



Development Control Committee

21st April 2009

Report of Head of Planning and Building Control, Regeneration

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7	60	09/0345/FL	136 Dartmouth Avenue, Walsall.	Proposed change of use to private hire taxi base for 4 cars to operate Mon - Fri 6am - 3am, Sat & Sun 24hrs.	Grant Subject to conditions



Walsall Council

ITEM NO: 1.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 09/0356/PT
Application Type: Prior approval of
siting & Appearance of
Telecommunications Apparatus

Applicant: 02 (UK) Limited

Proposal: Prior Notification of
Telecommunications: Proposed 15m
telecommunication mast, ground
based equipment cabin/cabinets and
ancillary development

Ward: Blakenall

Recommendation Summary: Prior Notification Approve Details Tel.

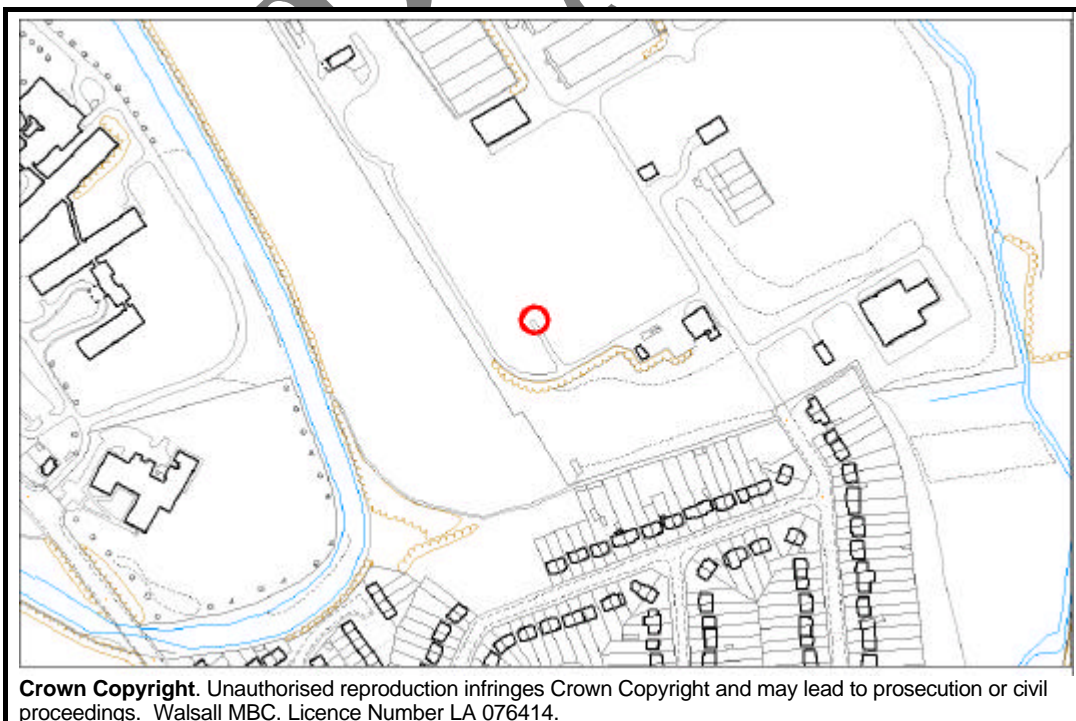
Case Officer: Paul Hinton

Telephone Number: 01922 652420

Agent: Babcock Networks Ltd

Location: GOSCOTE SEWAGE
WORKS, GOSCOTE LODGE
CRESCENT, GOSCOTE, WALSALL, WS3
1SB

Expired: 14/05/2009



Application and Site Details

This application is for the prior approval of a 15m telecommunications mast and the siting of an associated equipment cabinet of 1.5m in height. The application site is within the boundary of Goscote Sewage Works which is a mix of industrial buildings, access roads and sewage plant equipment within an area defined as Green Belt. The proposal telecommunications mast is within a cluster of trees 112m from the boundary with the former residential properties of Hildicks Crescent. Most of the houses adjacent to the site (Goscote Lodge Crescent, Middle Crescent and Hildicks Crescent), have been demolished in preparation for wider residential redevelopment of the estate.

The antennas would be concealed within a cylindrical shroud that tapers down to the width of the monopole. The monopole is slim line and would be colour coated in light grey, though the applicants are prepared to paint to the requirements of the Local Planning Authority.

The applicants have explained in accompanying documentation that the proposal is required in order that the network may receive Third Generation phone communications in this area and to fill a gap in the existing coverage. The applicants have submitted coverage plots to illustrate how the network coverage would be increased by the proposed development.

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

The cell is designed to provide 3G infill coverage to the Goscote area of Walsall, as such the search is limited to a specific area. The applicants view this location as the best for meeting this coverage.

The applicants have advised that alternative sites in the area were also considered before submitting this proposal. However site share at Cerros EMS on Goscote Lane was considered too far outside of the cell to address the issue coverage deficiency. Goscote Hospital was discounted as the site owner would not allow the installation of telecommunications equipment and various possibilities for new structures on the adopted highway within the cell were discounted as the applicants consider them more sensitive due to their proximity to other types of development.

Relevant Planning History

03/1871/PT/E3 - 15m monopole tower, 3no antennae and 1no dish, and equipment cabin and other ancillary equipment. Prior notification details approved 21/11/2003.

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

GP2 - development should be sustainable and contribute to environmental improvement.

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 - Criteria for detailed evaluation of acceptable development in the Green Belt.

Policy ENV32 states that 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.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment

Policy QE1 - Environment

Overall, these seek improvements the design and sustainability of the urban areas.

National Policy

Planning Policy Guidance Note 2:

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

Planning Policy Guidance Note 8:

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.

Consultations

Transportation – no objection.

Pollution Control (Scientific Team) – waiting.

Pollution Control (Contaminated Land) – waiting.

Landscape – no objection.

Environmental Health – waiting.

Public Rights of Way – waiting.

British Waterways – no objection.

Inland Waterways – no objection.

Fire Officer – waiting.

Public Participation Responses

All residents and occupiers within a 350m radius were notified of the application and two site notices posted.

The report is being drafted prior to the consultation period expiring.

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

Determining Issues

- Effect of the proposals on visual amenity and character of the area.
- Impact on highway safety
- Health risks.

Observations

Effect of the proposals on visual amenity and character of the area.

Governmental advice through PPG 8 explains in Green Belts telecommunications development is likely to be inappropriate unless it maintains openness.

PPG2 and policies of the Unitary Development Plan 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. PPG8 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. Where very special circumstances to support the principle of the proposal, this still needs to be measured against impact on the amenity of the Green Belt.

PPG8 advises operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape. Protection from visual intrusion is an important consideration in determining applications. Masts and antennas often require a particular operating height, which allows signals to clear trees and urban clutter and clearly, this is the operator's intention in this location.

The lack of a suitable alternative site that would meet the needs of network coverage or capacity might be considered as very special circumstances to outweigh the harm to the Green Belt. It is considered that the applicants, within the limit of the coverage area, have explored alternative sites. Site share is demonstrated not to be possible and a rooftop installation on Goscote Hospital is not supported by the land owners. Therefore the alternatives would be streetworks installations or the application submitted. A streetworks installation would either be within the Green Belt or abutting low-rise residential development, both within prominent public view. Therefore very special circumstances have been demonstrated through the lack of suitable alternative sites. It is also a consideration of this assessment that the 2003 prior notification for a 15m mast 81m to the north of this application site was considered acceptable within the boundary of the sewage works. This permission was not implemented and has now expired.

In principle the proposed mast would be acceptable. The aim should be for apparatus to blend into the landscape. The 2003 application approved a lattice style support with exposed antennas. This application conceals the antennas within a cylindrical shroud that tapers down to the width of the monopole. The monopole is slim line and is proposed to be colour coated light grey to match the existing street furniture of the site's own street lights and support work for security cameras. The proposal would be higher than the neighbouring cluster of trees and the sewage works is at an elevated position compared to Goscote Valley to the east. Inevitably the mast would be viewable because for technical reasons needs to be higher than the surrounding land and urban form, but would be viewed against the context of the existing industrial buildings of the sewage works, the existing street furniture and clusters of trees within the vicinity. It is considered that the proposal would be a visual improvement to the mast approved in 2003 and would avoid a streetworks installation in very close proximity to residential properties. There is appropriate screening, backdrop and colouring of the mast to ensure that it does not have a significant impact upon visual amenity.

The proposed equipment cabinets would be similar in character to the cabinets used to control traffic lights and by terrestrial telephone systems. In this setting they would have no impact upon visual amenity.

Impact on highway safety

The Transportation Officer raises no objections to the application.

Health risks.

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them. In this case, emission levels are very low and well within the ICNIRP requirements.

Other considerations

Impact on property values is not a material consideration.

Summary of Reasons for Granting Planning Permission

Very special circumstances have been demonstrated for the proposed telecommunication mast within the Green Belt. The proposal will not cause harm to the openness and visual appearance of the Green Belt and is compatible with the industrial character of the area. The location will not cause harm to road or pedestrian safety and satisfactory justification has been provided in support of the application. A Declaration of Conformity with ICNIRP Public Exposure Guidelines has also been provided. Therefore the proposal accords with the aims and objectives of policies GP2, ENV2, ENV3 and ENV38 of the Walsall Unitary Development Plan, Planning Policy Guidance 2: Green Belts and Planning Policy Guidance 8: Telecommunications.

Recommendation: Prior Notification Approve Details Tel.

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

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

2. The mast shall be finished in a light grey colour and the equipment cabinet finished in a green colour and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the proposal.

