



Development Control Committee

17th June 2010

Report of Head of Planning and Building Control, Regeneration

Contents Sheet

| Item No | Page No | Application Number | Site Address | Proposal | Recommendation |
|---------|---------|--------------------|--|--|---|
| 1 | 1 | 10/0349/FL | WEST BROMWICH ALBION FC TRAINING GROUND, BIRMINGHAM ROAD, WALSALL, WS5 3LX | Proposed training ground facilities including extension to existing pavilion, indoor pitch, floodlit artificial pitch, gatehouse, security fencing and associated parking. | Grant Permission Subject to Conditions refer GOWN |
| 2 | 23 | 10/0350/FL | SHELFIELD COMMUNITY COLLEGE, BROAD WAY, PELSALL, WALSALL, WS4 1BW | Part demolition and redevelopment of Shelfield Community Academy to provide 76% new build accommodation and 24% refurbished accommodation. | Grant Permission Subject to Conditions |
| 3 | 42 | 10/0595/FL | 30 BRADFORD STREET, WALSALL, WS1 1PN | Change of use to sandwich shop with sale of hot food and eat-in facilities, installation of flue. | Grant with conditions, subject to no new information raising new material issues |
| 4 | 48 | 10/0505/FL | EXISTING 02 BASE STATION SITE, QUESLETT ROAD EAST, WALSALL, B43 7UB | Removal of existing 12.5m high telecommunications tower. Installation of replacement 15m high telegraph pole type joint operator solution. Installation of 1no ground based equipment cabinet. | Grant Permission Subject to Conditions |
| 5 | 55 | 10/0139/FL | 15 & 16 NORTON ROAD, PELSALL, WALSALL, WS3 4AY | Change of use to mixed use A1 Butchers Shop and A3 Cafe. | Grant Permission Subject to Conditions |

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|---|----|------------|------------------------------------|--|--|
| 6 | 63 | 10/0390/FL | 9 GOODALL GROVE,GREAT BARR,B43 7PQ | Erection of an amateur radio mast with antennas. | Grant Permission Subject to Conditions |
| 7 | 70 | 10/0214/FL | 9 GLENELG MEWS,WALSALL, WS5 3LG | Extension to kitchen and replacement pitch roof. | Grant Permission Subject to Conditions |



Plans List Item No: 1.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17 June 2010

Reason for bringing to committee: Departure from the development plan and major planning application

Application Number: 10/0349/FL
Application Type: Full application

Applicant: West Bromwich Albion Football Club Ltd

Proposal: Proposed training ground facilities including extension to existing pavilion, indoor pitch, floodlit artificial pitch, gatehouse, security fencing and associated parking.

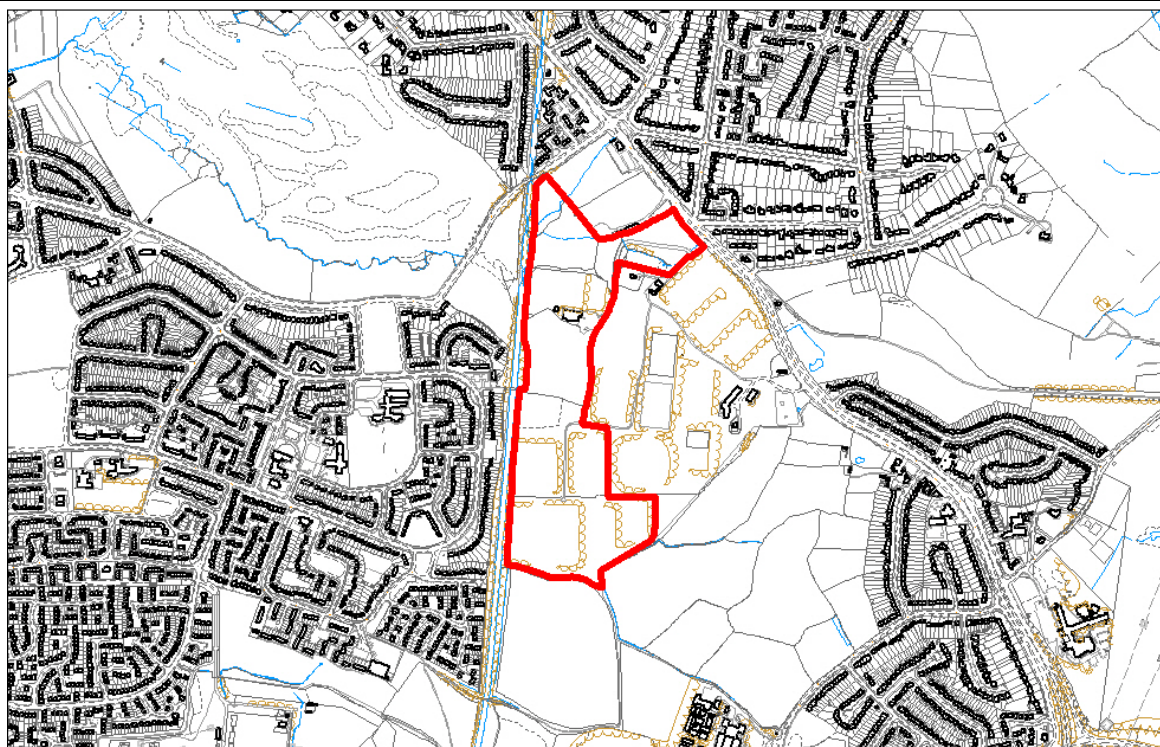
Ward: Paddock

Case Officer: Andrew White
Telephone Number: 01922 652429
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planningservices@walsall.gov.uk
Agent: Architects LEI LLP

Location: WEST BROMWICH ALBION FC TRAINING GROUND, BIRMINGHAM ROAD, WALSALL, WS5 3LX

Expired Date: 08/07/2010

Recommendation Summary: Grant Permission Subject to Conditions refer GOWN



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Application and Site Details

This application is for the expansion of training ground facilities including an extension to the existing pavilion, indoor pitch, floodlit artificial pitch, gatehouse, security fencing and associated fencing at an existing 18.36 hectare training ground south west of Birmingham Road used by West Bromwich Albion Football Club since the year 2000. The site slopes east to west from Birmingham Road to the canal by approximately 15 metres in height. There is a continuous belt of mature trees and hedgerow along the canal corridor. The training ground site includes 9 outdoor grass pitches, an existing single storey pavilion building (containing changing rooms, canteen, administration and physiotherapy), a ground man's store to the east of the pavilion, a water storage tank north-west of the pavilion and the car park lies to the west of the pavilion. The site is bounded with green coloured mesh security fencing. The existing pavilion building is approximately 300 metres from Birmingham Road, approximately 290 metres from Walstead Road and 80 metres from the canal. The access route into the training ground from Birmingham Road extends approximately 360 metres through a mix of mown grassland, semi mature grassland and groups of mature trees. There are several small watercourses that cross the site generally in an east to west direction. The majority of the site is formally mown grass pitches, with some terracing of the original profile of the site to accommodate the various elements of the training ground. There is a triangle of semi improved grassland used to graze horses in the north-west corner of the site, bounded by Handsworth Rugby Football Club, the canal and Walstead Road and sits at the lowest part of the site.

The site is part of a larger area of Green Belt used for sport and recreation and laid out with playing fields between Birmingham Road and Rushall Canal, including Handsworth Rugby Club and the larger Aston University sports ground that includes grass pitches including floodlit pitches. The University site rises south easterly towards the boundary with Sandwell Council.

The planning application proposal includes; a 1374sqm floor space extension to the existing pavilion part located on an existing adjacent grass pitch. The internal alteration to the existing pavilion and the extension will include;

- separate entrances for the first team, youth academy, parents of the youth academy players,
- expansion of the existing kitchen and dining room to accommodate the first team, youth academy, parents and support staff,
- expansion of the physiotherapy area including treatment space, expanded gymnasium, sports science facilities, new wet recovery, treatment facilities, 15 metre pool, hydrotherapy treadmill pool, sauna, steam room, hot and cold plunge pools, rehabilitation/relaxation space,
- the extension accommodates displaced facilities from the existing pavilion, including first team changing, first team lounge/briefing room, coaches changing rooms and football team administration, .
- The pavilion extension utilises the ground level differences between the existing pavilion and the adjacent pitch to allow for a lower floor to accommodate the pool and plant room. The lower floor also includes; laundry, boot room, kit storage room, storage areas, filing room, memorabilia and archives rooms.
- The lower level of the pavilion extension also includes green walling to soften the elevation of the building

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-The main car park is proposed to be expanded by 14 spaces.

A new artificial floodlit pitch is proposed to be located north of the pavilion and the proposed indoor training pitch to replace the existing grass pitch which is located where the pavilion extension is proposed. The pitch would be 105 metres x 68 metres with three metre high security mesh fencing surrounding it and eight 15 metre high 500 lux lighting columns that include shields to minimise light spillage.

An indoor artificial training pitch in a metal framed building, skinned by fabric and timber, measuring 74 metres x 43 metres and 12 metres high located to the west of the pavilion extension and south of the new artificial pitch. Between the indoor facility and the outdoor artificial pitch there would be a green wall and hedgerow some 74 metres in length and approximately 3 metres in height. The indoor facility is for the youth academy for all weather training.

The proposal includes a new gatehouse sited along the vehicular access route and additional security fencing to better control access to the site. The fencing will also be used to define the closely mown training areas from the natural grassland to prevent damage from over mowing. Near to the gatehouse there is also some an additional 42 parking spaces for visitors and parents of academy players.

Relevant Planning History

BC62029P Proposed new training ground for West Bromwich Football Club involving the upgrading of existing access of Birmingham Road, levelling out of existing football pitches, building changing pavilion with car parking area. GSC 22/11/00

BC62883P Re-routing of access road to new training ground for West Bromwich Albion Football Club (Amendment to Planning Approval BC62029P) GSC 01/05/01
02/1679/FL/E3 Extension to existing training ground pavilion GSC 25/10/02

03/1259/FL/E7 New overflow car park and height restricting barrier GSC 15/09/03

03/2088/FL/E5 Extension of existing car park GSC 18/12/03

05/1467/FL/E7 Extension to pavilion to provide additional changing rooms and associated accommodation GSC 16/09/05

07/0106/FL/E7 Retrospective: Erection of grounds man's equipment store GSC 16/03/07

07/2696/FL/E6 Extension and alteration to pavilion and outdoor walled training area. GSC 20/02/08

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

GP1; Development will be guided by principles of sustainability, minimising need to travel by car.

GP2; Expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an adverse impact. Consideration will be taken into account in assessing the development;

I. visual appearance

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- VII. accessibility by a choice of means of transport
- VIII. the effect on the countryside and Green Belt
- XIV. the effect on outdoor recreation facilities.

GP3; Planning obligations to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures

ENV2; (a) there will be a presumption against new buildings except for; II. Facilities essential for outdoor sport and leisure (e) where development is consistent with the purposes of Green Belt, the council will require its siting, design, form, scale and appearance is compatible with the character of the surrounding area.

ENV3; where development is acceptable in principle in the Green Belt the Council will also assess the proposals in terms of; layout, siting, design, grouping, height, scale, structures, associated outdoor equipment, colour, materials, landscape and views.

ENV11; Applications involving external lighting will not be permitted unless they propose the minimum amount of lighting to achieve its purpose and minimise glare and light spillage. Consideration must be given to the effect of lighting on neighbouring land, premises, vehicle users, pedestrians and wildlife.

ENV18; The Council will ensure the positive management and enhancement of existing trees and hedgerows. Where developments are permitted which involve the loss of trees or hedgerows will be required to minimise the loss and provide appropriate planting of commensurate value.

ENV22; Development on sites used by protected species by European law and/or British legislation will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact.

ENV23; The Council require habitat creation, enhancement and implementation of appropriate measures encouraging the conservation of wildlife, in proximity to a SSSI, LNR, SINC & SLINC

ENV24; New development which would sever, or unacceptably harm the integrity of linear features such as rivers, streams, canals, field boundaries, tree belts, green lanes, road verges, lakes, reservoir, ponds and small woodlands will not be permitted.

ENV32; Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially visually prominent, adjacent to canals. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

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

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

ENV33; Good landscape design is an integral part of urban design and the Council will require, planning applications proposing development in locations described in ENV32 to be supported by full details of external layout and landscape proposals.

ENV34; The Council will require the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development especially in important, prominent locations, larger scale developments or refurbishments.

ENV40; Proposals for development will be encouraged to incorporate measures for the conservation of water resources such as; water efficient devices, on-site

recycling & minimising watering for landscaping. The environment of rivers, canals, lakes and ponds will be protected and enhanced. Developments affecting or near to water spaces should make a positive contribution.

T7; All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment

T12; Walking distance from the entrance of the building to a bus stop should be no more than 400 metres

T13; All development should provide an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified. Relevant considerations to be taken into account are set out in Policy T7

LC6; Proposals resulting in the loss or reduction of sports pitches, public or private, will only be permitted if... compensatory provision will be made in respect of quality, quantity, suitability of location, and equivalent or better management arrangements.

LC9; The Council will expect all development alongside and near canals to positively relate to the waterway, achieving high standards of design and sensitively integrated with the canal.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

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

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

DW9b Contributions towards Public Art for Non Residential (commercial, leisure, industrial) 1000sqm and above

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

Natural Environment SPD

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

Regional Spatial Strategy for the West Midlands (RSS 11)

Policies QE4, QE7, QE9, T3 and T5 seek to improve the quality of the environment whilst preserving quality of locations whilst offering alternative modes of transport.

National Policy

PPG2: The most important attribute of Green Belts is their openness.

There are five purposes of including land in Green Belts:

~ to check the unrestricted sprawl of large built-up areas;

~ to prevent neighbouring towns from merging into one another;

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- ~ to assist in safeguarding the countryside from encroachment;
- ~ to preserve the setting and special character of historic towns; and
- ~ to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:

- ~ to provide opportunities for access to the open countryside for the urban population;
- ~ to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- ~ to retain attractive landscapes, and enhance landscapes, near to where people live;
- ~ to secure nature conservation interest; and

There is a general presumption against inappropriate development within them.

Such development should not be approved, except in very special circumstances.

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The construction of new buildings inside a Green Belt is inappropriate unless it is for... essential facilities for outdoor sport and outdoor recreation... and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.

The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

PPG17: Open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives. These include:

supporting an urban renaissance - local networks of high quality and well managed and maintained open spaces, sports and recreational facilities help create urban environments that are attractive, clean and safe. **supporting a rural renewal** - the countryside can provide opportunities for recreation and visitors can play an important role in the regeneration of the economies.

promotion of social inclusion and community cohesion - well planned and maintained open spaces and good quality sports and recreational facilities can play a major part in improving people's sense of well being in the place they live.

health and well being - open spaces, sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others.

promoting more sustainable development - by ensuring that open space, sports and recreational facilities are easily accessible by walking and cycling and well served by public transport.

The recreational quality of open spaces can be eroded by insensitive development or incremental loss of the site. In considering planning applications ... local authorities should weigh any benefits being offered to the community against the loss of open space that will occur. Planning authorities may wish to allow small-scale structures where these would support the existing recreational uses or would provide facilities for new recreational uses.

In considering applications for floodlighting, local authorities should ensure that local amenity is protected. The impact on the openness of the Green Belt or on the character of the countryside, of floodlight towers or pylons should be a key factor in determining whether planning permission should be granted. Planning permission should be granted in Green Belts for proposals to ... modernise essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and nonessential facilities should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if inappropriate development is to be permitted.

The following typology illustrates the broad range of open spaces that may be of public value:

- ii. natural and semi-natural urban green spaces - iii. green corridors
- iv. outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned)

Local authorities should recognise that open space can perform multiple functions including:

- i. strategic functions;
- ii. urban quality;
- iii. promoting health and well-being;
- iv. havens and habitats for flora and fauna;
- v. as a community resource; and,
- vi. as a visual amenity.

PPG13 to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices

PPS25 flood risk management is to avoid, reduce and manage flood risk

Consultations

Planning Policy- Due to the nature of the proposed development including the pavilion extension, artificial floodlit pitch, the indoor pitch, the gatehouse and security fencing, I consider the proposed development to be appropriate in the green belt and therefore acceptable in planning policy terms.

Sport England- No objection to the principle of the development. We consider the development to accord with E5 of our policy and we have no objection to the principle of the development. In terms of benefit to sport, the proposed full size floodlit artificial pitch, indoor training pitch, pavilion extension all improve and compliment the existing provision at the site. The detriment to sport would arise from the loss of the natural turf playing pitch. The site currently accommodates a significant number of other grass pitches, which we assume are sufficient to

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accommodate the club's need for grass facilities. There is currently no community access to the facilities so there would be no displacement of usage by community teams. Looking at the current use of the site, any detriment will be far outweighed by the benefits of the new facilities proposed.

