme identifying which car spaces belong to each use (details needed) – see also new condition 5.

14) (A) servicing and manoeuvring areas approved, but details of surfacing materials and means of surface water drainage still required.

18) cycle route, details needed.

19) boundary treatment (this will also tie in to security measures), details needed

20) landscaping scheme, details needed

24) 25) 26) 27) 28) Pollution control conditions - details needed

38) acoustic insulation performance - details needed

39) disposal of foul and surface waters - details needed

41) management plan for access during construction - details needed

Further Note for Applicant

It is likely that the depth of the watercourse would call for large machines and a clear 6 metre area should be allowed for access.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

Reason for bringing to committee: Major application

Application Number: 09/1629/FL

Application Type: Full application

Applicant: Mr Zahid Malik

Proposal: Change of Use of premises to banqueting and conferencing facility and alteration to front elevation

Ward: Blakenall

Case Officer: Alison Deakin

Telephone Number: 01922 652487

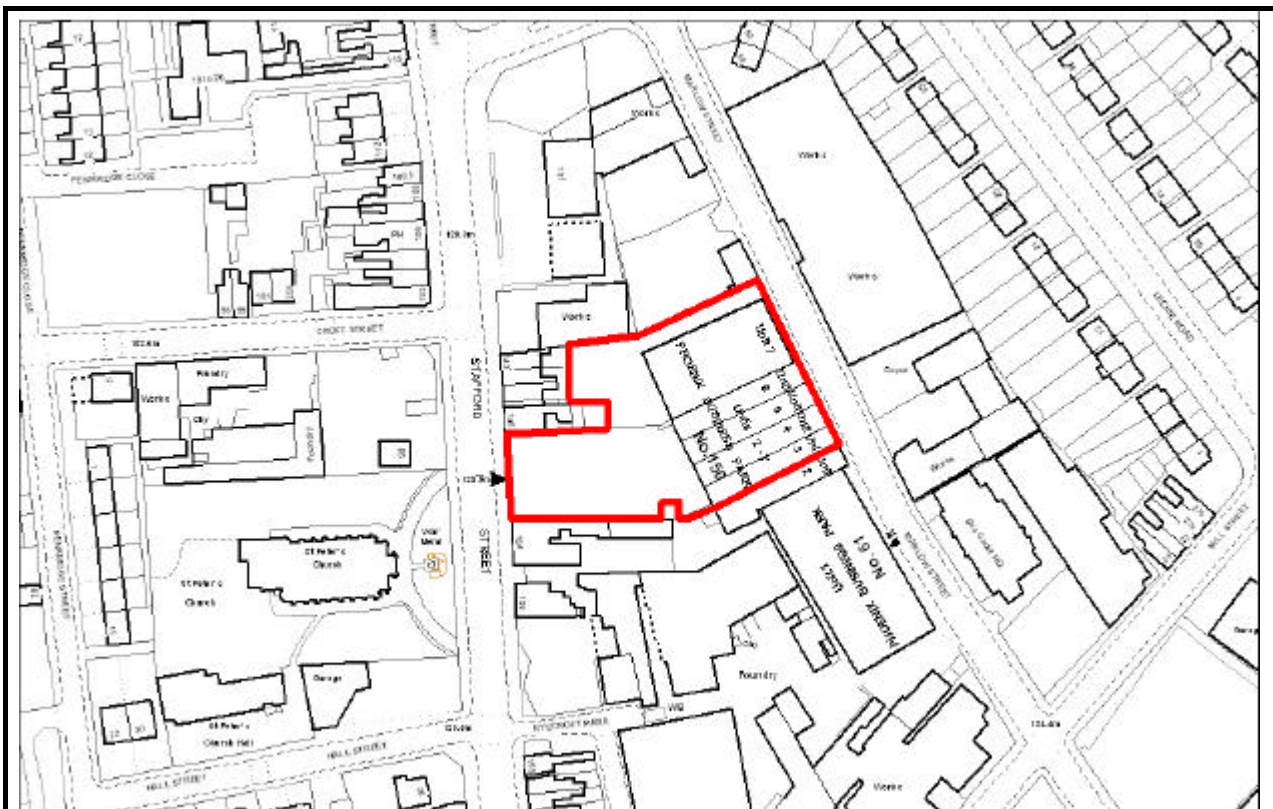
Email: planningservices@walsall.gov.uk

Agent: ZS Partnership Ltd

Location: 150 Stafford Street, Walsall, WS2 8EA

Expired Date: 16/11/2010

Recommendation Summary: Refuse



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Current Status

Committee resolved the following at its meeting in March 2010:

“That planning application 09/1629/FL be approved as it would meet a local need, subject to a S106 Agreement to secure third party parking, conditions for an extraction flue and retention of sufficient parking for the remaining units.”

The applicant proposes to provide all of the parking on site removing the need for overspill parking on third party land and the need for the associated S106 Agreement.

The site has been increased to include another industrial unit (unit 3) to be used for indoor parking. A revised parking layout is also included plus a car park management plan showing all parking provision on the application site. The rest of the report has been updated reflecting this.

Application and Site Details

The proposal is for change of use of existing industrial premises at Units 3-7 Phoenix Business Park, 150 Stafford Street to create a banqueting and conference facility. Alterations to the elevations of the building are proposed including new entrance doors to replace rollers shutters on the front elevation, new double doors on the side elevation and additional windows to serve the proposed bridal room, kitchen and cold room in the rear elevation of the building facing Marlow Street. The proposal is to accommodate 500 people in a large function room. A lobby, office, prayer room and toilets are located at the front of the building. A canopy that was to have been included on the front elevation of the building is now omitted to provide space for vehicle manoeuvring.

The layout shows 50 car parking spaces, 5 disabled parking spaces and 14 managed indoor parking spaces for the proposed banqueting site (69 spaces total). A further 7 parking spaces are available for use by the remaining industrial unit on the site (unit 2). Hours of use are to be 10.00 am until 11.30 pm including Saturdays, Sundays and bank holidays. Fourteen full time and three part-time staff are anticipated to be employed at the premises.

The floor space of the building is 1650sq m.

The units are located at the rear of three storey buildings on Stafford Street and are approached via a gated access between 146 and 154 Stafford Street. Unit 3 is vacant, unit 4 is used for car body repairs, unit 5 is vacant, unit 6 is used for sandwich distribution and unit 7 as building suppliers distribution centre. The rear elevation of the units fronts Marlow Street. The surrounding area is a mixed commercial/residential area as there are other industrial units in Marlow Street at the rear, shops and commercial premises with living accommodation above along Stafford Street, a timber yard and church opposite and residential properties beyond these areas.

The Design & Access Statement specifies the premises would be used primarily for Asian wedding functions at weekends and other conferences and functions during the week. Catering would be carried out on site and appropriate kitchen and extract ventilation equipment will be required. The statement also discusses alternative sites considered by the applicant and sustainability of the site. It concludes that the site is sufficiently distanced from residential dwellings so as to avoid problems of noise and

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disturbance, the site is close to a local centre and therefore sustainable and accessible and sufficient parking can be provided within a secure environment.