DRAFT



ITEM NO: 2.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 08/1047/FL
Application Type: Full application

Case Officer: Paul Hinton
Telephone Number: 01922
652420

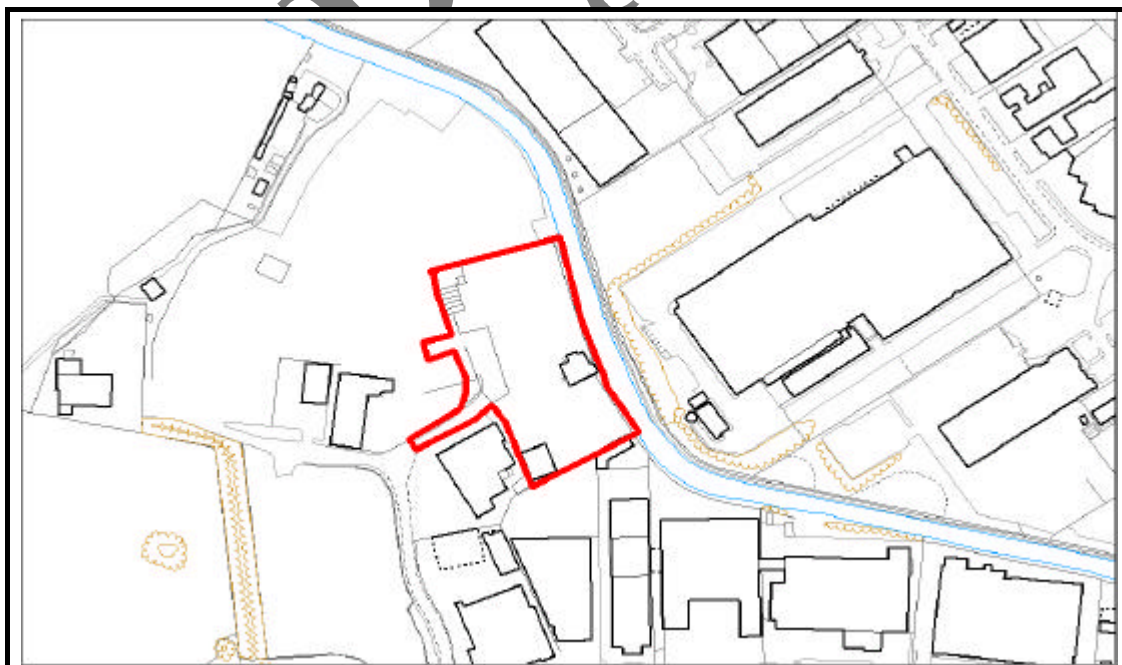
Applicant: TJM Holdings Ltd
Proposal: Construction of units for
Use Classes B1(b), B1(c)
(aggregate not exceeding 2000m²),
B2 and B8 with Associated Roads
and Parking

Agent: Philip Taylor Associates
Location: LAND ADJACENT TO
S JONES LTD, ANGLIAN
ROAD, WALSALL, WS9 8EP

Ward: Aldridge/Central & South

Expired: 26/09/2008

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



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Current status

On 16th September 2008 committee resolved to grant planning permission subject to conditions and the signing of S106 agreement for a contribution to public art, delegated to officers to resolve the Environment Agency's objection in regards to a satisfactory Flood Risk Assessment (FRA) and the Council's ecologist's concerns.. The applicant has now provided a satisfactory FRA and revised the drainage scheme to include the formation of a swale adjacent to the canal. The Environment Agency has withdrawn their objection.

The application is now being reported back to committee as the applicant has asked for the planning approval to be valid for a period of 5 years rather than the standard 3 year consent because of the current economic climate.

The contents of the report are remain largely the same as the previous one, with the exception of updated consultation replies and conditions.

Application and Site Details

This application is for the construction of 12 units to be used for research and development (B1b) and light industry (B1c) (aggregate not exceeding 2000m²), general industrial (B2) and storage and distribution (B8) with associated roads and parking. The application forms phase one of a two phase development, with phase two for outline permission for B1(b), B1(c), B2 and B8 uses with access only to be determined also reported to the committee under a separate item number. The application follows the refusal of a planning application in June this year for the erection of 12 industrial units for uses B1(b), B1(c), B2 and B8 with access roads and parking.

The re-submission differs from the refusal by increasing the landscape margin with the Daw End Canal from 1.8m to 6.8m, reducing the gross amount of floorspace from 3018m² to 2706m², increasing the amount of parking spaces by 16 and limiting the amount of floorspace to B1b and B1c use to no more than 2000m². The proposal includes 104 car parking spaces, 12 motorcycle spaces, 14 disabled spaces and 24 cycle spaces. The development would be 1994m² of light industrial floorspace (B1b, c), 366m² of general industrial floorspace (B2) and 346m² of storage and distribution floorspace (B8). The total area of the units, including the mezzanines would be 2706m². The proposed building incorporates a pitched roof of 7.5m.

The design and access statement states that the scale of the units are suitable for start up companies and the units would be of a height which will facilitate most manufacturing/storage purposes. The buildings would be clad with horizontal metal/insulation panels, with powder coated

aluminium window frames. Facing brickwork panels are proposed to either side of the main door to each unit.

Parking areas are shown to the front of each unit, with a band of 26 parking spaces to the west part of the site adjacent to the canal corridor.

The application site is bounded by a container base to the north and west boundaries, with industrial buildings to the south and the Rushall Canal to the east. The majority of the application site is hard surfaced and currently used as a vehicle storage base. A feeder road separates the two blocks of development giving direct access to the forecourt roads serving the individual units. There is an existing landscaped bund along the north western and eastern boundaries adjacent to Linley Farm and Linley Cottages (a smallholding) beyond which lies open Green Belt land. There are residential areas of housing to the north on the opposite side of Daw End Branch Canal that adjoins the eastern site boundary. There is a two storey office with open storage of commercial vehicles within a fenced compound to the south of the application site.

Relevant Planning History

04/2264/FL/E5 – Workshop & Ancillary Offices with Forecourt and Parking Spaces – Granted Subject to Conditions 26/01/05 (south of the application site)

08/0279/FL - Construction of 12 no. units for classes B1(b), B1(c), B2 and B8 together with associated roads and parking. Refused for the following summarised reasons 3/6/2008:

- Failed to enhance the quality of the natural and built environment due to over dominance of car parking and lack of adequate areas of landscaping.
- Lacked sufficient parking to support B1 uses.
- Insufficient information to demonstrate the risk of pollution to controlled waters.
- The development did little to enhance the ecological value of the area.
- Unacceptable provision of public art

08/0280/OL - Outline application for the Construction of 12 No. Units for Classes B1(b), B1(c), B2 and B8 Uses with Associated Roads and Parking (means of access to be determined). Refused 30/5/2008.

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

Unitary Development Plan (UDP)

GP1: Encourages sustainable development, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

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

GP4 and ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

GP7: Development is expected to design out crime, through maximising surveillance of public areas and the need to maintain good urban design.

ENV17, ENV18, 3.64: encourages new planting as part of landscape design and seeks to protect existing vegetation.

ENV21: Development which would destroy, damage or adversely affect a Site of Local Importance for Nature Conservation will not be permitted unless it can be demonstrated that there are reasons for the proposal to outweigh its level of nature conservation value.

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

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

ENV24: New development should maintain the integrity of wildlife corridors.

ENV32, ENV33, 3.113, 3.114 & 3.115: Encourage good design and layout as an integral part of urban design and good landscape design.

3.16: Development is considered in relation to its setting.

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

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

ENV35: The design of commercial premises should be appropriate to their setting.

ENV40: Seeks conservation and protection of all water resources.

JP5: Core Employment Areas will be safeguarded for core employment uses.

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

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

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

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

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

Conserving Walsall’s Natural Environment SPD - advises on the information requirements and survey standards for protected species to accompany planning applications.

National Policy

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

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

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

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

PPS24 Planning and Noise: Seeks to minimise the adverse impact of noise.

PPS25 Development and Flood Risk - Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

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.

Consultations

Transportation – no objection subject to the use of recommended conditions.

Pollution Control (Scientific Team) – has no objection to this proposal with the proviso that measures are put in place to address noise issues arising. Conditions have been recommended to this end.

Pollution Control (Contaminated Land) – no objections subject to works being implemented to carry out additional investigation and to remediate any localised ground contamination and ground gas issues associated with the site.

Strategic Policy – no objection.

Natural Environment – *We need something from Simon not objecting to the application and that the landscaping can be secured by condition.*

Landscape – no objection.

Arboricultural Officer – no objection subject to the use of recommended conditions.

Environment Agency – Following the submission of a revised Flood Risk Assessment, no objection subject to the use of recommended conditions.

Environmental Health – no objection.

Urban Design – no objection subject to contributions towards public art.

British Waterways – no objection subject to the use of recommended conditions and note for applicant.

Inland Waterways – objects. The presence of the swale would severely reduce the effectiveness of the landscaping strip by precluding the previously proposed planting of trees and shrubs which would further expose the car parking and the buildings to view from the canal.

Birmingham Canal Navigations Society - objects. The presence of the swale would severely reduce the effectiveness of the landscaping strip by precluding the previously proposed planting of trees and shrubs which would further expose the car parking and the buildings to view from the canal.

Fire Services – satisfactory access for fire services.

Public Participation Responses

None.

Determining Issues

- Principle of development
- Whether the scheme overcomes previous reasons for refusal in respect of:
 - o Landscaping and ecological value
 - o Highway safety
 - o Risk of pollution to controlled waters
 - o Provision of public art
- Impact on amenity of surrounding occupiers
- Increase in time allowance to commence development

Observations

Principle of Development

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

Landscape and ecological value

The previous application was refused as the proposed development within the centre of the site had parking areas to its edge which is adjacent to the canal and Daw End Canal Branch Site of Local Importance for Nature Conservation. There was very little opportunity to incorporate landscaping resulting in a poor visual relationship.