Transportation – No objections subject to safeguarding conditions

Ecology- No objections in principle subject to safeguarding conditions relating to management plan and timing of implementation of landscaping works.

Landscape- No objections

Arboriculturists- to be updated at committee

Environment Agency- No objections subject to safeguarding conditions

Pollution Control (Scientific Team) – No Objections

Pollution Control (Contaminated Land) - No objections subject to safeguarding conditions to investigate the character of ground gas on site.

British Waterways- No objections subject to safeguarding conditions

Inland Waterways- Object to the location of the indoor pitch building in this location as it would damage the visual amenity of the canal corridor and diminish its leisure recreation and tourism value by urbanising the appearance of this precious rural corridor. IWA would suggest that it should be relocated within the site so as to be less intrusive to the canal corridor. We have no objection in principle to the further improvement of the training ground facilities including the proposed extension to the existing pavilion, the artificial pitch, gatehouse, fencing or parking.

Fire Officer- No objections

Access Officer- to be updated at committee

Public Lighting- No objections. The overall lighting is not uniform for the roadway. It is recommended to be lit to the British standards.

Regarding the spill light onto the canal, the applicant should tell us what measures they are going to put in place to reduce the spill including what hours of use, if there will be glare on the canal and will they install some special shields to reduce glare.

Centro- No objections subject to travel plan

Urban Design- No objections subject to a S106 for public art

Public Rights of Way- no recorded public rights of way across the above application site, shown on either the definitive map and statement or list of streets.

Sandwell Council- Concern at the public route across Shustoke Bridge being blocked.

Severn Trent- No objections subject to safeguarding conditions

Environmental Health- no adverse comments

Public Participation Responses

Nine letters of objection and two petitions with a total of 23 signatures received raising the following issues;

- Proposal conflicts with the 5 purposes of including land in the Green Belt
- Proposals do not accord with the development plan
- Shustoke farm is designated as SLINC and has been used as a Council depot and private riding school, its not derelict land
- WBA facilities are solely used for commercial/financial advantage of the club and future academy players not for wider public recreational, exercise or sports use and facilities do not benefit local people
- Existing structures visible all year, further development exacerbates encroachment on natural area
- Excessive light pollution from existing outdoor floodlit sports facilities of the University why bring it closer to residents
- Do not use existing facilities as a precedent for new facilities
- Residents do not receive relief from outdoor floodlighting turning night to day reducing the enjoyment of the night sky
- Disturbance of natural cycles of wildlife
- Extended opening hours and extra parking significantly increases traffic and pollution on the roads
- Residents want an impact assessment measuring light pollution, disturbance to wildlife habitat, litter and traffic flow in the local area
- Noise and disturbance during the construction and earth moving of the development (*not a material planning consideration*)
- No justification for the impact on the untouched, established and natural habitat of the green belt between Walsall and Birmingham
- WBA have added extensions since 2000 eroding the Green Belt
- Area gradually taken over by sports facilities for select professional sports people
-
- Green belt land should be protected from invasive 24 hour security fencing/lights
- Indoor pitch is just an enormous industrial building changing the rural aspect forever and WBA already have an indoor training facility in West Bromwich
- Already noise/nuisance from existing football/rugby ground
- Drawings not a true account of distances to residential properties (*The drawings reflect the ordnance survey plans the Council hold*)
- WBA already blocked historic rights of way from Shustoke Bridge to Birmingham Road forcing walkers to use muddy ground and cross water courses
- Respect the clubs need for privacy but they must maintain historic rights of way
- Devalue property (*not a material planning consideration*)
- Visual impact of the development on the natural beauty of the area
- Area adjacent to the canal should be green belt maintained for the community
- Preserve natural habitat of unspoilt wild grassland adjacent to the canal

Determining Issues

- Are there any very special circumstances to justify inappropriate development in the Green Belt?
- Impact on the character and amenity of the vicinity
- Ecology
- Transport/Access

Observations

Are there any very special circumstances to justify inappropriate development in the Green Belt?

The main function of the extended pavilion building would be to accommodate 'wet recovery and treatment facilities' including a 15 metre pool and 'hydrotherapy treadmill pool'. In addition, facilities within the existing pavilion would be moved to the new building, including first team and coaches' changing rooms and an area for 'football administration'.

The use of this building is acceptable within the Green Belt because the provision of changing rooms within the proposed extension accords with PPG2 which states, 'essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. The wet recovery and treatment facilities, while not part of an outdoor sport or recreational facility when considered in isolation, are considered *genuinely required* (PPG2) for the continued operation of the wider outdoor sport function of the site when taking into account the elite and professional levels of fitness and skills engaged in by the applicant's organisation as a premiership football team resulting in the different sporting requirements necessary to enable participation at this level in comparison to amateur level sport or recreation.

The proposed full-size floodlit synthetic turf pitch replaces an existing grass pitch, immediately to the north of the existing pavilion building, which would be lost if permission is granted for construction of the pavilion extension.

There is a general presumption to avoid the loss or reduction of sports pitches within the Borough, whether public or private. The loss of a sports pitch should only be allowed where equal compensatory provision is made in respect of quality, quantity, suitability of location and management arrangements. The proposed artificial pitch is considered to provide equal compensatory provision in terms of quantity (1 full-size pitch replacing another). The suitability of location and management arrangements are unaffected by the proposal compared to the previous grass pitch. The pitch surface will be different to the grass pitch being replaced, and it is considered there are a sufficient number of grass pitches within the application site and the adjacent Aston University site to meet requirements for grass pitch sports (both in terms of quantity and quality). The provision of an artificial pitch will improve quality in relation to pitch condition during times of adverse weather. In terms of its acceptability within the Green Belt, the artificial pitch is a facility essential for outdoor sport or recreation and the use is in accordance with PPG2 and UDP Policy ENV2.

It is considered that the indoor training pitch improves and compliments the existing outdoor sports provision at the site contributing to the extended requirements for the technological, progressive training, fitness and extended skills required for a

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premiere league football team. The wider facilities including the indoor training pitch contribute to attracting, nurturing and retaining talented young players. The indoor training pitch is also required to exceed the minimum requirements for the premiere league academy status. The youth academy draws children in from the wider locality (Two thirds are from Walsall and the Black Country) to train, educate and develop home grown players that eventually feed into the first team. It is considered that the use of the indoor training pitch used by the football club youth academy helps deliver significant improvements in fitness, skill and training to young people feeding back into the local, regional and national game and likely to have a long term benefit to the local economy. The provision of this and the wider training facilities at this club are highly unlikely to be replicated elsewhere in the borough's Green Belt because of the unique training and fitness levels that a premiere league football club and its youth academy require. It is considered these reasons amount to very special circumstances that outweigh any harm to the Green Belt in this instance and the indoor training pitch is considered a facility essential for outdoor sport or recreation and the use is in accordance with PPG2 and UDP Policy ENV2.

With regard to the proposed Gatehouse building, I consider that the scale and mass of the building would have little or no impact on the openness of the Green Belt and would be well screened from external viewpoints by existing and proposed tree cover.

Residents concerns that the proposals impact on the untouched, natural beauty of unspoilt grassland encroaching on the last stretch of Green Belt and its ecology between Walsall and Birmingham have been considered. The application site is adjacent to a rugby club and the larger Aston University sports grounds which are all part of the Green Belt. It is considered that this part of the Green Belt is managed and maintained in varying degrees of human intervention. It is difficult to subscribe to residents views that the local Green Belt is unspoilt grassland as the majority of the area is laid out as close mown sports pitches. Even the triangle of land at the corner of Birmingham Road and Walstead Road, may look unspoilt, but also benefits from a degree of management in order to graze horses. The proposal includes details to upgrade this part of the site and develop and improve its ecological value which is considered would benefit the wider community.

Whilst the current built element of the proposal may appear large in isolation, it forms 2.7 percent of the whole of the 18.36 hectare site and coupled to the use and high degree of management of the sports pitches and sports training facilities, is considered to maintain and protect the overall openness of the Green Belt in this location, thereby protecting the visual appearance and amenity of the vicinity for the wider community.

The proposal is to be referred to Secretary of State because it is a departure from the development plan, in appropriate development in the Green Belt and affects a sports pitch. However, proposal has demonstrated very special circumstances to outweigh the technical harm to the green belt.

Impact on the character and amenity of the vicinity

The proposal includes four distinct parts, pavilion extension, artificial floodlit pitch, indoor training and gatehouse and security fencing.

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The pavilion extension is considered to have limited impacts on the visual amenity of the wider area. There are limited views of the existing pavilion from outside the site due to the topography and landscaping of the site coupled to the relatively low height of the building. The extension reflects the existing pavilion design and although it is proposed to include a lower floor to accommodate the pool and plant room, this maximises the use of the existing topography and it is also proposed to include green walling to soften the massing of the elevation that faces the canal. Overall, it is considered the pavilion extension would not impact on the visual amenity of the location any further.

The creation of an artificial pitch in the Green Belt is considered to have no visual amenity impacts on the location. The pitch includes green mesh security fencing around its perimeter. Allowing for the design of the fencing and its colouring and that it is only likely to be visible from limited public vantage points and then seen against the existing pavilion or the proposed indoor pitch, that there would be no further visual amenity impacts for the fencing.

The artificial pitch includes the installation of 8 fifteen metre high floodlights. Whilst it is considered there may be some visual amenity impacts from the lighting, the proposal includes cowls to limit light spillage from the pitch location. Light pollution in urban areas is an issue generally. The proliferation of street lights, lights from motor vehicles and at residential and commercial properties contribute significantly to this issue. It is considered that the floodlit pitch would not have a significant impact over and above the existing issues of light pollution in the locality. However, notwithstanding the lighting plots, visuals and details of the cowls provided, suitable safeguarding conditions requiring details of lighting levels and cowls to minimise unnecessary light spillage plus a condition controlling hours of use can be imposed to further protect visual amenity of the locality.

It is accepted that the indoor training pitch would have an impact on canal corridor and vicinity being visible from the canal corridor and Bell Bridge Walstead Road. It is considered that the location of the indoor training pitch, tightly grouped with the existing and proposed buildings and occupying a relatively small part of the overall 18.36 hectare site minimises the impact on the locality. The provision of a 3 metre high 76 metre high hedge along the side of the building facing Walstead Road also softens the buildings appearance and contributes to minimising the visual amenity impacts to the location without further eroding the openness and character of the green belt. A safeguarding condition to deal with the colour and type of materials used is suggested to further deal with the mitigation of the building. Spreading the structures across the site is considered to have a greater impact on the openness and character of the green belt and further injure the visual amenity of the location.

The gatehouse and additional security fencing has little impact on the openness of the Green Belt and considered to have no impact on the visual amenity of the location. The position of the fencing helps define the areas of grassland between that which is closely mown and that which semi natural grassland. This has a contribution in protecting the overall visual amenity.

Ecology

The proposed development would not encroach onto the Shustoke Farm Site of Local Importance for Nature Conservation (SLINC) within the application site. It is considered that the development would result in the loss of some habitats of value but habitat creation and enhancement measures proposed for the wider site should adequately mitigate against any loss or injury to local habitat.

In addition, it is considered that safeguarding conditions relating to the provision and implementation of a management plan for the proper management of the SLINC. This should also include provision for the management of other ecological areas within the application site.

The landscape scheme should be implemented before any part of the development is brought into use to ensure the replacement habitats are provided as soon as possible after existing habitats of value are destroyed during the construction period in order to minimise the overall impact to local natural habitats.

Highways and Access

The existing and proposed use of a private sports training facility does not fit into a specific category in terms of the required maximum parking provision and could be considered to be in a 'class of its own' in this respect. The applicant has stated that the development is unlikely to result in an intensification of the number of vehicle trips to the site or any impact on traffic generation for the neighbouring highway network whilst looking to improve accessibility for pedestrians and cyclists. The proposals improve and increase the on-site parking provision from around 100 spaces to 150 spaces increasing the number of spaces available for visitors to avoid the need and reduce the possibility of parking on Birmingham Road. This 50% increase in the on-site parking provision is considered acceptable in this instance subject to suitable safeguarding conditions relating to materials and drainage.

The proposal utilises the existing access point from Birmingham Road and also provides a vehicular turning area at the gatehouse plus improved pedestrian/cycle links from the development to Birmingham Road, including a new cycle shelter, plus there is a bus stop outside the Birmingham Road entrance. All of these measures encourage the use of sustainable modes of transport. This can be supported by the applicant providing a sustainable travel plan for the application site.

Overall, the Highway Authority considers the application acceptable subject to a safeguarding condition providing the car park and cycle storage prior to the new facilities being brought into use.

Sandwell Council and residents have raised concerns about the pedestrian route across Shustoke Bridge through the training ground being blocked by security fencing. My officers have visited the location and the route was likely blocked at the time the football club took over the site as the boundary fence appears to have been in place some considerable time. The current proposal is some 150 metres away from the Shustoke Bridge and it is considered that the current proposals do not have any further impact on the pedestrian route. At the request of officers, the applicants

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have opened discussions with Sandwell Council in order to find a suitable resolution to the issue. The Council's Public Rights of Way officer has commented that there are no recorded public rights of way across the application site or shown on either the definitive map, statement or list of streets. In light of the separation distance, the comments of our public rights of way officer, the route may have been blocked for 10 years and that the applicants are talking to Sandwell to find a solution, it is considered that the development does not affect a public right of way and that this issue does not constitute a reason for refusal.

Summary of Reasons for Granting Planning Permission

The use of the pavilion extension is acceptable within the Green Belt because the provision of changing rooms are 'essential facilities which preserve the openness of the Green Belt, wet recovery and treatment facilities, while not part of an outdoor sport or recreational facility when considered in isolation, are considered *genuinely required* (PPG2) for the continued operation of the wider outdoor sport function of the site when taking into account the elite and professional levels of fitness and skills as a premier league football team.

There is a presumption to avoid the loss or reduction of sports pitches within the Borough, whether public or private. The proposed artificial pitch is considered to provide equal compensatory provision in terms of quantity and will improve quality in relation to pitch condition during times of adverse weather. In terms of its acceptability within the Green Belt, the artificial pitch is a facility essential for outdoor sport or recreation.

The indoor training pitch improves and complements the existing outdoor sports provision at the site contributing to the extended requirements for the technological, progressive training, fitness and extended skills required for a premier league football team. The facilities contribute too attracting, nurturing and retaining young players and required to exceed the minimum requirements for the premier league academy status. The academy draws children in from the wider locality (Two thirds are from Walsall and the Black Country) to train, educate and develop home grown players that helping deliver significant improvements in fitness, skill and training to young people feeding back into the local, regional and national game and likely to have a long term benefit to the local economy. The wider training facilities at this club are unlikely to be replicated elsewhere in the borough's Green Belt because of the unique requirements that a premier league football club and its youth academy require. It is considered this is very special circumstances that outweigh any harm to the Green Belt and the indoor training pitch is considered a facility essential for outdoor sport or recreation.

The Gatehouse would have little or no impact on the openness of the Green Belt, well screened from external viewpoints by existing and proposed tree cover.

Residents concerns about the impact on the untouched, natural beauty of unspoilt grassland, encroaching on the Green Belt and its ecology have been considered.

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The application site is adjacent to a rugby club and the larger Aston University sports grounds it is difficult to subscribe to residents views that the local Green Belt is unspoilt grassland as the majority of the land is laid out as close mown sports pitches. Even the triangle of land at the corner of Birmingham Road and Walstead Road, also benefits from a degree of management in order to graze horses. The proposal includes details to upgrade the site developing and improving its ecological value to the benefit of the wider community.

The current built element of the proposal appears large in isolation, but only forms 2.7 percent of the 18.36 hectare site. The use and management of the sports pitches and facilities, is considered to maintain and protect the openness of the Green Belt in this location.

The pavilion extension has limited impacts on the visual amenity of the area. Because of limited views from outside the site due to topography, landscaping and the relatively low height of the building. The lower floor accommodates the pool and plant room, maximising the use of the existing topography coupled with the green walling, softens the massing of the elevation.

The creation of an artificial pitch in the Green Belt is considered to have no visual and noise amenity impacts on the location. The pitch includes green mesh security fencing around its perimeter. Allowing for the design of the fencing and its colouring and that it is only visible from limited public vantage points and seen against the existing pavilion or the proposed indoor pitch, that there would be no further visual amenity impacts for the fencing.

The installation of 8 fifteen metre high floodlights includes cowls to limit light spillage from the pitch location. There may be some visual amenity impacts from the lighting. Light pollution in urban areas is an issue generally. The proliferation of street lights, lights from motor vehicles and at residential and commercial properties contribute significantly to this issue. The floodlit pitch would not have a significant impact to amenity over and above the existing issues of light pollution in the locality. Notwithstanding the details provided, further details of lighting levels and cowls to minimise unnecessary light spillage plus controlling hours of use further protects visual amenity of the locality.