The Sequential Analysis assesses the proposals against retailing and centres policies within the UDP. It concludes that there is no property more appropriate and available in or closer to a centre.

The Policy Statement on the Employment Site discusses the loss of industrial space and loss of some employment but highlights the opportunity to assist in regeneration of the area and a potential knock on effect creating new related businesses and thus increasing employment opportunities as part of the modernisation of employment areas. The Council has already accepted changes of use from employment to Class D2 (assembly and leisure) in the vicinity of the application site at Marlow Street.

Relevant Planning History

07/2423/FL/W7 – Retrospective: Alteration of existing workshop buildings to units 2-7 inclusive by adding division walls and roller shutters – Granted subject to conditions 20/12/07

Nearby

09/0878/FL – Units 1 & 2 Marlow Street – change of use of unit 1 to leisure use (D2) – gymnastics and related sport unit and retention of unit 2 as storage & distribution (B8) – Granted subject to conditions 11/09/09. The floor space was 520 sq m and the unit had been vacant since October 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 Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

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

4.5: Employment areas (which are not included in Core Employment Areas or are best quality sites) should retain their overall industrial character, subject to Policy JP7.

JP7: Defines the uses suitable to employment areas. Assembly & Leisure (D2) uses are not acceptable unless a purely local need can be demonstrated.

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

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

S1: Defines Class D2 uses which attract a significant number of trips as town centre uses.

S6: 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.

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

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7.1: Seeks to promote an efficient highway network;

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

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

T12: Identifies accessibility standards for public transport.

T13: car parking standards

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

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

Supplementary Planning Document (SPD)

Designing Walsall SPD

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

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

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

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Strategy for the West Midlands

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

National Policy

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

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

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

PPG 24 Planning & Noise: The planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance. Noise-sensitive

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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).

Consultations

Planning Policy – Object. The site is located approximately 50 metres north of Stafford Street local centre not within “Birchills Leamore local centre” as stated in the supporting information.

The application site is in an employment area. Policy JP7(c) states that assembly and leisure (D2) uses will not normally be permitted unless a purely local need can be demonstrated in accordance with policy S6. Earlier policy comments concluded that there was no local need for an additional banqueting and conference centre and the proposals are contrary to policies JP7(c) and S6 and subsequently PPS4 and policy S7.

There is no information about whether the current occupiers were consulted about the proposals and no explanation as to what would happen to the businesses currently occupying the application site. The potential loss of jobs is an important consideration. Policy S7(d) states that proposals must not conflict with policies for the protection of employment land. The revised parking arrangements that result in further loss of an industrial unit are therefore contrary to policies JP7(c) and S7(d).

Transportation - No objections. The on-site parking has been increased to an acceptable level with sufficient parking retained for Unit 2. However, the car park management plan should be implemented at all times when the centre is in operation. There is no longer a need for a S106 Agreement to secure overspill parking on third party land.

Pollution Control (Contaminated Land) – No objections.

Pollution Control (Scientific Team) – No objections but consult Environmental Health.

Environmental Health – Object. The property is located in a block of units currently occupied by light industry and motor repair.

There is still insufficient detail to comment on the internal layout of the kitchen: The plans appear to only show a single sink unit with a drainer. No consideration has been given to the washing of food, cleaning of equipment and utensils, washing hands or toilet facilities for kitchen staff.

The large-scale cooking of food for wedding parties is likely to cause the escape of fat, oil and grease into the drainage system; it is therefore necessary that a grease trap is installed to prevent blockages of the drainage system.

No details of odour control for the kitchen have been submitted with the application. Maintenance of such equipment is also required and must be carried out to ensure performance levels are always achieved.

Measures to mitigate noise have still not been submitted with the application. The development would be used for restaurant and banqueting facilities, including wedding parties. Entertainment will consist of electronic amplified music and acoustic equipment such as drums. Noise limiters will not control

acoustic equipment and noise emanating from the activities will rely on the insulation properties of the structure (noise limiters allow the user to set equipment at an acceptable level of noise to abate any potential disturbance – the noise from the equipment will not go above the set level). Such entertainment noise would be created during the day, evening and into the early hours of the morning. Experience of similar events has revealed loud noise evident at several hundred meters distance. The nearest residential premises are in Hall Street, Croft Street and Marlow Street, the nearest being just approximately 50 metres away.

Other noise may include;

- plant / equipment such as fans or air conditioning units,
- delivery vehicles,
- coaches/taxis dropping patrons to the venue, and
- Patrons themselves entering and leaving the venue.

Noise amounting to a nuisance may be generated which would affect nearby residents, particularly during the evening and weekend when people expect to be able to enjoy their homes in relative peace and quiet. As there are no details to mitigate odour and noise nuisance it is recommended that this application is refused.

Equality & Diversity – The applicant has not demonstrated how all areas within the building will be accessible, including the stage area/bridal room, how an accessible WC is achieved and number of toilets.

Town Centre Development Team – Objects on the grounds that this use should be in a town centre location and the proposal is displacing existing businesses. Consideration needs to be given to the site location within the Birchills SRF area.

Fire Service – No objections.

Public Participation Responses

One letter of objection received on the original proposals from the occupier of unit 2 which is summarised as follows: -

- Availability of parking space for existing and proposed users
- Highway hazard from traffic entering/exiting the site
- Conflict of traffic from the site and church opposite

Nine individual letters of support and a petition with 391 signatures in support of the original proposals have also been received summarised as follows: -

- community will benefit from the facility
- businesses will benefit – positive investment benefits
- no similar service available locally
- good location central to Walsall
- nearest facility in Birmingham means users having to travel distances
- ample off-street parking
- benefits would outweigh any potential objections

There is no further public participation response following publicity of the amended plans.

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

Determining Issues

- Principle of use involving loss of employment site
- Need for the facility
- Relationship with surrounding properties
- Odour and Noise
- Access and Parking

Observations

Committee resolved to grant permission for the banqueting and conference centre in principle at the meeting on 4th March 2010 on the basis that the proposal would meet a local need. It remains the view of officers that this application should be refused, for the reasons set out below: -

Principle of use involving loss of employment site

Policy JP7(c) states that assembly and leisure (D2) uses will not normally be permitted in employment areas unless a purely local need can be demonstrated in accordance with policy S6. There are other suitable sites in Walsall town centre that can accommodate the proposed facilities such as Walsall Town Hall and approved venues at Pleck Road and Midland Road which have a combined floor space of over 3000 sq m accommodating approximately 1800 people.