The re-submission now increases the landscaped area from 1.8m to 6.8m, which an indicative plan shows the area in which the swale would be located and room for tree and hedge planting to screen the car park. Developments alongside canals are expected to positively relate to the opportunity presented by the waterway to achieve high standards of design and to be sensitively integrated with the canal. Developments which would adversely affect a SLINC will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh its level of nature conservation value. The proposed increase in the landscaping reduces the impact of the car parking area providing an appropriate buffer that would integrate well with its setting, providing relief and screening to the canal corridor. Inland Waterways and Birmingham Canal Navigations Society object to the application on the grounds that the presence of the swale would severely reduce the effectiveness of the landscaping strip. While no formal landscape plan has been provided at this time, it is considered that a condition requiring the submission and approval of a landscape plan prior to development commencing would ensure a sufficient landscaping screen to the canal. *Need to add something from Simon, Andy chasing.*

The individual units vary between 11.5m-12m in width and 15-16m deep resulting in large groups of buildings (46m long and between 16m-30m deep). However, the design of the individual elevations to each unit are distinguished by window and door patterns and change in use of materials coupled with the shallow pitched roof design which are considered to reduce the overall scale and mass of the proposed buildings. This will offer visual improvement from the current container storage which can be stacked 3-4 high and because of the different external colours creates a negative visual appearance adjacent to the canal corridor.

The previous application was refused because the canal is a Site of Local Importance for Nature Conservation (SLINC) and the previous submission did little or nothing to enhance the ecological value of the development. The proposal provides 72m by 6.5m of landscaping and has now addressed the previous concerns. The addition of landscaping to the canal boundary would sensitively integrate the development within the canal corridor and create a potential habitat area adjacent to the SLINC to help encourage the conservation of wildlife. This can be secured by condition.

Highway safety

The parking provision previously proposed did not provide enough parking spaces to accommodate the cumulative effect of the development due to the speculative nature of the application. The proposal has been amended to increase the parking provision to 104 spaces and to define the amount of B1b and B1c uses to no greater than 2000m². There is an existing office block on the site which is to be retained and would require 17 parking spaces. To the south of the site is an existing unexpired planning approval for workshop and ancillary offices, this proposal included 18 parking spaces and this application seeks to revise this parking area to accommodate parking for the proposed units. Transportation do not object to the application subject to the use of recommended conditions to limit the aggregate total of uses for Research and Development (B1.b) and Light Industry (B1.c) uses on the site to 2000m², the submission of a Transport Assessment and the provision of a revised parking layout plan showing disabled parking spaces.

Risk of pollution to controlled waters

The Environment Agency no longer objects to the application subject to the use of recommended conditions.

Provision of public art

The previous application failed to provide public art contribution in accordance with policy ENV34 and DW9. A financial contribution of £10,486 would be required in accordance with DW9. The applicant has agreed to this which can be secured by a Section 106 agreement. In

accordance with the SPD, the agreement would require 8% of the contribution to be payable on completion of the Section 106 agreement.

Impact on amenity of surrounding occupiers

There is a significant bund to the north and north eastern boundary of the site separating it from the adjacent Farm buildings and residential properties. The site is currently used for the storage of commercial vehicles. The proposed industrial units would be viewed in conjunction with the existing two storey office building, the current planning approval for the workshop and in proximity to the container storage yard with shipping containers stored 3-4 high. The proposal by virtue of its design creates a more consistent and sympathetic visual appearance in relation to the adjacent industrial buildings than the existing uses and is appropriate to its context, bringing a fresh and uncluttered appearance to the area.

Pollution Control do not object to the application on grounds of noise and general disturbance subject to the imposition of appropriate safeguarding conditions.

Impact upon trees

This application would result in the removal of 1 maturing tree towards the south of the site. It is a solitary specimen and can only be seen from the access to the site. It provides a minor amount of amenity to the locality and its loss is considered acceptable.

The proposed development includes a landscaped area running parallel with the canal, along with other smaller soft landscaped areas at road junctions and corners. This would be a vast improvement to the present total hard standing.

Increase in time allowance to commence development

The applicants have requested for the time in which development should commence to be extended from the standard 3 years to 5 years from the date of the decision. It is considered that in the current worsening economic climate that this request is reasonable to allow time for the development of this site and secure investment into the Borough.

Summary of Reasons for Granting Planning Permission

The proposal would bring forward an underused piece of land within a core employment area for a core employment use. Concerns raised from Inland Waterways Association and Birmingham Canal Navigation Society have been overcome by the use of a landscape condition which would secure an appropriate relationship with the canal by enhancing the existing landscaped boundary. The Environment Agency do not object to

the application subject to the implementation of the proposed measures of the approved Flood Risk Assessment. The proposal provides an appropriate number of car parking spaces to serve the development, with adequate manoeuvring space and access. It is therefore considered that the proposed development of twelve B1b (research and development), B1c (light industrial) and B2 (general industrial) units is acceptable and a planning permission for five years is considered reasonable to allow time for the development of this site. Consultations and all material considerations have been considered and addressed in the report or addressed through safeguarding conditions and a planning obligation. Accordingly the proposal meets the requirements of the Unitary Development Plan policies GP2, GP4, 3.6, ENV14, ENV17, ENV18, ENV21, ENV23, ENV24, ENV32, ENV34, ENV35, ENV40, JP5, LC9 and T13 and Supplementary Planning Document Designing Walsall policy DW9.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. No development shall be carried out until a schedule of facing materials to be used in the external walls, roofs, windows, doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

Reason: To ensure the satisfactory appearance of the development.

3. No development shall commence until details of the proposed refuse/recycling compound has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to define the permission.

4. At no point shall there be more than 2000m² of gross floor-space anywhere on the site used for purposes within B1b and/or B1c of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, or succeeding legislation. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or subsequent amendments thereto, the development hereby approved shall not be used for Class B1a Office(s).

Reason: To define the permission and to ensure that an appropriate level of parking spaces are available for the development in accordance with Walsall Unitary Development Plan 2005 and to safeguard the vitality and viability of existing town centres and enable the Local Planning Authority to retain effective control over the site.

5. There shall be no additional mezzanine floors other than those approved by this permission without the submission and approval of a separate planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site and in the interests of highway safety.

6. No development shall commence until an additional site investigation as recommended in the Geo-Environmental Assessment Report (reference 15070223_R1_TPW) has been carried out. A copy of the findings of the additional site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

Note for applicant

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

Reason: To safeguard the amenities of the users and neighbours to the application site.

7. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a

timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Note for applicant

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

Reason: To safeguard the amenities of the users and neighbours to the application site.

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

Reason: To safeguard the amenities of the occupants of the building.

9. No development shall take place until suitable noise mitigation measures to protect internal and external areas of the residential development north of the site have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully completed.

Notes for applicant

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

a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level,

$L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00.

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;
Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise". British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;
British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.
British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995

This is not an exhaustive list.

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

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

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

10. Operations, including collections, deliveries or despatches to and from the premises shall not take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise shall only take place between the hours of 07.00 to 19.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority.

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

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

11. Doors and windows serving any manufacturing, fabrication, production and workshop areas when in use shall remain closed other than for ingress, egress or emergency purposes.

Reason: To safeguard the amenities of the adjacent occupiers.

12. All plant and machinery associated with the development as shown by drawing number 0627-20D received by the Local Planning Authority on 27th June 2008 shall be contained within the fabric of buildings.

Reason: To safeguard the amenities of the adjacent occupiers.

13. 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 otherwise only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 on Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

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

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

15. No development shall commence until details for boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Details of the foundations of the proposed fencing shall be submitted for consideration. The boundary treatment to the canal should be either dark green or black in colour and bow top style or vertical fencing.

Reason: In the interests of visual amenity.

16. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the lights shall be installed in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity.

17. If surface water and ground water is proposed to drain into the waterway details shall be submitted to the Local Planning Authority for consideration.

Reason: To determine the potential for pollution of the waterway.

18. No development shall commence until details of appropriate mitigation measures to prevent pollution of the waterway by the proposed development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented.

Reason: To protect the waterway from unnecessary pollution.

19. No development shall be carried out until a detailed landscaping scheme for the site (including any necessary phasing of implementation) has been submitted to and approved in writing by the Local Planning Authority. *Waiting for Simon's confirmation.*

Reason: To ensure the satisfactory appearance of the development.

20. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any development. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

21. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall be subsequently be implemented in accordance with the approved details before the development is completed/occupied. Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage from parking areas and hard-standing shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

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

22. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned in a location(s) to be agreed in writing by the Local Planning Authority prior to the first occupation of the development. The location of the reuse container(s) shall be positioned to avoid interference with the car parking spaces and vehicle manoeuvring on the site. Refuse containers shall be retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development

23. The development hereby approved shall at no time be subdivided to form separate unit(s) other than that those approved unless otherwise agreed by the submission and approval of a separate planning application.

Reason: To define the permission and for the Local Planning Authority to retain effective control over the development.

24. Before this development is brought into use, the access-ways, vehicle parking and manoeuvring areas shown on the approved plans shall be hard-surfaced in materials to be agreed in writing by the Local Planning Authority. The parking spaces shall have been clearly marked out and used for no other purpose. The parking areas shall not be allocated to individual units unless otherwise agreed in writing by the Local Planning Authority.

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

25. This development shall not be carried out until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This approved plan shall be utilised for so long as the use continues on the site.

Reason: To promote the use of non car forms of transport in the interests of sustainability and to ensure the satisfactory provision of off-street parking in the interest of highway safety.

26. No development shall commence until a revised plan has been submitted to and approved in writing by the Local Planning Authority detailing the provision of disabled parking spaces on site in accordance with the requirements of policy T13 of Walsall Unitary Development Plan.

Reason: In the interest of highway safety.

27. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) L004-J-SJ223.002 and the following mitigation measures detailed within the FRA:

1. Limiting the rate of surface water run-off generated by the site to discharge at a rate of not more than 10 l/s to the canal and 27 l/s to the STW public.
2. Provision of attenuation storage volume on the site to retain the 100-year 20% flow event volume assuming the discharge rate given above.
3. Demonstration that the detailed surface water system will also

provide water quality improvements by implementing the Suds methods as outlined in the FRA.

4. Details of how the entire surface water scheme shall be maintained and managed after completion.

5. Detailed assessment of the performance of the surface water system for the 30-year and 100-year 20% flow cases. If above ground flooding is to occur, detail must be provided of where this will go and prove that the development or adjacent property will not be flooded as a result.

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

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To prevent pollution of controlled waters.

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

Notes for applicant

British Waterways – In regards to access for works to the bank that may be required and closure of the canal for piling etc., the applicant shall need to ensure that most recent edition of the Code of Practice for Works Affecting British Waterways is followed and a booking for closure of the canal should be received early. For more information in regard to the Code of Practice please contact Mr Des Harris, Senior Third Party Works Engineer on 01827 252038.

The lighting schemes for waterside developments should minimise the problems of glare and unnecessary light pollution should be avoided.

Should the applicant wish to discharge water into the canal they would require agreement with British Waterways and further advice in regard to this can be provided by Keith Johnston on 01827 252014.

British Waterways should be consulted during demolition, remediation and construction stages of the development. British Waterways offer no right of support to the adjacent property. The applicant/land owner should take appropriate steps to ensure that their works do not adversely affect the canal wall at this location.

In respect of condition 17 British Waterways will need reassurance that it will only be clean surface water run-off and if necessary, that interceptors and other measures will be included so that the drains can be shut off in the event of a spillage or fire. The developer should consult with the Environment Agency because if there is any risk of contamination in the run-off, such as oil drips from cars, then a formal Discharge Consent and further environmental consideration may be necessary.

West Midlands Fire Service - there should be a fire hydrant within 90m of an entry point to the building.



ITEM NO: 3.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE: Major planning application

Application Number: 09/0342/FL

Application Type: Full application

Applicant: Inspace Partnerships Ltd

Proposal: Amendments to Permission
07/2644/FL/E12 for 53 Extra Care
Apartments, communal facilities, day-
care centre parking and associated
landscaping. Changes to footprint,
location of building, parking, landscaping
and building fenestration.

Ward: Aldridge/Central & South

Recommendation Summary: Grant Subject to conditions

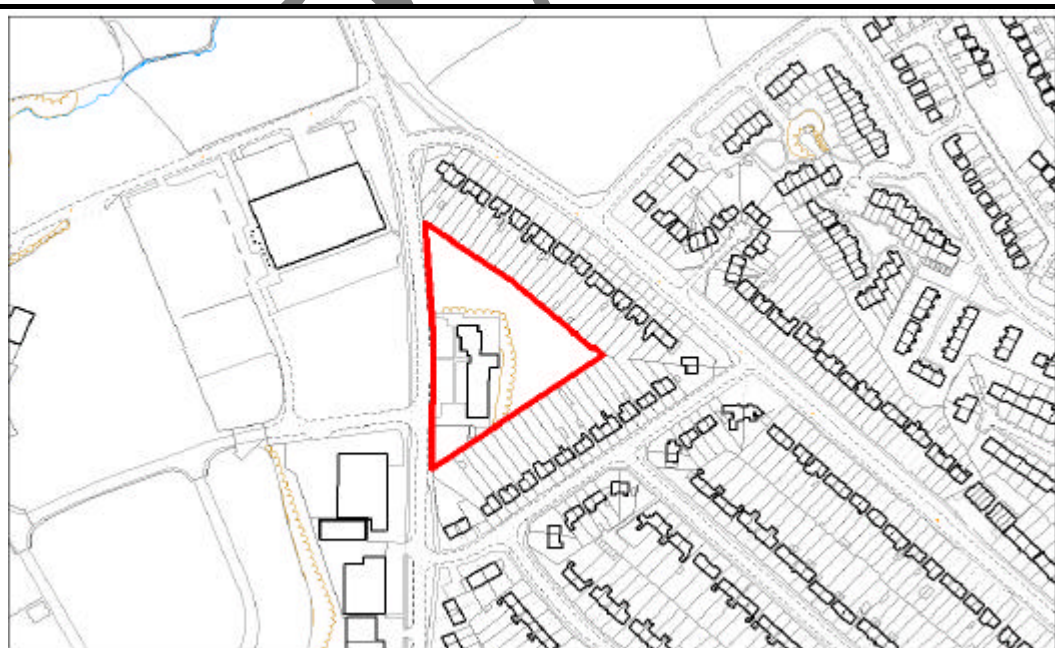
Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Agent: Calfordseaden LLP

Location: NORTHGATE
REHABILITATION CENTRE,
NORTHGATE, WALSALL WS9 8JT

Expired: 16/06/2009



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Current Status

Planning permission for 53 extra care apartments was granted in February 2008 subject to planning conditions. Works on site have commenced that are not in accordance with the approved plans. Therefore a revised application has been submitted which addresses the amendments to the scheme. These amendments are outlined as follows:

- The building having been repositioned 0.7m closer to the rear boundaries of the properties in Walsall Wood Road.
- Provision of turning heads on both sides of the site at the front.
- Increase in the size and shape of the bin store
- Infill of part of the roof on the southern elevation
- The building being built 1.4m lower
- Site of the proposed sub station adjacent the rear boundaries on Walsall Wood Road.
- Existing access slightly widened and slightly realigned
- Inclusion of a pedestrian footway
- Vertical window panel to the landing on the northern elevation
- Inclusion of secondary habitable room windows on the northern elevation facing Walsall Wood Road
- Internal alterations in respect to the location of facilities
- Inclusion of new windows on the front elevation
- Inclusion of ground floor doors and windows on the rear elevation
- Vertical window panel belonging to the stairwell on the rear elevation
- Vertical window panel to the landing on the south elevation
- Secondary habitable room windows facing Walton Road – southern elevation
- Re-arrangement of car parking along the frontage
- Existing access slightly widened and slightly realigned
- Inclusion of a pedestrian footway

Prior to the submission of this planning application the architects undertook a 3 week public consultation exercise with the adjoining residential occupiers on Walsall Wood Road and Walton Road. The outcome of this consultation period was that residents adjoining the site are still objecting to the proposal, including the amendments to the scheme.

Application and Site Details

The application proposes the redevelopment of the site with 53 extra care apartments with communal facilities, day care centre, parking and associated landscaping.

The proposals form part of Housing 21's partnership scheme with The Council for the re-provision of residential and day care facilities for older people in Walsall, split over 5 strategic sites to provide 322 residential units and 125 day care places. The main criterion for site selection has been the transfer of residents from existing locations to new sites within reasonable distance, to minimise disruption.

Extra care provides affordable housing for older people through independent living with care support, tailored to meet individual needs, to enable the residents to stay in their own home for as long as possible, as an alternative to residential care.

The site lies on Northgate the main road from Aldridge to Walsall Wood. To the north, east and south of the site there are residential properties that front onto Walton Road and Walsall Wood Road. The site is situated approx 80 metres away from the junction of Walton Road and Northgate. Opposite the application is an area of disused land that has been allocated as a new employment site in the Unitary Development Plan.

The vacant former rehabilitation centre building would be demolished to accommodate the proposed development. Semi detached houses back onto the site, with rear gardens in excess of 30 metres in length.

The proposal includes 28 x 1 bed and 25 x 2 bed apartments split up into 25% shared ownership for independent living, communal restaurant and lounge facilities, day care centre, hobby room, well being suite, hairdressers, shop, a staff welfare area, care office, court manager room, electric buggy store, laundry and plant room, as well as night staff accommodation and a visitors suite.

These facilities would be accommodated within a three storey 7.2m deep rectangular building. The existing access points will be utilised with one of the access points nearest to Walsall Wood Road junction with Northgate being widened to 5 metres. The proposed building would extend along the frontage of Northgate and would be set back into the site to provide car parking to the front of the site. A total of 26 car parking spaces would be provided including 3 disabled spaces.

The rear amenity area will accommodate a terraced area and a gazebo with a seating area for residents. The existing crazy golf course will be retained.

All communal facilities would be provided on the ground floor just inside the main entrance door of the southern wing of the building, with a progressive privacy scheme provided from the 'public' area to the private apartment area, to ensure security for the residents. Staffing levels for the facility would be approx 17, including a court manager, care manager, care staff, administrator, catering staff and cleaning staff.

Thirteen trees at the front of the site will be removed to accommodate the proposed scheme. However trees and shrubs will be planted within the rear private amenity area and along the Northgate frontage of the site.

Site area 0.847 hectares with a density of 45 dwellings per hectare.

The design of the building is traditional with a hipped roof, gable and arch features which incorporate bay windows, Juliet balconies have also been included. The mass of the building will be broken up by the incorporation of different materials those being brick and render and timber cladding.

The application has been accompanied with a Design and Access Statement, a phase one desk study report, an environmental noise assessment, arboricultural survey and a Phase 1 habitat survey.

Relevant Planning History

07/2644/FL/E12 53 extra care apartments with communal facilities, day care centre, parking and associated landscaping. Northgate Rehabilitation Centre, Northgate, Aldridge. Granted subject to conditions 29 February 2008.

BD17569P Application for Deemed Consent Pursuant to Reg.4 of the T.& C.P. Gen.Reg.s for Erection of Front Entrance Enclosure at Adult Learning Centre, Northgate Deemed Consent 1991.

Relevant Planning Policy Summary

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

Policies GP1 and 2.1 seeks sustainable development and urban regeneration.

