



Development Control Committee

10th March 2009

Report of Head of Planning and Building Control, Regeneration

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	08/1955/FL	LAND C/O (OPPOSITE NO'S 57-69),REVIVAL STREET,WALSALL,WS3 3HR	Demolition of existing factory units and erection of 12 dwellings (4 x 2 bed, 6 x 3 bed & 2 x 4 bed)	Grant Permission Subject to Conditions and a Planning Obligation
2	14	08/1839/FL	VALEN HOUSE,WESTGATE,WALSALL,WS9 8DG	New workshop with ancillary offices and photographic lab in part of the First floor.	Grant Permission Subject to Conditions and a Planning Obligation
3	23	09/0059/FL	UNIT 6,COPPICE LANE,ALDRIDGE,WS9 9AA	Variation of condition 6 of planning permission ref 05/1048/FL/E6 to permit mixed use of premises as children's indoor adventure centre and day care nursery.	Refuse Permission
4	30	09/0030/FL	EMPIRE WORKS,STUBBERS GREEN ROAD,WALSALL,WS9 8BL	Re-submission of 08/0916/FL: Construction of a Waste Transfer Station	Grant Permission Subject to Conditions and a Planning Obligation
5	41	09/0116/FL	THE MANOR HOUSE P.H.,MILL STREET,WALSALL.	Erection of 2no 4 bed and 7no 3 bed houses, 9 in total and associated works and parking.	Grant Permission Subject to Conditions
6	52	08/1751/FL	4 FIELD ROAD,BLOXWICH,WS3 3JE	Retain double garage to front of property	Grant Permission Subject to Conditions



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration on 10 March 2009

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/1955/FL

Application Type: Full application

Applicant: Mr Brian Wordley

Proposal: Demolition of existing factory units
and erection of 12 dwellings (4 x 2 bed, 6 x 3 bed
& 2 x 4 bed)

Ward: Bloxwich East

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

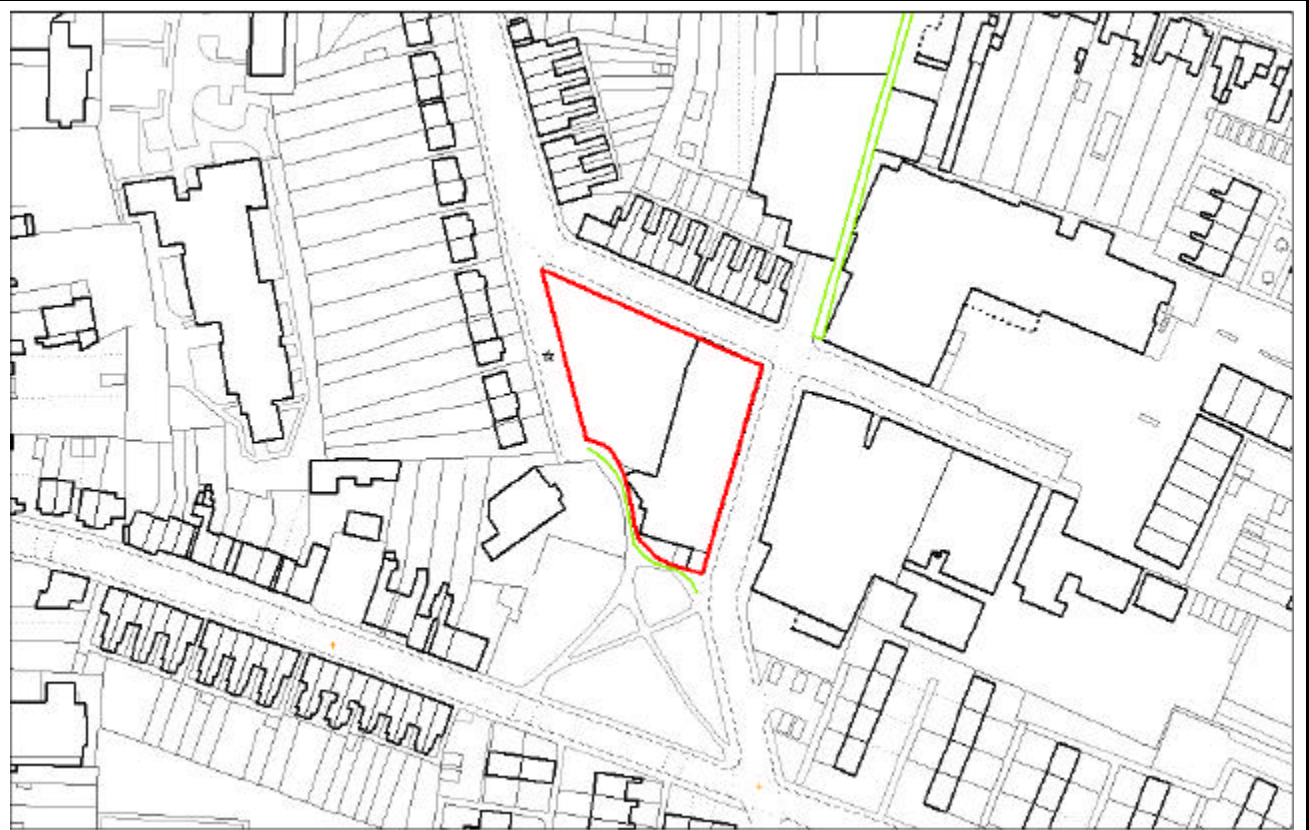
Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: Scott Anderson

Location: LAND C/O (OPPOSITE NO'S
57-69), REVIVAL STREET, WALSALL, WS3
3HR

Expired: 14/04/2009



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

Application and Site Details

The almost triangular shaped site is situated on the southern side of Revival Street, bounded also by Woodall Street and is situated within walking distance from Bloxwich District Centre.

The site is an area of vacant land containing a large semi derelict industrial building fronting Woodall St, which is split into 3 small industrial units, which are vacant. A number of trees are situated around the area of vacant land, which are unprotected by a TPO. The site has been the subject of a number of complaints of anti social behaviour and is a key site for regeneration.

According to historical maps the vacant area of the site was formerly occupied by a row of terraced houses fronting onto Revival Street.

To the north and west of the site within Revival Street are 2 storey terraced houses at back of pavement and semi detached and terraced houses set back from the street. To the south west is a spiritualist church and to the south public open space at the junction of Woodall Street and Church Street. To the east opposite the site in Woodall Street are small industrial units, and to the north east a bowling alley and snooker hall.

A public footpath runs to the south west of the site from Revival Street through to Church Street to the south, past the spiritualist church and through an area of public open space.

The surrounding area is therefore of mixed uses, with residential mainly to the north and west with industrial and commercial uses to the east.

The application proposes the demolition of the existing industrial premises on the site and erection of 12 houses, 4 x 2 bed, 6 x 3 bed and 2 x 4 bed, two and two and a half storey, garages, parking and landscaping. Plots 1-6 would front Woodall Street, plots 7-10 Revival Street and plots 11 and 12 within the dead end of Revival Street.

The site area 0.2167 hectares providing a density of 55 dwellings per hectare.

Relevant Planning History

BC31236P, Section 64 determination, subdivision of building to 3 smaller units. No permission required, 09-11-90

06/0319/OL/E9, outline for residential development with all matters reserved, Withdrawn 08-09-08.

08/0884/FL, demolition of existing factory units and erection of 14 dwellings (11x 3 bed and 3 x 2 bed), refused 17-09-08.

Reasons for refusal:

1. The design and layout of the proposed development would provide a cramped form of development that would be out of character with the surrounding pattern of development in terms of its failure to address key corner plots providing poor surveillance of the street and lack of inclusion of local design characteristics.
2. The proposed layout fails to provide a satisfactory parking space for plot 7, fails to demonstrate appropriate access to the frontage for refuse bins and an unacceptable level of pedestrian visibility to the proposed driveways, detrimental to vehicle/pedestrian inter visibility and highway safety.

3. The proposed layout would provide a habitable room within plot 1 within 5m of an existing electricity substation '13031 Wiggins' which would provide an unacceptable residential environment for the future residents.

4. The proposed development would, in the absence of appropriate financial contributions or other arrangements, result in unacceptable demand on limited educational capacity and public open space provision in the locality.

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).

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

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

These will be used, as appropriate, 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 would be expected to have regard for the objectives of 'designing out crime' which include maximising the surveillance of public areas from the living areas of homes and from other buildings.

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 and that the development would not unacceptably constrain the development of any adjacent site.

H9: Minimum Densities

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

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.

ENV13: Development near Power Lines, Substations and Transformers

To protect the general amenity of occupiers development in close proximity to substations will not normally be permitted.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV26: Industrial Archaeology

The Council will have regard to the industrial and/or historical importance of the site or building.

ENV32: Design and Development Proposals.

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

ENV39: Renewable Energy and Energy Efficiency

Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

JP7: Use of Land and Buildings in Other Employment Areas

Windfall sites will normally be safeguarded for appropriate employment uses, but it is recognised that there will be circumstances where it will be more appropriate to consider other uses such as residential, where the site no longer meets the needs of modern industry.

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 indicates that residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bed houses	2 spaces per unit
4 bed houses and above	3 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.

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) (Feb 2007)

Requires a contribution towards local primary and secondary education facilities where required according to capacity with a threshold of 10 residential units and above.

National Policy

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

PPS3: 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 more sustainable patterns of development for housing development and encourages assessment of the location and accessibility of jobs, services and transport choices and to reduce travel, especially by car.

PPS23: Planning & Pollution Control advises a Precautionary approach of a 5m exclusion zone around substations, transformers etc.

Consultations

Transportation – no objections subject to conditions regarding visibility splays, footway crossings, parking for site operatives and Section 38/278 requirements. UDP standards would require 26 parking spaces and 24 would be provided, however the site is situated in a sustainable location a short distance from the district centre and links with public transport, therefore the proposed parking level is considered acceptable.

Fire Officer – Satisfactory access for fire service access.

Environmental Health – No adverse comments, complaints received regarding the dilapidated state of the buildings, redevelopment will improve the visual amenity of the area. No complaints have been received regarding noise from the existing factory units.

Education Walsall – A contribution towards secondary school provision of £30,207.90 would be required.

Pollution Control – Scientific Team – No objections subject to conditions regarding the location of the electricity substation on Woodall Street and hours of demolition and construction on site. Plot 1 is now shown more than 5m separation distance from the electricity substation.

Contaminated Land Team – no objections, but in view of the previous industrial uses on the site works shall be implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the factory/works. Conditions to address these concerns have been provided.

Landscape Officer – No landscape proposals have been submitted to assess. Full details of hard and soft landscaping would be required to include details of walls, fencing, paving, planting (including trees) size, specific location and species to be identified.

Arboricultural Officer – no objections subject to conditions for replacement tree planting. The existing trees on the site are not in the greatest of condition. It may therefore be prudent to allow the removal of all the trees, subject to suitable replacements (at least 10-12 trees) in suitable locations. The location of the replacement trees should be considered so that they can be successfully integrated into the development.

Public Right of Way – no objections

Severn Trent Water – no objections, subject to condition re drainage.

Conservation Officer – no objections subject to condition to ensure the industrial buildings are assessed and recorded prior to demolition in accordance with brief provided.

West Midlands Police – site located in an area of high levels of burglary and vehicle crime therefore Secure By Design should be sought and maximum surveillance of parking and the street is provided.

Urban Design – some concern at the lack of integral bin stores and the length of blank boundary wall to the rear of plots 1 & 2, which doesn't provide a positive contribution to the character of the area.

Representations

One letter of concern received.