The indoor training pitch has a visual impact on canal corridor and vicinity. The location of the indoor training pitch, tightly grouped with the existing and extensions occupy a small part of the overall 18.36 hectare site minimises the impact. The visual amenity impacts to the location moving the indoor facility to a different position within the site, spreading the built form, which would have a greater impact on the amenity and openness of the green belt than the existing proposal. Notwithstanding the details provided regarding the colour and materials of the building further details are requested relating to the colour, texture and type of materials to further deal with the mitigation of the building.

The gatehouse and additional security fencing has little impact on the openness of the Green Belt and visual amenity of the location. The position of the fencing defines grassland between that closely mown and semi natural grassland. This contributes in protecting the overall visual amenity.

The development does not encroach onto the Shustoke Farm Site of Local Importance for Nature Conservation (SLINC) and it is accepted that there is loss of some habitats of value but habitat creation and enhancement measures proposed for the wider site adequately mitigate any loss or injury to local habitat.

Notwithstanding the information provided further details relating to the implementation of a management plan for the proper management of the SLINC and other ecological areas within the application site should be provided plus the landscape scheme should be implemented as soon as possible after the construction period in order to minimise the overall impact to local natural habitats.

The proposals improve and increase the on-site parking provision from 100 spaces to 150 spaces reducing the possibility of parking on Birmingham Road. The proposal utilises the existing access point from Birmingham Road and provides a vehicular turning area at the gatehouse plus improved pedestrian/cycle links to Birmingham Road, includes a new cycle shelter, plus there is a bus stop outside the Birmingham Road entrance. All of these measures encourage the use of sustainable modes of transport. This can be supported by the applicant providing a sustainable travel plan for the application site. Overall, the development is acceptable from a highways consideration

The pedestrian route across Shustoke Bridge through the training ground was likely blocked by the boundary fence at the time the football club first occupied the site in 2000. The current proposal is 150 metres away from the Shustoke Bridge and it is considered that the current proposals do not impact on the pedestrian route. The applicants are in discussions with Sandwell Council in order to find a suitable resolution to the issue. The Council's Public Rights of Way officer comments there are no recorded public rights of way across the application site or shown on either the definitive map, statement or list of streets. The separation distance to the proposals, the comments of our public rights of way officer, the route being blocked for 10 years and the applicants talking to Sandwell Council, it is considered that the development does not affect a public right of way and that this issue does not constitute a reason for refusal.

The proposed development is considered to accord with the aims and objectives of Green Belt policy and objectives of the development plan, in particular policies GP1, GP2, GP3, ENV2, ENV3, ENV11, ENV18, ENV22, ENV23, ENV24, ENV32, 3.16, 3.113, ENV33, ENV34, ENV40, T7, T12, T13, LC6 and LC9 of Walsall's Unitary Development Plan (2005), Designing Walsall and Natural Environment Supplementary Planning Guidance, Regional Spatial Strategy for the West Midlands policies QE4, QE7, QE9, T3 and T5 and National Planning Guidance PPG2: Green Belts, PPG17 Planning for open space, sport and recreation, PPG13 Transport, PPS25 Development and Flood Risk

Recommendation: Grant Permission Subject to Conditions

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

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

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

- i) Prior to built development commencing investigation of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the ground gas assessment together with an assessment of the hazards arising from ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2).
- iii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

3. Notwithstanding the plans submitted prior to the commencement of development, a robust bat survey shall be submitted to and approved in writing by the Local Planning Authority and mitigation measures thereafter implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: The ecological environment in this location is sensitive and should be protected from light pollution impacting on the bio-diverse environment in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

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

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

5. Prior to the commencement of development and to secure the provision and implementation of a management plan for the proper management of the SLINC. This should also include provision for the management of other ecological areas within the application site.

Reason: In order to safeguard important local habitats

6. Prior to the development first coming into use, the improved car parking, cycling, pedestrian and access road infrastructure, shown on drawings 090315-01 & (PL)201, shall be fully implemented and brought into use, including the clear demarcation of the parking bays which shall be thereafter retained and used for no other purpose.

Reason: In order to maintain highway safety

7. Prior to commencement of any development, if surface water run-off and ground water is proposed to drain into the waterway details shall be submitted for consideration.

Reason: To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the canal environment and integrity of the canal infrastructure in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

8. Prior to commencement of the development/use a scheme setting out the type, design, lux levels and measures to control glare and overspill light from floodlighting and measures to ensure lights are switched off when not in use shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Thereafter the floodlighting shall be operated in accordance with the approved scheme and maintained in accordance with manufacture's instructions.

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Reason: To minimise light pollution in the interests of amenity.

9. The floodlighting shall not be operated on the outdoor artificial pitch after 22.00 hours on weekdays and 18.00 hours on [Saturdays, Sundays and/or Public/Bank holidays] and not before 09.00 weekdays, weekends and bank holidays.

Reason: To minimise light pollution in the interests of amenity

10. Development shall not begin until a surface water/foul drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with *West Bromwich Albion Football Club Proposed Training Ground Development Flooding & Drainage Planning Statement, Structural Design Associates, March 2010* before the development is completed.

The scheme shall also include:

- *A sustainable surface water drainage strategy in line with West Bromwich Albion Football Club Proposed Training Ground Development Flooding & Drainage Planning Statement, Structural Design Associates, March 2010*
- *A surface water outfall rate no greater than that which exists for the current site.*
- *Details of how the scheme shall be maintained and managed after completion*

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

11. No development shall be carried out until a schedule of facing materials (including colour and texture) have been submitted to and approved in writing by the Local planning Authority for the following;

- Pavilion extension,
 - Indoor pitch building,
 - Gatehouse,
 - All hard surfacing materials and drainage for car parks and paths,
- The approved details shall be fully implemented (including fully consolidating vehicular surfaces) prior to the first occupation of any part of the development hereby approved and retained there after unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

12. The approved landscaping scheme shall be carried out prior to the first occupation of any building or completion of the development whichever is the sooner unless otherwise agreed in writing by the Local Planning Authority to ensure the replacement habitats are provided as soon as possible after existing habitats of value are destroyed. Any trees or plants, or grassed areas which within a period of 5 years from the date of planting dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size,

species or quality, unless the Local Planning Authority gives written consent to the variation.

Reason: To ensure that the proposed development contributes to the preservation and enhancement of the local character and distinctiveness of the waterway corridor in accordance with saved policies Canals and Waterways (8.6) and LC9 Canals of the Walsall Unitary Development Plan 2005.

13. No development shall commence until a Transport Statement and a draft Travel Plan that promotes sustainable methods of travel for trips to and from the site by visitors and staff, are submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved Travel Plan.

Reason: To promote sustainable travel.

14. A review of the Travel Plan shall be submitted to, and agreed in writing by the Local Planning Authority every 6 months, with an update of the Travel Plan undertaken every 12 months. The updated revisions shall be implemented in accordance with an agreed timescale.

Reason: To promote sustainable travel.

15. Proposed security fencing should closely match in design, colour and texture the existing security fencing on site and be retained and maintained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

16. This development shall not be carried out other than in conformity with the following approved plans and documents: -

- Location Plan W42(PL)200 received 26/03/10
- Site Plan W42(PL)201 received 26/03/10
- Site Plan Lighting Plot W42(PL)207 received 26/03/10
- Proposed car park arrangements and details 090315-01 received 26/03/10
- Drainage concept 090315-02 received 26/03/10
- Gatehouse & Fencing plan and Elevations W42(PL)205 received 26/03/10
- Pavilion extension floor plans W42(PL)202 received 26/03/10
- Pavilion extension elevations & section W42(PL)203 received 26/03/10
- Pavilion extension elevations W42(PL)208 received 26/03/10
- Site sections artificial pitch W42(PL)206 received 26/03/10
- Landscape proposals sheet 1- 2733-L-01 received 26/03/10
- Landscape proposals sheet 2- 2733-L-02 received 26/03/10
- Indoor pitch plan and elevations W42(PL)204 received 26/03/10
- Design and access statement W42/24 March 2010 received 26/03/10

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).

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

Reason: To protect the amenity of neighbouring occupiers.

NOTES

Contaminated Land

CL1

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

CL2

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

CL3

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

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any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

British Waterways Notes

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

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.

Environment Agency

There is a connection to public foul sewer available on the site and there is a presumption that this should be used for the discharge of the filter backwash effluent to accommodate the Biological Oxygen Demand (BOD) and greases etc that will be present.

The Water Company should be consulted by the applicant in this respect. The use of dechlorination chemicals should also be discussed with the Water Company.

There is no mention of the discharge of the occasional pool drain down in the Statement and any proposal needs to be discussed with the Environment Agency and we advice the Applicant to contact Dave Whitford on 01543 405080 to discuss our concerns.

Severn Trent Water

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



Plans List Item No: 2.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17 June 2010

Reason for bringing to committee: Major application

Application Number: 10/0350/FL

Application Type: Full application

Applicant: Walsall Council

Proposal: Part demolition and redevelopment of Shelffield Community Academy to provide 76% new build accommodation and 24% refurbished accommodation.

Ward: Rushall-Shelffield

Case Officer: Alison Deakin

Telephone Number: 01922 652487

Email:

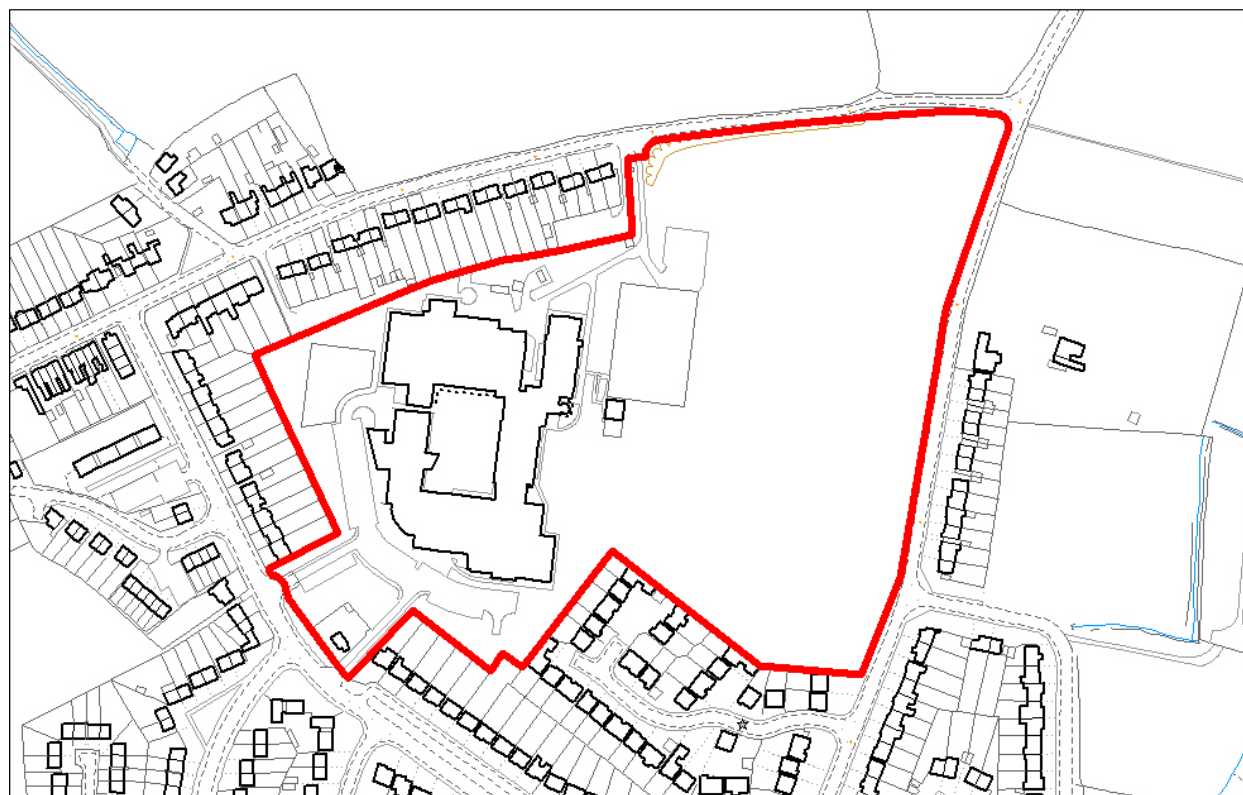
planningservices@walsall.gov.uk

Agent: Sheppard Robson

Location: SHELFIELD COMMUNITY COLLEGE, BROAD WAY, PELSALL, WALSALL, WS4 1BW

Expired Date: 28/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The proposal is for redevelopment involving part demolition and construction of new buildings that will enable the school site to be available to the community for sports, learning and social events. The proposal involves 76% new build and 24% refurbishment of existing buildings.

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

The site area is 7.6 hectares (76,031 sq m). The gross external area of the completed academy buildings will be 13,694 sq m. The proposal is designed to achieve a capacity of 1500 pupils at the school and 107 staff.

The proposal shows relocation of the parking from in front of the building to the north-west corner of the site at rear of dwellings in Broad Way. The layout seeks to reduce pedestrian/vehicular conflict to improve safety and allow space to create a series of external public spaces near the entrance to the buildings where students could meet and socialise. A line of trees is also proposed along this route to enhance the entrance plaza. Car and coach and drop off points are included within the layout, plus covered secure cycle parking and disabled parking near the entrance to the buildings. The new parking will provide 176 spaces, 140 cycle spaces plus 4 motor cycle spaces. The delivery access off Mob Lane is to remain with limited parking for 6 disabled and 3 standard spaces for parking. It is proposed to create a vehicle access from Green Lane for construction traffic.

A grass training pitch, hard play area and basketball training area would be located between the new car park and proposed school buildings at the front of the site and games courts, synthetic floodlit turf pitch, spectator grandstand and other grass pitches located behind the proposed school buildings on the eastern half of the site. There are proposed allotments, wildflower planting, a habitat zone and extended tree planting along the boundaries with properties in Broad Way and Holmbridge Grove to the south of the school buildings.

The buildings to be retained and refurbished are those currently along the rear elevation of the school buildings facing the playing fields and the theatre/auditorium to the south. These are to be entirely refurbished and new wings constructed that branch out to the east of the main school building. There are open plan break out areas between classrooms on either side of each wing that can be used for seminars, smaller groups or less formal teaching and similarly outdoor classroom areas between each of the new wings to the building. All of the new buildings are two storeys high with predominantly flat roofs incorporating solar panels and roof lights throughout.

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Relevant Planning History

03/2264/FL/E3 – Phase 1 Dance Studio Extension – Granted subject to conditions 18/03/04

03/1138/FL/E3 – Two storey admin and technology block, assembly hall, nursery and refurbishment of existing buildings and new playground – Granted subject to conditions 12/02/04

Relevant Planning Policy Summary

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

Saved policies of Walsall's Unitary Development Plan 2005

GP1: Supports the sustainable location of development.

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

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

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

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

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

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

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

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

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

7.1: Seeks to promote an efficient highway network;

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

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

T10, T11 & T12 – Specifies accessibility standards for new developments for all transport modes including pedestrians, cyclists, wheelchair users and public transport.

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

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

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

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

Supplementary Planning Documents

Designing Walsall SPD

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

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

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

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

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

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

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

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

Conserving Walsall's Natural Environment SPD

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

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

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

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

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

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

PPG17: Aims to ensure there is an adequate supply of playing fields and quality pitches to satisfy current and estimated future demand for pitch sports. Paragraph 15 requires a robust assessment of need to be carried out before allowing development on playing fields. Sport England as a Statutory Consultee will advise the relevant Government regional office of applications they consider of such

concern that the Secretary of State should consider calling in an application for determination.

PPS24: Seeks to minimise the adverse impact of noise.

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

Consultations

Planning Policy – No objections. The proposal will have an impact on the existing school playing fields due to the built footprint moving further east on the site. Policy LC6 states at least equal or compensatory provision must be made where a proposal would result in loss or reduction of a sports pitch. However, the proposals to provide 2 full sized grass pitches and 1 junior pitch (in addition to the proposed synthetic turf pitch) for multiple sports, and the grass training pitch which would be suitable for mini football would comply with policy LC6. The quantity and suitability of location would be at least of equal provision to meet the demand from both school and community users. However, it is recommended that use of floodlighting is controlled to safeguard the amenities of surrounding occupiers and that a community use agreement and management arrangements are secured for continued wider public use of the sports facilities and playing pitches.

Transportation – No objections in principle subject to provision of a revised plan showing an alternative cycle route to the cycle store. At present this is along the main vehicular access to the car parking areas and bus turning and drop off area where conflict between cyclists and vehicles may occur. It should be relocated along the pedestrian approaches.

The development provides parking for 185 cars mainly in one designated parking area to minimise conflict between vehicular traffic and pedestrians. There will be 11 disabled spaces (5 at main entrance & 6 near sports hall entrance). Parking for 3 coaches is provided for and a drop-off facility for parents in the loop road to reduce on-street parking.