The proposal still provides 1292 sq m (the additional unit is to be used for managed car parking) catering for up to 500 people which is considered inappropriate in scale given the size and role of Stafford Street local centre and the fact that there are existing venues that can accommodate this scale of banqueting/conference facilities in an established town centre location. The proposals would serve more than a local need for the facility and in the circumstances the loss of this employment site is not justified. The proposals are therefore contrary to policies GP1, JP7 and S6.

Although permission was granted for change of use of an industrial unit in Marlow Street to a gymnastics centre this was only 500 sq m floor space therefore not the same scale as the current proposals. The unit was also vacant at the time. The gymnastics centre was considered to serve only a local need unlike the proposed conference/banqueting centre that would serve more than a local need.

It would appear that the proposals result in an increase in employment opportunities on the site as the applicant states that 10 full time equivalent jobs will be created as opposed to 5 currently employed at the premises. The supporting information and representations from third parties state that the creation of a banqueting/conference centre in this location will enhance opportunities for expansion of other businesses in the area and offer investment benefits. No evidence is provided to support this. Nevertheless, the development of a town centre use in an employment area at edge-of-centre is contrary to the above policies and also policy S7.

Need for the facility

The applicant and supporters suggest there is a community need for this facility and that there is no similar facility available locally. However, there are facilities in Walsall town centre capable of providing similar accommodation and catering for the numbers of visitors anticipated at the application site. In terms of the sequential tests the site is at the edge of a local centre but a development of a facility of this size and scale are more appropriate within a town centre. The site, whilst accessible by bus is

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not as accessible by alternative means of transport as Walsall town centre and therefore fails the sequential test.

Relationship with surrounding properties

In addition to the houses to the north-west there are flats above the shops on Stafford Street that directly overlook the site and residential properties in Hall Street, Croft Street and Marlow Street nearby (the nearest being about 50 metres away). Although the flats overlook the existing external storage the proposals would intensify use of the car park in this area and more noise could be generated from this. It is likely that evening and weekend functions held at the premises would disturb occupiers in terms of noise from patrons and vehicles coming and going outside the premises, particularly as noise generated during the evening and weekend is when people expect to be able to enjoy their homes in relative peace and quiet. The proposal is therefore detrimental to residential amenities, contrary to policies GP2 and ENV32.

The changes to the elevations of the building are relatively minor and would not adversely affect the outlook from the nearby flats on Stafford Road.

Odour and Noise

The proposals include provision of a kitchen as catering for parties at the premises is proposed. However, there is inadequate information to demonstrate how escape of fat, oil and grease from cooking of food will be treated in order to protect the drainage systems. No details of odour control from the kitchen have been supplied or measures to mitigate noise from the premises. The potential for cooking odours to be emitted from the premises could adversely affect residential amenities of nearby occupiers. Provision of such equipment could be required by submission of details for prior approval and Committee previously resolved that a conditional permission requiring details of an extraction flue was acceptable.

As the proposed use includes banqueting facilities for wedding parties it is likely that entertainment will include loud music. The conclusion of Environmental Health is that this will impact upon residents. The recommendation reflects that conclusion.

I remain concerned that there is an absence of information on drainage or measures to demonstrate that odour and noise nuisance from this major development would not have an adverse effect upon residential amenities of nearby occupiers, particularly in the evenings and at weekends when they would expect to enjoy peace and quiet. If Committee are minded to approve the proposals these issues need to be addressed by imposition of relevant planning conditions.

Access and Parking

The proposed means of access to the site is via the existing gated entrance. The level of visibility at this access is acceptable in highway terms therefore despite third party concern regarding a potential highway hazard from traffic entering and exiting the site or conflict with traffic on Stafford Street, the design of the access is safe.

The proposal includes 76 off-street parking spaces within the site to serve the existing industrial units and proposed banqueting/conference centre. There are 50 parking spaces for the banqueting centre plus 5 disabled spaces and 14 managed indoor parking spaces plus 7 spaces retained for use by the occupiers of unit 2 the remaining industrial unit. Policy T13 requires provision of 79 spaces for the banqueting centre. The proposals are only 3 spaces short of this required standard. On balance it is considered that the on-site parking provision is adequate to cater for the existing and proposed uses. The number of disabled spaces has been increased

from 3 to 5 which accords with the policy. The equality and diversity officer remains concerned that the building is not fully accessible by disabled persons but this could be resolved at building regulations stage. The lower parking provision is not so significant as to be likely to result in indiscriminate on-street parking on Stafford Street detrimental to the safety and free flow of traffic, particularly during normal working days. The site is also in a sustainable location convenient for local bus services to Walsall Town Centre.

As a greater amount of parking is included on site than the original proposals there is no longer any need for overspill parking on third party land and no longer a requirement for a S106 Agreement to secure this. A car park management plan has been provided that demonstrates that the car parking will be managed during the operation of the development to reduce indiscriminate parking on the highway.

The porch at the front of the building has been removed to ensure there is no restriction of access for vehicle manoeuvring.

The size of the development which involves a gross floor area of approximately 1650 sq m requires a Transport Statement providing information such as trip generation, types of trips etc. in order to assess the impact of the proposals on the local highway network fully. No information has been provided in this respect.

Recommendation: Refuse

1. The size and scale of the proposal would provide for greater than a local need as it would serve a wider catchment and therefore there is a failure to demonstrate a purely local need for the banqueting and conference facility in this employment area at the edge of Stafford Street local centre. The proposal is therefore contrary to policies GP1, JP7(c), S6 and S7 of Walsall Unitary Development Plan and Planning Policy Statement 4: Planning for Economic Growth.
 2. Insufficient information has been provided to demonstrate how drainage, cooking odours or noise nuisance from the premises will be mitigated. No details have been provided regarding drainage systems to trap grease, odour control equipment or noise mitigation from amplified music or acoustic equipment. The proposals are therefore likely to have an unacceptable adverse effect upon the surrounding environment and upon the residential amenities of nearby occupiers contrary to policies GP2, 3.6, 3.7, ENV10 and ENV32 of Walsall Unitary Development Plan.
 3. During the day, evenings and early mornings, plant and equipment, delivery vehicles, coaches and general comings and goings of patrons entering and leaving the site on foot or in vehicles are likely to have an unacceptable adverse effect upon the surrounding environment and upon the residential amenities of nearby occupiers contrary to policies GP2, 3.6, 3.7, ENV10 and ENV32 of Walsall Unitary Development Plan.
-