Support for the redevelopment of the site, but concerns raised at parking. The existing houses have to park on street and the proposals with driveways will reduce the available parking. The route is used as a rat run and is very busy.

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

Determining Issues

The Principle of Development

Whether the proposals overcome the previous reasons for refusal in terms of:

- The design and layout of the proposals
- Parking, access and visibility
- Impact of existing electricity sub station
- Urban Open Space and Education provision.

Observations

The principal of the development

1950's maps show that the now vacant land within the site was formerly occupied by a terrace of residential houses fronting Revival Street. The remainder of the site is currently still occupied by a large semi derelict industrial building, subdivided into 3 smaller units.

It was considered that the industrial premises no longer met the needs of modern industry and therefore the sites could legitimately be considered for alternative uses, in compliance with Policy JP7.

Policy H3 encourages the re-use of previously developed land for residential purposes.

Whilst the proposals would provide a density of 55 dwellings per hectare, exceeding the 30-50 dwellings per hectare in H9, the density is considered appropriate as the site is situated within walking distance of Bloxwich District Centre and as such is a sustainable location, close to shops and services as well as good public transport routes. The surrounding pattern of development is already high density with traditional terraced and semi detached houses.

Whilst no objections have been raised to the demolition of the building as it is in a very poor condition and is not listed or within a conservation area, but due to its historical interest a building recording assessment has been requested prior to demolition.

Design and Layout.

The proposals are a revised scheme following a previous refusal for 14 houses. The scheme has now been reduced to 12 houses and provides a greater mix of units, with 2, 3 and 4 bed houses included.

The layout would now provide 6 houses fronting Woodall Street (plots 1-6), 4 houses fronting Revival Street (plots 7-10) and 2 further houses fronting the dead end section of Revival Street (plots 11 and 12).

Plots 1, 2, 3 and 4 comprise 3 bed, two and a half storey semi detached houses with single storey side garages set back with driveway in front.

Plot 5 would provide a 3 bed two and a half storey detached house with single storey side garage.

Plot 6 would comprise a 4 bed, two storey and a half storey detached house with single storey garage set to the rear with access off Revival Street.

Plots 7 and 8 would comprise 2 bed, two storey semi detached houses with single storey side garages.

Plot 9 would comprise a 3 bed two and a half storey detached house with single storey side garage.

Plot 10 would comprise a 4 bed, two and a half storey detached house with 2 parking spaces set to the rear.

Plots 11 and 12 would comprise 2 bed, two storey semi detached houses with parking each side.

Habitable rooms at plot 1 are now proposed 5.2m from the existing electricity substation on Woodall Street, which would now comply with guidance within Policy ENV13 of the UDP and therefore the relationship is now considered satisfactory.

The proportions of the buildings and window design have been amended from the previous application and now provide satisfactory scale, proportions and design and now picks up key design characteristics from the immediate area, in terms of gable features, window and front door detailing.

Plots 6 and 10 are situated on prominent corner locations and have been designed to incorporate habitable room windows to both street frontages, to add activity and surveillance of the street and improve the overall appearance and views of the development within the general street scene.

Whilst 8 of the rear private gardens fail to meet the 12m length required by Appendix E of Designing Walsall, only 5 fail to meet the 68sqm garden area required and 3 would have gardens in excess of 100sqm. The mixed size of gardens within the development follows the surrounding pattern of development, where garden sizes vary considerably in the properties

immediately opposite the site from 32sqm up to 220sqm. The garden sizes within the development are therefore considered satisfactory.

Plots 11 and 12 are set at an oblique angle to plots 4 and 5, with no rear windows directly facing each other.

The shape of the site and the existing features ie the public right of way to the south west and the electricity sub station have provided considerable constraints to the design and layout of the development. The layout whilst tight within the site, would provide maximum surveillance to all three street frontages and provide a density characteristic of the surrounding pattern of development, that provides a mix of traditional terraced and semi detached houses. The design now incorporates key design features from the surrounding area and addresses the prominent corner locations of the site to provide surveillance of the street and overcome the previous design and layout reasons for refusal.

Whilst the length of the wall to the rear of plots 1 and 2, along the boundary with the public right of way is not ideal it would provide a robust security feature for the residents and the landscaping scheme to be provided within these rear gardens would include tree planting that would be seen above the wall to provide a backdrop to soften its impact. The depth of this part of the site, the lack of vehicle access and the location of the electricity substation have prevented any development fronting the right of way. On balance it is considered that the layout proposed would form the best overall solution when faced with the constraints of the site.

Parking, access and visibility

Plots 1-11 would all have 2 off street parking spaces, whilst plot 12 would only have 1 space. Whilst this falls slightly below the UDP (T13) guidance for parking, these are maximum standards. The site is situated in a sustainable location close to Bloxwich District Centre, with good access to shops, services and public transport. The level of parking is therefore considered satisfactory.

The layout of the development has been amended since the previous refusal to ensure adequate pedestrian and vehicular visibility can be achieved, and to ensure access from rear gardens to the street for refuse bins.

The layout also now includes 1m high railings adjacent to plot 12 at the end of the public right of way to guide pedestrians towards the existing pavement on the western side of Revival Street, away from the new driveways, to ensure pedestrian safety.

It is therefore considered that the proposed layout overcomes the previous highway reasons for refusal.

Impact of existing electricity sub station

The closest habitable room within plot 1 would now be situated 5.2m from the existing electricity substation '13031 Wiggins' on Woodall Street. This would now comply with guidance within UDP policy ENV13, PPS23: Planning & Pollution Control and Health Protection Agency, to provide a satisfactory residential environment for the future occupiers of the property. The guidance suggests a precautionary principle be used to ensure no adverse impact on residential occupiers, and the Health Protection Agency's website advises that at a distance of 5 – 10m from a substation the levels of magnetic fields would be similar to those experienced in any residential property. The magnetic fields recorded around substations are less than the ICNIRP guidelines for safety. The proposed layout is therefore now considered satisfactory in terms of the residential environment for the future occupiers.

Urban Open Space and Education Provision

Urban Open Space

An Urban Open Space contribution of £23,290.00 is required to comply with the Urban Open Space SPD and LC1(d) of the UDP

Education

The level of surplus places in local secondary schools are below 10%, therefore a contribution of £30,207.90 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP and Education SPD.

The total contribution payable to comply with policy would be £53,497.90 plus costs. The applicant has agreed these costs and contributions and is willing to complete a S106 Agreement to secure the contributions.

Summary of Reasons for Granting Planning Permission

The proposals are acceptable in land use terms, meeting UDP policy JP7 regarding the development of industrial land for other purposes and overcomes the previous reasons for refusal in terms of the design and layout, parking, access and visibility and the impact of the existing electricity substation and would provide a quality design and layout which fits well with the constraints of the site. The proposal makes good use of previously developed derelict land within a sustainable location and would have no adverse impact on the amenities of the surrounding occupiers.

Whilst concerns about parking have been raised by an existing resident the development would provide off street parking for each house and would leave on street parking available for existing residents. The proposals would therefore result in an overall net gain in parking provision.

Contributions towards local education and urban open space in accordance with the Council's Supplementary Planning Documents and Unitary Development Plan Policies GP3, LC1(d) and 8.8 have been secured through a S106 Agreement.

The proposals would accord with the aims and objectives of the development plan, in particular policies 2.1, 2.2, GP2, GP3, GP7, 3.6, 3.9, 3.16, ENV13, ENV14, ENV32, ENV39, JP7, H3, H9, H10, T13, 8.8 and LC1(d) of Walsall's Unitary Development Plan (2005), and Supplementary Planning Documents: Designing Walsall (2008), Education (2007) and Urban Open Space (2006).

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

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

3. No development shall commence on site until drainage details, incorporating sustainable drainage principles and an assessment of the hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details prior to first occupation of any unit and retained as such.

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

4. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed dwellings, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development. The development shall be carried out and retained in accordance with these approved details.

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

5. Prior to the commencement of any demolition of the factory units within the site, fronting Woodall Street a full historical building survey shall be undertaken (to level 2-3 as defined by English Heritage) and completed to the satisfaction and standards set out by the Black Country Archaeologist in accordance with the Brief attached to this decision notice. A copy of the completed survey shall be submitted to the Local Planning Authority.

Reason: To ensure that above ground historical remains are recorded prior to demolition.

6. No built development shall commence on the site until details of all boundary treatment (including walls, fencing and railings) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of any unit.

Reason: In the interests of securing the development and to safeguard the visual amenity of the area.

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

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

8. No built development shall commence until details confirming measures used to ensure that the development shall be constructed in accordance with the Code of Sustainable Homes (Level 3) or equivalent relating to energy efficiency / CO₂, water efficiency, surface water management, site waste management, household waste management and use of materials, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide high performance sustainable homes/buildings and to protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and policies GP2 and ENV39 of the Walsall Unitary Development Plan and policies DW1 and DW10 of Designing Walsall Supplementary Planning Document.

9. No built development shall commence on site until details of a landscaping scheme to include a minimum of 10 replacement trees, hard and soft landscaping, has been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be

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

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

10. 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.

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

11. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. 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 within 1 month of completion.

Reason: To prevent the possibility of surface and/or groundwater pollution.

12. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To prevent the possibility of surface and/or groundwater pollution.

13. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To prevent the possibility of surface and/or groundwater pollution.

14. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1988, or succeeding Orders no extensions to plot 1 shall be built within 5m of the electricity substation '13031 Wiggins' without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard the residential occupiers from exposure to electromagnetic radiation.

15. All pedestrian visibility splays and the visibility splay at the junction of Revival Street and Woodall Street shown on the approved plan (008-2008 received on 18-02-09) shall at all times be kept clear of any planting or structures exceeding 600mm in height above ground level and shall thereafter be retained for this purpose.

Reason: In the interests of highway safety

16. Prior to the commencement of the development engineering details of the improvements to the existing highway and the adoptable service strip in Revival Street shall be submitted to and approved by the Local Planning Authority. No works shall commence until an agreement under Section 38/278 of the Highways Act 1980 in respect of these works has been entered into with The Local Authority.

Reason: To ensure the satisfactory completion of the development and to comply with the requirements of the Highways Act 1980.

17. Prior to the first occupation of the development, the proposed vehicular footway crossings shown on the approved plan shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion of the development and to comply with the requirements of the Highways Act 1980.

18. Prior to the commencement of the development details of the parking area for site operatives and construction delivery vehicles with the site boundary shall be submitted to and approved by the Local Planning Authority, and this provision retained during the period of construction.

Reason: In the interests of the safe operation of the site and to minimise the likelihood of indiscriminate parking on the highway during construction.

19. Prior to first occupation of any unit hereby approved the electricity substation '13031 Wiggins' on Woodall Street shall be colour coated a colour to be agreed in writing with the Local Planning Authority prior to implementation.

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

20. This permission relates to the following submitted information:

Proposed Street Scenes

Proposed location plan and block plan

Proposed plans and views of 2 1/2 storey 3 bed house

Proposed plans and views of 2 bed house

Proposed plans and views of 2 1/2 storey 4 bed house (plot 6)

Proposed plans and views of 2 1/2 storey 4 bed house (plot 10) submitted on 23rd December 2008

Proposed site layout for 12 dwellings submitted 18th February 2009

Design and Access Statement submitted on 13th January 2009.

Reason: In order to define the permission.

Notes for Applicant

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.

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration on 10 March 2009

REASON FOR BRINGING TO COMMITTEE: Major Planning Application

Application Number: 08/1839/FL

Application Type: Full application

Applicant: Valen Fittings Ltd

Proposal: New workshop with ancillary offices
and photographic lab in part of the First floor.