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

Policy GP3 (a) planning obligations will be used, as appropriate, to secure the provision of any on or off site infrastructure, facilities, services or mitigating measures made necessary by a development. Such obligations will be used to secure additional or improved public open space, affordable housing provision, education facilities and health care facilities.

Policy GP7 seeks to designing out crime.

Policy ENV11 refers to lighting.

Policy ENV14 encourages the reclamation and development of previously developed land.

Policies ENV17 and ENV18 encourages new planting as part of landscape design and protecting existing trees on site.

Policies 3.16, ENV32, H10 and 3.116 states the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites.

Policies 3.117 and ENV33 refer to landscape design and opportunities to create and enhance environmental quality.

Policies 3.17, 3.18 and ENV39 states proposals for the development of renewable energy sources and for the efficient use of energy will be encouraged provided that they would not have a detrimental effect on the character, quality and amenity of the surrounding area. Appropriate measures might include the siting, orientation, design, the recycling of waste heat, and the use of landscaping and building layout to reduce energy loss.

Policy H3 encourages the provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved.

Policy H4 25% of total dwellings shall be affordable homes.

Policy H5 promotes and encourages the provision of housing for people with special needs, including single people, the elderly etc.

Policy H9 states that densities exceeding 50 dwellings per hectare will be encouraged for the provision of small units for single people or the elderly.

Policies 7.5, 7.52 and 7.36 PPG13 parking policies should be used to promote sustainable transport choices.

Policy T7 (b) states that all development should satisfy the car parking standards set out in Policy T13.

Policy T13 car parking standards

Flats with communal parking spaces 1.5 spaces per unit

Residential care homes 1 space per 3 beds

Nursing Homes 1 space per 2 beds

Policy 7.63 indicates that if housing schemes are to be occupied by a greater proportion of non car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

National Policy

Planning Policy Statement 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPG3: Housing, key objectives:

- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development
- Deliver more affordable homes
- To secure good design

Planning Policy Guidance Note 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation – No Objection to the current proposal subject to the following Conditions relating to access, layout and age restriction:

Pollution Control – Contaminated Land Team – No objection subject to previous planning conditions on 07/2644/FL/E12 are attached to any permission.

Regeneration – Landscape – No objection

Urban Designer – No objections

Environmental Health – No objection

Highways Agency – No comments

Fire Service – No objections

Lichfield District Council – No comments

Representations

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

- Amendments have been carried out without planning permission
- Objections are futile, the building is built and planning permission will be granted.
- Building closer to 382 and 388 Walsall Wood Road
- Overshadowing
- Loss of privacy

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

Determining Issues

Whether the proposed amendments are acceptable in respect of:

- Impact on the surrounding occupiers
- Access and parking
- Principle of residential development
- Design
- living environment for potential occupiers
- Landscape
- Contributions.

Observations

Impact on surrounding occupiers

The application site is triangular in shape due to the layout of the residential properties along Walsall Wood Road and Walton Road. The rear gardens of these properties are in excess of 30 metres in length and form the boundary with the rear of the application site.

Secondary habitable room windows are proposed on the side elevations, however given the distance between these windows and the rear elevation of the properties along Walsall Wood Road and Walton Road it is considered that these windows would not result in any loss of privacy for these neighbouring occupiers. The separation distance between the rear habitable rooms on the properties at both Walsall Wood Road and Walton Road exceed the minimum separation distance as set out in Annex E of the Designing Walsall Supplementary Planning Document. On the northern elevation, the secondary habitable room windows sit in line with 392 Walsall Wood Road, a separation distance of some 45m and on the southern elevation the secondary room windows sit in line with the rear boundary of 31 Walton Road. The separation between the rear elevation of 31 Walton Road and these proposed secondary room windows is some 38.7m, which exceeds the minimum separation distances between habitable rooms. It is considered that the inclusion of these windows would not reduce the level of amenity currently available to these neighbouring occupiers. Furthermore, the main windows to these habitable rooms are on the front and rear elevation, which would provide the main outlook for potential occupiers of these flats.

It is considered that the proposal would not result in direct overlooking of these residential properties, as these properties are positioned to look directly at the site, whereas the proposal would be positioned parallel to Northgate with habitable room windows on the rear elevation overlooking the rear amenity area that will be provided for residents.

Any overlooking from the rear of the site would be to the rear end of the rear gardens of these properties, it is considered that the length of the gardens, the building being set off the boundaries and the layout of the proposed building would not have a detrimental impact in terms of direct overlooking or loss of privacy to these neighbouring residential occupiers.

Objectors at 382 and 388 Walsall Wood Road have raised concerns with regards to overlooking and loss of privacy. The rear of 382 Walsall Wood Road overlooks the rear private amenity area that has been allocated for the retirement scheme. Furthermore, the windows on the rear elevation face the rear amenity area and with the positioning of the houses on Walsall Wood Road and the parallel position of the building to Northgate, it is considered that there is very little potential for overlooking and loss of privacy for this occupier.

With regards to 388 Walsall Wood Road, this property extends to the rear corner of the proposed building. In this part of the elevation for the proposed scheme, a vertical window panel has been included, which serves the stairwell. The existing vertical window panel was approved under planning reference 07/2644/FL/E12. It is considered that as this window panel serves the stairwell and not a habitable room, which would be used more frequently, and as such the proposal would not result in any significant loss of amenity to the occupier of 388 Walsall Wood Road.

The inclusion of doors and windows on the ground floor rear elevation are considered acceptable as they would improve the overall appearance of the building and also improve the outlook for residents by allowing residents to look out on to the amenity area.

The proposed building has been built some 1.4m lower than the approved scheme under planning reference 07/2644/FL/E12 and the roof has been filled in on the southern elevation. It is considered that the reduction in the height of the roof would reduce any visual impact for the occupiers on Walton Road.

Although the building has been positioned 0.7m closer to the rear boundaries of those properties on Walsall Wood Road, it is considered that the proposal would not have any greater impact on loss of amenity to warrant refusal of the scheme. Shadowing plans for the four seasons have been provided to illustrate the impact the proposal would have on neighbouring properties with regards to shadowing. The plans illustrate that there will be some shadowing to the very end of two of the rear gardens on Walsall Wood Road during early evening in October; this pattern is similar for mid afternoon in July. For October the plan illustrates shadowing across a number of rear gardens of the properties on Walsall Wood Road, during the early evening, however at this time, 4pm the sun has usually set for the evening anyway. During December some shadowing is shown around noon time to a few rear gardens on Walsall Wood Road. It is considered that the proposal would have some impact with regards to shadowing to neighbouring properties during the late evening in the winter months; however this shadowing would not unduly impact on the amenity of these residential occupiers.

The proposed building is still set off the boundary with the rear gardens of the properties on Walsall Wood Road and Walton Road, landscaping is proposed within this space to give a visual break between the site and the neighbouring properties.

The bin store has increased in size and shape and a turning head for refuse vehicles has been proposed in close proximity to the rear boundaries of the odd numbered properties of 33 – 39 Walton Road. Although the rear gardens of these properties exceed 35m in length, it is

considered that a suitable acoustic fence along this boundary should be provided to ensure the residents along the Walton Road boundary are not subjected to any noise pollution. These details for the fence can be secured by way of a planning condition.

Objector's also raised the issue regarding that there are enough retirement homes in Aldridge. This scheme is not a retirement home but a re-provision scheme to house people in an extra care scheme that they already occupy elsewhere in the Borough.

The objectors raised concerns of devaluing of residential property; this is not a material planning consideration.

Access and parking

The UDP car parking standard for a Residential Home is 1 space per 3 beds. Based on this standard this development would require 18 spaces. The standard for a Nursing Home is 1 space per 2 beds which equates to a requirement for 27 spaces for this development. The applicant looks to provide 26 spaces, including 3 disabled bays. The development makes provision for secure cycle storage and electric buggies.

Overall, the Highway Authority considers the application acceptable subject to the imposition of additional planning conditions.

The scheme seeks to utilise the two existing access points and would involve the increase in the width of one of the access points, closest to Walsall Wood Road.

The proposal seeks to provide a total of 26 car parking spaces including 3 disabled bays. Policy T13 of the UDP does not provide any guidance on parking provision for the proposed use, residential care homes require one car parking space per 3 beds and for a nursing home one space per 2 beds is required. Transportation has confirmed that the proposed 26 spaces are considered appropriate and satisfactory for the use. Paragraph 7.63 of the UDP does indicate that if housing schemes are to be occupied by a greater proportion of non car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

Housing 21 have provided some data on their experience elsewhere regarding car ownership. In general only 5% of rented residents own vehicles and approx 40% of shared ownership schemes own vehicles. Visitors to the scheme would be expected outside of busy hours and it is envisaged that with good transport networks the majority of the staff employed would use public transport to access the site.

The Highway Officer has requested that a condition is imposed to the effect that the age of the occupiers of the flats be restricted by way of

planning condition for those aged over 60 years of age because this age group is less likely to own a vehicle.

Conditions can be imposed to ensure any works to the existing access way, demarcation of the parking bays, a plan to demonstrate refuse vehicles can enter and manoeuvre within the site and pedestrian footways are submitted and approved in writing by the LPA

Principle of development

The principle of development has already been accepted through the approval of a residential scheme under planning application 07/2644/FL/E12 for 53 extra care apartments including a day centre and associated car parking and landscaping.

The application comprises of previously developed now vacant land and would therefore satisfy the objectives of policies 3.9 and ENV14 of the Unitary Development Plan which encourages the reclamation and development of derelict and previously land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and Planning Policy Statement 3: Housing which encourages development of brownfield sites for residential purposes.

The site is situated on a strategic highway classed as a district distributor with large units to the north west (Focus DIY store) and south west (A Plant) and residential development to the north, east and south of the site. The area consists of mixed use development, the site immediately opposite the application site is earmarked for new employment land under policy JP1 of the UDP.