Planning Committee
Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

Reason for bringing to committee: Called in by Councillor Creaney

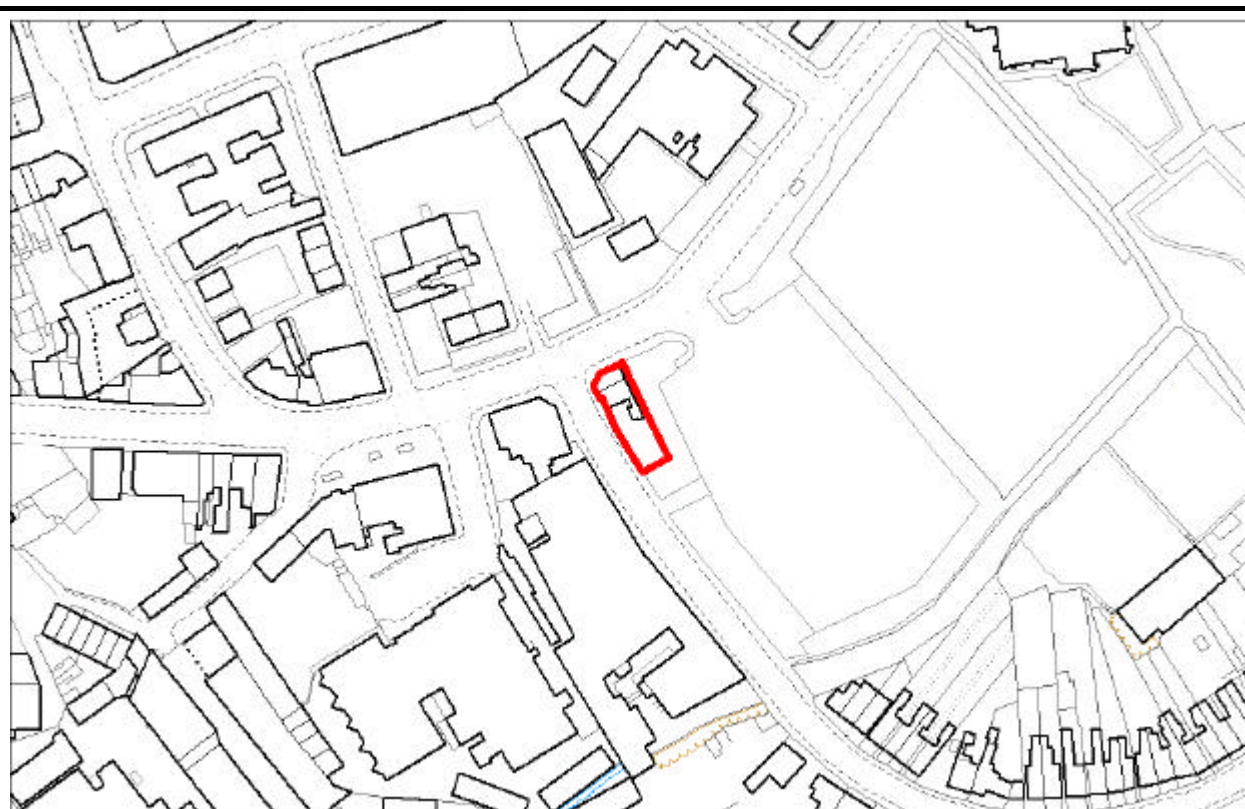
Application Number: 10/0901/FL
Application Type: Full application

Applicant: Mr Onkar Singh
Proposal: Change of Use from Accountancy Office (Use Class A2) to Taxi Office (24 hours) (Use Class Sui Generis).
Ward: Willenhall South

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Mr Garnam Gill
Location: 1 GIPSY LANE, WILLENHALL, WV13 2HA

Expired Date: 11/10/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Status

Councillor Creaney has requested the application be considered by committee due to the lack of car parking and impact on the surrounding area.

Application and Site Details

The application seeks the change of use of the first floor of 1 Gipsy Lane from accountancy (last used by KST Accountancy) to a taxi office and base. The proposed taxi base would operate 24 hours and would use a rear parking area as a parking location for staff. The applicant indicates that this could offer car parking for 4 cars.

The applicant confirms that 24 hour opening is to offer a service for shift workers or services to airports early in the morning and so that they can offer the full service for a range of customers. The proposed office accommodation will be for telephone staff only with drivers operating on the road or called out from their own home. There would not be customers picked up or dropped off at the office.

Initially the applicant indicates that there would be 4 or 5 cars that would be controlled by the office but is aiming for expansion should the operation be successful.

The application site is located within the boundaries of Willenhall Town Centre. The character of the area is mixed in terms of use with residential properties mixed in with commercial properties and the Wakes Car and Lorry Park adjacent to the site and the County Public House on the opposite side of Gipsy Lane. The site also fronts Walsall Street which is a busy route on the edge of the town centre. The site is approximately 200m from the main retail area.

Traffic Regulation Orders are in force on Walsall Street and Gipsy Lane with no entry signs by 142 Gipsy Lane preventing access towards residential properties to the south.

Relevant Planning History

05/1213/FL/W5 – Change of use to accountant's office – Granted – 14 July 2005

West Midlands House

BC52732P – Change of use to private taxi base for 3 cars and a minibus with parking on Wakes Ground – Refused 7th April 1999 due to increased on-street parking and impact on West Midlands House occupiers.

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 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.

S1, S2, S3, S4 identify the hierarchy of district and local centres and seek to ensure that retail and town centre uses in these areas are appropriate.

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) 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.

PPS4: A wide reaching document that seeks to promote and deliver sustainable economic development.

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

Consultations

Transportation – No objection subject to no more than 4 cars being operated from the premises.

Environmental Health – No objection subject to conditions regarding sound production or amplification system or similar device, vehicles on the site should not sound their horns except for emergency purposes and no vehicle repairs or valeting shall be undertaken on the premises

Public Participation Responses

One letter of objection from a local resident has been received objecting to the proposals for the following reasons:

- Unsure why the proposals are for 24hour operating times
- Insufficient parking
- Anti-social behaviour of car doors late at night
- Noise and disturbance from people waiting outside the office for taxis.
- Anti-social behaviour of customers.

In addition, a petition has been received objecting (but without specifying grounds) and it is signed by 15 signatories.

Determining Issues

- Principle of the use
- Relationship to nearby residents
- Car parking and highway safety

Observations

Principle of the use

The application site is located within Willenhall Town Centre boundary and as such associated town centre uses (e.g. offices) are considered appropriate in this location. It is acknowledged that developments in town centres have to take account of their surroundings but the principle of 24 hour places with appropriate services and facilities being available are encouraged.

Relationship to nearby residents

As stated above the proposals are in a mixed area in terms of commercial and residential character. The comments of Environmental Health and the proposed restrictions are therefore relevant.

Whilst it is acknowledged that a level of amenity is required for residential occupiers, the busy nature of the highway and the impact of commercial operations and the car/lorry park in the area are also material considerations. It is also relevant that the nearest houses are on the opposite side of the main road through Willenhall, about 25 metres from the site. The next nearest houses are 75 metres away, beyond the Wakes Ground car and lorry park.

The likelihood of anti-social behaviour is no greater than any other office use.

It is also noted that customers would not be picked up from the premises and customers would be picked up from any location.

As such whilst the comments of the local resident and Councillor Creaney are noted, it is considered that, subject to the conditions requested by Environmental Health, the proposals are acceptable and that refusal based on undue impact on the surrounding area can not reasonably be supported.