Ward: Rushall-Shelfield

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

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Agent:

Location: VALEN

HOUSE, WESTGATE, WALSALL, WS9 8DG

Expired: 10/04/2009



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

Application and Site Details

The site is within Westgate Core Employment Area in Aldridge. The buildings along Westgate are set back with car parking to the front. The boundary treatments along Westgate consist of low dwarf walls, which give the industrial estate an open character setting.

Valen House is located on northern side of Westgate and is a two storey square building; there is an ancillary building to the west of Valen House which is also two storey's high. To the front of the site there is a car parking area and along the adjacent building and cars are also parked along the frontage. On the opposite side of the site and adjacent Valen House are commercial buildings. To the rear of the site is Ibstock quarry.

The applicant looks to rebuild and extend the existing premises, including an ancillary photographic lab and office and increasing the Gross Floor Area from 4150 sq m to 5254 sq m. The ground floor will be divided into a test house facility area, pipe bending and press shop, plasma cutting, loading bay and plates storage area all in one section of the workshop a maintenance shop and stored finished goods area and a separate maintenance shop.

The workshop would measure 59.7m in length and approximately 29m in width. The height of the building would vary from 12.8m adjacent the existing building on the site and 10.4m adjacent MKG Foods. Rooflights and windows would be incorporated in the north west elevation and windows in the north east elevation. The design of the building would include a shallow apex roof.

A revised plan has been submitted which illustrates a total of 18 car parking spaces to be provided to the front and side of the proposed building.

A revised Design and Access Statement has been submitted with the application, which outlines the design of the proposal, disabled facilities and access. It also states that the extension is to form a large diameter pipe production unit to compliment the specialised purpose made fittings, which are currently produced by the company and used by the petro chemical industry. The appearance of the building would consist of brickwork up to 4m with vertical colour coated sheeting in mid blue. The proposal seeks to employ an extra 12 staff on site.

A plan showing a fire hydrant at the front of the site on Westgate has been submitted.

Relevant Planning History

BC16267P Condor Engineering Ltd, Westgate, Aldridge. Extension to form warehouse, tool room, inspection room, toilets, offices and canteen. Granted subject to conditions 1986.

BC33990P Valen Stainless Steel Fittings Ltd. New workshop/warehouse extension. Granted subject to conditions 1991.

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

Unitary Development Plan (UDP)

Policies 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.

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

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

Policy GP7 refers to designing out crime.

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

Policies 3.16, ENV32 and 3.116: seeks the design of developments to create high quality living environments, well integrated with surrounding land uses and local character.

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

Policy ENV34 requires the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development.

Policies 4.4, 4.33, 4.34 and JP5: Core Employment Areas will be safeguarded for core employment uses.

Policies 7.5, 7.52 and 7.36, PPG13: parking policies should be used to promote sustainable transport choices and reduce the reliance on the car by improving public transport.

Policies T1-T7: Advises on accessibility standards for bus, rail and road networks, car parking and provision for walking and cycling.

Policy T13: Use Classes B1(a)(b)(c) 1 car park space per 30m² of gross floorspace, 1 bike locker for every 10 car parking spaces, taxi facilities. Use Class B2 – 1 car park space per 50m² up to 250m², then 1 space for every additional 100m² of gross floorspace. 1 bike locker for every 10 car parking spaces, taxi facilities. Class B8 - 1 car park space per 50m² of gross floorspace up to 250m², then 1 space per 100m² up to 2500m² then 1 space for every 500m² of gross floor space. 1 bike locker for every 10 spaces and Taxi facilities.

Designing Walsall SPD (February 2008)

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies eight key urban design principles for consideration including sustainability, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability. . Local Character Guidance is also included, plus Public Art Guidelines.

Regional Policy

The Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area and sustainable development in accordance with national government guidance.

National Policy

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

PPG4 Industrial and Commercial Development & Small Firms: Seeks to take account of the locational demands of business.

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

PPS23 Planning and Pollution Control: Seeks to control the effects of pollution.
PPS24 Planning and Noise: Seeks to minimise the adverse impact of noise.

Consultations

Transportation – No Objection to the current proposal subject to conditions relating to layout, parking and travel planning.

Pollution Control Scientific Team – No comments

Pollution Control Contaminated Land Team – No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the factory/works of an unspecified nature.

Fire Service – No objection subject to the Fire Hydrant shown on the revised plan submitted on 12 February 2009.

Building Control – No objection subject to user note advising the applicant to notify Building Control of their intention to demolish any buildings on the site.

Landscape Officer – No objection.

The application has been amended with, among others, the removal of reference to a 2.0M high fence to the Westgate frontage. An amended layout plan has also been submitted that better explains how the site will function and relate to the existing building and the neighbouring premises.

No landscape objection to the revised proposal subject to the provision of landscape planting details to the Westgate frontage.

Police Architectural Liaison Officer – No objection subject to the inclusion of the revised information submitted on 12 February 2009 to be incorporated into the scheme.

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

Drainage – No objection

Access Officer – No objection. Sanitation facilities need to be sorted out but this is a Building Regulations issue.

Urban Designer – No objections subject to a Section 106 Agreement to provide a financial contribution towards public art in accordance with Designing Walsall SPD Policy DW9.

Environmental Health – No objection

Public Participation Responses

None

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

Determining Issues

- Principle of Use
- Design
- Access and Car parking
- Contribution to public art

Observations

Principle of Use

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes B1(b), B1(c), B2 and B8. The proposal is to construct a unit to be used for these purposes the principle of development is acceptable and accords with policy JP5.

Design

The proposed workshop would sit in line with the building line of Valen House and would be 2.4m taller than the existing workshop building adjacent Valen House. The proposed workshop would have a shallow apex roof and the section of the workshop adjacent MKG Foods Ltd would be slightly recessed. The proposed building is considered acceptable, as it would sit in line with the existing building to the west, MKG Food Ltd and the existing buildings belonging to Valen House to the east. There is a 15m distance between MKG Food Ltd and the proposed workshop. The proposed building is stepped in height, so that when it is viewed in the street scene it would be seen as a gradual increase in height. From long views the proposed buildings would be seen against the back drop of other existing industrial buildings adjacent the site.

With regards to the landscaping at the front of the site, currently there is a landscaping strip fronting Westgate, however in a small section in between the proposed site and existing site there is currently no landscaping. The scheme will aim to incorporate landscaping in this section to create a continuous strip of landscaping, which would visually improve the appearance of the site and enhance the character of the area. Planting details for such a small strip of land can be sought by way of a planning condition.

The Police Architectural Liaison Officer gave advice about securing the building to prevent the building being targeted for crime. The agent has confirmed that the recommendations of the Police Architectural Liaison Officer will be incorporated into the design of the building. A planning condition can ensure that these safety and security measures are incorporated into the design of the building.

The Fire Officer advised that access for fire appliances was satisfactory provided there is a fire hydrant within 90m of the entrance to the building. A revised plan has been submitted on 12th February 2009 illustrating an existing fire hydrant at the front of the proposed building..

Access and Car parking

In terms of the UDP car parking standards for B2 use this equates to a maximum requirement of 55 spaces for the whole use in total. A total of 50 car parking spaces will be provided which is considered acceptable to the Highway Authority.

As the development is an extension to the existing operation, the additional trips generated by the expanded business are unlikely to have a significant detrimental affect on the surrounding highway network. A Transport Assessment is therefore considered unnecessary; however the Travel Plan element will still be required to encourage sustainable modes of transport.

The agent has confirmed that some employees cycle to work and that there are on site shower facilities. A cycle store has been provided, however no details have been submitted. These details can be secured by way of a planning condition.

Contribution to public art

In accordance with policy ENV34 and DW9 a financial contribution of £9,000 would be required for public art contribution. The applicant has agreed to this which can be secured by a Section 106 agreement. In accordance with the SPD, the agreement would require 8% of the contribution to be payable on completion of the Section 106 agreement.

Summary of reasons for granting planning permission

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes B1(b), B1(c), B2 and B8. The proposal is to construct a unit to be used for these purposes the principle of development is acceptable and accords with policy JP5. Enhanced landscaping is proposed and that is visually acceptable. The Fire Officer's concerns together with the Access Officer's concerns and the Police Architectural Officer's concerns have been dealt with through the receipt of a revised Design and Access Statement, additional information and revised plans.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2) The proposed development hereby approved shall only be carried out in accordance with the proposed site layout plan, drawing number V345/1A/1/amended.Jan.09, V345/2A/amended.Jan.09, V345/3A/amended.Jan.09 submitted on 18 February 2009 and the street scene plan submitted on 19 December 2008 and the plan submitted on 12th February 2009 illustrating the fire hydrant.

Reason: To define the permission.

3) No development shall commence on site until details of the facing materials and external finish of the cladding have been submitted to and approved in writing. The development shall be completed with the approved details and retained at all times.

Reason: To ensure the satisfactory development of the site.

4) No development shall commence on site until a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice is submitted to and approved in writing by the Local Planning Authority. 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 as soon as they become available. The development shall be completed with the approved details and retained at all times.

Reason: To prevent the possibility of surface and/or groundwater pollution.

5) No development shall commence on site until details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and

agreed in writing with the Local Planning Authority. The agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. The development shall be completed with the approved details and retained at all times.

Reason: To prevent the possibility of surface and/or groundwater pollution.

6) No development shall commence on site until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained and maintained at all times.

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

7) No buildings shall be erected or trees planted within 5m (450CWS) (9375975SWS) either side of the sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.

Reason: To maintain essential access for maintenance, repair, renewal, and to protect the structural integrity of the public sewerage system.

8) Prior to the first operation of the proposed development all parking areas, accessways and manoeuvring areas shown on the approved plan number V345/3A/amended.Jan.09 and approved drawing proposed site layout plan submitted on 18 February 2009 shall be fully consolidated surfaced and drained and the bays clearly demarcated on the ground and thereafter be retained for this purpose.

To ensure the satisfactory operation of the development

9) Prior to the first operation of the workshop hereby approved a Travel Plan shall be produced in partnership with the Council's Sustainable Travel Officer on 01922 652463 and shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and encouraging the use of sustainable modes of transport.

Reason: To encourage sustainable modes of transport.

10) No development shall commence on site until details of the covered, secure and illuminated cycle storage facility has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained at all times.

Reason: To ensure the satisfactory completion of the development and encourage the use of sustainable modes of transport with the aim of reducing the reliance on the car.

11) The shared manoeuvring/service area shown on the approved plan number V345/3A/amended.Jan.09 and approved drawing proposed site layout plan submitted on

18 February 2009 shall be retained and maintained at all times for the use of the proposed development.

Reason: To ensure the future satisfactory operation of the development

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

Reason: To ensure the satisfactory appearance of the development.

13) The development hereby approved shall incorporate:

- glazing to all ground floor doors and windows
- first floor windows should have laminate glass units
- the roller shutter doors shall have internal locks and be alarmed this is to be coupled into the existing comprehensive alarm system
- extension of the infra red beam system set 300mm from the front elevation
- infra red beam system on the NW Elevation
- inclusion of 24 hour security and CCTV.

Reason: To ensure the development complies with the aims and objectives of Policy GP7 of the Unitary Development Plan.

Noted for applicant

1) 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.

2) 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. Submission of structural information to Building Control for regulations approval does not supplant the requirement to submit specified information to the Local Planning Authority, Development Control Service.