Maximum parking standard for schools is based upon 2 spaces per classroom. The Transport Assessment states the development will provide 92 classroom/teaching areas which equates to a maximum requirement for 184 spaces.

The School Travel Plan has been reviewed and updated as part of the proposals and provides targets and measures to encourage sustainable travel and reduce the reliance on the car. The proposals include 140 cycle spaces.

Pollution Control (Scientific Team) – No objections in principle subject to measures being put in place to address noise and dust issues arising. Conditions have been recommended to address these matters.

Pollution Control (Contaminated Land) – No objections but recommend conditions to ensure satisfactory development of the site.

Building Control – No objections.

Arboricultural Officer – No objections. There are a few mature significant trees on the site boundaries, the majority of which are to be retained. The remainder of the site is populated by young trees which are also to be retained. Significant replacement planting is to be undertaken to mitigate for any tree loss. The recommendations and guidelines in the Arboricultural Impact Assessment should be adhered to.

Ecology – No objections in principle. However, there are concerns regarding the proposal to introduce an access onto Green Lane for construction traffic. The removal of a short section of hedging to accommodate a maximum of 2 vehicles to pass is not problematic as long as provision is made for reinstatement of the hedge afterwards. If a longer section is removed to accommodate visibility splays on Green Lane then there would be an objection on ecology grounds.

Sport England – No objections. The development proposals will affect existing sports facilities at the site as the proposals include a small area of grass playing field (400m²) and the existing games court area. In accordance with PPG17 the developer must therefore demonstrate that one or more of the five exceptions to loss of sports pitches in PPG17 are met. These include: -

E1 - A proven excess of playing field provision in the catchment area

E2 - The proposed development is ancillary to the principle use of the site as a playing field

E3 - The area affected by the development is incapable of forming part of a pitch

E4 - Replacement playing field will be provided, equivalent or better than the current area in terms of quantity, quality and accessibility

E5 - An alternative sports use is proposed, of sufficient benefit to the development of sport to outweigh the predicted harm to sport arising from the playing field loss

The scheme proposes to replace the games court. In addition, a full sized, floodlit synthetic turf pitch (STP) is proposed. Given the potential benefit to the development of sport that such a facility can deliver, and in light of the opportunity to re-accommodate all the existing natural turf pitches on alternative areas of the playing field, Sport England supports this element of the scheme. It should be noted, however, that the STP is proposed on an area of existing playing field and therefore should not be viewed as compensating for the 400m² loss of natural turf playing field. In addition, the exact surface type of the proposed STP is not clear in the application and we would encourage that detailed consideration is given to this. The surface type should respond to the needs of the proposed user groups, including community teams and clubs as well as the school.

However, significant improvements to the internal sporting provision are also proposed and collectively, Sport England consider the proposals to represent an enhancement of the sporting offer at the site and that this outweighs the predicted detriment to sport that may arise from the small loss of playing field. As such, the principle of the development accords with exception E5 and there are no objections to the scheme, subject to the imposition of appropriate conditions to secure community access to the sports provision, require the details of the STP surface submission and implementation of a detailed maintenance and management scheme to ensure the facilities are maintained to a high quality standard.

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Walsall Children's Services – Serco – Support the application. This development is going to substantially enhance the educational environment for the whole school community. This scheme will also support the ongoing and planned regeneration of Walsall. It is our opinion that this project will increase the life chances and aspirations of existing and future pupils of the school. In addition this is a fantastic opportunity to embark on lifelong learning for the wider Shelfield community.

Natural England – No objections.

Fire Service – No objections.

Public Participation Response

Four letters of objection received which are summarised as follows: -

- Noise, dust and disturbance from lorries turning and manoeuvring in Green Lane next to dwellings
- Vehicle movements at all hours disturbs residents – particularly shift workers
- Green Lane is not wide enough to accept increased traffic and lorries there should be no access from here
- Vibration from lorries may cause subsidence
- Parked vehicles could obstruct access to dwellings and restrict parking for visitors
- Objectors have asked for different access arrangements to be considered during construction and upon completion of the works
- A second pedestrian exit should be considered other than Broad Way
- Potential conflict between lorries and horses and riders
- Speed limit should be reduced on Green Lane to reduce accidents
- Disruption to wildlife
- Have the effects on protected species been considered?
- 2 years construction is too long
- Potential flooding issues
- Floodlighting at the school affects the outlook from residential properties
- A raised bank will reduce privacy of neighbouring dwellings as workmen will be able to view properties
- Noise and disturbance from the site once operational during the evenings and weekends
- Potential liability for damage to properties
-

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

Determining Issues

- Principal of development of a new school
- Potential impact upon provision of Sports Pitches
- Layout and Design
- Impact on the character and appearance of the surrounding area
- Relationship to the surrounding occupiers

- Access and parking
- Ecology and Landscaping

Observations

Principal of development of a new school

The proposed development provides a replacement school and improved facilities on an existing school site. The proposal therefore accords with policies 8.1 and 8.7 of the UDP. It also aims to provide a more diverse range of sporting facilities for the school and wider community.

Potential impact upon provision of Sports Pitches

Although the proposals to relocate the school further to the east have an impact upon sports pitches (as they develop on land presently used for these purposes) replacement facilities are proposed. The overall scheme has a potential loss of 400 sq m of playing fields. However, the proposals include provision of a games court with 4 tennis, 3 netball (potential for basket ball/5-a-side football) and a full size synthetic turf pitch for football, rugby, hockey, complete with floodlighting, 2 full sized grass pitches, 1 junior pitch, a grass training pitch, 400m grass running track with 100m straight, track and field areas for throwing events, training grids (30 X 30m), a cricket pitch and basket ball training court.

Although some of the sports pitches will be unavailable during the construction phase it is considered that the overall benefit the new sports facilities offer outweigh this matter.

In the circumstances the replacement provision is considered to enhance facilities and outweigh the loss and therefore complies with policy LC6 and PPG17. The quantity and suitability of location would be at least of equal provision to meet the demand from both school and community users. Sport England also support the proposal subject to the imposition of appropriate conditions to secure community access to the sports provision, details of the synthetic turf pitch surface submission and implementation of a detailed maintenance and management scheme.

Layout and Design

The layout of the site has been designed so that the need for temporary accommodation is reduced as the new buildings will be constructed first on the open land to the east of the existing buildings then accommodation decanted into them while remaining phases are constructed. The mass of the buildings is therefore moved further away from the majority of surrounding residential properties. There is a pinch point between dwellings in Holmbridge Grove and Mob Lane but the design and layout has sought to reduce potential for disturbance or overlooking by maintaining at least 25m between the buildings and nearest dwelling in Holmbridge Grove and incorporation of more native tree planting to create a landscape buffer.

The layout of the building comprises a series of malls and clusters of teaching spaces that are accessible to the outside spaces which are also to be used for teaching and some that overlook the main sports pitches. The building is predominantly two storeys high (9.12m) to respect the height of surrounding dwellings, although the sports hall is slightly taller (10.85m) to accommodate the

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sports played there. As the scheme aims to achieve high sustainability credentials such as combined heat and power, the plant that houses this equipment has been located centrally on the roof of the buildings to reduce its visual impact from nearest dwellings.

The materials proposed for the elevations of the building include facing brick, brick slips, metal and polycarbonate cladding dark grey/black curtain walling, aluminium flashings and coloured painted steel soffits/columns and roof lights. These are considered acceptable as they reflect the modern design of the school and different materials help break up the massing of the building.

Impact on the character and appearance of the surrounding area

The proposed school building will be significant in size but not significantly larger than the original school buildings (only 133 sq m additional internal floorspace). It lies at the centre of the school site and will incorporate parking at the front of the site, landscaping around the edges and the majority of the sport pitch provision to the east of the site. The setting and potential impact upon the character and appearance of the surrounding area will therefore not differ from the existing school. The scale and massing of the buildings also respects the surrounding context in terms of building heights.

Relationship to the surrounding occupiers

The proposed school buildings will be moved east towards the existing playing pitches, further away from dwellings in Broad Way, further along the rear of dwellings in Mob Lane and closer to dwellings in Holmbridge Grove. In the circumstances there will remain adequate separation between the buildings and dwellings on Broad Way and Mob Lane. Although one of the new wings projects closer to dwellings in Holmbridge Grove, there is still at least 25m separation between 22 Holmbridge Grove and the proposed year 7 teaching block, the nearest part of the proposal. Additional tree planting is proposed along this boundary that will further assist in protecting the outlook from the surrounding dwellings.

The proposed new location for the parking area is behind gardens of dwellings on Broad Way. However, this is over 25m distant from the dwellings and there is existing planting along the boundary which is to be retained and enhanced by additional planting where necessary. There are already car parking spaces in this location in part hence the proposals should have no greater impact upon residential amenities in terms of outlook, privacy or noise.

The inclusion of the synthetic turf pitch with floodlighting on the north eastern side of the site is located furthest away from residential properties and is surrounded by dense trees and planting. Although this area has always been utilised for sports pitches the creation of a synthetic pitch does offer the opportunity to extend the hours of use and potential community use. However, it is recommended that lighting use on this pitch is restricted and details of cowls to reduce light spill be conditioned to allow greater control over occupation of this part of the site and protect neighbours from noise, disturbance and/or light spill.

The neighbours in Green Lane are concerned about the incorporation and use of the construction access as they consider Green Lane is not wide enough and use

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by lorries could cause conflict between vehicles and pedestrians and cause additional noise, dust and disturbance. However, Pollution Control recommend, that a method for controlling these matters is provided prior to any works commencing in order to protect residential amenities. On balance the period of construction is for a limited time-period (albeit 2 years) and the benefits the scheme offers are considered to outweigh these issues that can be addressed by suitable controls.

Issues raised regarding potential flooding can be addressed by provision of drainage details prior to commencement of any development on the site.

Access and parking

The means of access to the site is to remain as existing utilising the access off Broad Way as the main entrance/egress. The changes are that the car park is relocated and segregated from the pedestrian access to improve safety. The existing vehicle access off Mob Lane is also to be retained for service use and some parking for use of the sports facilities. Transportation are satisfied that the means of vehicle and pedestrian access to the site and parking provision are acceptable subject to an alternative cycle route that shares the pedestrian rather than vehicle access for improved safety. This is achievable and a revised plan has been requested. Further comments on this matter will be reported in supplementary papers.

The proposal includes 185 car parking spaces just above the maximum 184 required by policy T13 which is considered acceptable in this instance and may relieve some on street parking problems.

Objections have been received regarding the proposed means of access to the site including the creation of the proposed construction access off Green Lane. Residents claim this will create additional noise, dust, vibration and other disturbances from lorries using this narrow lane and may cause pedestrian and vehicular traffic conflict. The noise and dust issues can be addressed by Pollution Control measures as recommended. The design of the construction access is yet to be agreed but would be designed to ensure adequate visibility to prevent conflict between vehicles entering the site and other road users and would not require reduction in the speed limit to account for this. The Transport Assessment provided suggests that means of access to the site is adequate and will not cause a significant increased amount of traffic or have a significant impact on the local highway network and Transportation have accepted this conclusion.

Pedestrian access throughout the site has been carefully assessed to ensure segregated pathways. A second pedestrian exit onto Green Lane or Mob Lane has not been proposed and would be likely to result in conflict between pedestrians and vehicles so is not an option.

Ecology and Landscaping

Objectors are concerned about disruption to wildlife and whether the effects on protected species have been considered. The effect on protected species has been considered and the Council's Ecologist has no objections in principle. The Ecologist continues that the removal of a short section of hedging to accommodate a

maximum of 2 vehicles to pass is not problematic as long as provision is made for reinstatement of the hedge afterwards.

Summary of Reasons for Granting Planning Permission

The proposals relocating the school further to the east has an impact upon existing sports pitches including the loss of 400sqm but replacement facilities are proposed including a games court with 4 tennis, 3 netball (potential for basket ball/5-a-side football) and a full size synthetic turf pitch for football, rugby, hockey, complete with floodlighting, 2 full sized grass pitches, 1 junior pitch, a grass training pitch, 400m grass running track with 100m straight, track and field areas for throwing events, training grids (30 X 30m), a cricket pitch and basket ball training court. Although some sports pitches would be unavailable during the construction phase it is considered that the overall benefit the enhanced facilities bring, outweigh the loss and the disturbance during construction. The quantity and suitability of the new sports provision would be at least of equal provision to meet the demand from both school and community users. Sport England support the proposal subject to securing community access to the sports provision, details of the synthetic turf pitch surface being agreed and implementation of a detailed maintenance and management scheme.

The scheme is designed to reduce the need for temporary accommodation with the first phase constructed on land to the east of the existing buildings then accommodation decanted into the new buildings whilst the remaining phases are constructed. The buildings are moved further away from the majority of surrounding residential properties. The closest point, at 25 metres between the development and properties at Holmbridge Grove and Mob Lane reducing potential disturbance or overlooking incorporating more native tree planting to create a landscape buffer. Whilst the buildings are predominately two storeys high (9.12m) respecting the height of surrounding dwellings, although the sports hall is slightly taller (10.85m) to accommodate the sports played there. It is considered the scale of the buildings would not impact on the amenity of neighbours due to their positioning within the site. The scheme includes sustainable combined heat and power with the plant and equipment located centrally on the roof reducing its visual impact from nearest dwellings.

The proposed school building will be significant in size but not significantly larger than the original school buildings with the materials for the elevations are a mix of materials reflecting the modern design of the school and different materials help break up the massing of the building further reducing the visual impact on neighbours. The car park will be at the front of the site, landscaping at the edges of the site and the majority of the sport pitch provision to the east of the site. The setting and potential impact upon the character and appearance of the surrounding area would not differ from the existing school.

The parking area behind the gardens of dwellings on Broad Way with over 25m separation to the dwellings, coupled with existing planting boundary planting to be retained and enhanced where necessary and there are already car parking spaces

in this location, the proposals have no greater impact upon residential amenities in terms of outlook, privacy or noise.

The synthetic floodlit turf pitch at the north eastern side of the site is located furthest away from residential properties and surrounded by dense trees and planting. This location has been utilised for sports pitches for a significant period of time, the creation of a synthetic pitch offers the opportunity to extend the hours of use and potential community use. Controlling the hours of use and agreeing details of cowl to the floodlighting reducing light spill contributes to protecting neighbours from noise, disturbance and/or light spill.

Residents of Green Lane are concerned about the construction access because of the width of their road, plus conflicts between differing road users, plus additional noise, dust and disturbance. Pollution Control recommend a method for controlling these matters in order to protect residential amenities. The period of construction is for a limited time 2 year period and the benefits of the scheme outweigh any short term disturbance which can be controlled to minimise impacts. Potential flooding can be addressed through suitably engineered drainage details being agreed.

The main entrance/egress to the site is to remain as the existing situation via Broad Way. The alterations to the car park and the access to the site including segregating vehicular traffic from pedestrians improves safety. The existing vehicle access off Mob Lane is retained for service use and a small amount of additional parking. Highways are satisfied that the vehicle and pedestrian access to the site, parking, service access and construction access and that the development would not impact on the existing local highway network.

Objectors are concerned about disruption to wildlife and whether the effects on protected species have been considered. The effect on protected species has been considered and the Council's Ecologist has no objections in principle. The removal of a short section of hedging to accommodate a maximum of 2 vehicles to pass during construction is not problematic as long as provision is made for reinstatement of the hedge afterwards.

In light of the above the proposals are considered to accord with the aims of policies GP1, GP2, GP3, GP7, 2.2, 3.6, 3.7, 3.16, 3.116, 3.117, ENV14, ENV18, ENV23, ENV32, ENV33, ENV34, ENV40, 7.1, T4, T7, T10, T11, T12, T13, 8.1, 8.7, and LC6 of Walsall Unitary Development Plan and Supplementary Planning Documents for Conserving Walsall's Natural Environment and Designing Walsall and Planning Policy Statements/Guidance 1, 9, 13, 17, 24 and 25.

Recommendation: Grant Permission Subject to Conditions

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.