Car parking and highway safety

Wakes car and lorry park is free of charge to cars and operates as a lorry park for vehicles over 7.5 tonnes or 3m in height from 6pm to 8am (Monday to Sunday). There are however plans to reintroduce pay and display measures on car parking.

It is noted that there would be no requirement for taxis at the premises, other than potential driver refreshment, and that no customers would be at the premises. As there is to be no customer collection at the premises it is not considered necessary or reasonable to restrict the number of taxis in this instance.

As such, as the proposals would operate as an office base, the proposals would have no increase in car parking requirements from that of a normal office and the established office planning permission.

As such the parking area to the rear of the site is considered to be appropriate in this instance.

Summary of Reasons for Granting Planning Permission

The application site is located within Willenhall Town Centre boundary and as such associated town centre uses (e.g. offices) are considered appropriate in this location. It is acknowledged that developments in town centres have to take account of their surroundings but the principle of 24 hour places with appropriate services and facilities being available are encouraged.

Whilst it is acknowledged that a level of amenity is required for residential occupiers, the busy nature of the highway and the impact of commercial operations and the car/lorry park in the area are also material considerations.

It is also noted that customers would not be picked up from the premises and customers would be picked up from any location.

As the proposals would operate as an office base, the proposals would have no increase in car parking requirements from that of a normal office and the established office planning permission. The parking area to the rear of the site is therefore considered to be appropriate in this instance.

Overall, taking into account all consultation and public participation responses, the proposals are considered to be compliant with the Development Plan, in particular saved policies GP2, S1, S2, S3, S4, T7 and T13 of Walsall's 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 public address facility, tannoy system, radio, electrical or electronic sound production or amplification system or similar device, which could be audible beyond the boundary of the site, shall be installed internal or external to any building or structure, without the prior written approval of the Local Planning Authority.

Reason: The development hereby approved may operate during the night when noise generated by such equipment could disturb local residents, impacting on amenity to an unacceptable degree.

3. No vehicle repairs or valeting shall be undertaken on the premises without prior written approval of the Local Planning Authority.

Reason: To safeguard the amenity of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) the approved use shall be for a taxi-base only and shall not be used for the collection or delivery of persons (except staff associated with the use) to or from the application site.

Reason: In order to safeguard the amenities of neighbouring residents and to prevent the congregation of persons at the application site.

5. Unless otherwise agreed in writing by the Local Planning Authority, before this development is brought into use, the vehicle parking areas shall be either
- a) surfaced in a porous or permeable hardwearing material or
 - b) provision shall be made to direct run-off water from an impermeable hard surface, to a permeable or porous area within the site.

Details of the proposed design and drainage provision, including information on the sub soil type and sustainable drainage methods (e.g. rainwater harvesting), shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The areas shall thereafter be retained and used for no other purpose.

Reason: In order to ensure sustainable high quality development and reduce the impact of development on natural resources.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

Reason for bringing to committee: Contrary to policy.

Called in by Councillor Towe because of significant public interest

Application Number: 10/1079/FL

Application Type: Full application

Applicant: Mr Zahid Nawaz

Proposal: Retrospective: Conservatory to the rear

Ward: Pheasey Park Farm

Case Officer: Jenny Townsend

Telephone Number: 01922 652420

Email: planningservices@walsall.gov.uk

Agent:

Location: 46 DAISYBANK
CRESCENT, WALSALL, WS5 3BJ

Expired Date: 02/11/2010

Recommendation Summary: Refuse



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Application and Site Details

This is a retrospective application for the retention of a conservatory to the rear of a semi detached house. The conservatory is built but no glazing has been installed at the time of drafting this report.

The conservatory replaces a previous one which projected approximately 2 metres from the house (although the submitted plans show the length of the previous conservatory to be 2.5 metres). This was in line with the original kitchen projection on the side of each of the pair of houses.

Number 48, the other half of the pair of houses, has a lounge window in the rear wall, close to the conservatory. Each of these houses has a 2 metre kitchen projection as part of its original design. In each case, it is on the opposite side of the house from the conservatory. The side elevation facing number 44 projects 4.5 metres beyond the kitchen projection. This elevation would be approximately 3.4 metres from the the boundary with number 44 and would have clear glazing.

The conservatory projects 6.9 metres from the rear wall of the house, with the rear section angled to follow the boundary with number 48.

The garden of the application house slopes away from the house and the floor level of the conservatory matches the house. The side elevation along this boundary has high level window lights and is part brick and part blockwork. It steps down in 3 levels. The plans show the glazing on this side to be obscure.

The neighbouring houses, numbers 50 and 52 face the side boundary of the application house at right angles and are at the same lower ground level as the application house garden. The distance between the rear kitchen window of 50 and the side of the conservatory is approximately 8.8 metres.

The area is characterised by short rear gardens however this is exacerbated by the layout of the houses (50 and 52 in particular) around the curve in the road.

The application has been made in response to a letter from the Council's Enforcement Officer in July which outlined the Council's policies in respect to this development (the 45 degree code) and advised that planning permission was unlikely to be granted in this instance. The applicant has submitted a letter which responds to the points raised in the letter and are set out below.

'Planning permission unlikely to be granted due to the detrimental impact on the amenity previously enjoyed by adjacent residential occupants by reason of loss of light and outlook and the overbearing impact of the conservatory at close proximity to habitable room windows resulting in a loss of privacy.'

He responds:

- no loss of light or privacy because all windows adjacent boundary wall will be frosted glass;
- kitchen of 50 should not be classed as habitable room;
- translucent nature of conservatory would have much less detrimental impact than a solid brick extension.

'Need to demonstrate compliance with the Council's 45 degree code or reduce the length to no more than 3.5 metres... The purpose of this code is not to discourage

development but to control any adverse impact on the amenity of neighbouring dwellings’.

He responds:

- the code is being used as a tool to prevent the construction of this conservatory contrary to what the letter says;
- habitable rooms needs to be clearly defined, the kitchen of 50 should not be categorised as a habitable room;
- the 45 degree code should be placed in context and not used as a bureaucratic method of preventing moderate extensions;
- important to note that the letter indicates that an extension of 3.5 metres would be considered favourably even though this would still be in breach of the code;
- he requests that a ‘common sense’ approach is adapted in line with what is being advocated by the new coalition government in relation to Planning rules.

He raises compassionate considerations regarding the need for the conservatory, which is to allow a family member with arthritis to care for his young child, and also states that there are several nearby properties which have conservatories which exceed the permitted development rights

There are conservatories to the rear of 4 houses nearby (42, 40 and 38 Daisybank Crescent and 37 Woodend Road). Planning permission was granted for the one at number 40 and it would appear that the others have been built as permitted development. However none of these are comparable in length with the proposal.

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 2005

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal.

H10: Layout, Design and Dwelling Mix.