3) 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.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building
Control, Regeneration on 10 March 2009

REASON FOR BRINGING TO COMMITTEE: Requires a delicate judgement

Application Number: 09/0059/FL

Application Type: Full application

Applicant: Adventureland Ltd

Proposal: Variation of condition 6 of planning permission ref 05/1048/FL/E6 to permit mixed use of premises as childrens indoor adventure centre and day care nursery.

Ward: Aldridge/Central & South

Recommendation Summary: Refuse

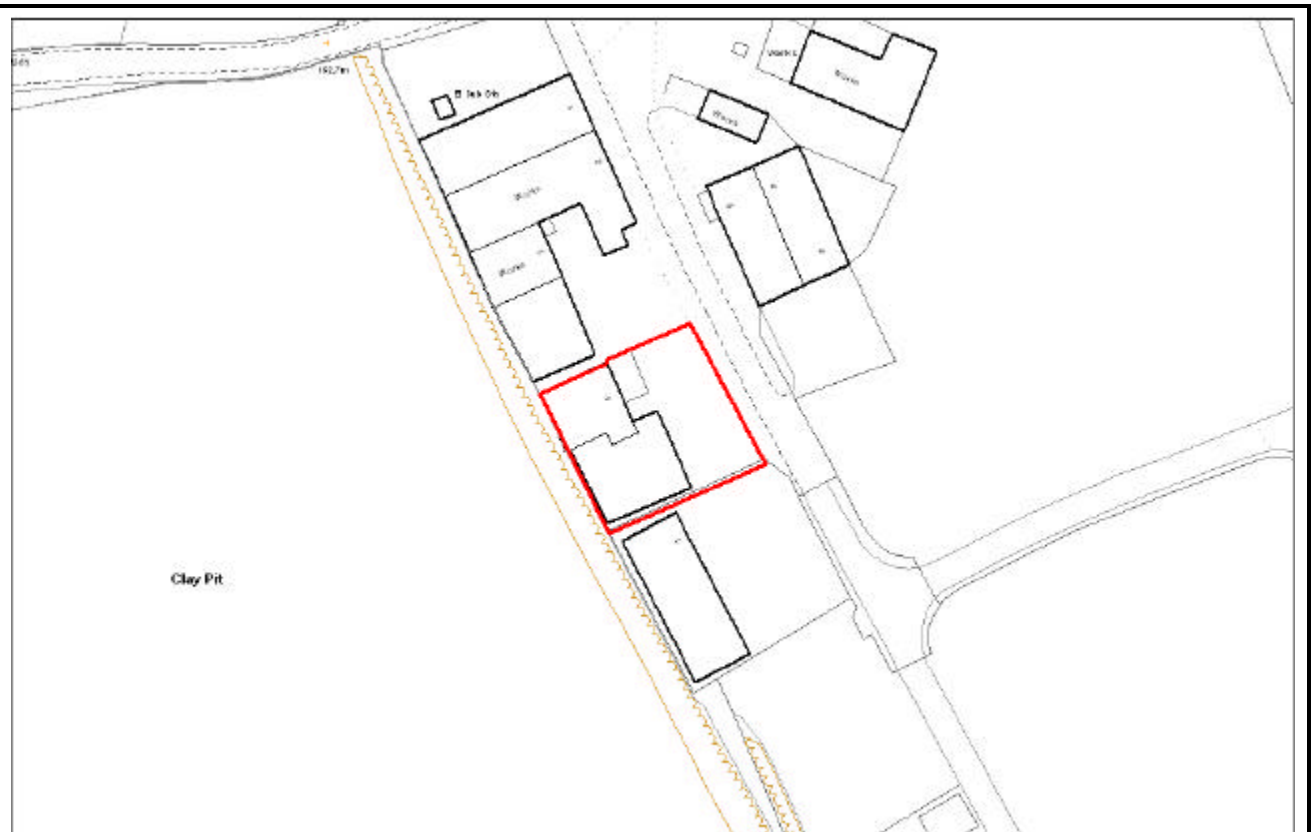
Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Agent: Tyler-Parkes Partnership Ltd

Location: UNIT 6,COPPICE
LANE,ALDRIDGE,WS9 9AA

Expired: 25/03/2009



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

Application and Site Details

Unit 6, Coppice Lane is an industrial area in the Aldridge. To the front of the unit is off street parking.

The application proposes the variation of planning condition of planning permission 05/1048/FL/E6 to permit mixed use of the premises as a children's indoor adventure centre and a nursery day care centre.

A covering letter with the application has been submitted which highlights:

- that such uses have been accepted, encouraged and introduced in industrial areas. Reference has been made to 'Kidsplay' schemes in Milton Keynes, Bury St Edmunds and Kettering. Furthermore, reference has also been made to David Lloyd Leisure Centre in Great Barr that provides nursery facilities in an industrial estate and 'Little rascals' on Northgate.
- the proposal would provide a child care facility in a good location for employees of industrial premises in the area and would provide a incomparable range of facilities for young children.
- The area devoted to child care use would compromise 200 square metres and would be used for general activity (and party use at the weekends, when the nursery would not be open).
- Child care use would operate Monday to Friday and provide a facility for up to 40 children below school age. The capacity of the building is currently 150 children.
- It would enable a further 8 jobs to be provided
- The premises receive approximately 5000 child visits per month, one fifth are nursery age children at weekday Mother and Toddler sessions.
- A nursery consultant has been employed which highlights the benefits of a nursery to young children.

Relevant Planning History

05/1048/FL/E6 Unit 6 Coppice Lane, Walsall. Change of use to children's indoor adventure centre. Recommended by Officer's for refusal, approved at Development Control Committee October 2005 subject to planning conditions and subject to a Section 106 Agreement and the submission of a Green Travel Plan.

Planning condition 6 of this permission states:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises shall not be used for any purposes other than that which is the subject of this permission.

Reason: To enable the Local Planning Authority to retain effective control over the site as it is not necessarily suitable for other similar uses.

BC54931P Unit 6, Coppice Lane, Aldridge. Erection of extension to existing industrial unit for B2 and B8 purposes. Granted subject to conditions 1998.

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

Unitary Development Plan

There are no site-specific policies or proposals.

Policy 2.1 The mutually interdependent aims of sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion underlie all the plans policies.

Policy 2.2(b): maintaining and enhancing our established town, district and local centres as the main focus for shopping, services, leisure and most aspects of community life.

Policy GP1: seeks to locate facilities where they would be accessible for everyone and minimise the need to travel.

Policy 4.3: Criteria for judging whether land should be safeguarded for employment use.

Policy JP7(b): D2 will not be permitted, except where a purely local need is demonstrated

Policy 5.2 - prime concern will be to sustain and enhance the vitality and viability of the town, district and local centres and also aims to assist centres in meeting the needs of residents, visitors and workers.

Policies 5.4 - 5.5: The Sequential Approach to site selection: first choice to be within Town, District or Local Centres, then on the edge of centres, or other places that have good accessibility by a choice of means of transport.

Policy S1: a day nursery is a D1 use is a town centre use and subject to policies S6 and S7.

Policy S6: development in out-of-centre locations may be acceptable if it meets a local need.

Policy S7: in out-of-centre or edge-of-centre locations the sequential approach applies.

(a)(v) offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community, and from a wide catchment area, to help achieve better access to facilities and development by a choice of sustainable transport modes. Consideration must be given to whether an alternative location in a centre would ensure easier access.

(a)(vi) The proposal should not be designed and located so as to be reliant primarily on access by car and should, insofar as possible, contribute to the objective of reducing the need to travel, especially by car. Again, consideration must be given to whether an alternative location in a centre would facilitate multi-purpose trips and help reduce car use. Where proposals are to be permitted the Council may require a green transport plan (see Chapter 7).

Policy T10 Shops, offices, leisure and entertainment, other town centre uses and housing within or on the edge of a centre in accordance with policies in Chapter 5; any such uses which are to meet purely local needs in an out-of-centre location in accordance with Policy S6.

Policy T11(b): developments which generate significant numbers of trips should have direct, safe and attractive access for pedestrians, cyclists and wheelchair users.

Policy T11(c): where pedestrian and cycle links are considered to be substandard, measures must be taken to improve them.

Policy T12(c): bus stops should be within 400 metres of the entrance to the building and services should be as frequent as set out in T12(b).

Policy T13 other community facilities 1 car park space per 22 square metres of gross floorspace.

Regional Spatial Strategy

This application is below the threshold for consideration under the Conformity Protocol.

Nonetheless, the RSS contains policies aimed at focusing leisure developments in town and district centres; which best meet local needs (PA11 C, UR3).

Policy UR4 includes the statement that local authorities should “ensure that new social infrastructure is developed in or on the edge of an appropriate level of existing centre and is accessible by all modes by potential users”.

National Policy

Circular 11/95: The Use of Conditions in Planning Permission: Advises conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise, relevant to planning and to the development permitted.

Planning Policy Statement 6: Planning for Town Centres

PPS 6 is a material consideration and it says that the sequential approach and the other tests should apply to proposals for leisure uses in out-of-centre locations. The Guidance also requires that need is demonstrated, the effect on centres, and effect on the need to travel be assessed.

Planning Policy Guidance Note13: Transport

Includes a key planning objective to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. This is important for all, but especially for those who do not have regular use of a car, and to promote social inclusion (paragraph 19).

To deliver this it includes advice to:

- make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges
- locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling
- ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling.

“Development comprising jobs, shopping, leisure and services should not be designed and located on the assumption that the car will represent the only realistic means of access for the vast majority of people” (para. 26). Where a development including development for service provision “is proposed outside the preferred locations identified in the development plan, the onus will be on the developer to demonstrate why it cannot fit into the preferred locations, and to illustrate how the accessibility of the proposed development by all modes compares with other possible sites” (para. 27)

Consultations

Transportation – Objection to the current proposal on the grounds of sustainability.

The relatively isolated location of the site from the main residential areas which the development is to serve, the lack of safe and convenient pedestrian routes to the proposed development, together with the excessive distance to the nearest bus stop are all contrary to the Council's policies of encouraging sustainable development.

Pollution Control (Contaminated Land) – No specific contaminated land requirements.

Environmental Health – No adverse comments. The sports zone is proposed which is in the place of the present reception/entrance/admin office. Where is the new reception/entrance/admin area going to be? Where will the nursery children eat?

Strategic Policy – Objection.

A children's indoor activity centre should be a D2 Use Class and a nursery / day care centre should be a D1 Use Class. No permitted change is allowed for either Use Class, therefore, in our opinion this application should be for a change of use from Use Class D2 to Use Class D1 rather than for the variation of condition 6.

In our view a local need for the proposal has not been demonstrated and the evidence has not been provided to properly address the policy tests for out-of-centre development. In particular, it has not been demonstrated a facility of the proposed type could not be accommodated in a more accessible location in a nearby centre, and in our opinion it would not be possible to demonstrate that the application site would be accessible to the local catchment area by a choice of means of transport.

We recognise the children's play centre has been allowed previously, but we do not think a bad situation should be made worse. This is a fundamentally inaccessible location and generating further trips is likely to be unsustainable and socially divisive.

Based on the information available, we recommend that the application for the variation of condition 6 of Application 05/1048/FL/E6 be refused on the grounds that we consider the proposal contrary to Walsall UDP Policies GP1, paragraph 5.2, S1, S7, T10, T12 and, Regional Spatial Strategy Policy UR4 and Government Policy in PPG13.

Public Participation Responses

None

Determining Issues

- Could the day nursery use be more appropriately sited in a town or district centre
- Would the site have good accessibility by a choice of means of transport

Observations

Could the day nursery use be more appropriately sited in a town or district centre

The thrust of national planning policy guidance is to ensure sustainable locations for development are considered. The priority for such uses is for town centre locations, but local planning authorities need to take genuine difficulties into account. If there is not a site available then the next stage is to look at edge- of-centre, and only then further away.