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

- Site Location Plan (4058-00-801)
- Site Masterplan (PL1057.001 Rev E) received 29/03/10
- School Masterplan (PL1057.002 Rev B) received 29/03/10
- Access & Circulation (PL1057.009 Rev B) received 29/03/10
- Proposed Block Plan (4058-00-802) received 29/03/10
- Proposed Ground Floor Plan (4058-20-802) received 29/03/10
- Proposed First Floor Plan (4058-20-802) received 29/03/10
- Proposed Roof Plan (4058-20-803) received 29/03/10
- Proposed North & South Elevations (4058-20-870) received 29/03/10
- Proposed East & West Elevations (4058-20-871) received 29/03/10
- Proposed Section AA (4058-20-804) received 29/03/10
- Proposed Section BB (4058-20-805) received 29/03/10
- Proposed Section CC (4058-20-806) received 29/03/10
- Proposed Section DD Part 1 (4058-20-807) received 29/03/10
- Proposed Section DD Part 2 (4058-20-808) received 29/03/10
- Bay Study Teaching (4058-21-802) received 31/03/10
- Bay Study Sports Hall (4058-21-802) received 31/03/10
- Bay Study Entrance (4058-21-801) received 31/03/10
- Existing Ground Floor Plan (4058-20-811) received 29/03/10
- Existing First Floor Plan (4058-20-812) received 29/03/10
- Existing North & South Elevations (4058-20-880) received 29/03/10
- Existing East & West Elevations (4058-20-881) received 29/03/10
- Existing Section AA (4058-20-813) received 29/03/10
- Existing Sports Provision (PL1057.012 Rev A) received 29/03/10
- Proposed Sports Provision (PL1057.013 Rev B) received 29/03/10
- Tree Retention and Removal (PL1057.011 Rev B) received 29/03/10
- Softworks Proposals (PL1057.016 Rev A) received 29/03/10
- Planting Images (PL1057.015 Rev A) received 29/03/10
- School Lighting (PL1057.008 Rev A) received 29/03/10
- Retained School Block (PL1057.014 Rev B) received 29/03/10
- School Courtyard (PL1057.007 Rev B) received 29/03/10
- School Gardens 1 (PL1075.005 Rev A) received 29/03/10
- School Gardens 2 (PL1057.006 Rev B) received 29/03/10
- School Approach 1 (PL1057.003 Rev B) received 29/03/10
- School Approach 2 (PL1057.004 Rev B) received 29/03/10
- Planning Report – Including Design & Access Statement prepared by Sheppard Robson dated March 2010 received 29/03/10
- Coach Access Swept Path Analysis (fig-006B) prepared by WSP received 29/03/10
- Refuse Vehicle Access Swept Path Analysis (fig-007) prepared by WSP received 29/03/10
- 10m Rigid Vehicle Access Swept Path Analysis (fig-008) prepared by WSP received 29/03/10
- Fire Tender Swept Path Analysis (fig-009) prepared by WSP received 29/03/10

- Extended Phase 1 Habitat Survey prepared by Wardell Armstrong (ST11034/JO4) dated March 2009 received 29/03/10
- Bat Survey Report prepared by Wardell Armstrong (ST11034/JO3) dated June 2009 received 29/03/10
- Tree Survey & Assessment prepared by Land Lizard LLP (LL20) dated March 2010 received 29/03/10
- Sporting Strategy Statement prepared by Planit IE/Kier received 29/03/10
- Noise Assessment prepared by Wardell Armstrong (ST11034JO3) dated March 2009 received 29/03/10
- Air Quality Assessment prepared by Wardell Armstrong (ST11034/JO2) dated March 2009 received 29/03/10
- Flood Risk Assessment Report prepared by Wardell Armstrong (ST11034/JO5) dated April 2009 received 29/03/10
- Transport Statement prepared by I Transport received 29/03/10
- Addendum to Transport Statement prepared by I Transport (09/15/100323-v5) received 29/03/10
- Geo-Environmental Desk Study Report prepared by DTS Raeburn Limited (E12180/1) received 29/03/10
- Geo-Environmental Appraisal prepared by DTS Raeburn Limited (E12180/2) received 29/03/10

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

3. Prior to any demolition and/or construction operations or activities commencing, a method statement shall be agreed in writing with the local planning authority for the purposes of controlling grit, dust and fume. The agreed method statement shall be implemented and thereafter maintained throughout the duration of such operations and/or activities.

Reason: To protect the amenities of surrounding occupiers.

4. No development shall take place until suitable noise mitigation measures to protect internal and external areas of adjacent residential development have been agreed in writing with the local planning authority, and no development shall be occupied until such measures have been fully completed.

Reason: To protect the amenities of surrounding occupiers.

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

Reason: To protect the amenities of surrounding occupiers.

6. 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

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between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To protect the amenities of surrounding occupiers.

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

Reason: To protect the amenities of surrounding occupiers.

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

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

the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use (see Note for Applicant CL3)

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

9. Prior to the commencement of the development, a comprehensive site construction, methodology, and traffic management plan, to reduce the potential conflict between staff, pupils and construction traffic and to avoid unnecessary congestion on the local highway network during construction works, shall be agreed in writing with the Local Planning Authority in consultation with Local Highway Authority, and the plan shall be thereafter implemented in accordance with the agreed details.

Reason: In the interests of highway safety and the safety of pupils, parent and staff on site during construction works.

10. Prior to the commencement of the on-site construction works, the temporary vehicle footway crossing in Green Lane, shown on the approved plan to serve the site offices, compound and temporary car parking, shall be constructed to a specification to be agreed in writing with the Local Planning Authority. The crossing shall remain for the duration of the construction works and shall be maintained in clean and good state of repair at all times. Upon completion of the development, the temporary footway crossing shall be fully reinstated to full kerb height to a specification to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and the satisfactory operation of the site.

11. Prior to the occupation of the development hereby approved the existing vehicular access in Broad Way, made redundant by the development, shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

Reason: In the interest of Highway Safety.

12. Prior to the commencement of the development, drainage arrangements shall be provided to ensure that surface water from the haul road/temporary access road does not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Reason: To ensure the satisfactory drainage of the site and in the interests of highway safety.

13. Prior to the first occupation of the proposed development all parking areas, access ways and manoeuvring areas shown on the approved plan shall be fully consolidated, surfaced and drained and the parking bays and other road markings

shall be clearly demarcated on the ground and thereafter maintained for those purposes.

Reason: To ensure the availability of adequate parking provision.

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

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

15. Prior to commencement of the development/use a scheme setting out the type, design, lux levels and measures to control glare and overspill light from floodlighting and measures to ensure lights are switched off when not in use shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Thereafter the floodlighting shall be operated in accordance with the approved scheme and maintained in accordance with manufacture's instructions.

Reason: To ensure the satisfactory development of the site and protect the residential amenities of surrounding occupiers.

16. The floodlighting shall not be operated on the outdoor artificial pitch after 20.30 hours on weekdays and 16.30 hours on [Saturdays, Sundays and/or Public/Bank holidays] and not before 08.00 weekdays and 09.00 weekends and bank holidays unless otherwise agreed in writing with the local planning authority.

Reason: To minimise light pollution in the interests of amenity

17. Prior to the commencement of the use/development a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with policy LC6 of Walsall Unitary Development Plan.

18. No development shall be carried out unless and until arrangements have been made for the satisfactory sustainable drainage of the site, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to ensure satisfactory means of drainage.

Note for applicant regarding contaminated land

CL1

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

CL2

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

CL3

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

Note for applicant regarding demolition work

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.

Note for applicant regarding mud on the road

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.



Plans List Item No: 3.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17 June 2010

Reason for bringing to committee: Previous refusal in light of significant public interest

Application Number: 10/0595/FL

Application Type: Full application

Applicant: Mrs Deana Read

Proposal: Change of use to sandwich shop with sale of hot food and eat-in facilities, installation of flue.

Ward: St. Matthews

Case Officer: Jan Scrivens

Telephone Number: 01922 652436

Email:

planningservices@walsall.gov.uk

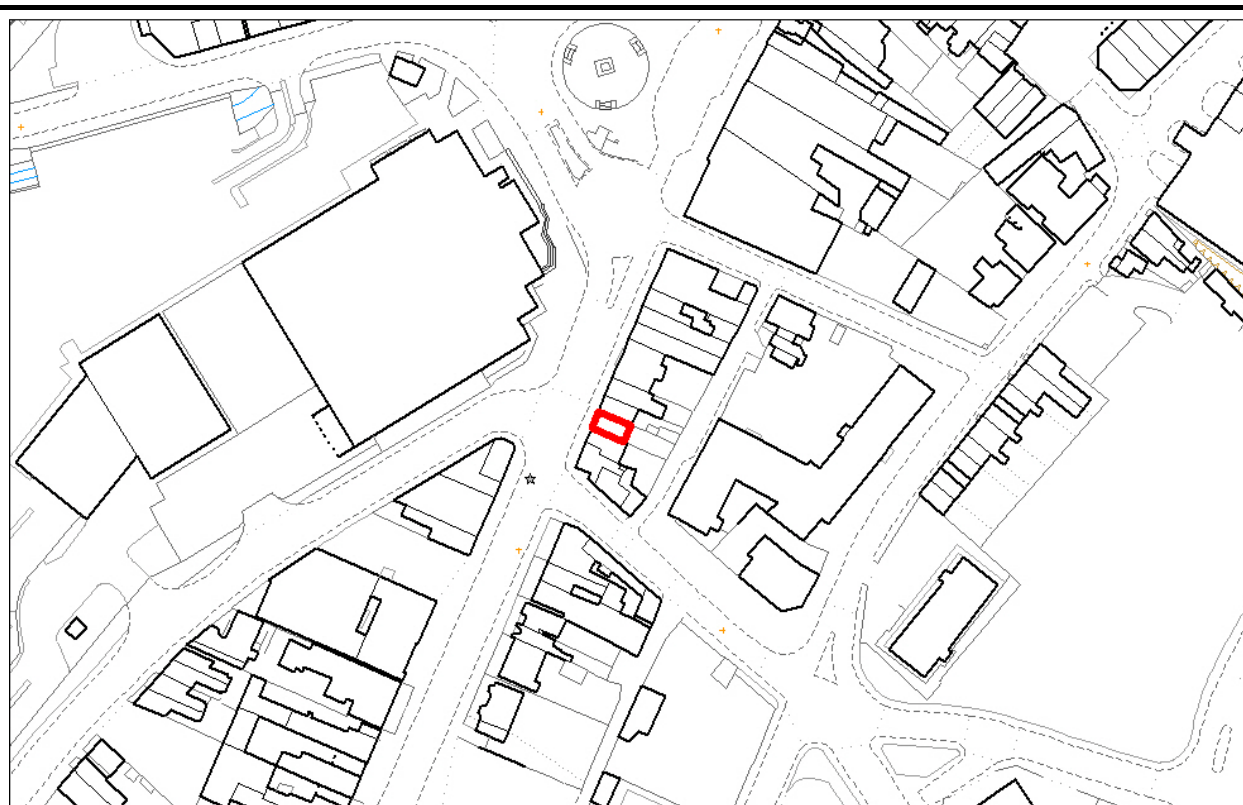
Agent:

Location: 30 BRADFORD

STREET, WALSALL, WS1 1PN

Expired Date: 16/07/2010

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



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Application and Site Details

This application is a resubmission following the refusal of 10/0251/FL for the following reasons:

- detrimental to amenity on noise, disturbance and litter.
- would exacerbate crime and anti-social behaviour in the area
- would increase fear of crime
- would damage the aspirations for improving this Conservation Area.

The current application is the same use but with significantly earlier closing times;

This application proposes the change of use of this sandwich shop to a hot food takeaway with an eat-in facility and the installation of a flue through the chimney. The sandwich shop currently sells sandwiches with hot fillings and some hot food and the application seeks to regularise this position and to install a flue.

The proposed opening hours are

- 08.00 to 18.00 Monday to Friday;
- 08.00 to 16.00 Saturday
- 10.00 to 16.00 Sundays and Bank Holidays

The previous application proposed to remain open until 2 a.m. every day, except Saturday, when it would be open to 5 a.m.

The application property is within the Bradford Street Conservation Area adjoining the Jerome K Jerome Museum. It has a flat above and the rear of the property is visible from Little Newport Street, to which it has access. It is a Listed Building.

There are bus stops directly outside the site.

Relevant Planning History

10/0030/FL Change of use from sandwich shop to hot food takeaway and installation of extract flue at rear. Withdrawn March 2010.

10/0252/LB Listed building consent: Provide extract flue from shop ducted through existing chimney. Granted 7.5.10

10/0251/FL Change of use from sandwich shop to hot food takeaway and addition of tables to provide eat-in facilities. Refused 7.5.10.

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

GP2 and 3.6 require new development to improve the quality of the environment ENV27 alterations to listed buildings will only be permitted where it can be demonstrated that the internal/external appearance, character and value of the building will not be harmed.

ENV29 relates to the effect of proposals on Conservation Areas.

ENV32 requires the design of proposals to take account of their context.

S1 defines food and drink uses as appropriate to Town Centres

S10 considers takeaway uses to be appropriate to town centres subject to the following considerations:

- i) the proposal must not adversely affect the amenities of existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact
- ii) the closing times of the premises will be considered in relation to the amenities of nearby dwellings
- iii) the absence of off-street parking where this would be likely to lead to on-street parking in a hazardous location
- iv) ventilation and fume extraction equipment must be positioned to avoid potential problems of noise, vibration and odour to nearby occupiers and the equipment must not be detrimental to visual amenity

Consultations

Transportation: No objection

Pollution Control Scientific Team: No objection

Pollution Control Contaminated Land Team: No objection

Environmental Health: No objection

Conservation Officer: No objection

Crime Reduction Officer: No objection. Agrees with the proposed opening hours.

Representations

The period for comments expires at the time of the committee, and the recommendation reflects this.

One objection has been received (at the time of writing) that there are too many takeaways on Bradford Street, that another one is not needed and that there is a litter problem in general on this road.

Any further representations received will be reported to the meeting.

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

Determining Issues

- Principle of the use
- Amenity
- Parking

Observations

Principle of the use

Policy S1 defines takeaways and restaurants as appropriate uses for a town centre. There are no policy restrictions on the number of such uses which are acceptable within a particular area.

Amenity

The installation of the flue within the chimney can be achieved without significant alteration to the fabric of this listed building. Installing the flue within the chimney (as proposed) would minimise the effect on the character and visual amenity of the Bradford Street Conservation Area.

An A3/A5 use would not in itself be detrimental to the character and visual amenity of the conservation area or detract from the appeal of the adjoining premises to professionals (which was a concern raised by neighbours as part of the previous application). Any impacts of this sort would depend on the management of the business (which is outside the control of the Council) and the quality of the shop front, shutters, advertisements and flue which are matters within the Council's control. Neighbours have previously expressed concern that the shutters and advertisements for this business are unauthorised and/or ugly but these matters do not form part of the application. The applicant has indicated that the installation of the shutters pre-dates her occupation of the premises and this matter will therefore be pursued with the site owner.

Similar advertisements have been on the building for some years and these will also be pursued with the owner. There are also adverts on the footpath outside the site and these have been referred to Licensing Enforcement for removal.

Neighbouring properties have reported previously that there is an existing smell from cooking at the premises and that this may increase if planning permission is granted for this use. The property does not currently have a fume control and extract system and given that some cooking occurs already there will inevitably be some smell. It is possible that the construction of the buildings would increase the transmission of cooking smells but the installation of a ventilation and fume extract system as proposed should improve matters. Control of this issue would rest with Environmental Health.

Neighbours are also concerned about increased litter arising from this proposal. The shop already sells food to take away and selling heated food would not in itself result in more litter. However if people are eating while waiting for a bus then the adjoining premises may suffer from more litter than usual. The nearest bin is situated almost at the corner of Newport Street, a distance which would make people waiting for the bus disinclined to use it. The applicant could be required by planning condition to provide a bin to be located adjacent to the bus stop.

The application has significantly reduced the proposed opening hours for the premises, which would close at approximately the same time as a shop. The Police objected to the last application, and their position on the present is one of no objection.

The reduced hours should also remove any concerns about the effect of late opening hours on residential neighbours. There are few of these in the vicinity of the site and the occupiers of the flat above have not objected.

Overall, the amended scheme is supported.

Parking

Neighbours have previously expressed the concern that customers will be encouraged to park on the double yellow lines or the bus stop if the planning application is approved. The shop already sells food and selling hot food would not necessarily attract more car borne customers who would be prepared to ignore the parking restrictions or the presence of buses. This is a matter which can be controlled during the day by parking wardens. Transportation has not raised any objection to this proposal.

Summary of Reasons for Granting Planning Permission

A hot food takeaway is an appropriate use within a town centre. The installation of ventilation and fume extraction equipment would minimise cooking smells and the location of the flue within an existing chimney will minimise the effect of the proposal on the appearance of this listed building and on the visual amenity of the Bradford Street Conservation Area. The provision of an additional litter bin will assist in reducing litter in the vicinity of the premises. The opening hours of the premises would have no adverse effect on the amenity of neighbours or on the Conservation Area and are restricted by condition to ensure this. Any illegal parking which occurs outside the site as a result of this development is a matter for parking enforcement. The approval of this application, with appropriate conditions, is in accordance with policies GP2, 3.6, ENV27, ENV29, ENV32, S1 and S10 of Walsall's adopted Unitary Development Plan.

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

1. Within two months of the date of this decision the ventilation and fume extraction equipment shown on the submitted plans, shall have been installed and be available for use, or the use shall cease. The equipment shall thereafter be retained and maintained in working order. The cowl of the flue shall have been powder coated black or painted black prior to its installation.