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

Designing Walsall – Supplementary Planning Document

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

24m separation between habitable windows in two storeys (and above) developments (this standard will be applied more robustly at the rear than across roads at the front) and the length of extensions in relation to the adjoining dwellings and a 45 degree code to assess the impact:

In addition, there is a guideline of 13 metres from a habitable window to a gable wall. This is relevant to the present case, in view of the details of the scheme and the relationship of the houses.

45 Degree Code

In order to safeguard the amenity of occupiers of neighbouring dwellings and in order to promote the provision of a satisfactory level of habitable accommodation within the existing house, the council will operate a 45 degree code.

This relates to the impact of an extension on windows to habitable rooms in adjoining dwellings. Habitable rooms include living room, lounge, sitting room, playroom, bedroom, study, dining room, conservatory and kitchens.

Extensions, which would breach the 45 degree code, will not normally be allowed, except for single-storey extensions where the length of the extension would not exceed 3.5 metres in length as measured from the nearest window in the adjoining dwelling.

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

Consultations

None.

Public Participation Response

Two letters from the occupiers of numbers 48 and 50 Daisybank Crescent raise the following objections:

- the conservatory is too long;
- it is in very close proximity to neighbouring properties, elevated between 3 and 4 feet above the level of their garden, extends $\frac{3}{4}$ of the length of their gardens;
- cuts out the view of the sky and trees from both their kitchen and dining room and has replaced an established hedge which used to provide privacy;
- it is an eyesore which towers over the nearby houses even before the roof has been added;
- it flouts the 45 degree rule and devalues their property;
- they dispute the dismissal of their kitchen as a habitable room and the distance between the conservatory and their kitchen window;
- their privacy has been considerably compromised.

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

Determining Issues

- Impact on Amenity of Nearby Residents

Observations

Impact on Amenity of Nearby Residents

The conservatory projects 6.9 metres beyond the rear lounge window of number 48, the other half of the pair and would be contrary to the 45 degree code embodied in the SPD guidelines (when measured from the mid point of the lounge window at 48). It is also in excess of the fall-back allowed for single storey extensions which breach the 45 degree code (a maximum length of 3.5 metres).

The proximity of the conservatory to the boundary with both number 48, and its length means that it would have an over bearing impact on the habitable room windows on the rear of No. 48 which would be detrimental to the amenity of the occupiers.

The very short distance between the side elevation of the conservatory and the rear of number 50 (approximately 8.8 metres) would be almost 15 metres short of the minimum separation required by policy if the windows in the conservatory are regarded as windows, even though the panels in this side of the conservatory are shown to be frosted. Even if the side of the conservatory were to be treated as a gable wall, the guideline is a 13 metre separation, which the proposal does not meet.

The other significant aspect of this issue is the difference in floor level between the conservatory and number 50. This means that the side elevation facing 50 would be approximately 3.3 metres high, at the 8.8 metre separation distance.

On the other side, number 44 would be approximately 6 metres from the conservatory. This separation and the fence on the boundary between the houses means that there would be little impact on the kitchen window of 44.

There is potential for overlooking the rear garden of 44 from the conservatory, but the existing patio already has this effect and the conservatory does not significantly worsen the existing situation sufficient to refuse the application.

Recommendation: Refuse

The length and height of the conservatory and the difference in levels between the floor of the conservatory and number 50 Daisybank Crescent would have an overbearing impact on the neighbouring houses (Nos. 48 and 50) resulting in a detrimental impact on their amenity . The proposal is contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10 and the Supplementary Planning Document Designing Walsall.



Planning Committee
Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

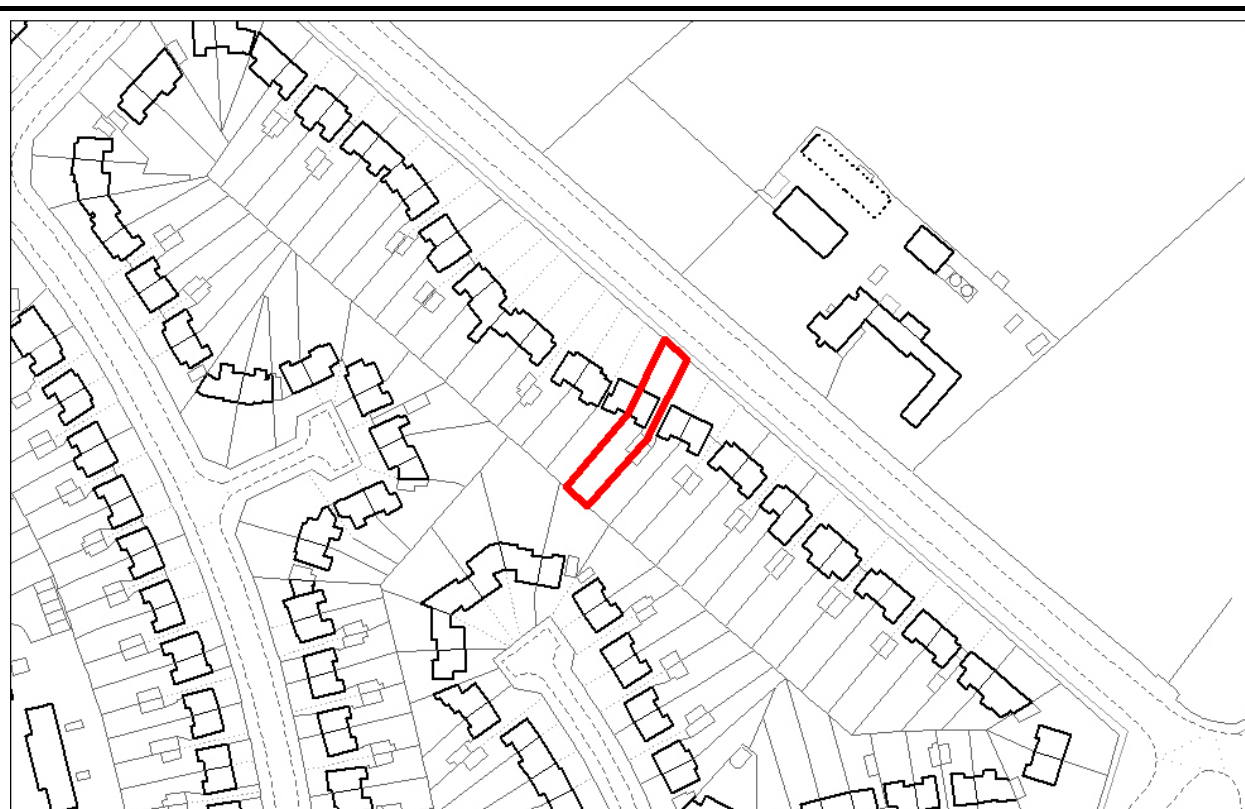
Reason for bringing to committee: Contrary to policy.
Called in by Councillor Towe because of significant public interest.