Planning application reference 05/1048/FL/E6 was approved for a children's activity centre under special circumstances (to accommodate high framed play equipment a large unit was required, which wasn't available in the local district centre). The use of the premises was restricted by way of a planning condition to exclude other town centre other town centre uses that are not supported in an industrial area to be placed in an industrial estate, which should primarily be safe guarded for industrial uses. Therefore this use has been accepted in an industrial area. However, a day nursery use is a D2 use and under Policy S1 is a town centre use. A day nursery can also be located anywhere outside of an industrial estate.

The applicant has stated that the nursery would provide child care facilities for employees of the adjacent industrial premises. The applicant has failed to demonstrate that there is a local need for this facility in the Aldridge area, in terms of there currently being limited day nursery facilities in Aldridge. The applicant has stated that the day nursery would serve the employees of the industrial estate. It is considered that although the day nursery would serve the employees of the adjacent industrial units who would be driving into work anyway, the proposed day nursery would not be accessible for the local community who have to rely on public transport to access the site. Furthermore, it has no evidence has been submitted that the scale of the proposal would relate only to needs within the local area, rather than the wider industrial area of Aldridge. Therefore the day nursery would not serve the local community as a whole.

Consideration should have been given to meeting the community's needs in alternative sustainable locations, in the first instance Aldridge or then a local centre such as Lazy Hill or Walsall Wood in close proximity to a range of transport networks have been considered or investigated and why these sites have been discounted.. There is a requirement under the sequential approach, Policy S7 to demonstrate there are no suitable, viable and available sites in more central locations.

It has not been demonstrated a facility of the proposed type could not be accommodated in a more accessible location in a nearby centre, and it would not be possible to demonstrate that

the application site would be accessible to the local catchment area by a choice of means of transport.

The Environmental Health Officer has raised queries over the internal arrangement and where children would eat. The internal arrangement of the building can be altered at any time and is not restricted by planning legislation. There is an on site canteen that provide food and drink for clients.

Would the site have good accessibility by a choice of means of transport

A location in the centre of Aldridge would be preferable in accessibility terms, as a range of transport networks would be available there.

Whilst it is appreciated that the proposed Day Care use will operate Monday to Friday when the existing use is less busy, and the likelihood therefore that the overall number of trips generated may not be significantly increased. It is considered that the relatively isolated location of the premises in a predominantly industrial/commercial location and some distance away from Aldridge district centre and from the nearest public transport route and from residential areas to which it is to serve is likely to lead in the vast majority of children being dropped off and picked up almost exclusively by car. The distance of the day nursery from Aldridge District Centre would deter local people with children from walking between the centre and the proposed day nursery.

Unitary Development Plan Policy T12 sets out general standards to ensure that all developments are easily accessible to the widest range of people, whether by car, bus, train, on foot, cycle or Ring and Ride services. More specifically, Policy T12 (c) states that walking distance from the entrance to the building should be no more than 400m to a bus stop with frequent services to an established centre. The proposed development will be around 650m away to the nearest bus stop in Northgate, which is considerably above the maximum permitted distance and is served by five bus services (only the 367 runs in the evening – on an hourly basis and the 56A is an ‘occasional’ service according to the Network West Midlands bus map for Walsall). The applicant has not stated the opening times of the nursery day care centre but traditionally child care is offered from early morning to late evening at least 5 days a week. The bus services are infrequent during evenings and at weekends and are therefore unlikely to satisfy the needs of staff and people visiting the site.

Furthermore, the physical characteristics of Coppice Lane do not lend itself to safe and convenient pedestrian access. There is no public footway for a distance of around 143m from the DIY Store boundary to the site access road and there is no segregated footway along the private site access road from Coppice Lane to the development site, a further distance of around 110m. The lack of a safe and convenient pedestrian access route to the development, particularly for parents with small children, is likely to lead to children being dropped off and collected almost exclusively by motor vehicle. As such the proposal would not promote sustainable modes of transport.

The proposal does not appear to comply with the tests in UDP Policy S7(a) v and vi, UDP Policies T10 and T12, as well as the statement in PPG13 that development should not be designed and located on the assumption that the car will represent the only realistic means of access for the vast majority of people.

Recommendation: Refuse

1) It is considered that the proposal to vary planning condition 6 of planning permission 05/1048/FL/E6 to permit mixed use of the premises as a children’s indoor adventure centre and a nursery day care centre has failed to demonstrate:

- that there is a local need for the facility outside of Aldridge District Centre, or Lazy Hill Road Local Centre, or Walsall Wood Road Local Centre
- that alternative sustainable locations in the District or Local Centres have been considered and why they have been discounted

the proposal is also:

over 650m away from the nearest bus stop in Northgate. Furthermore, there is a lack of a safe and convenient pedestrian route to the site, which would not serve all members of the community and discourage local residents utilising this facility and as such the proposal would not encourage sustainable modes of transport use.

As such the proposal is contrary to policies 2.2, GP1, 5.2, S1, 5.4, 5.5, S7, T10 and T12 of the Walsall Unitary Development Plan, Policy UR4 of the Regional Spatial Strategy and Policy advice given in Planning Policy Guidance Note 13: Transport.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning and
Building Control, Regeneration on 10
March 2009

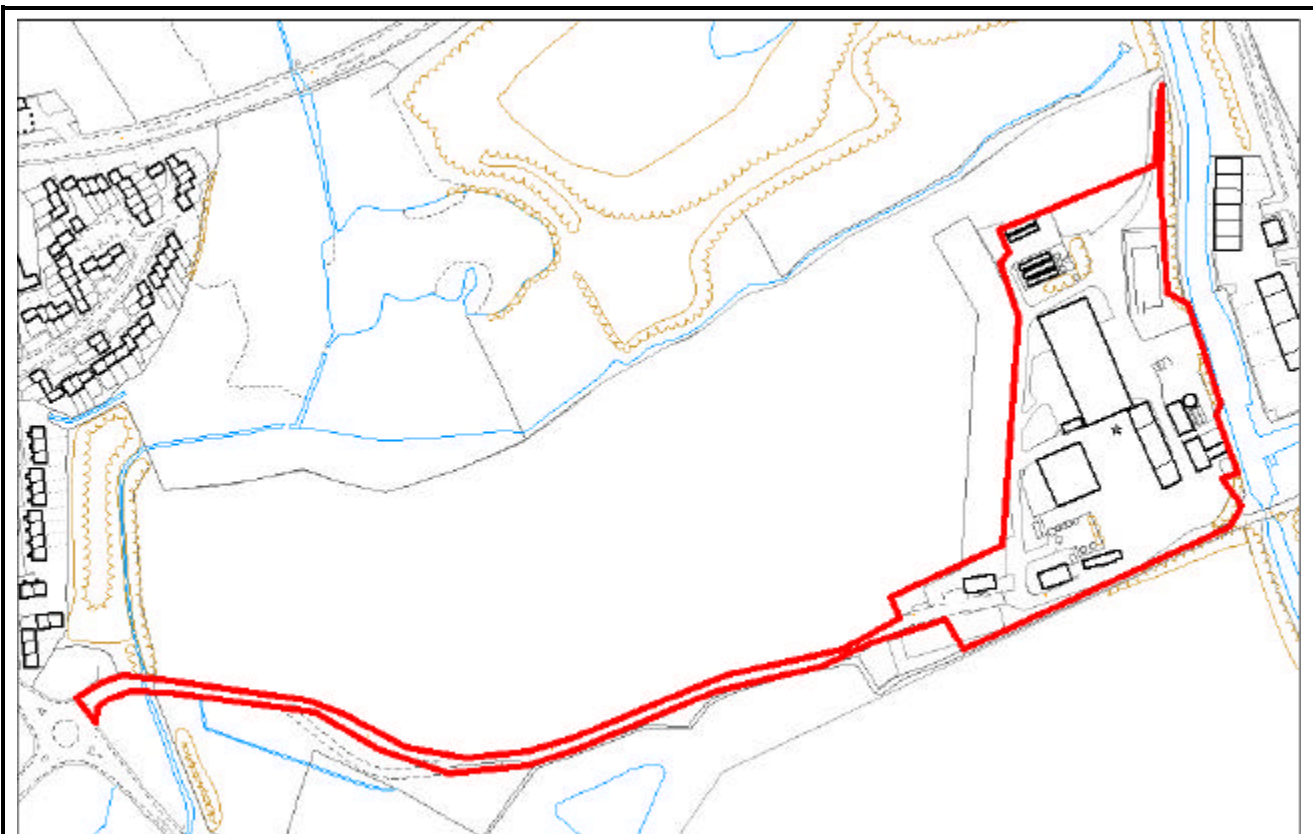
REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 09/0030/FL
Application Type: Full application
Applicant: Veolia Environmental Services
Proposal: Re-submission of 08/0916/FL:
Construction of a Waste Transfer Station

Case Officer: Paul Hinton
Telephone Number: 01922 652420
Agent: Mr Robert Green
Location: EMPIRE
WORKS, STUBBERS GREEN
ROAD, WALSALL, WS9 8BL
Expired: 06/03/2009

Ward: Rushall-Shelfield

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



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

Application and Site Details

This application seeks planning permission for the rearrangement of the waste transfer functions through the construction of a covered waste transfer station within Veolia's existing waste management facility and follows a planning refusal last year for the same proposal on the grounds of insufficient information on the risk of pollution to controlled waters, impact upon the amenity of the canal corridor and absence of contributions to public art.

The waste transfer station would consist of a concrete area of 1165m² which would have 17 bunded areas for the separate storage of types of waste. The area would be covered by an open sided metal framed structure 60m by 19.7m with a maximum roof height of 6.5m. Roof lights would be provided in the roof, which would be a single skin profiled metal sheet in a light green colour. The operations would include wastes (bases, dangerous when wet, oxidising, hazardous to the environment, corrosives, amines, batteries, aerosols, WEEE and fridges) being brought on to site, sorted into waste categories, packaged and stored prior to the onward transfer for disposal. A maximum of 40,000 tonnes of throughput would take place within the transfer station annually, with no more than 900m³ of waste to be stored within the building at any one time. No surface water would be allowed to escape from the area but would be collected by tanker for disposal.

The transfer of the wastes is an existing operation within the site. The applicants state that there will be no change to the existing operations and that the proposal is to relocate the existing operation to an unused part of the site to provide better working conditions by having a covered area and to locate the wastes away from the current vehicle manoeuvring area as this currently causes safety problems.

The application site is 660m from Stubbers Green Road, with a two-way access track leading from the road to the waste management facility. To the south of the site is Sandown Quarry, and to the west is the now filled Empire Butterley Quarry, to the north is Highfields South Quarry. Immediately to the east of the application site is the Daw End Branch Canal, with Empire Industrial Estate across the canal. 100 metres to the east of the site is Aldridge Marina, with a public footpath immediately to the southern boundary. The site is 35m from the Green Belt boundary to the north.

The application site is 4.5m lower than the canal towpath and is partly screened from the canal by existing planting.

Under the terms of its existing licence the site is permitted to operate 24hrs a day but is restricted to vehicle movement into and out of the site from 06.00 to 20.00 hours daily.

Relevant Planning History

EAB5822 – Trade Waste Treatment Plant. Granted subject to conditions 1974.

EAB6250 – Outline consent for extension of existing treatment centre to form regional waste treatment centre. Granted subject to conditions 1977.

BA08622P – Use of existing Westmid Centre as Transfer Station as well as for the reception, treatment and disposal of industrial wastes at former Empire Brickworks. Granted subject to conditions 1984.