Reason: In the interests of the amenity of adjacent occupiers and to maintain the visual amenity of the Bradford Street Conservation Area.

2. Within two months of the date of this decision the 'grease guzzler' shown on the submitted plans shall have been installed and be available for use or the use shall cease. This approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirements.

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

3. Within one month of the date of this decision proposals for a litter bin to be installed on the footpath in Bradford Street shall have been submitted to the Local Planning Authority or the use shall cease. The submitted details shall include the design of the bin, its precise location and frequency and responsibility for emptying it. The approved details shall be implemented within one month of their approval and the bin emptied in accordance with the agreed emptying schedule and thereafter retained.

Reason: In the interests of the amenity of the area and the visual amenity of the Bradford Street Conservation Area.

4. The premises shall not be open for business outside the hours of
08.00 to 18.00 hours Monday to Friday inclusive,
08.00 to 16.00 Saturdays
10.00 to 16.00 hours on Sundays and Bank Holidays.

Reason: In the interests of the amenity of adjacent occupiers and Bradford Street Conservation Area.



Plans List Item No: 4.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17 June 2010

Reason for bringing to committee: Significant community interest

Application Number: 10/0505/FL

Application Type: Full application

Applicant: 02/Vodafone

Proposal: Removal of existing 12.5m high telecommunications tower. Installation of replacement 15m high telegraph pole type joint operator solution. Installation of 1no ground based equipment cabinet.

Ward: Streetly

Case Officer: Alison Deakin

Telephone Number: 01922 652487

Email:

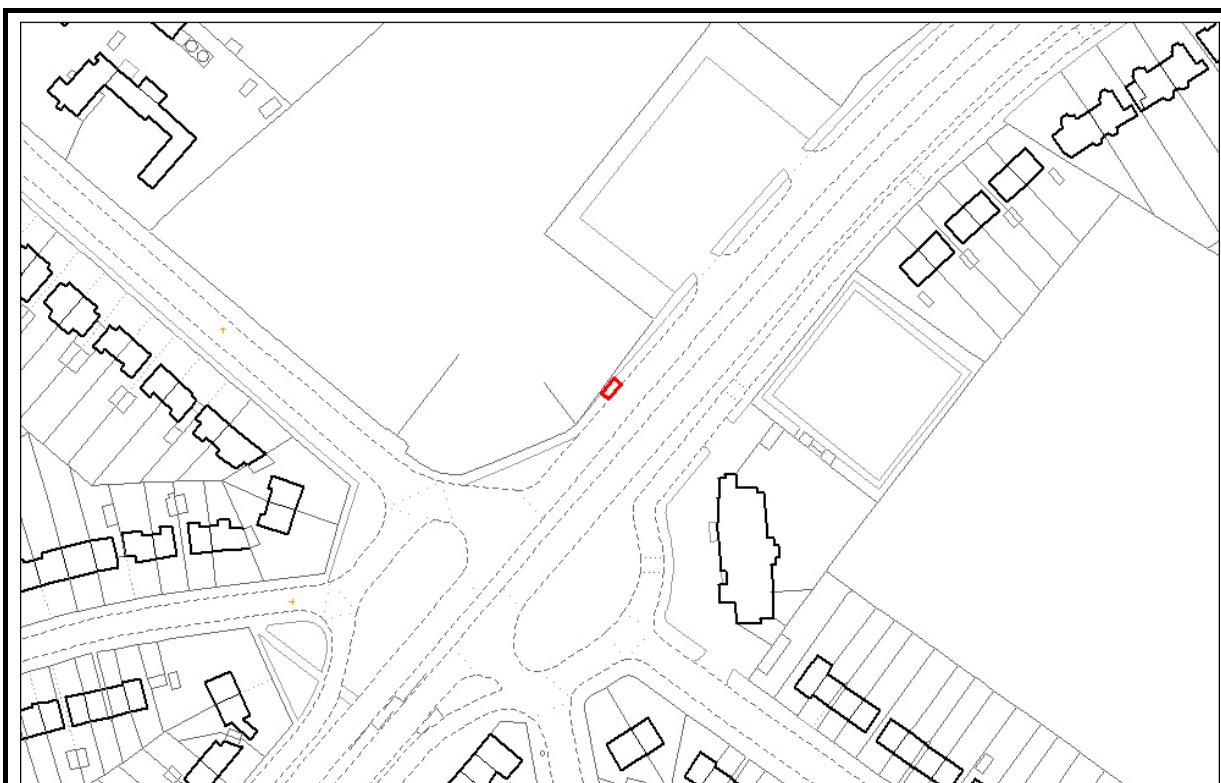
planningservices@walsall.gov.uk

Agent: WFS Telecom

Location: EXISTING 02 BASE
STATION SITE, QUESLETT ROAD
EAST, WALSALL, B43 7UB

Expired Date: 21/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and site details

The site is situated on the north western side of Queslett Road East, A4041 dual carriageway (part of the Strategic Highway Network) which forms the boundary between Walsall MBC and Birmingham City Council. The site sits just to the north east of the junction with Doe bank Lane, and opposite the Deers Leap PH. The site comprises land within the public footpath set back 0.5m from the roadside. Immediately to the north east is a vacant former petrol filling station site. The land to the north west comprises paddock land part of Doe Bank farm, bounded by a row of evergreen trees (approx 11 - 12m in height) set at back of pavement.

The application site is within Green Belt Land and the Great Barr Conservation Area.

The application seeks to replace an existing 12.5m high O2 imitation telegraph pole telecommunications mast structure with a new 15m high joint operator telegraph pole mast structure and the installation of one new equipment cabinet at ground level in addition to retention of the existing equipment cabinet.

The structure will incorporate six, 3G antennas within a shroud. The imitation telegraph pole is to be plastic clad in brown with a mock wood grain texture. The existing equipment cabinet is set to the north east of the existing mast and measures 1750 x 350 x 1450mm, the proposals include an additional cabinet to the south west of the mast, measuring 1580 x 380 x 1350mm, both would be painted dark green.

The proposals will allow the new mast to be used by an additional mobile phone operator (O2 and Vodafone) to provide appropriate Third Generation phone communication in this area.

Technical information submitted includes a Declaration of Conformity with ICNIRP (International Commission on Non-Ionising Radiation Protection) Public Exposure guidelines.

Relevant Planning history

Application site

05/2165/PT/E6, 12.5m high imitation lamppost supporting 3 x 3G antennae together with ground based equipment cabinets, refused 16-12-2005.

06/0265/FL/E6, 12.5m high imitation telegraph pole supporting 3 x 3G antennae with ground based equipment cabinets, refused 15-06-2006.

Reason for refusal:

1. The proposal would lead to an unacceptable proliferation of telecommunication installations in the locality which together with existing street furniture would have an adverse impact on the amenity of the Green Belt and Conservation Area. Therefore the proposed development is contrary to the aims of the Unitary Development Plan policies ENV3, ENV32 and ENV38.

A subsequent appeal to The Planning Inspectorate was allowed subject to

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

conditions on 02-02-2007.

Other sites in close proximity

Grass verge corner of Doe Bank Lane and Queslett Road East, 02/1016/FL/E4 10m high imitation telegraph pole mast allowed on appeal 01-04-2003.

Opposite side of Queslett Road East to the north of the Deers Leap PH (within Birmingham City Council), 12m high imitation telegraph pole mast.

Relevant Planning Policy Summary

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

Saved Policies of Walsall Unitary Development Plan 2005

GP2: Environmental Protection

Development should be sustainable and contribute to environmental improvement
Policy 3.16 requires high quality design.

ENV2: Control of Development in the Green Belt

To secure the character and openness of the Green Belt. Presumption against new construction that is inappropriate, unless there are very special circumstances;

ENV3: Detailed Evaluation of Proposals within the Green Belt

Where development is acceptable in principle the following factors will be considered:

I detailed layout

II Siting, design, grouping, height and scale

III Colour and suitability of materials

VI Impact on significant views

VII Cumulative physical effects in one area

ENV29: Conservation Areas

The Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:

- i) The degree of loss or alteration to the property which makes a positive contribution to the character of the area.
- ii) The scale, massing, design and choice of materials used in any new building or structure.
- iii) The Council will not permit development within Conservation Areas that incrementally erodes special features, which the Council wishes to preserve and enhance.

ENV32: Design and Development Proposals

Poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV38: Telecommunications:

- a) Equipment including cabinets can have significant visual impact and are unlikely to be acceptable in Conservation Areas.
- b) Mast and site sharing and use of high buildings recommended
- c) Measures to reduce the impact of the equipment, such as screening and mast camouflage, will be required where necessary
- d) All proposals should comply with ICNIRP requirements.

National Policy

PPG 2: Green Belts

Advises on the control of development in the Green Belt, defining inappropriate development and the need for very special circumstances to justify it.

PPG 8: Telecommunications

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health. In particular paragraphs 3 and 17 refer to Green Belt proposals and paragraphs 19 to 23 refer to mast and site sharing. Site and mast sharing is encouraged and technical need can be used to justify very special circumstances for development within the Green Belt

PPS 5: Planning and the Historic Environment (recently supersedes PPG15)

In considering the impact of a proposal on any heritage asset, the particular nature of the significance of the heritage asset and the value that it holds for this and future generations should be taken into consideration. Where loss of significance is justified on the merits of new development, permission should not be granted without taking all reasonable steps to ensure the new development will proceed after the loss has occurred by imposing appropriate planning conditions.

Consultations

Conservation Officer – no objections subject to conditions to ensure equipment cabinets are painted green. The site is situated within the Great Barr Conservation Area. The existing trees screen the conservation area. The location is a transition between the rural Great Barr and the suburban area on the opposite side of Queslett Road East, which is within Birmingham City Council. The proposals are considered acceptable given the overall character and location, generally less sensitive than other areas in the conservation area.

Pollution Control Scientific Team - no objections, the proposals include compliance with ICNIRP requirements.

Contaminated Land Team – no specific contaminated land requirements.

Representations

Three letters of objection received.

Objections:

- Already have 2 masts and cabinets, don't want any more
- A higher mast would be an eyesore, the existing mast is bad enough
- Yet another mast proposal
- Mast applications every 6 months from either Walsall or Birmingham City Council, fed up of them

Determining issues

- Visual amenity and impact on the Green Belt and Conservation Area
- Health Risks and perception of health risks

Observations

Visual amenity and impact on the Green Belt and Conservation Area

The previous appeal decision accepted the principle of an imitation telegraph pole

telecommunications mast at the site. The proposals would provide a replacement mast of similar design, in the same location, but 2.5m higher with the additional of a further equipment cabinet at ground level.

PPG 8 identifies that telecommunications development is likely to be inappropriate development within the Green Belt unless it maintains openness. PPG 2 and saved policies of the UDP require that, in areas of Green Belt, only very special circumstances might outweigh the harm to the character and openness of the Green Belt and thereby justify inappropriate development. PPG 8 acknowledges that the lack of a suitable alternative site that would meet the needs of network coverage or capacity might be considered as very special circumstances.

On the previous application the operator identified a technical need for the mast, to provide 3G network coverage for the area. The planning inspector in allowing the appeal accepted the case put forward regarding alternative sites as sufficient to justify the very special circumstances to outweigh the harm to the openness of the Green Belt, and concluded that the proposals complied with guidance in PPG 8. The same circumstances still apply, as the proposals look to provide coverage for another network provider.

The appeal inspector further concluded that due to the position, scale and design of the previous proposals on the very edge of the Great Barr Conservation Area and the Green Belt, the proposals would preserve the character of the Conservation Area and would not harm the visual amenity of the Green Belt. The site is dominated by the wide dual carriageway with its central grass verge and large number of street lighting columns, as well as other street furniture including other telecoms installations, which blend in well with the street scene. Since the appeal decision the mast has been installed and in situ for some time. The evergreen trees set adjacent to the site provide a screen and block wider views of the mast from the Green Belt and the Conservation Area. Whilst the mast is visible from Queslett Road East the slimline telegraph pole design with its dark timber like appearance appears unobtrusive next to the trees and blends into the roadside setting. The mast appears as part of the street furniture in the highway corridor, being of type and scale commonly seen in the street scene.

The proposed mast would increase the height of the existing mast by 2.5m with the antennae's enclosed within the overall telegraph pole design and not visible. The applicant states that the antenna height proposed is the minimum necessary to achieve the required coverage for both networks that will use the mast in the future. Since the installation of the existing mast the trees set adjacent have continued to grow and are a similar height to the existing mast, the proposals would result in only a small element of the mast projecting above this natural screen, which is considered acceptable and would have no adverse impact on the appearance or character of the conservation area, the Green Belt or the general street scene.

The proposed equipment cabinet would be similar in character to the existing cabinet and those used to control traffic lights and by terrestrial telephone systems. Such structures are commonly seen within highway verges and there are several examples on Queslett Road East in the vicinity of the application site, an additional cabinet is not considered to be out of character or adversely affect the visual

amenity of the area.

Set on the edge of the Green Belt on the boundary of paddock land, the proposal is not opposite or adjacent to residential properties. As such it is not considered that the proposal would have an adverse impact on the amenities of nearby residents.

PPG 8 strongly encourages mast sharing to provide the optimum environmental solution, but consideration of the visual impact of additional antennae should be considered. In this case the antennae will be contained within the pole structure itself and the 3 additional antennae will not be visible, the diameter of the mast will remain as existing, the increase in height will be the only visible change. The increase in height by 2.5m is considered far more preferable to an additional mast within the vicinity which would be required to provide the appropriate coverage for a further network provider.

Health risks and perception of health risks

Whilst health concerns are a material consideration, they must be considered in the context of current government guidance. PPG 8 advises that if a proposed mobile phone base station meets the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines it should not be necessary for a planning authority to consider further the health aspects of the proposals.

The applicant's submission includes a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

Summary of Reasons for Granting Planning Permission

The principle of the siting of an imitation telegraph pole telecommunications mast on the site was established in 2007 with an appeal inspectors decision.

The proposals would allow a replacement mast of the same design and diameter to be installed with an increased height of 2.5m, rather than an additional mast. The increased height is required to allow for 3 additional antennae to be provided inside the pole (not visible) to allow the mast to be shared with a second telecoms provider, which is encouraged by PPG 8 and would reduce the need for a further mast in the vicinity.

The site is situated on the very edge of the Great Barr Conservation area and the Green Belt and the Inspector concluded that the position, scale and design of the proposals would not harm the visual amenity of the Green Belt or the openness and character of the Conservation Area. The evergreen trees adjacent to the site provide a screen and block wider views of the mast from the Green Belt and Conservation Area and whilst the mast is visible from Queslett Road East the design and dark timber colour set against the trees blends into the roadside setting. The mast and equipment cabinet appears as part of the street furniture in the highway corridor, being of a type and scale commonly seen in the street scene. It is not considered that the additional height of the mast would have any significant additional impact on the Green Belt, the Conservation area or the general street scene.

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

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

The technical need for the mast to provide the required 3G coverage by the network operator was sufficient to justify the very special circumstances to outweigh the harm to the openness of the Green Belt on the previous application and the same circumstances still apply to provide network coverage for a further provider. The technical need for 3G network coverage in the area has resulted in a number of applications for masts in the vicinity, to both Walsall MBC and Birmingham City Council.

The proposals would accord with the aims and objectives of the development plan, in particular saved policies GP2, 3.16, ENV2, ENV3, Env29, ENV32 and ENV38 of Walsall's Unitary Development Plan (March 2005) and PPG 8: Telecommunications.

Recommendation: Grant Permission Subject to Conditions

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

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

2. No development shall take place until details of the finishes to be used on the external surfaces of the imitation telegraph pole, including the 6 antennae, and the two equipment cabinets hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the proposal.



Plans List Item No: 5.

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17 June 2010

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0139/FL

Application Type: Full application

Applicant: Farmers Butchers

Proposal: Change of use to mixed use
A1 Butchers Shop and A3 Cafe.