The site is situated in close proximity to Aldridge district centre and Northgate is served by a number of bus routes, the site is therefore considered a sustainable location with good public transport and local facilities in close proximity. The principle of residential on the site is therefore considered appropriate.

Policy H9 encourages densities of between 30 to 50 dwellings per hectare

Close to local centres, with good means of transport and where it would provide small units for single people or the elderly. PPS 3 encourages a mix of housing types, both market and affordable and development in suitable locations. The proposals would provide small self contained units for the elderly just outside a local centre with good public transport; therefore the proposed density of 45 dwellings per hectare is considered acceptable and appropriate and would comply with policy.

Design

The scheme approved under planning reference 07/2644/FL/E12 was designed for the use and requirements of the end users as well as the 'not for profit' build restrictions for the provision of affordable housing.

The proposed development would run almost the entire frontage of this site along Northgate, being set off boundary either side away from the rear garden boundaries with the residential properties on Walsall Wood Road and Walton Road.

The building design still retains the original features approved under planning permission 07/2644/FL/E12, with minor alterations to the front elevation which include the inclusion of doors and windows. These minor amendments are considered acceptable, as they would enhance the overall appearance of the scheme and add interest to the main elevation, which will be seen from the public highway, Northgate.

The building has moved 0.7m closer to the rear boundaries of the properties on Walsall Wood Road. It is considered that this slight realignment would not affect the design or setting of the overall building in the street scene. The proposal still provides a separation distance of 35m between the rear elevation of 388 Walsall Wood Road and the rear corner of the proposed building. It is considered that the separation distance is sufficient and exceeds the 13m blank wall separation distance as quoted in Annexe E of the Designing Walsall SPD.

The inclusion of vertical window panels on the rear and side elevation serving the stairwell and landing areas within the building are considered to be an attractive feature that enhance the overall appearance of the site and also break up the solid elevation with glazing. These additions would meet the aims and objectives of Policies GP2, 3.116, 3.16 and ENV32 of the UDP which aim to provide good design features.

The car parking re-arrangement at the front of the site has resulted as a pedestrian accessway into the site from Northgate was required as part of a planning condition under the previously approved scheme. Due to the inclusion of this feature, this has resulted in the realignment of the access points and the re-arrangement of the car parking along the frontage of the site. The existing access point closest to the junction with Walsall Wood Road has been widened to 5m. These alterations are considered to be acceptable as they do not significantly alter the appearance of the scheme. Furthermore, landscaping has been proposed in front of the car parking area, which will help to provide screening and create an attractive frontage along this part of Northgate.

Turning heads at either end of the building have been proposed, which increases the amount of hard surfacing along this part of the scheme.

The proposed additional landscaping will help to screen these features from public view along Northgate.

The building has not been built in accordance with the approved plans, in that the height of the building is 1.4m lower than that shown on the approved drawings and part of the roof on the southern elevation has been filled in so that it is materially different from that which was approved. It is considered that the reduction in the height of the roof would mean that the building would not be as prominent but still stand out as a feature along this busy section of the highway. Furthermore, the reduction in the height of the roof would reduce the visual impact for local residents.

The internal alterations that are proposed are considered acceptable, as they mainly relate to the ground floor mid section and the relocation of services within the building.

Living environment for potential occupiers

The revised scheme would not alter the level of amenity that would be available for potential occupiers. The inclusion of secondary habitable room windows for those flats on the northern and southern elevation would allow for additional light to be provided for these occupiers.

The scheme would provide a high standard of living for the potential occupiers of this scheme. A large private amenity area will be provided for residents along with shared communal facilities which would encourage interaction with other residents. The scheme would provide a number of facilities such as a day care centre, a communal restaurant, a shop, hairdressing facilities within the scheme which residents would be able to utilise without leaving the premises. For those residents who have mobility problems electric buggies will be provided on site for the use of residents.

Landscape and boundary treatments

Following public consultation with the local residents, the residents have been offered additional landscaping along the boundaries to break up the visual impact of the building.

The Landscape Officer has no objection to the boundary treatments or the additional tree planting on the site.

A landscaping plan has been submitted, however although part of the details provided are acceptable there are still issues that need to be resolved with the type of plants to be used in a landscape scheme and the numbers.

Details of the metal fence have been provided but no details of the proposed gate. No details of the height and the external finish of this

fence has been provided, however these details can be secured by way of a condition.

13 trees from the front of the site will be removed to accommodate the proposal. It is considered that the planting within the whole scheme would compensate for the loss of these trees.

Contributions

A residential scheme of this size would normally require contributions secured through a Section 106 towards: Public Open Space, Healthcare and Affordable Housing.

Housing 21, the Council's partner in this scheme are a registered social landlord housing association and a 'not for profit' organisation. The scheme would provide part of the re-provision of accommodation for the elderly on behalf of Walsall Council and would be funded through public monies which have been specifically approved and ringed fenced for this purpose only and include Supporting People Funding, Housing Corporation Grant, funding from the PCT and Central Government grant. The site is owned by the Council and will be the subject of 125 year lease and a restricted covenant as to the use.

The restricted funding resources available would make Section 106 contributions impossible and inappropriate in this instance. The scheme would be funded by The Council through a re-provision contract and through the contract the Council would have all nomination rights for the units.

The scheme would however provide 100% affordable housing (22 x 1 bed and 18 x 2 bed rented and 6 x 1 bed and 7 x 2 bed shared ownership), and more than adequate amenity space for residents within the site. The scheme would provide accommodation for the elderly only and therefore a contribution towards local education facilities would not be appropriate. The scheme would provide its own care provision for residents and would therefore have no additional impact on local facilities.

It is therefore considered that there is a full justification for no Section 106 contributions on this particular scheme.

Overall the planning application is supported; however the expiration date of the site notice is 22nd April 2009. Therefore the recommendation should state delegated decision to Head of Planning and Building Control unless any new issues are raised as a result of the expiration date of the site notice.

Summary of Reasons for Granting Planning Permission

Recommendation: Grant Subject to conditions

That the planning permission is granted and delegated decision to Head of Planning and Building Control unless any new issues are raised as a result of the expiration date of the site notice.

The planning conditions on planning permission 07/2644/FL/E12 are still valid and the following additional conditions are to be attached:

2) The works hereby approved shall only be carried out as shown on drawing number B/07/0009/1000/K, B/07/0009/2000/J, B/07/0009/1010/E, B/07/0009/2200/K submitted on 16th March 2009, b070009/8100, b070009/8103, B070009/8101, B070009/8102 submitted on 20th March 2009 and the shadowing plans submitted on 27 March 2009.

Reason: To define the permission.

- 3) The development shall only be carried out in the following materials:
- Main wall brick – Red Mere Blend EH Smith
 - Wall detail brick – Yellow Prairie Gold EH Smith
 - Wall below DPC Blue 2B16 EH Smith
 - Timber – Red Thermowood Sharvatt Woolwich Ltd
 - Roof Tile – Russell's Pennine Tile – Peat Brown or Rustic Peat
 - Render – Cream Parex Lanko Sable 0.10.

Reason: To ensure the satisfactory development of the site.

4) The extra care apartments hereby approved with the exception of the guest suite shall be occupied solely by persons of 60 years of age and over.

Reason: To ensure functioning of the site in the provision of reduced car parking for the apartment block.

5) Prior to the development being brought into use any alterations to the existing vehicular accesses shall be carried out to a specification to be approved in writing by the Local Planning Authority, and meet all statutory requirements.

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

6) Prior to the development being brought into use, the parking bays shall be clearly demarcated on the ground. The disabled bays shall

marked out in accordance with Department of Transport, Inclusive Mobility, Best Practice guidelines. All bays shall be thereafter retained for this purpose.

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

7) Prior to the development being occupied details of the boundary fence shall be submitted to and approved in writing. The details shall include details of an acoustic type fence. The development shall be completed with the approved details and retained and maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the neighbouring residential occupiers on Walsall Wood Road and Walton Road.

8) Following demolition of existing structures and prior to built development commencing an intrusive site investigation and assessment of ground contamination and ground gas as set out in Report "Phase 1 Desk Study Report for the Northgate Centre, Aldridge, GS166-03/NJS/HB/GP" shall be undertaken to the satisfaction of the Local Planning Authority. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

9) No development shall commence on site 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 are submitted to and agreed in writing with the Local Planning Authority. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

9) The development shall be constructed in accordance with the Code of Sustainable Homes (April 2007) 3 stars standard relating to energy efficiency / CO₂, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with policy aims 3.17 and 3.18 and policy ENV39 of the Walsall Unitary Development Plan

10) No development shall commence on site until details of a protective fence to be erected around the retaining trees on the site in accordance with BS:5837 2005 have been submitted to and approved in writing by the Local Planning Authority. The fence shall remain on site until the building works have been completed.

Reason: To protect the existing trees on the site.