08/0916/FL - Construction of a Waste Transfer Station. Refused for the following reasons 11/12/2008:

1. Insufficient information has been provided to demonstrate that the risk of pollution to controlled waters is acceptable. It is therefore contrary to the aims of Policy ENV40 of Walsall Unitary Development Plan and to Planning Policy Statement 23: Planning & Pollution Control.

2. It has not been demonstrated that new building would not have any undue impact on the amenity of the canal corridor, or that opportunities to screen the operation or to enhance the natural environment have been fully explored. As such, the proposal is contrary to policies, GP2, ENV23, ENV32, ENV33, 3.117, JP8(iii), LC9, of the Walsall Unitary Development Plan .

3. The proposed development would, in the absence of any financial contributions or other arrangements, fail to make a necessary contribution towards the provision of public art in the locality. As such the proposal is contrary to the aims of policies GP3 and ENV34 of Walsall Unitary Development Plan and Policy DW9(a)(b) & (c) of Supplementary Planning Guidance: Designing Walsall.

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

Unitary Development Plan (UDP) Unitary Development Plan

Policy 3.6 development should help to improve the environment of the Borough.

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

GP2 the council will not permit development that would have an unacceptable adverse impact on the environment.

GP3: planning obligations will be used, as appropriate, to secure the provision of any on or off site infrastructure, facilities, services or mitigating measures made necessary by a development.

ENV2 and ENV3 need to assess proposals for their impact on the Green Belt in terms of layout, siting and design.

Policy ENV10

a) Development of an industry or facility which may cause pollution will only be permitted if it would not:

1. Release pollutants into water, soil or air
2. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust steam, heat, light, vibration, smell, noise or other polluting emissions
3. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

b) Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV12: Development involving the storage, use or transport of hazardous substances, will only be permitted if it would cause no extra risk to the public or to the natural environment and would not prejudice the use or development of other land.

ENV23: The Council will require habitat creation, enhancement and the implementation of other appropriate measures to encourage the conservation of wildlife. This policy applies because the development site is in close proximity to the canal which is a Site of Local Importance for Nature Conservation.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance of the proposed development, height, proportion, scale and mass of proposed buildings, integration and co-ordination of buildings and external space, effect on visual relationship with adjacent streets and character of the surrounding neighbourhood and the effect on the local character of the area.

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

ENV34: Requires the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development especially in public spaces, public buildings, important and prominent locations.

ENV40: Seeks conservation and protection of all water resources.

JP7 a) uses permitted in these areas include:

iv. scrap metal dealing, car breaking, recycling of metals and other materials, waste transfer stations and other activities which are unlikely to be acceptable in non-industrial areas, subject to policy JP8.

b) whilst the above uses are appropriate in principle in these areas, not all uses will necessarily be suitable for all sites and buildings.

JP8: a) The location of potentially bad neighbour uses will be given very careful consideration taking into account the particular environmental implications of individual proposals, which must satisfy all of the following:

- i. Uses should be within an existing employment area, but not in a core employment area, and should not have a detrimental effect on the environmental quality of employment areas.
- ii. Uses should not have an adverse, or potentially adverse, environmental impact upon, amongst other facilities for sport and recreation, or other sensitive land uses.
- iii. Sites should be capable of providing satisfactory screening and landscaping
- iv. Uses that are unsightly and cannot be screened satisfactorily will not be permitted in prominent or visually sensitive locations
- v. Sites must be subject to stringent operational control to minimise disturbance to nearby firms or other uses.
- vi. Proposals should be acceptable in term of Policy GP2

b) The Council will normally impose conditions on planning permissions covering the following matters:

iii. Hours of operation

iv. Boundary treatment

v. Proper demarcation of areas for parking, loading and manoeuvring which shall be kept clear of stored material

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated features.

T1-T7: Advises on accessibility standards for bus, rail and road networks, car parking and provision for walking and cycling.

T13: Use Class B8 - 1 car park space per 50m² of gross floorspace up to 250m², then 1 space per 100m² up to 2500m² then 1 space for every 500m² of gross floor space. 1 bike locker for every 10 spaces and Taxi facilities.

Policy 10.4 – The Council will work towards the targets for waste minimisation and the recycling and reuse of materials.

Policy WM1

a) Proposals for waste management facilities, including recycling sites and local transfer stations will be permitted if:

- i. The proposal can be demonstrated to be the best practicable environmental option for the achievement of the Council's strategy for waste management, and
- ii. There will be no unacceptable adverse impact on the environment, amenities or health of the area

b) Wherever reasonably practicable, waste management activities other than landfill should be contained within buildings rather than carried out in the open air

Policy WM3: Applications for new or expanded facilities for the treatment of special wastes will be required to demonstrate that they can operate successfully without detriment to the environment or the health, safety, general well being and amenity of local people and wildlife.

Supplementary Planning Document “Designing Walsall” (February 2008) Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies eight key urban design principles for consideration including sustainability, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability. Local Character Guidance is also included, plus Public Art Guidelines.

Supplementary Planning Document “Conserving Walsall’s Natural Environment” (April 2008) Advises on the information requirements and survey standards for important species, habitats and trees to accompany planning applications. It also advises planning applicants on complying with the council’s UDP policies relating to the natural environment.

Regional Spatial Strategy / Core Strategy

Policy WD3 – guides the location and siting of waste treatment and recycling facilities to appropriate locations, having regard to the proximity principle and other environmental and amenity principles as identified elsewhere in this guidance.

National Policy

Planning Policy Statement 10: Planning for Sustainable Waste Management:

Waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should focus on whether development is an acceptable use on the land, and the impacts of those uses on the development and use of the land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced and it should not be necessary to use planning conditions to control the pollution aspects

of a waste management facility where the facility requires a permit from the pollution control authority.

PPS23 Planning and Pollution Control: Seeks to control the effects of pollution.

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

Consultations

Transportation – no objection.

Pollution Control (Scientific Team) – no objection.

Pollution Control (Contaminated Land) – no objection subject to the use of recommended conditions.

Environment Agency – no objection subject to use of a recommended condition.

Regeneration Strategy – no objection. The proposed use is the relocation of an existing waste transfer site within an existing industrial area.

Environmental Heath – no objection.

Trees – no objection.

Natural England – no objection.

British Waterways – no objection subject to the use of requested conditions and a planning obligation. Given the sites proximity to the canal and towpath, the proposed canopy is likely to be visible from the canal and towpath and has the potential to impact upon the character and appearance of the canal corridor. It is considered that additional landscaping could be provided to reduce the adverse visual impact of the proposal. British Waterways would require the submission of information on, foundation design, landscaping, and method of handling, storage and disposal of waste generated from the development. A Section 106 agreement will be necessary to secure the landscaping/screening works.

Inland Waterways – objects on the grounds of visual impact on the canal and any consent must be conditional on substantial screen planting along the open section of the embankment. Before determination there should be a noise impact assessment to quantify the level of disturbance to residential boats.

Birmingham Canal Navigations Society – objects on the grounds of visual impact on the canal and any consent must be conditional on substantial screen planting along the open section of the embankment.

Landscape – no objection.

Drainage – no objection.

Public Rights of Way – no objection.

Fire Services – satisfactory.

Public Participation Responses

None.

Determining Issues

- Principle of development
- Whether the scheme overcomes previous reasons for refusal in respect of:
 - o Potential risk to controlled waters
 - o Impact upon the amenity of the canal corridor
 - o Provision of public art
- Impact upon the character and openness of the adjacent Green Belt
- Impact on the amenities of the area
- Impact upon highway safety

Observations

Principle of development

The application site is within a developed, but remote area enclosed by but not within the Green Belt, consisting of plant and equipment associated with a waste treatment business. The application proposes the relocation of an existing use within the site to a purpose built covered area. While the site has a history of waste treatment and waste transfer, the proposal would increase the range of wastes permitted as part of the 1984 transfer station. The approved transfer station is permitted to be used in conjunction with the approved use of the site as a waste disposal and treatment plant. In the event that the use of the site as a waste disposal and treatment centre under the terms of the planning permissions ceases, the transfer station is also required to cease.

In the UDP review in 2004 the inspector considered that the site should remain outside the Green Belt as the intensely developed site does not contribute to the purposes of the Green Belt. The inspector was clear that the site would in the future require replacement or parallel plant for hazardous wastes and this is one of the few sites within the West Midlands capable of an increased capacity. It is clear that the site has been excluded from the Green Belt to ensure that it remains to be regionally important for waste disposal and treatment in the medium term. Whilst the conditions on earlier permissions, which require that elements of the transfer use should cease when operation of the waste disposal and treatment plant cease, this aim has to some degree been superseded by the removal of the site from the Green Belt: such development would no longer be inappropriate in principle as the land is now undesignated.

The principle of a waste transfer station in this important site for the industry is acceptable, provided that the use can operate successfully without detriment to the environment or the health, safety, general well being and amenity of local people and wildlife.

Potential risk to controlled waters

The Environment Agency objected to the previous application as insufficient information had been submitted to demonstrate that the risk of pollution to controlled waters is acceptable. The application is now supported by a Stage II Environmental Assessment. The Environment Agency no longer objects to the application subject to the imposition of a condition requiring further information on contamination of the site.

Impact upon the amenity of the canal corridor

The previous application was refused as it had not been demonstrated whether there would be undue impact on the amenity of the canal corridor, or whether opportunities to screen the operation or to enhance the natural environment had been fully explored. The application is now accompanied by a cross section plan showing the relationship with the canal.

The site is characterised by plant and equipment for the permitted use of the site as a waste disposal and treatment plant, with the existing buildings and covered operation areas approximately 6m in height. The proposal would have a shallow pitched roof of 6.5m in a location that is 4.5m lower than the canal. There is a level of screening to the proposal provided by trees and bushes to the boundary with the canal, however the site is not fully screened and both British Waterways and Inland Waterways additional landscaping. The building would be 14m from the canal towpath at its closest point; it is therefore considered that this request is reasonable and would provide an improved relationship with the canal corridor. It would also give the opportunity to enhance the canal corridor for wildlife, as per the requirement of UDP policy ENV23.

The applicant has confirmed that no opportunities exist within the confines of their site to provide additional planting to the canal boundary but has agreed to the principle of planting on adjacent land owned by British Waterways, and as recommended by British Waterways in their consultation reply, which could be secured through a S106 agreement. It is therefore considered that the use of a landscape scheme to be secured through a S106 agreement would overcome the previous reason for refusal.

British Waterways have recommended a condition about the handling, storage and disposal of waste generated by the construction and operations of the development to be carried out in accordance with the relevant legislation and regulatory requirements to ensure no contamination of the waterway. This condition is not recommended as it would be for the relevant regulatory bodies to enforce and not the planning authority in this instance.

Provision of public art

The previous application was refused as no financial contributions or other arrangements required to make a necessary contribution towards the provision of public art in the locality were provided. A public art contribution of £5,828 is required to comply with Policy ENV34 of the UDP and Policy DW9 of Designing Walsall SPD. The applicant has agreed to this which can be secured by a S106 agreement.

Impact upon the character and openness of the adjacent Green Belt

The application site is 35m from the Green Belt boundary to the north. The existing site is characterised by buildings, covered operation areas and a large silo. The proposal would be of a similar height to the covered operation areas and would therefore have no additional impact upon the openness or character of the Green Belt.

Impact on the amenities of the area

The building proposed is of a design typical of industrial development and similar to the existing structures already on site and is acceptable on visual amenity grounds.