Ward: Pelsall

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Email:

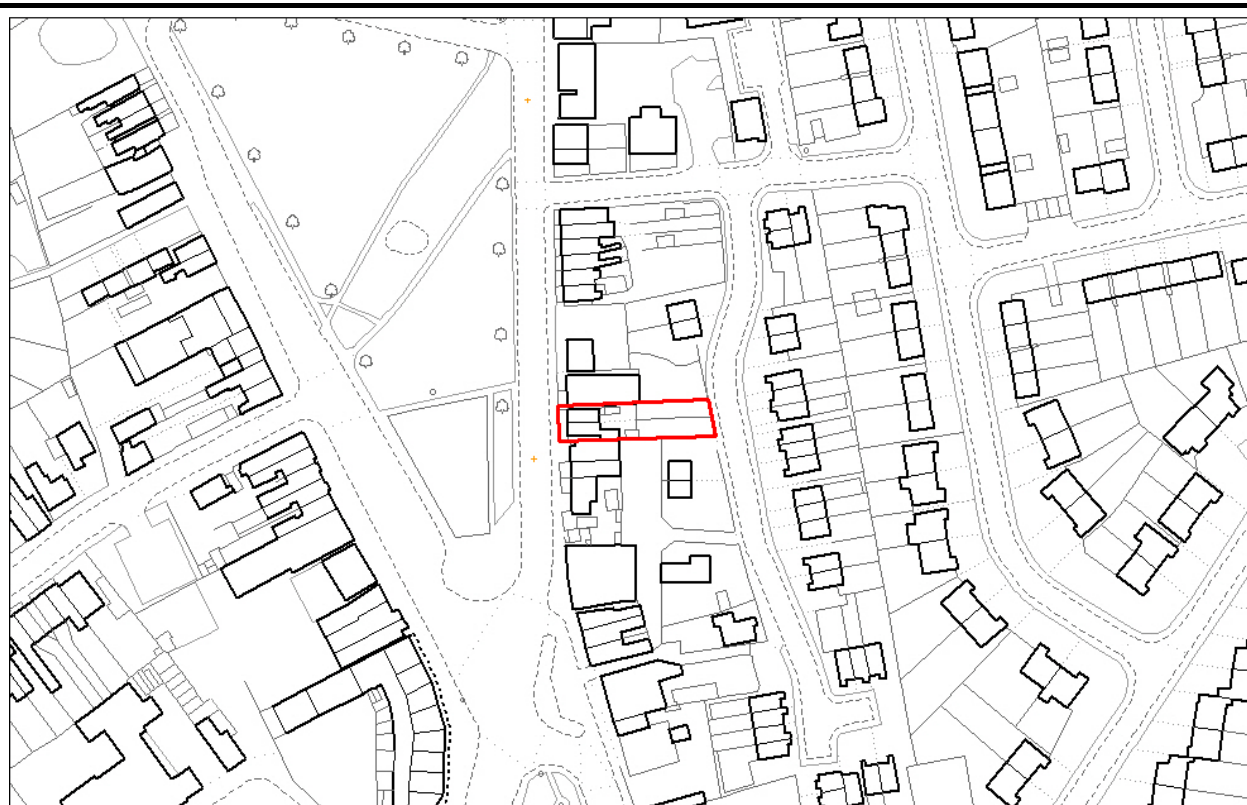
planningservices@walsall.gov.uk

Agent:

Location: 15 & 16 NORTON
ROAD, PELSALL, WALSALL, WS3 4AY

Expired Date: 24/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes a change of use to a mixed use A1 Butchers shop and A3 café.

The site is on Norton Road and within the Pelsall Local Centre. Adjacent the site is the neighbourhood office and an accountants firm. At first floor level there is an independent flat with access from Norton Road. In front of the site is a parcel of open space. The area contains a mix of commercial, retail and housing within the local centre. Part of Norton Road in front of the unit has a white zig zag crossing lines preventing parking in front of the shop. A small section of the highway in front of the neighbourhood office and public conveniences there is on street car parking available.

The applicant has confirmed that he owns a farm in Penkridge and sells his meat at the butchers shop in Pelsall. He has stated that the sandwich element would be a small part of the business and that he proposes to put a table and chairs outside his premises to allow customers to sit outside and eat their sandwiches. The covering letter accompanying the application states that an extractor would be fitted above the grill that would recirculate the air back into the premises.

Opening hours would be 07:00 – 18:00 Monday to Saturday, and 09:00 – 16:00 on Sundays, public and bank holidays.

A plan has been provided illustrating an outdoor eating area with four covers. The submitted plans do not illustrate a true representation of the internal layout of the premises, as in the middle of the premises in front of the two counters there is an island of fresh vegetables.

Relevant Planning History

None

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

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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.

3.16, GP7, ENV32 and 3.116: seeks to create high quality living environments, well integrated with surrounding land uses and local character. Designing out crime' through design is encouraged.

Policy S1 identifies a hot food take-away as a town centre use

Policy 5.2 The prime concern will be to sustain and enhance the vitality and viability of the Town, District and Local Centres, and to assist these centres to meet the needs of residents, workers and visitors.

Policy S1 identifies town centre uses

Policy S2 local centres main function is to meet the day to day convenience shopping and local service needs of their communities

Policy S5 local centre boundaries are drawn tightly to concentrate investment and within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged.

Policy S10 advises that such uses will be appropriate in Town, District and Local Centres subject to the following considerations:

- i) The use proposed must not adversely affect the amenities of existing or proposed dwellings (including those on upper floors above commercial premises) by reason of noise, smell disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- ii) Where the Council is minded to grant planning permission, the closing time for hot food take-aways will be considered in relation to the amenities of nearby dwellings – both existing and proposed – where these are likely to be affected. In such locations, the Council will usually impose a condition requiring the premises to close at 23:00 hours Mondays to Friday and 23:30 hours on Saturdays. Later opening hours and Sunday opening will be considered on their merits.
- iii) Permission will not be granted where the absence of adequate off street parking would likely to lead to on street parking in a hazardous area.
- iv) Permission will only be granted where fume and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment will not be detrimental to visual amenity.

7.1: Seeks to promote an efficient highway network

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

T13: car parking standards

4 car parking spaces for establishments with a gross floorspace up to 50 square metres then 1 space per 22 square metres.

Designing Walsall SPD

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

National Policy

PPS1 on delivering sustainable development and good design.

PPS4 applications should consider the impact on the vitality and viability on the town centre.

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

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

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

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

Consultations

Transportation – No objection

Environmental Health – No objection

Conditions have been recommended to ensure details of a suitable extraction and odour purification system, details of preventing fats and grease entering the drainage system and details of additional storage for refuse are submitted and approved. They also advise that public conveniences are within walking distance from the premises.

Fire Officer – No objection

Public Participation Responses

Two letters have been received objecting to the proposal on the following grounds:

- Litter
- Disturbance
- noise
- Already enough café's and take-aways in this small village
- Air pollution
- Illegal parking on Norton Road near the shop result impact on safety for pedestrians
- Encourage youths to locate around the area and increase violence and public disorder.

One letter has been received stating that they do not object to the proposal but asking how many more food/café/take-aways does the village require and that the only thing required is a pizza parlour to ensure all food requirements are met. They also state that they would like to see something different, new and unique opening up in the village.

A petition with 207 signatures has been received objecting to the proposal on the grounds that there are already enough places to eat in Pelsall, to have another food outlet could force other business to make redundancies and there are zig zag lines outside the premises.

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

Determining Issues

- Principle of development
- Odour extraction system
- Impact on neighbouring amenities
- Car parking

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

Observations

Principle of development

The site is within Pelsall Local Centre where Policy S1 seeks to support such uses in established centres. There are no policies within the Unitary Development Plan that restrict the number of food outlets in any established local centre, as the key aim is to encourage the use of premises to add to the vitality and viability of the local centre. In principle the proposed development should be supported to allow the business to diversify to attract clientele. The applicant has stated that only 10% of his business would be selling hot sandwiches to take-away with the majority of the sandwiches sold to eat at the shop. The main part of the business is the selling of meat products.

Odour extraction system

The retail unit would remain primarily as a butchers shop with ancillary A3 Café use, selling hot meat sandwiches and burgers cooked on a griddle. Environmental Health have advised that a low level of covers would be served, less than a small take-away, however the cooking process would still require an odour extraction and purification unit to be installed appropriate to the size of the small café. Such details can be sought by way of condition including details of a method to prevent cooking grease, fats and oils entering the drainage system.

Objectors have raised concerns about air pollution, a suitable odour extraction and air purifier would dissipate any cooking smells, eliminating any potential odour issues.

Impact on neighbouring amenities

The site is within Pelsall Local Centre where mixed use units are encouraged to maintain the vitality and viability of the local centre. Above the premises there is an independent flat; with the proposed opening times of the unit, it is considered that the proposed use would not result in loss of amenity for the occupiers of the flat above or other residential properties within the immediate vicinity. The opening hours could be conditioned to ensure the premises are only open during the specified times.

The outdoor seating area accommodates four covers; it is unlikely the area outside the premises can accommodate any more than four covers, as it would restrict access into the premises. The number of covers would limit the amount of people that could be accommodated for the café use. Customers would stop at the premises for a short period of time whilst they consume their food. Within the premises there is an island of fresh vegetables restricting the amount of tables and covers placed within the premises without causing an obstruction inside the premises. If the vegetable island was to be removed then potentially further could be accommodated up to ten covers. The number of covers can be restricted to ten, in case in the future the selling of vegetables from the premises ceases.

Objectors have raised concerns over noise, disturbance, litter and youths congregating around. The premises would only open during the day and situated in an area where there is adequate surveillance of the site from both Norton Road and

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High Street, which would deter any anti social activity. Furthermore, the proposal would be selling meat products including hot sandwiches and burgers during the day, which would still give residents a satisfactory level of amenity in the evening. With regards to litter the applicant states that the majority of the sandwiches would be consumed on site, but a litter bin could be installed outside the premises to encourage customers to dispose of packaging appropriately; this can be sought by way of a planning condition.

Car parking

Both A1 and A3 uses require a total of six car parking spaces each. The site is located within the Pelsall local centre and the proposed mixed use is consistent with town centre uses. There is parking elsewhere within the centre, mainly on the street, with on-street parking available on Norton Road within close proximity of the site. The proposal is considered acceptable and unlikely to have a significant detrimental impact on the local highway network.

Summary of Reasons for Granting Planning Permission

There are no policies controlling the number of food outlets in town, district or local centres.

Objectors have raised concerns about air pollution, a suitable odour extraction and air purifier would dissipate any cooking smells, eliminating any potential odour issues.

Objectors have raised concerns over noise, disturbance, litter and youths congregating around. The premises would only be open during the day which would limit the amount of noise and disturbance available to residents. The premises are located where there is adequate surveillance of the site from both Norton Road and High Street which would deter any anti social activity. Furthermore, the proposal would be selling hot sandwiches and burgers during the day, which would still give residents a satisfactory level of amenity. With regards to litter, a litter bin could be installed outside the premises to encourage customers to dispose of packaging appropriately; this can be sought by way of a planning condition.

Objections have also been raised regarding illegal parking and problems for pedestrians. The proposal is within a local centre with adequate on street car parking within walking distance from the premises.

Recommendation:

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

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

2. The development shall be carried out in accordance with drawing number 1:956 submitted on 19th May 2010.

Reason: To define the permission

3. The selling of hot sandwiches shall not commence until a litter bin has been installed within/outside on the forecourt for the use of customers.

Reason: To protect the amenities of the surrounding residential occupiers.

4. The premises shall not be open for business outside the hours of 0700 to 1800 Mondays to Saturdays, 0900 – 1600 on Sundays, Bank or Public Holidays.

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

5. The selling of hot sandwiches shall not commence until details of a suitable odour extraction and purification unit have been submitted to and approved in writing by the Local Planning Authority. The details shall include the sitting, design, external appearance and external finish of the extraction unit. The approved unit shall be implemented prior to hot sandwiches being sold from the premises. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement.

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

6. The selling of hot sandwiches shall not commence until details of a method to prevent greases entering the drainage system have been submitted to and approved in writing by the Local Planning Authority and the approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement.

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

8. No more than a maximum of 10 covers shall be used on site ancillary to purposes of the use hereby permitted

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

Notes for Applicant

No more than 10% of hot food sold at the premises shall be taken away from the site unless a further application is submitted for A5 use and thereby approved by the Local Planning Authority.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17 June 2010

Reason for bringing to committee: Significant community interest

Application Number: 10/0390/FL

Application Type: Full application

Applicant: Mr Paul Swingewood

Proposal: Erection of an amateur radio mast with antennas.

Ward: Pheasey Park Farm

Case Officer: Alexander Keen

Telephone Number: 01922 652527

Email:

planningservices@walsall.gov.uk

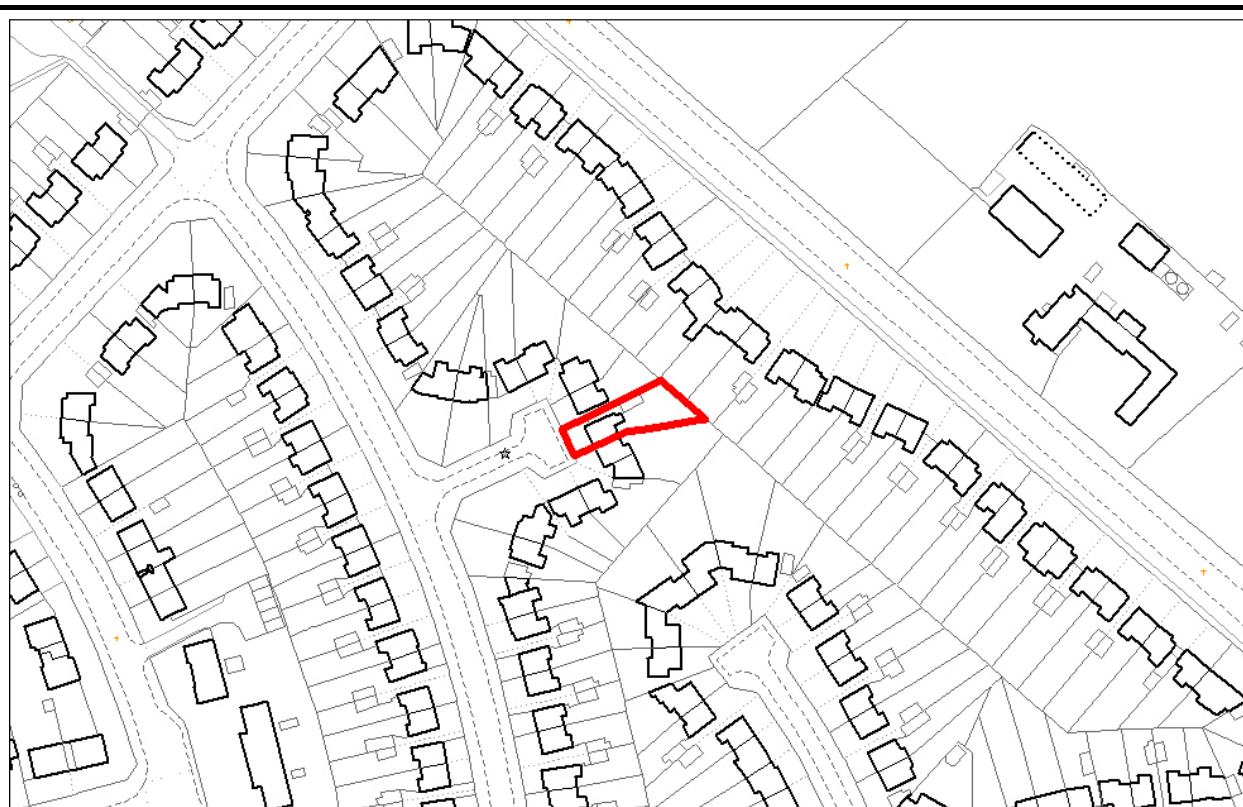
Agent:

Location: 9 GOODALL

GROVE, GREAT BARR, B43 7PQ

Expired Date: 11/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for the erection of a telescopic short wave amateur radio mast and aerials to the rear of a semi-detached dwelling.

The mast would be mounted against the south-east corner of the rear elevation of the rear extension of the existing dwelling and would consist of an outer and inner mast. The inner mast could be raised and lowered and would support two antennas: a High Frequency (HF) antenna and a Very High Frequency (VHF) antenna. The HF antenna would measure approximately 3.2m long by 3m wide and would be 8.9m above ground level when the mast is raised and 6.7m when the mast is lowered. The VHF antenna would be above the HF antenna and would measure approximately 2.5m long, 500 wide and 500mm tall and would be approximately 10.2m above ground level when the mast is raised and 8m when the mast is lowered. The inner mast would have a rotator cage so that the antenna could be tilted back into the rear garden when not in use and for maintenance purposes. However, it is not clear from the submitted drawings what the maximum height of the structure would be when the antenna are tilted back, though this would appear to be less than 6m above ground level, and below the ridge of the roof of the rear extension.

The application site is a typical inter-war semi-detached dwelling, part of a residential estate of similar properties characterised by low-density development and large, mature or semi-mature gardens. A two-storey rear extension has been built to the rear of the original dwelling, and a number of single-storey out-buildings, including a garage and a garden shed, have been built in the rear garden.

The application site is located at the head of a cul-de-sac, with the front elevation facing south-west into the cul-de-sac. The adjoining semi, 8 Goodall Grove, is to the south east and the adjacent dwelling, 10 Goodall Grove, lies to the north-west. The rear elevation of 9 Goodall Grove faces north-east, and is directly overlooked by the rear elevations of 46 and 48 Doe Bank Lane. A number of properties either side of 46 and 48 Doe Bank Lane also have views of the rear of the application site.