Notes for applicant

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

2) 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.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP7,H4, H5, H9, 8.9, T13, 7.63, ENV14, ENV18, ENV32, ENV33, and H10 of Walsall's

Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

DRAFT



Walsall Council

ITEM NO: 4.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE:

Application Number: 09/0345/FL
Application Type: Full application

Case Officer: Barbara Toy
Telephone Number: 01922
652429

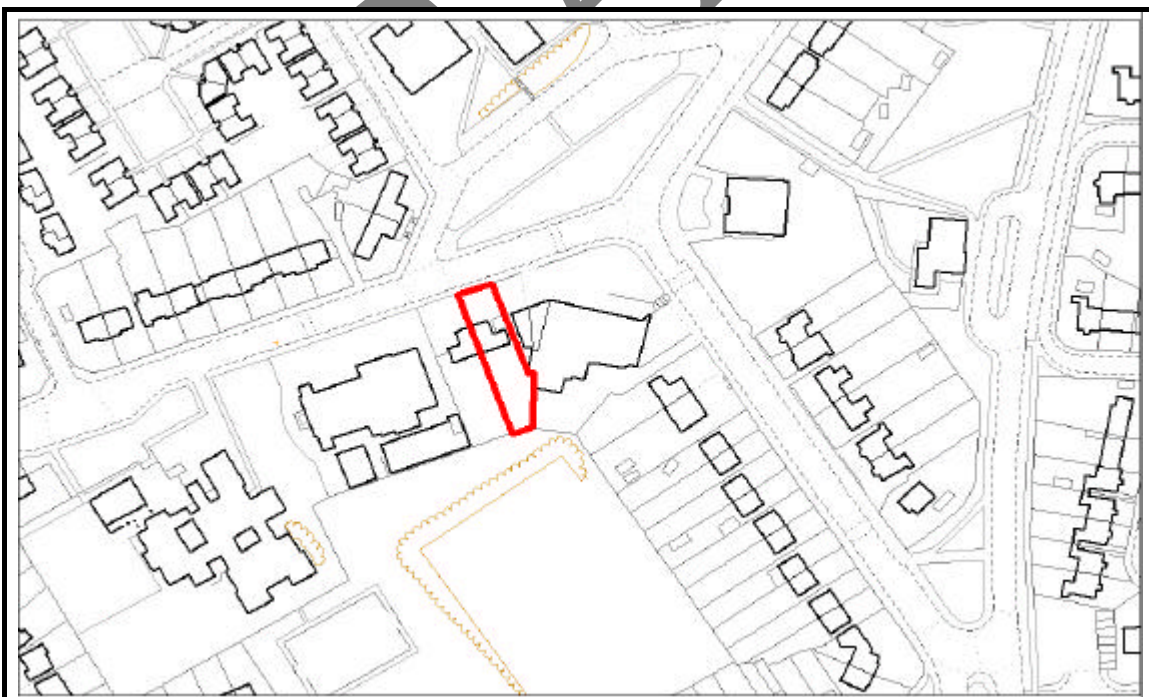
Applicant: Mr. Musthaq Hussain
Proposal: Proposed change of use
to private hire taxi base for 4 cars to
operate Mon - Fri 6am - 3am, Sat &
Sun 24hrs.

Agent:
Location: 136 DARTMOUTH
AVENUE, WALSALL,

Ward: Blakenall

Expired: 11/05/2009

Recommendation Summary: Grant Subject to conditions



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Summary of Reasons for Granting Planning Permission

Recommendation: Grant Subject to conditions

DRAFT



Walsall Council

ITEM NO: 5.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number:
07/2391/FL/E12

Case Officer: Devinder Matharu

Application Type: Full
application

Telephone Number: 01922 652487

Applicant: Mr. S. Mercy

Agent: Paul Clifton Associates

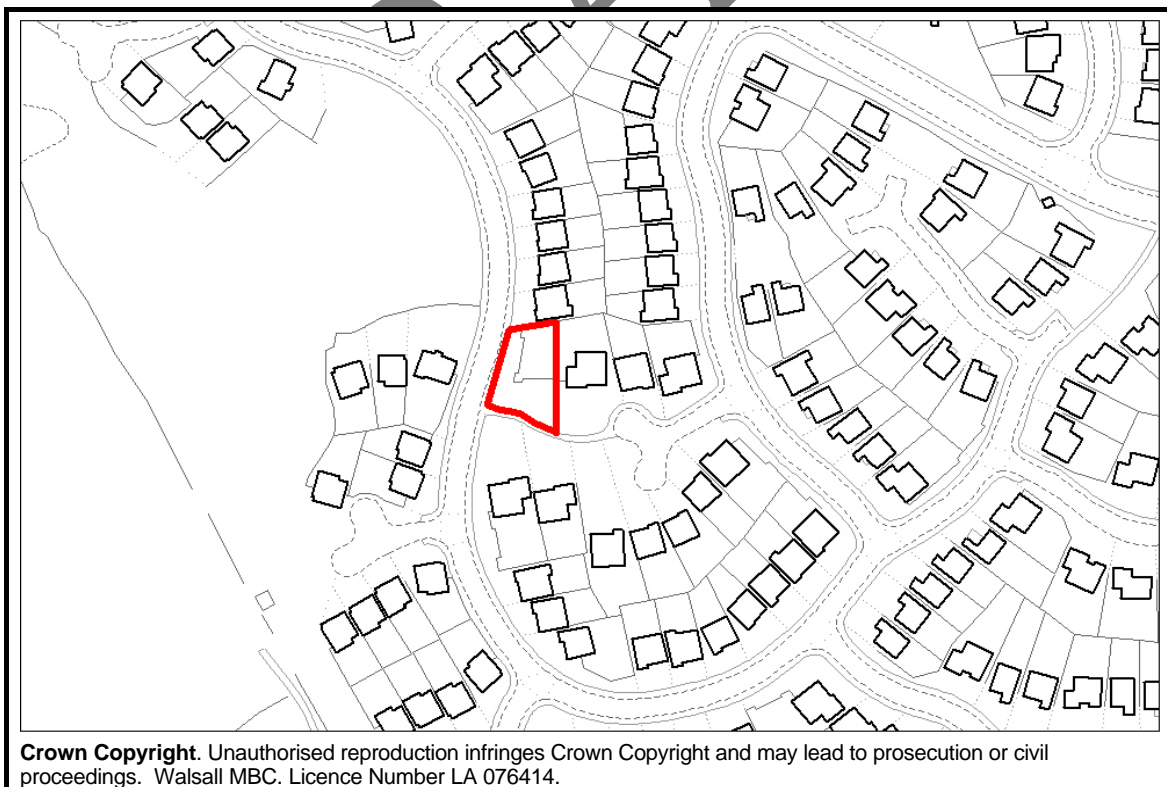
Proposal: Erection of
Detached House

Location: 24 ALNWICK
ROAD, BLOXWICH, WALSALL, WS3
3XD

Ward: Bloxwich West

Expired: 25/12/2007

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

Number 24 Alnwick Road is a detached property situated at the end of a row of three properties off Alnwick Road cul-de-sac. The area is residential in character with detached dwellings which sit in spacious plots.

The application is to erect a 3 bedroom detached house with a single integral garage on land adjacent number 24 Alnwick Road. The land is presently part of the side garden of number 24.

The existing garden of no.24 is partly enclosed by a brick boundary wall but there are extensive areas visible within the street scene facing the public footpath linking Alnwick Road with Ganton Road and within Ganton Road itself. There is a low hedge around the perimeter of the site that follows the boundary of the footpath and returns along the Ganton Road frontage, behind which there are grassed areas with several mature trees. This gives an attractive spacious setting to the surrounding context and pedestrian footpath. There are two detached houses on the opposite side of the footpath which similarly have a spacious character with low railings at the back of footpath.

The proposed plot is created by subdividing the garden of 24 Alnwick Road by installing a new boundary treatment set 2m away from the garage parallel to the side elevation of the existing dwelling. This leaves a private rear garden for 24 Alnwick Road in excess of 120m² and allows a private garden for the proposed new dwelling in excess of 110m².

The proposed dwelling is positioned approximately 2.0 metres forward of the existing dwelling at number 24 yet it is turned 90° to face Ganton Road. There are also windows included in the southern elevation facing Alnwick Road. A new vehicular access drive will be created off Ganton Road. Part of the existing fence and wall together with the existing hedge on Ganton Road frontage will be retained. The existing low hedge along the boundary with the public footpath facing Alnwick Road will also be retained. Five replacement trees are proposed in total, three within the Alnwick Road frontage and two within the proposed rear garden of the new dwelling.

A Design and Access Statement and Arboricultural Impact Assessment have been submitted in support of the application.

The site area is 0.4 hectares, giving a density of 2.5 dwellings per hectare on this site.

Relevant Planning History

06/1724/FL/E11 - Erection of a detached 4 bedroom house on land adjacent to 24 Alnwick Road - Refused 23 November 2007 for three

reasons broadly relating to (1) projection of the building footprint and boundary wall and enclosure of the space adjacent to the public footpath that would be obvious and obtrusive within the street scene and have an adverse impact on the outlook of surrounding properties and upon the character and visual amenities of the surrounding area; (2) proposed layout would not contribute to maximising surveillance and good urban design and would be out of character with the surrounding area as it presents a blank inactive frontage to the public realm; (3) unacceptable adverse impact on the visual amenities and character of the area due to the loss of trees of high amenity value which are protected by Tree Preservation Orders, loss of the open aspect adjacent to the public footpath and proximity of the built structures to the footpath creating a cramped appearance out of character with the surrounding context.

Tree Preservation Orders 7/1987 and 29/2006 apply to the site.

06/1011/TR/T3 - Fell 1 Oak Tree in Rear Garden - Granted 01/08/06

Relevant Planning Policy Summary

Walsall Unitary Development Plan

Policy 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 access is provided.

Policy GP7: Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design.

Policies ENV17, ENV18, 3.64 encourage new planting as part of landscape design and seeks to protect existing vegetation.

Policies 3.16, ENV32, H10 and 3.116 seek the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites.

Para 3.114: Good design can discourage crime and increase safety as well as accommodating the access requirements of all sections of the community.

Para 3.115: The design of buildings and structures together with landscape design has a major role to play in the creation of an environment which is distinctive, creates a sense of place.

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

Policies 6.3 and H3 – encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

Policy H9 – net density of residential development should be at least 30 dwellings per hectare. Densities below 30 dwellings per hectare may exceptionally be justified to provide larger houses to support urban regeneration.

Policy T4 (b) Street parking and direct frontage access will be strictly regulated.

Policy T7 (b) states that all development should satisfy the car parking standards set out in Policy T13.