Application Number: 10/0936/FL
Application Type: Full application

Applicant: Mr Williams
Proposal: Conservatory to the rear elevation.
Ward: Pheasey Park Farm

Case Officer: Jenny Townsend
Telephone Number: 01922 652420
Email: planningservices@walsall.gov.uk
Agent: Mike Longmore
Location: 38 DOE BANK LANE, BIRMINGHAM, B43 7UE
Expired Date: 17/09/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for a conservatory to the rear of a semi detached house which would be 4.2 metres long, 3.1 metres wide and have a pitched roof measuring between 2.4 and 3 metres high.

The application house is in line at the rear with number 40, the other half of the pair, which has patio doors to the lounge set in approximately 0.5 metres from the boundary between them. Both houses have original kitchen projections on the other side of the houses which project 1.4 metres from the two storey rear wall of the house.

The base of the conservatory has been constructed and infills the area between the kitchen and the boundary with number 40. The boundary between the application house and number 40 is angled at approximately 10 degrees so that the side elevation of the conservatory is set in between 0.1 and approximately 0.5 metres.

All of the elevations to be added above the 0.8 metres high wall are to be glazed panels with the elevation adjacent the boundary with number 40 to have obscure glazing. Double doors would face the opposite boundary with number 36.

Number 36 lies on the other side of the shared driveway and is screened from the rear of the application house by the boundary fence belonging to the application house and a 2 metre high wall belonging to number 36. The pair of detached garages which lie at the end of the driveway between the houses screens most of the rear garden of 36 from view.

The semi detached houses are angled at approximately 20 degrees to the rear boundary with the houses in Clausen Close, which also angle away from the shared boundary. There is currently approximately 35 metres between the rear of the application house and number 21 Clausen Close.

The applicant has stated that the base has been built because he misunderstood a letter that he received from the Council and thought that he had planning permission. He queries whether the measurement should be taken from the kitchen projection; states that there are conservatories at the rear of nearby houses which are longer than his proposal and that he is disabled.

A letter has been sent in response to these matters which states that there are no mitigating circumstances to allow the conservatory to remain this long however the applicant has advised that he does not wish to reduce the length of the conservatory.

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).

PLANNING POLICY STATEMENT 1

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

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

Saved Policies of Walsall's Unitary Development Plan 2005

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal.

H10: Layout, Design and Dwelling Mix.

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

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These include guidelines regarding the length of extensions in relation to the adjoining dwellings and a 45 degree code to assess the impact.

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

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

West Midlands) may provide relevant material considerations. In such cases the relevant reference(s) will be in terms of 'observations' rather than as policy.

Consultations

None.

Public Participation Response

None.

Determining Issues

- Impact on Amenity of Nearby Residents

Observations

Impact on Amenity of Nearby Residents

The conservatory projects 4.2 metres beyond the lounge window of number 40 and would breach the 45 degree code when measured from the mid-point of these doors. There is an allowance made for single-storey extensions which breach the code and although the proposal would be 0.7 metres longer than this, the end of the conservatory would be set in from the boundary with number 40 approximately 0.5 metres. This set-in would offset the small excess in length such that the balance of the conservatory is considered to be acceptable.

The proposed obscure glazing to the side elevation next to number 40 would prevent overlooking between the conservatory and the rear garden of 40 and visa versa.

The existing kitchen projection and boundary fence together with the driveway between the houses means that there would be little impact on the amenity of the occupiers of 36 from the proposal.

Summary of Reasons for Granting Planning Permission

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

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

2: The facing bricks of the conservatory shall match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the conservatory, unless otherwise previously agreed in writing by the local planning authority.

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

3: The side elevation of the conservatory facing the boundary with 40 Doe Bank Lane shall comprise obscure glazing before the development is first occupied and thereafter retained as such, or solid panels, unless a solid fence or wall at least 1.8 metres high (measured from the floor of the conservatory) is retained on the boundary at all times.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy GP2 of Walsall's Unitary Development Plan.

4: This development shall not be carried out other than in conformity with the following approved plan: -

Existing and Proposed Elevations and Floor Plans – ref:LONGM/WILLIAMS deposited 19 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).

Recommendation: Grant Permission Subject to Conditions

The proposal will not cause a significant increase in overlooking, loss of privacy or loss in the daylight or sunlight enjoyed by nearby properties.

The proposed development is considered to meet the aims and objectives of Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, and the Supplementary Planning Document "Designing Walsall" and other material planning considerations.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 21 Oct 2010

Reason for bringing to committee: Requires Delicate Judgement.