Relevant Planning History

E05/0056 – A planning enforcement investigation of the erection of an amateur radio mast without planning permission – investigated following complaints received April 2005.

The mast was attached to the rear of a brick garden building in the rear garden and extended up to approximately 5.5 metres in height and supported a large “H” form antenna measuring 2.5m wide, similar in size and appearance to the proposed VHF antenna. It was considered that planning permission was required because the mast and antenna exceeded the 3m height permitted for curtilage buildings incidental to the enjoyment of the dwellinghouse under Class E, Part 1 of Schedule 2 of the General Permitted Development Order 1995.

An Enforcement Notice (ref: ENF/1301/06) was served 5th May 2006 requiring the mast to be removed, or altered so as to constitute permitted development. The mast had been removed by June 2006.

E08/0414 – A planning enforcement investigation of the erection of an amateur radio mast without planning permission - investigated following complaints received September 2008.

The mast is attached to the rear of a brick garden building in the rear garden, in a similar position and supporting a similar form and size of antenna to the mast that was subject of the Enforcement Notice (ENF/1301/06). The base of the mast rests on decking that has been installed since the Enforcement Notice was served, and when first measured by officers it measured approximately 3.3m high from the surface of the decking, and 3.7m high from natural ground level.

The Owner has been reminded of the need for planning permission and the reasons an Enforcement Notice was served against the previous mast, and has been advised that enforcement action may be taken again if the existing mast is not removed, or altered so as to constitute permitted development. It should be noted that an amendment to the General Permitted Development Order in October 2008 means that the maximum permitted height is now 2.5m, as the mast and antenna are within 2m of the boundary of the curtilage. The owner has now advised that it has been reduced to 3m in height when measured from the surface of the decking.

Discussions regarding an alternative, acceptable arrangement that may secure planning permission have been ongoing, and the current application has been submitted in this context.

Relevant Planning Policy Summary

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

Saved policies of Walsall's Unitary Development Plan 2005

GP2 seeks to ensure that all development makes a positive contribution to the quality of the environment. Relevant considerations to be taken into account in the assessment of this application include:

- I. Visual appearance
- XVII. The effect of interference from radio or other transmissions on equipment in the locality
- XIX. The hours of operation of any activities proposed
- XX. Any other factor of environmental significance

ENV32(a) states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly on a visually prominent site and on sites adjacent Green Belt land.

ENV32(b) requires the quality of design of any development proposal to be assessed using the following criteria:

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.
- The proposed vehicular and pedestrian circulation patterns.

ENV38 sets out the Council's approach to applications for telecommunications equipment, and states that large items of equipment such as masts or antennae are unlikely to be acceptable in low-rise residential areas and visually sensitive locations.

Regional Planning Policy

Policy QE3 of the Regional Spatial Strategy for the West Midlands (RSS11) seeks to create a high quality built environment for all.

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development promotes good design as a key element in achieving sustainable development. In particular, paragraph 34 states that design which is inappropriate in its context should not be accepted, and paragraph 35 states that high quality design should be the aim of all those involved in the development process.

Planning Policy Guidance 8: Telecommunications gives guidance on planning for telecommunications development, including radio masts and antennas of all kinds. Paragraph 80 states that amateur radio masts will not normally be of such a scale as to have a serious impact on local amenity, and notes that applicants will generally have less scope for using alternative sites or for sharing sites.

Consultee Responses

None consulted

Public Participation Responses

Five letters of objection to the proposal have been received from neighbouring residents. Their objections are summarised as follows:

- 1) The proposed mast and antennas is too large and too high, and would be extended to full height at times when neighbours are at home.
- 2) There is an existing mast on the property.
- 3) There is enough similar equipment in the area (e.g. mobile phone masts) and these do not enhance the area. They are an eyesore and not appropriate in a residential back garden.
- 4) The proposed mast and antennas would be visually intrusive.
- 5) If it is allowed, it would set a precedent for others to follow which would harm the character of the area.
- 6) Concern that the proposed mast would prejudice the future sale of neighbouring dwellings.
- 7) Concern that the proposed mast would interfere with television reception.

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

Determining Issues

- Impact on the character of the streetscene
- Impact on amenities of nearby residents
- Potential for the proliferation of telecommunications equipment
- Potential for radio interference

Observations

Impact on the character of the streetscene

Neighbouring residents have objected to the proposal, stating that it would be too large and too high, and would harm the character of the area.

The proposed radio mast and antennas would be situated to the rear of the existing dwelling, and when fully extended would project a maximum 2.45m above the ridge of the main roof. Television aerials are a feature of residential areas and vary in size, type and design. It is considered that the proposed VHF antenna would be similar in appearance to a television aerial when viewed from Goodall Grove, and therefore would not appear out of character in the streetscene. Any impact is considered minimal as the proposed mast would be telescopic and can be tilted back into the rear garden of 9 Goodall Grove when not in use, obscuring the antennas from view from Goodall Grove.

The proposed radio mast and antennas would therefore be acceptable in this regard.

Impact on amenities of nearby residents

Paragraph 80 of PPG8: Telecommunications states that amateur radio masts will not normally be of such a scale as to have a serious impact on local amenity, and notes that applicants will generally have less scope for using alternative sites or for sharing sites.

A previous radio mast and antenna was removed from the application site following the issuing of an Enforcement Notice, details of which are provided under the Relevant Planning History section of this report. The mast and antenna measured approximately 5.5m high and were fixed to the wall of an outbuilding. An Enforcement Notice was served because the mast and antenna required planning permission and was considered an unduly intrusive feature in its setting as it stood apart from the dwelling, and the bulk of the mast was visible from Goodall Grove.

The current application proposes a telescopic mast that can be tilted back into the rear garden of 9 Goodall Grove when not in use, and would be mounted against the rear elevation of the existing dwelling. When retracted the proposed mast and antennas would not project above the roof line of the dwelling, and unlike the masts that have been the subject of planning enforcement investigations they would be seen as part of the massing of the dwelling and not apart from it. It is considered that the impact of its form and structure would be minimal when viewed in this context, and would not appear an unduly intrusive feature in its setting.

In summary, the proposed mast and antennas are considered to have an acceptable impact on the visual amenities of nearby residents, being minimal in form and construction when viewed against the massing of the existing dwelling.

Potential for the proliferation of telecommunications equipment

Commercial telecommunications equipment are uncommon in the area but television aerials are a feature of residential areas. There is an existing mast attached to the side of the dwelling facing 10 Goodall Grove comprising a single, thin vertical pole, but this has become lawful by the passage of time and in any case is considered insubstantial and relatively unobtrusive. Any future planning proposals for other similar structures would be determined on their own merits against the relevant planning policies.

Any unauthorised amateur radio equipment requiring planning permission, including the existing mast that is the subject of the current enforcement investigation (ref: E08/0414), can be controlled through taking planning enforcement action as appropriate. Therefore, as it is considered that the proposed mast would be acceptable on its own merits, it is not considered that it would set a precedent or result in an unacceptable proliferation of telecommunications equipment in the area such that the amenities of nearby residents or the character of the streetscene would be harmed.

Potential for radio interference

Licensed amateur radio operators are required to operate within the terms of their licence. There are other controls and sanctions available to deal with radio interference problems resulting from amateur radio equipment and PPG 8 is clear that radio interference should only be taken into account in determining a planning application in exceptional circumstances, and only if there is clear evidence that significant interference will arise. No such evidence exists in this case, and therefore the potential for radio interference is not a material consideration in the determination of this application.

Summary of Reasons for Granting Planning Permission

The proposed mast and antennas are considered to have an acceptable impact on the visual amenities of nearby residents as it is considered they would appear minimal in form and construction when viewed against the massing of the existing dwelling, and can be tilted back into the garden of 9 Goodall Grove when not in use. When fully extended, the mast and antennas would be similar in appearance to a television aerial when viewed from Goodall Grove, having a minimal impact on the streetscene and in keeping with the character of a residential area. As each planning proposal is considered on its own merits the proposed mast and antennas would not set a precedent for the proliferation of telecommunications equipment in the area, and any radio interference problems can be addressed through the application of the appropriate controls and sanctions. As such the proposal accords with the aims and objectives of saved policies GP2, ENV32 and ENV38 of Walsall's Unitary Development Plan, the SPD "Designing Walsall" policy QE3 of the Regional Spatial Strategy for the West Midlands (RSS11), Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance 8: Telecommunications.

Recommendation: Grant Permission Subject to Conditions

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

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

NOTE: The proposed mast and antennas should be tilted back to their lowest position when not in use, to minimise their impact on the visual amenities of neighbouring residents.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17 June 2010

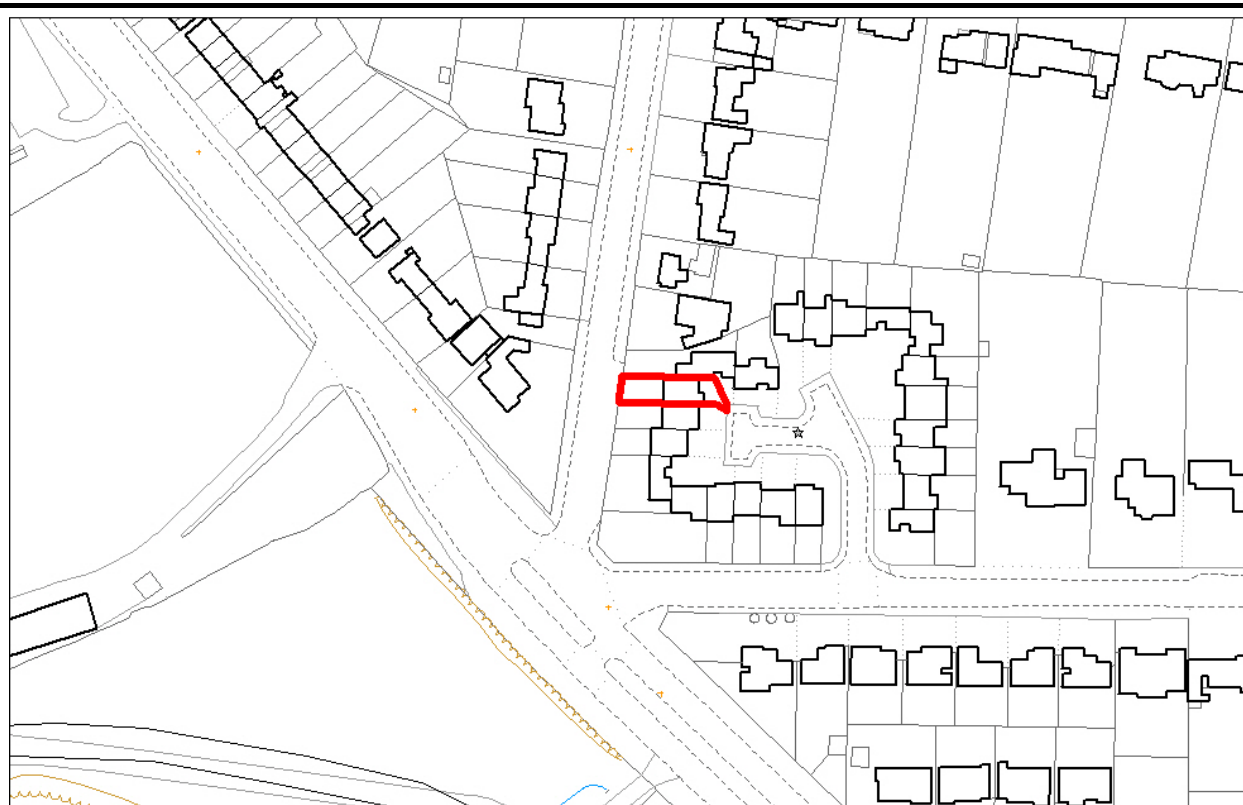
Reason for bringing to committee: Significant community interest

Application Number: 10/0214/FL
Application Type: Full application

Applicant: Ms Kaur
Proposal: Extension to kitchen and replacement pitch roof
Ward: Paddock

Case Officer: Stuart Crossen
Telephone Number: 01922 652420
Email:
planningservices@walsall.gov.uk
Agent: Ms Kaur
Location: 9 GLENELG
MEWS, WALSALL, WS5 3LG
Expired Date: 11/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes a kitchen extension to the front, and a mono-pitched roof to replace the existing flat roof over the garage and porch.

Glenelg Mews is a cul-de-sac with 22 high density modern terraced houses. The unusual layout and design of these houses are very distinctive, there is a mix of gable, flat and hipped roof types and each house is staggered in relation to one another. These houses as a result of the layout and design present an individual and bespoke appearance which is a characteristic feature of the street.

The application house is in the far corner of the street and has a main hipped roof and 1 metre deep front projecting garage and porch with a flat roof.

The application proposes a 2 metre deep front kitchen projection to the side of the porch up to the wall of the neighbouring house number 10. The extension would have a front hipped roof with a parapet wall for drainage between this roof and the wall of number 10, a new front elevation kitchen window is also proposed. The kitchen roof would be attached to a proposed mono-pitched roof to cover the existing garage and porch, to be the full width of the application house.

Number 10 is built 90 degrees to the application house and has a blank front elevation immediately in front of the application house before stepping in. The recessed front elevation of number 10 has the main habitable room windows.

The proposed kitchen extension would face the side elevation of number 12 which would be 7 metres away.

Number 8 is the other neighbouring attached house which is built approximately in line with the front of the application house, but has a low roof with dormers at first floor level.

Relevant Planning History

None

Relevant Planning Policy

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

Saved Policies of Walsall's Unitary Development Plan 2005

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

PLANNING POLICY STATEMENT 1

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

Designing Walsall – Supplementary Planning Document

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

13m separation between habitable windows and blank walls exceeding 3m in height.

Consultations

None.

Public Participation Response

There were 4 objectors to this application

The occupiers of number 20 have objected on the grounds that the plans have no dimensions and as a result they are unable to assess the applications impact on their light or parking. Concern was also raised on the change to the frontage and the

visual impact on the street and the impact on any building works on the life of an elderly neighbour.

The occupier of number 3 has objected on the grounds that most developments have taken place on the rear of the neighbouring properties and that the proposal would impact on the character of the street.

The occupier of number 17 has objection on the grounds that the proposal would be the first front extension on the street and would change the character.

A chartered surveyors acting on behalf of the owner and occupier of number 10 has objected on the grounds that the plans do not show measurements and are vaguely drawn and that the applicant has not served formal planning notice on the occupier of number 10, objection was also raised on the grounds that the proposal to adjoin the wall of number 10 would result in disturbance as foundations and footings would be required.

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

Determining Issues

- Design of Extension and Impact on Character of Area
- Impact on Amenity of Nearby Residents

Observations

Design of Extension and Impact on Character of Area

The design of the proposal includes a hipped and mono-pitched roof which would be compatible with the original house which also has a hipped roof. The parapet wall is a feature not seen elsewhere on the application house, however its location at the corner of the cul-de-sac would mean that there would be limited views from the highway and it is considered would have little impact on the character of the area. Objections have been raised about the possible impact on the proposal on the character of the area, however the individual and bespoke character of the street-scene ensures that the proposed extensions would not look out of keeping with the surrounding properties and is considered would not have a detrimental impact on the character of the area.

Impact on Amenity of Nearby Residents

In relation to the neighbouring houses the proposal would not result in overlooking, would not have an overbearing impact and would not result in a loss of light due to the location of the extensions which would not be visible from either neighbouring property.

The proposal is unlikely to have any impact on light in relation to number 20 which is over 50 metres away near the entrance to the cul-de-sac. The application also

proposes no loss of parking nor does the proposal require any increase in parking provision.

Objection was also raised about the quality of the plans, which although simple are drawn to scale, meet the national validation requirements, clearly illustrate which property is subject to the application and are considered acceptable.

The disruption which could be caused by the proposed development is not a material planning consideration and this aspect has not been considered as part of the application.

The kitchen extension would not meet the 13m separation standard between habitable windows and blank walls exceeding 3m in height, the gap from the proposed kitchen window to the blank side elevation wall of number 11 measures just 7 metres. However the current distance between the original kitchen window to the wall of number 11 is only 9 metres and the proposed 2 metre reduction is considered would not significantly worsen amenity in relation to the proposed kitchen window.

The objection raised on behalf of number 10, in relation to the requirement for the applicant to serve formal notice to the occupier of number 10, is not required as part of the planning process.

Summary of Reasons for Granting Planning Permission

The proposed design would be compatible with the original house and due to the bespoke nature of the street would have little impact on the character of the area. The proposal would also not result in a significant increase in overlooking, loss of privacy or loss of daylight or sunlight enjoyed by nearby properties. The plans are drawn to scale, meet the national validation requirements and illustrate which property the proposal is subject to. The objections raised regarding possible disruption from resulting building works are not a material planning consideration and have not been considered in determining the application.

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

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

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