With the exception of Aldridge Marina the application site and its surroundings are industrial or open space. There are no objections from Environmental Health or Pollution Control with regards to the proximity of the marina which is used as residential accommodation. The proposal looks to relocate the existing operations within the site and does not seek to increase the operations. The operations would be contained within an

open sided purpose built building that is bunded to minimise cross contamination and utilising a controlled drainage system such that in the event of spillages or leakage they are contained and disposed of to an appropriate site. The storage bays would contain drums and packaged wastes holding a range of industrial wastes. Fridges and monitors are securely wrapped onto pallets.

Consequently there would be no further impact upon local amenity in terms of the general activities. The management of the site would be controlled through other regulatory regimes controlled by the Environment Agency with the support of Pollution Control, which should ensure that the site is properly managed and that adequate pollution control and health and safety standards are maintained.

The proposal looks to retain the old deep mine disposal borehole for access for sampling if required in the future, this would be secured by condition. Pollution Control also require further details on the drainage system which can also be secured by condition.

Impact upon highway safety

Transportation do not object to the application as the proposal would not increase vehicle movements, rather relocating offloading and storage process from a congested area of the site to a better location.

Summary of Reasons for Granting Planning Permission

The proposal would formalise existing waste transfer operations within a purpose built covered area. Acknowledging the concerns expressed from the canal users associations it has been demonstrated that the waste transfer station would have an appropriate relationship with the canal corridor through additional planting to be secured through a Section 106 agreement and through the use of a safeguarding condition there would be minimal impact upon land contamination. Public Art provision can be provided through a financial contribution. It is therefore considered that the proposed development of a waste transfer station is acceptable. Consultations and all material considerations have been considered and addressed in the report or addressed through safeguarding conditions and a planning obligation. Accordingly the proposal meets the requirements of the Unitary Development Plan policies GP2, GP3, ENV10, ENV23, ENV32, ENV33, 3.117, ENV34, ENV40, JP7, JP8, LC9, WM1, WM3 and Supplementary Planning Document Designing Walsall policy DW9.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

1. A preliminary risk assessment which has identified: all previous uses and the potential contaminants associated with those uses and a conceptual model of the

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

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

Reason: To identify and mitigate against risks associated with any contamination of the waste transfer station.

3. No development shall commence until the design and specification details of the pavement and drainage system have been submitted to and agreed in writing by the Local Planning Authority and installed in accordance with the approved details before the site comes into use. The approved details shall be retained thereafter.

Reason: To prevent the escape of pollutants.

4. No surface or underground run off and/or SUDS shall be permitted.

Reason: Given the proposed use the escape of pollutants into the waterway must be prevented. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the waste transfer station should be avoided

5. The deep mine disposal, access chamber, headworks and vent pipe shall be retained and maintained for the life of the development.

Reason: To maintain access for level dipping and sampling.

6. All waste shall be stored and treated on an impermeable surface with a sealed drainage system.

Reason: To avoid contamination.

7. The building hereby approved shall have a profile metal sheeting roof in RAL9002 Hamlet colour, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

8. Storage associated with the transfer of waste shall at all times be kept within the confines of the building hereby approved.

Reason: To define the permission and to minimise open storage.

9. The waste transfer station shall not be operated so as to permit any dust or litter arising from permitted operations to escape and give rise to visible emission of airborne dust or

litter outside the site boundary.

Reason: To prevent any dust or litter emissions.

10. No operations in connection with the development hereby permitted shall be carried out except within the hours of 06.00 - 20.00.

Reason: To ensure that there is no adverse impact on adjacent and nearby uses arising from the duration of operations.

11. The waste transfer station shall not be open to the general public.

Reason: In the interests of Highway safety.

12. Only wastes within the following categories shall be permitted as part of the development hereby approved: Bases, dangerous when wet, oxidising, hazardous to the environment, corrosives, amines, batteries, aerosols, WEEE and fridges.

Reason: To define the permission and to minimise the potential for any adverse environmental impact arising from the type of waste material imported.

Note for applicant

British Waterways

i. The applicant/developer is advised to contact Mr Des Harris, Senior Third Party Works Engineer on 01827 252038 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".

ii. 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.

iii. The applicant is advised that an agreement with British Waterways would be required for the use of the canal navigation for freight movements.

Pollution Control

Site Investigation work carried out on the site has identified elevated levels of ground contamination this information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration on 10
March 2009

REASON FOR BRINGING TO COMMITTEE: Site has a high public profile, in recent times

Application Number: 09/0116/FL

Application Type: Full application

Applicant: Mr R Bartram

Proposal: Erection of 2no 4 bed and 7no 3 bed houses, 9 in total and associated works and parking.

Ward: Blakenall

Recommendation Summary: Grant Subject to conditions

Case Officer: Val Osborn

Telephone Number: 01922 652436

Agent: Mr M Watson

Location: THE MANOR HOUSE
P.H., MILL STREET, WALSALL,

Expired: 27/03/2009



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

Application and Site Details

The site is situated on the northern side of Mill Street, between Leckie Road and North Street, occupying the former site of The Manor House public house, now demolished.

Around the site are houses in a variety of ages and arrangements. There is a church close to the site.

The site is flat. Trees, protected by a Tree Preservation Order, were felled by the Council in December 2005 (they were over large and dangerous). A legal obligation remains on the site requiring the owner to plant suitable replacements, and these are shown on the plans.

The site is on the opposite side of Mill St to the Regeneration Area to the north of Walsall Town Centre. Carriageway restrictions and street barriers feature at the junction of Leckie Road and Mill Street and the proposal would seek to adjust the area of raised kerb and pavement, under street licensing works provisions.

The application proposes nine 3 and 4 bed houses, fronting the three streets, in the form of three detached houses and three pairs of semi-detached houses. All of the houses have 2 parking spaces with the exception of plot 1, which has one space.

The houses are of traditional design, brick elevations with ridged tiled roofs. Front elevations have gable features and a tiled canopy over front entrances.

Site area is 0.16 hectares with a density of 56 dwellings per hectare.

Relevant Planning History

06/0750/OL/W6- Outline for residential development, granted 28 June 2006.

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).

Walsall Unitary Development Plan March 2005

Paragraphs 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design, and providing for the right number, type and distribution of new homes. GP2 3.16 H10 ENV32:- The Council will not permit development which would have an unacceptable adverse impact on the environment.

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.9 ENV14 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

H3: encourages housing through windfall sites provided that a satisfactory residential

H9: housing densities in the range of 30 -50 dwellings per hectare.

Design and Development Proposals.

T7 :and T13, 1, 2 and 3 bed houses, 2 spaces per unit, 4 bed houses and above 3 spaces per unit

LC8: Local Community facilities – the loss of local community facilities will only be permitted if it can be demonstrated that

- i. there are other existing facilities at a convenient location;
- ii. there is no longer any need for the facility;

- iii. it would not be possible to retain the facility as it would not be viable.

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.

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

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

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

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, garden dimensions of 12m in length and 68m² for housing. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

National Policy

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

PPS3: Housing

- 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
- Deliver more affordable homes
- Support more family housing, including more play spaces, parks and gardens for children

PPG13: Transport, promotes more sustainable patterns of development for housing development and encourages assessment of the location and accessibility of jobs, services and transport choices and to reduce travel, especially by car.

Consultations

Transportation – No objections subject to safeguarding conditions regarding visibility, access and site operatives. The applicant looks for permission to construct 2 x 4 bed properties and 7 x 3 bed properties. In terms of the UDP car parking requirement this equates to a maximum of 20 spaces, 2 per three bed house and 3 per four bed house. The development proposes 17 spaces, 2 per plots 2 to 9 and 1 to Plot 1. Although this is below maximum UDP standards the site is in a relatively sustainable location being on an edge of the Town Centre.

Landscape Officer – No objections. Further information is required for landscaping details such as plant species, sizes and densities and details of boundary walls/fencing/gates and conditions are recommended.

Tree Officer - No objections, subject to condition to secure a revised landscape scheme.

Pollution Control, Contaminated Land Team – No objections subject to conditions re site remediation.

Pollution Control, Scientific Team – No objections subject to conditions regarding hours of demolition and construction on site.

West Midlands Police – Recommend that the site is constructed to Secure by Design standards. The area suffers from high levels of crime. The applicant intends to seek the award and has agreed to the additional security measures of trellis on top of garden fencing and a gate at the entrance to the service pathway between plots 5 and 6.

Severn Trent Water – No objections subject to condition.

Fire Officer – Satisfactory access for fire service access.

Representations

Two letters received raise objections on the following grounds;

- trees at this site have caused considerable problems previously;
- the junction of North Street and Mil Street is hazardous with vehicles making the turn mounting the pavement;
- at weekends, the Church brings a lot of on street parking;
- the proposal will bring more traffic;
- noise during construction will be disturbing;
- the site should be used to benefit the local community as a park, so that local children can go to play without crossing main roads;
- the proposed use is of no benefit to the community.

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

Determining Issues

- Principle of residential development
- Design and layout
- Parking
- Landscaping
- Impact on the surrounding occupiers
- Response to representations

Observations

Principle of Residential Development

The application site comprises previously developed now derelict 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 application site is surrounded by housing and is considered a sustainable location. The principle of residential development on the site has already been established through the approval of the previous outline application 06/0750/OL/W6 for residential development.

Policy LC 8 refers to the loss of local community facilities and the provision of alternative facilities in the locality. Whilst the pub building no longer exists at the site, British Oak PH at 14 John St and Tap and Spile PH at 5 John St are about 150m to the south west of the site. There are therefore other suitable alternative facilities within the local area and a reasonable walking distance from the site.

The principle of the scheme is therefore considered appropriate.

Design and Layout.

The density of the proposed development at 56 dwellings per hectare is slightly higher than guidance contained within UDP (Policy H9) and PPS 3, which comments that densities between 30 and 50 dwellings per hectare are likely to be suitable on most sites.

The alignment of proposed buildings follows the arrangement on surrounding frontages and the central set of 2 pairs of semi-detached houses reflect a built form similar to the groups of four houses characteristic of the area. Elevations with small gables and hipped roofs echo local architectural details.

The house types present windows overlooking street frontages and secondary windows to kitchen/dining rooms (plots 3 and 8) or lounge window (plots 2 and 4-7) overlook car parking spaces located at the side of houses. Other parking is directly on the frontage and overlooked by principal windows.

The need for houses to fit on a site with 3 street frontages has imposed constraints. Rear gardens for plots 3 and 8 (the four bed houses) are a minimum of 92 sq m and exceed SPD guidance, though as they turn the two corners, they are unusually shaped to allow this to happen in a way which is acceptable in design terms.

Gardens for the remaining plots 4 to 7 have rear gardens which meet the 12m required length, although slightly under the 68sq m as required in the SPD.

Plots 1, 2 and 9 are 47 sq m and 54 sq m and 57 sq m respectively and between 8 and 9.4 metres long, and therefore fail to meet both criteria. However, they are well separated from other dwellings so there are no overlooking issues, and the gardens adjoin other gardens, so there is likely to be minimal intrusion for other uses.

The applicant has also submitted a sunshine prediction diagram which illustrates how gardens at plots 1, 2 and 9 will benefit from extensive hours of sunshine, being significantly without shade from adjacent buildings March to September (between Vernal and Autumnal equinoxes). Given the open aspect for these garden areas and the lack of shade, the gardens will be of high amenity value and this reinforces the conclusion that this is an acceptable arrangement.

The overall design, layout and density of the scheme is satisfactory.

However, given the tightly designed layout, permitted development rights for extensions to dwellings could undermine this designed relationship. It is therefore recommended that permitted development rights in respect of extensions, alterations to roofs and/or outbuildings should be withdrawn and a condition is recommended.