Application Number: 10/1136/FL

Application Type: Full application

Applicant: Mrs Dominique Butler

Proposal: Retention of existing summer house/garden room

Ward: Paddock

Case Officer: Helen Smith

Telephone Number: 01922 652436

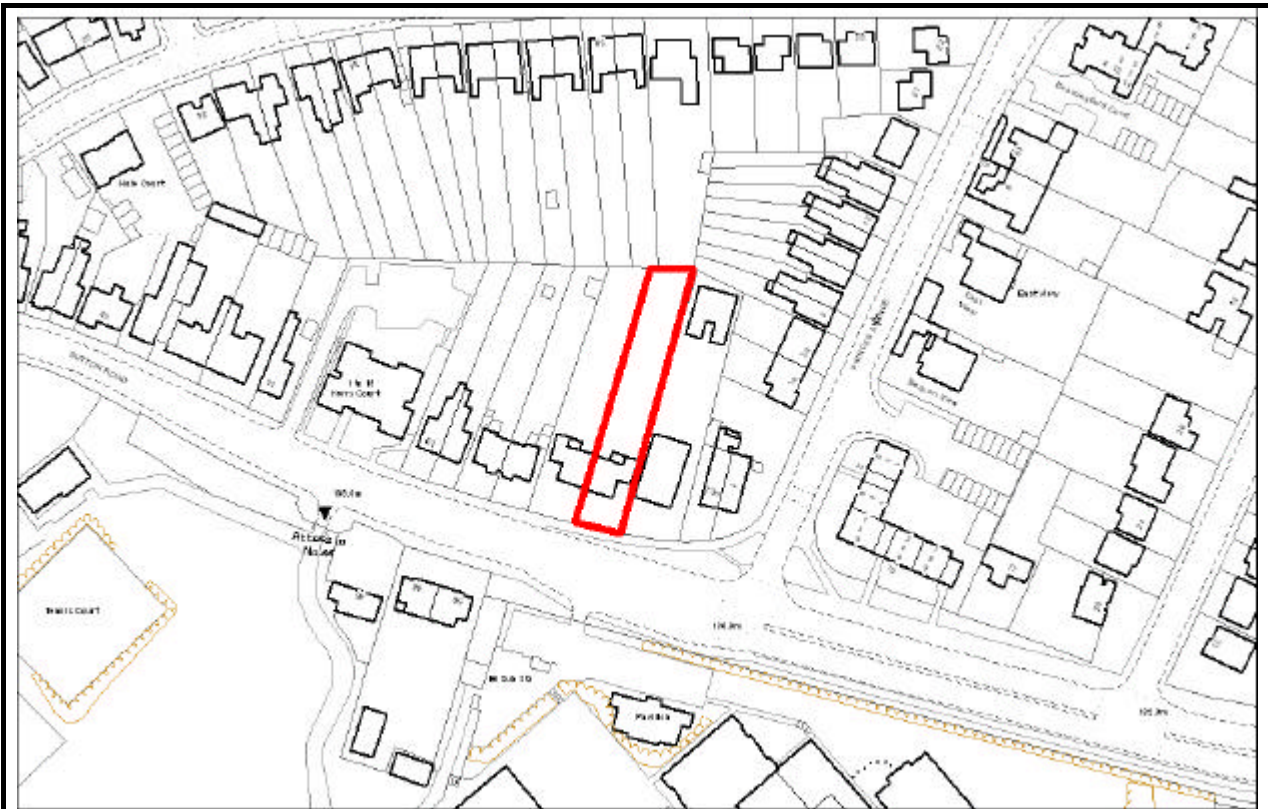
Email: planningservices@walsall.gov.uk

Agent: Robert Stevenson

Location: 71 SUTTON ROAD, WALSALL, WS1 2PQ

Expired Date: 20/10/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for the retention of a detached building at the end of the rear garden of a traditional semi-detached house. An earlier planning application to retain this building and use it to provide ancillary residential accommodation for a person with disabilities was refused planning permission by the Development Control Committee on 27 May 2010, on amenity and design grounds and as unsuitable for disabled persons. Enforcement action was approved.

This application is for planning permission for the retention of the building with an alternative use as a summer house/garden room. The Design and Access Statement sets out that *"The summer house / garden room as retained is to be ancillary to and incidental to the use of the property as a dwellinghouse and will not be used for sleeping purposes or as a separate unit of living accommodation."*

This document also sets out that rooms / buildings of this sort are a commonplace feature of gardens in particular there is a similarly sized building of this type in the adjoining garden, No. 71. Planting is proposed along the eastern boundary. (rapid growing firs or other suitable tree / shrubs).

The rear garden of the application property is approximately 50 metres in length and there are two existing timber storage buildings located towards the end of the rear garden. The proposed garden building is located to the rear of these storage buildings and is positioned almost across the full width of the rear garden boundary. The building is partly completed and is of breeze block construction. The building has a floor area of 61 square metres and has a mono-pitched roof which is between 2.7 and 3.8 metres high. The proposal includes a ramped access and landing area with handrails to provide access. There are windows in all four walls, and two doors in the elevation facing back towards the house.

The rear garden boundary is angled and the building lies between 0.9 and 3.7 metres from this boundary and approximately 1 metre from each of the side garden boundaries. There is a large outbuilding to the rear of house number 73 which lies at a lower level than this proposal and has a high level obscure window which faces towards the garden boundary with 71. The other half of this pair of semis, number 69, has a breezeblock outbuilding in the rear garden. Immediately to the rear of the site are houses in The Crescent and Princes Avenue and this proposal is visible from the rear garden of 3 Princes Avenue.

Relevant Planning History

10/0088/FL – Construction of detached building in rear garden to provide ancillary residential accommodation for person with disabilities – refused planning permission at Committee, contrary to officer recommendation, on the grounds that the ancillary accommodation is wholly unsuitable for use by a disabled person due to its remote siting in relation to the house and access arrangements. The building was also considered to add to the clutter in the garden and have a detrimental impact on the visual amenity of the neighbours particularly at 3 Princes Avenue.

Relevant Policies

(note the full text version of the UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

Unitary Development Plan Policies

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- Community safety and security

H10: Layout, Design and Dwelling Mix.

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Documents relating to residential design.

Supplementary Planning Documents

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character. Appendix E includes;

- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.

National Policies

Planning Policy Statement 1 encourages good design. Paragraph 34 states that design which is inappropriate in its context should not be accepted.

Consultation Replies

Environmental Health – No comments

Landscape Officer – No objections but recommend details of proposed screen planting are provided

Public Participation Responses

One letter of objection has been received that the previous proposed use was not an issue but the size and dominance of the building on the environment was the issue. There were five objections to the previous application.

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

Determining Issues

- Impact on Amenity of Nearby Residents

Observations

Impact on Amenity of Nearby Residents

The proposal lies a minimum of 35 metres from the habitable room windows in the rear elevations of both 69 and 73 Sutton Road and it is considered that this proposal would have little impact on the existing daylight and privacy experienced by the occupiers of these houses.

The positioning of the side and rear facing windows in close proximity to the boundaries needs to be considered. The building at the bottom of this garden is adjacent to mature gardens, and existing outbuildings in adjoining gardens. It would not create any undue overlooking of the adjoining houses, and would have no significant adverse impact on the amenities on the adjoining occupiers.

The rear garden of number 54 The Crescent is approximately 42 metres long and it is considered that this building would have minimal impact on the amenity already enjoyed by the occupiers of this house.

The building is visible from the rear habitable room windows of number 3 Princes Avenue. This structure stands on higher ground than the existing outbuilding at 73 Sutton Road and is visible from the rear of number 3 above this building at 73. The separation distance between the ground floor rear habitable room window in 3 Princes Avenue and the proposed outbuilding is approximately 21 metres and the proposal would have little additional impact on privacy.

It is considered that the impact of this building on the surrounding environment and the visual amenity of the occupiers of number 3 is worsened by its unfinished breezeblock construction and lack of screening. This could be addressed by completing the painted render finish to all elevations and the planting of screening

vegetation along the boundary with shared with 3 Princes Avenue and 73 Sutton Road.

Conclusion

Notwithstanding the refusal of the earlier planning application at Committee and sanctioning of enforcement action it is considered that this amended proposal is acceptable and with additional painted render to the remaining elevations and some screening the scheme would be improved further.

Summary of Reasons for Granting Planning Permission

The position of this extension will have little impact on the privacy, daylight and sunlight received by nearby properties. The visual appearance of this building would be improved satisfactorily by completing the painted render finish to all elevations and a planting scheme along the rear garden boundaries with 73 Sutton Road and 3 The Crescent.

The proposed development is considered to accord with the aims and objectives of Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, and the Supplementary Planning Documents "Designing Walsall" and other material planning considerations.

Recommendation: Grant Permission Subject to Conditions

1. Before this development is brought into use the side and rear external elevations shall be rendered and painted to match the existing front elevation and retained thereafter.

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

2. Before this development is brought into use a detailed landscaping scheme is required along the boundaries with 73 Sutton Road and 3 The Crescent is required to provide screening. This shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented 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 and to safeguard the amenity of occupants of adjacent dwellings.