Parking

Two car parking spaces are provided for each of 8 houses, with one space provided for plot 1. The comments of Transportation are supported. Whilst the site is not directly on a bus route there are several service routes on Proffit Street and Stafford Street, nearby. The site is also reasonably close to the edge of Walsall town centre. The level of parking provision is therefore considered acceptable.

Landscaping

The proposal features tree planting of pattern, species and size that would enhance the street scene and provide planting in spaces where the trees are likely to survive and not constitute a hazard at a later date, once mature. The scheme is supported by the Tree and Landscape Officers.

Response to residents' comments

One respondent has commented that the site should be available for play space for local children. Areas of public open space, protected by UDP allocation, exist 100m south of the site off North Street, and another area further east to the rear numbers 72 to 78 Mill Street. North Street open space is a playing field with permanent play/sport equipment (netball, basketball etc).

Further afield, some 450m away, there is a new small children's playground with modern equipment and a sports pitch at Coalpool Lane and Leckie Road Wildlife Park beyond.

The locality has a significant level of provision of allocated play spaces for a range of ages. The alternative of using the site for children's play could not be substantiated in planning terms.

One respondent is concerned that tree planting will impact on the amenity of her home and cause nuisance. The trees felled some time ago were, by species and size a local hazard. The proposed tree planting will make hornbeam trees a feature of Mill Street and Leckie Road frontages in particular, evenly spaced at 10m apart or more and will not therefore constitute the large group of trees on the corner of North St and Mill Street, as had existed. The proposed landscape scheme is therefore considered appropriate to the locality and in accordance with policies ENV17, ENV33 and 3.16.

One respondent refers to the disturbance that noise from construction works will create and a condition to limit the hours of working at the site is recommended.

Summary of Reasons for Granting Planning Permission

The proposals provide a high quality design and layout, which would provide two storey houses in character with the locality. The proposal makes good use of previously developed land within a sustainable location and would have no adverse impact on the amenities of the adjoining residential occupiers. The applicant proposes a tree planting scheme that would replace trees felled previously at the site, so as to enhance the street scene and amenity, of a species and size that are satisfactory.

Neighbour concerns have been considered. The level of open and / or play space provision in the locality is considered to be satisfactory, and conditions to limit hours of working are appropriate to safeguard amenity for nearby occupiers.

There is justification to withdraw permitted development rights as the proposed layout does not fully comply with garden sizes as contained within Appendix E of Designing Walsall SPD. Nonetheless the proposal is considered to accord with the principles of good design.

The proposals would accord with the aims and objectives of the development plan, in particular policies GP2, GP3, GP7, 3.16, ENV17, ENV32, ENV33, H3, H9, H10, T13, 8.8 and LC8 of Walsall's Unitary Development Plan (2005), and Supplementary Planning Document: Designing Walsall (2008).

Recommendation: Grant 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. This development shall not be carried out other than in conformity with the Design and access statement dated 30 January 2009 and the following plans;

- Site Plan at 1:1250, received 30 January 2009;
- Design and Access Statement, December 2008, received 30 January 2009;
- Site Levels, drawing number 12555/1, dated February 2009 and received 26 February 2009;
- Proposed site layout, drawing numbered L25-01, 05 rev C, dated 30-10-08 and received 26 February 2009;
- House type 'B', plot 3 Floor plans and elevations, numbered L25 -01 numbers 30 and 31, received 30 January 2009;
- House type 'B', plot 8 Floor plans and elevations, numbered L25 -01 numbers 40 and 31, received 30 January 2009;
- House type 'B', plot 9, Floor plans and elevations, numbered L25 -01 numbers 20 and 21, received 30 January 2009;
- House type 'A', plots 1 and 2, 4 and 5, 6 and 7, Floor plans and elevations, numbered L25 -01 numbers 10 and 11, received 30 January 2009;

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).

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

Reason: To ensure the satisfactory appearance of the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or succeeding Orders, the erection of extensions or alterations as defined at Class A, (a – i), Class B, Class E (a), shall be constructed without the prior submission and approval of a planning application.

Reason: To ensure the satisfactory appearance of the development and safeguard the amenity of future occupiers of the dwellings hereby approved.

5. The driveway visibility splays shown on the approved plan shall, at all times, be kept free of planting or structures exceeding 600mm in height and shall be thereafter be retained for this purpose.

Reason: In the interests of highway safety.

6. Prior to the first occupation of the development, the proposed vehicular footway crossings and the alterations to the existing build – out in Leckie Road shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority. Any works shall meet all statutory requirements.

Reason: To ensure the satisfactory completion of the development and compliance with the requirements of the Highways Act 1980.

7. The parking and access areas shown on the approved plans shall be fully consolidated, drained and surfaced with tarmac or other material approved in writing with the Local Planning Authority and available for use before the related residential unit is brought into use. The parking and access areas shall be retained and available for such use.

Reason; In the interests of amenity and safety.

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

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

9. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), for tree planting, all boundary and surface treatments, design for access gates, and all planting, with the proposed hedgerow planting extending across boundary frontages, beneath proposed trees, and details of hard landscape treatments, particularly boundary walls/fencing/gates, have been submitted to and approved in writing with the Local Planning Authority. The landscaping scheme shall include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of hard landscaping. The approved scheme shall be implemented in accordance with any

agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority, and shall be retained as such.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

11. A report setting out proposed remedial measures to deal with identified and potential hazards arising from gas and/or land contamination shall be submitted to the Local Planning Authority and agreed in writing before construction of the development commences.

Reason; To ensure that the development minimises the risk of pollution.

12. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Reason; To ensure that the development minimises the risk of pollution.

13. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason; To ensure that the development minimises the risk of pollution.

14. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason; To safeguard the amenity of the occupiers of surrounding properties and ensure that the development minimises the risk of pollution.

15. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

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

Notes for applicant

Condition 11 refers; 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. Submission of structural information to Building Control for regulations approval does not supplant the requirement to submit specified information to the Local Planning Authority, Development Control Service.

Condition 12 refers; 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. Submission of structural information to Building Control for regulations approval does not supplant

the requirement to submit specified information to the Local Planning Authority, Development Control Service.

Condition 13 refers; Note for applicant

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.

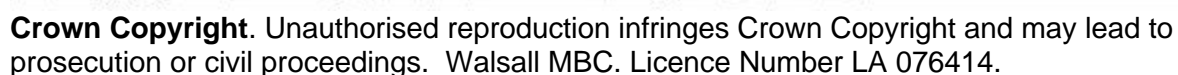


**To: DEVELOPMENT CONTROL
COMMITTEE**

Report of Head of Planning and Building Control, Regeneration on 10 March 2009

Application Number: 08/1751/FL
Application Type: Full application
Applicant: Mr Kevin Dwyer
Proposal: Retain double garage to front of property
Ward: Blakenall
Recommendation Summary: Grant Subject to Conditions

Case Officer: Helen Smith
Telephone Number: 01922 652486
Agent:
Location: 4 FIELD
ROAD,BLOXWICH,WS3 3JE
Expired: 05/01/2009



Status

This application has been called in for the determination of the committee at the request of Councillor Ault, as it requires delicate judgement in view of the history of the property and additional information that has come to light since the previous refusals.

Application and Site Details

This application is for the retention of a detached double garage in the front garden of a traditional detached house. The garage is a prefabricated structure with a flat roof, and lies directly behind a privet hedge that screens it from the road.

This is the third application for this structure. The first application was refused in 2005. The garage was subsequently erected but this was not discovered until an application for an extension to the house itself was submitted. A second application for the retention of the garage was refused in September 2008.

The applicant has subsequently advised that the garage has been erected as their property has suffered from vandalism associated with the walkway that lies to the side.

The application site lies between the Education Development Centre and a public footpath. There is a single-storey pharmacy at the back of pavement on the opposite side of the footpath, and the new Pinfold Health Centre lies on the opposite side of the road.

Relevant Planning History

05/2019/FL – Erection of a detached single storey prefabricated double concrete garage – refused December 2005 on the grounds that the design of the garage with a flat roof and constructed of pre-fabricated materials would represent poor quality design in a prominent location that would detract from the appearance of the area.

08/0529/FL – Two storey extension – granted permission subject to conditions on 13th May 2008.

08/1185/FL – Retain double garage to front – refused September 2008 on the same grounds as the application in 2005.

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.

GP7: Community Safety

Development proposals will be expected to have regard for the objective of designing out crime

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.

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Supplementary Planning Documents

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address.

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

Transportation – No objections

Police Architectural Liaison Officer – no objections but recommends detailed measures relating to the design of the garage to address the concerns raised by the applicant.

Public Participation Responses

None

Determining Issues

- Design and Impact on Character of Area
- Impact on Amenity of Nearby Residents
- Parking and Highway Safety

and in particular whether the reasons for refusal of the previous application have been addressed, or there have been any changes in circumstances.

Observations

Design and Impact on Character of Area

The prefabricated design and the facing materials used for the garage are not in keeping with the traditional design of the existing dwelling but the height of the existing hedgerow and gates at approximately 2.4 metres currently conceal the garage from the street.

The design remains unchanged from the previous refusals and there has been no other change in the proposals since these refusals other than information regarding vandalism. There is a wide variety of building types nearby, including the single-storey flat roof pharmacy and two-storey flat roof building at the education training centre. However, the low quality of these buildings is not a valid reason to add a further structure of poor design. The application house itself and the older buildings of the former school are of good traditional design, whilst the modern design of the recently completed health centre lies opposite. The garage would therefore detract from the quality of the traditional buildings in the area and the modern design of the health centre if the hedge that currently screens the building from public views died, was reduced in height or was removed.

However, it is recognised that the property lies in an isolated location with no other residential properties directly adjacent or overlooking. There is evidence of vandalism associated with the misuse of the adjoining walkway. The majority of boundary treatments along this walkway are high.

The hedgerow cannot be relied upon as suitable screening in the long-term for this garage. Should this die or be removed alternative screening methods such as fencing or a solid wall may be unsuitable and could detract from the attractive appearance of the application house to the detriment of the character of the street scene. The retention of the hedge in its present form is crucial if the garage is to be supported in this location.

Impact on Amenity of Nearby Residents

There are no dwellings adjacent to the application house and this proposal will not have any impact on any other residential properties.

Parking and Highway Safety

The garage provides two off-road parking spaces at the application house which currently has three bedrooms. The recent planning permission to increase the number of bedrooms to four required the provision of a third space. There is adequate space within the curtilage of the dwelling to provide three spaces with a turning area.

Conclusion

Taking on board the recently received information relating to vandalism and the need for the garage, it is considered that subject to a condition requiring the retention of the hedge

of removal of the garage if the hedge died or was reduced in size, the proposal is supported.

Summary of Reasons for Granting Planning Permission

The development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, GP7, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing Walsall", and other material planning considerations, as follows:

Policies GP2, ENV32, H10 and the SPD: The development fails to make a positive contribution to the quality of the environment. However, regard has been made to the need to design out crime in accordance with policy GP7 and, provided the existing hedge in front of the garage is retained, the appearance of the garage will not harm the visual appearance of its surroundings.

Adequate provision exists for parking and manoeuvring of vehicles in accordance with policies GP2, T7 and T13.

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 determined by the Development Control Committee, the report can also be viewed on the Council's web site at www.walsall.gov.uk

Recommendation: Grant Subject to conditions

1. In the event that the privet hedge between the garage and the road dies, is removed or is reduced in height to less than that of the garage, the garage shall be removed within 3 months unless otherwise 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.