Policy T13 car parking standards
1, 2 and 3 bedroom houses 2 spaces per unit

Supplementary Planning Document: Designing Walsall

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

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

Policy DW2: Safe and Welcoming Places - refers to all new development contributing towards creating places that feel safe, secure and welcoming for everyone.

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

- Development proposals must evaluate and understand positive characteristics of the area and its location within to create or contribute to a distinctive sense of place in creating new designs.

Policy DW6: Legibility - new developments should contribute to creating a place that has a clear image and identity and is easy to understand.

- All new development is expected to make a positive contribution to the identity of the area

Appendix E: Numerical Guidelines for Residential Development - Refers to space and separation distances.

- 24 metres separation between habitable rooms in two storeys and above developments. This standard will be applied more robustly at the rear than across roads at the front
- 13m separation between habitable rooms and blank walls exceeding 3m in height
- Garden dimensions 12m in length or a minimum of 68 square metres

Regional Policy

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

National Policy

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

PPS3: Housing - states that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. However, when identifying previously developed land, sustainability will need to be considered as some sites will not necessarily be suitable for housing. It also replicates the advice given in PPS1 regarding good design and design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions.

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

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

Consultations

Transportation – No objections subject to conditions relating to access and visibility. The UDP car parking standard for a new 3 bedroom dwelling is a maximum of 2 spaces and the application meets this requirement. The proposed dwelling will have a negligible impact on Ganton Road in terms of traffic generation and a proposed condition relating to the reduction in height of the front boundary hedge will improve pedestrian/ vehicle intervisibility at the access point.

Pollution Control - Contamination Team– No objections. The property is located in an area previously subject to mineral extraction and

subsequent filling that may present Health and Safety implications.
Recommend a note to the applicant.

Pollution Control - Scientific Team – No objection provided measures are put in place to address noise issues during construction.

Fire Officer – No objections. There is satisfactory access for fire appliances.

Arboricultural Officer – No objections subject to five replacement trees as detailed on plan 12B and provided the advice and guidelines within the supplied arboricultural report is followed.

Public Rights of Way Officer – No objections. Proposals do not change the line of the adopted footpath. The developer must not obstruct, cause damage or try to build on any part of the footpath.

Representations

Twenty individual letters have been received from 7 residents and a petition with 28 signatories objecting to the proposal. These are summarised below:

- Previous refusal reasons quoted (*but no explanation as to why the objector considers they still apply*)
- Loss of mature TPO trees to the detriment of visual amenities, privacy, water levels and the environment
- Replacement trees do not provide same level of screening or amenity value as existing established trees and may not be maintained
- Disagree with reference to lack of amenity value of trees referred to in the Tree Study
- Loss of landscaping and open plan character
- Potential for the proposed property to have two accesses off Ganton Road and Alnwick Road creating congestion and air pollution
- Potential traffic hazard caused by further vehicular access onto Ganton Road
- Better to rotate the dwelling to face Alnwick Road with access from the cul-de-sac rather than busy Ganton Road
- Increased traffic congestion in the area
- Pedestrian hazard created by conflict between proposed access and adjacent footpath and driveways
- Retained hedge obscures the visibility from the footpath
- Lack of housing market
- Loss of daylight and sunlight to surrounding properties due to increased height of roof
- Cramming in a dwelling on an open plan development is out of keeping

- Differences in ground levels make new dwelling more obtrusive
- Potential damage to private drive at 30 Ganton Road from construction traffic
- Adverse impact upon outlook from surrounding dwellings
- Overlooking the garden of 28 Ganton Road
- Orientation and appearance of proposed dwelling obtrusive and out of keeping
- Forward positioning of dwelling out of keeping
- Loss of property value (*not a material planning consideration*)
- 3 bedroom house out of keeping with adjacent 4 bedroom houses
- Proposed study could be used as a fourth bedroom
- Personal circumstances referred to by the applicant should not influence the decision
- Only cosmetic changes are proposed to the house that do not address previous grounds for refusal

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

Determining Issues

The determining issues are whether this re-submission overcomes the reasons for refusal on the previous scheme in respect of:

- Design and Layout
- Loss of trees and landscaping
- Impact of the development on the amenity of the surrounding occupiers
- Access and Parking

Observations

Design and Layout

The proposed new dwelling has been positioned so that it now only projects 2m forward of the existing dwelling at 24 Alnwick Road rather than the 9m projection identified in the earlier refusal. This stagger in the building line reflects the remainder of the street scene in Alnwick Road and as there are secondary windows to the lounge and bedroom in the eastern elevation, a bay window to the lounge plus first floor study and bedroom windows in the southern elevation this will provide natural surveillance of the street scene and present an active frontage.

The area to the south of the proposed dwelling fronting the public footpath will be retained as grass and the existing hedge at the back of footpath also retained maintaining the existing open landscaped aspect to this part of the street scene. This addresses the earlier reason for refusal where this part of the site was to have been enclosed by a brick wall to create a private garden area that would have presented a blank frontage

to the footpath and reduced the openness. For these reasons the current proposals will be less intrusive within the street scene and are considered not to have an adverse impact upon the character and visual amenities of the surrounding area.

The increased surveillance of the public footpath from the new dwelling will also improve security whilst maintaining a clear definition between public and private property with retention of the hedge.

The above changes have therefore contributed towards addressing reasons 1 and 2 of the earlier refusal.

The provision of a 3 bedroom house with potential to convert the study to a fourth bedroom is considered to be in keeping with the character of surrounding dwellings and would provide for growing needs of the future occupiers whilst providing adequate parking and amenity space to cater for the larger dwelling type. It is also considered to be a flexible and sustainable solution to allow a family to grow without the need to extend or move home.

Loss of trees and landscaping

There are two Tree Preservation Orders (TPO's) on this site. An Oak tree within the rear garden of the existing dwelling has already been removed with TPO consent subject to planting replacement trees. The proposals are for removal of a further five TPO trees (T49-T53) comprising two Alder and three Silver Birch located to the side of the existing dwelling across the centre of the site. It is proposed to plant five replacement trees within the application site comprising two Fastigate Oak, and one each of Norway Maple, Variegated Norway Maple and River Birch. Three trees are located along the frontage with the public footpath and two within the rear garden of the proposed dwelling. The replacements are all to be 16-18cm girth so they will have an immediate visual impact.

The Arboricultural officer is satisfied that the proposals to remove the additional five protected trees to accommodate the new dwelling is acceptable subject to their replacement with five trees of the size and species as referred to above. Replacement trees for the Oak tree removed earlier have not been accommodated within the proposals. However, the Arboricultural officer has advised that due to the site constraints it would be unrealistic to plant seven trees (5 + 2 to replace the Oak) due to the lack of space for them to develop into good specimens and is satisfied with just five replacement trees throughout the site.

The proposals include retention of the majority of the hedge around the perimeter of the plot with the exception of the section of hedge that will

need to be removed to accommodate the driveway and crossover fronting Ganton Road (4m wide approx). The retention of two TPO trees along the Ganton Road frontage will also help assimilate the new dwelling into its surroundings and reduce any potential harm to visual amenities and the character of the site.

Objections have been received relating to loss of mature trees, loss of the open aspect and disputing the weight attached to the amenity value of the trees as referred to in the supporting Arboricultural Impact Assessment. However, the proposals include retention of trees along Ganton Road plus five replacement trees, of a specific size, that will ensure they have an immediate impact within the street scene. This is demonstrated on the street scene drawings. The Arboricultural officer is satisfied that the replacement trees are satisfactory and will add amenity value. An open aspect to the junction of Alnwick Road and Ganton Road will be maintained as the areas in front of the dwelling will remain largely as they are now with grassed areas planted with trees and retention of the low hedge around the perimeter of the site. This will not be as large an area as previously but still maintains an open area between 3.6m deep (Ganton Road frontage) and 8m deep (Alnwick Road frontage) and is considered to respect the visual amenities of the surrounding area.

Impact of the development on the amenity of the surrounding occupiers

The proposed dwelling is positioned 3m to the west of the single storey attached garage at 24 Alnwick Road and there are no main habitable room windows in the gable wall of the main dwelling beyond this that overlook the site. Although the proposed dwelling projects 2m in front of the main facing elevation of 24 Alnwick Road this causes no harm to the privacy or daylight for the existing dwelling as the proposals comply with 45 degree code guidelines.

The separation between facing elevations of the proposed dwelling and dwellings opposite in Alnwick Road achieves a minimum separation distance of approximately 23 metres. Although below the 24 metres separation distance recommended in Appendix E of SPD: Designing Walsall the existing and proposed tree planting helps obscure direct views between dwellings. In addition the footpath lies between the proposed dwelling and 39/41 Alnwick Road. In the circumstances, potential for overlooking existing houses is no worse from the proposed dwelling than it would be from pedestrians using the adopted footpath. There is a separation distance of 18 metres between the proposed new dwelling and the gable wall of 28 Ganton Road opposite. As this exceeds the recommended separation distance of 13m the proposals will therefore have no adverse effect upon the living conditions of the occupiers of 28 Ganton Road.

The detached house at 37 Ganton Road has a gable elevation facing the proposed garden of the new dwelling and there are windows in this elevation at ground floor and first floor, those at first floor being obscurely glazed. The separation between the two buildings is 13 metres. Whilst this does not achieve the separation distance recommended in Appendix E of SPD: Designing Walsall, it is considered that as the first floor windows are obscurely glazed and the ground floor windows look onto the existing 2 metre high fencing, the proposed new dwelling would not have any greater impact upon the outlook, daylight or privacy of 37 Ganton Road than the existing dwelling 24 Alnwick Road.

For the above reasons the proposals are considered to have no adverse impact upon residential amenities of surrounding occupiers as separation distances are sufficient to prevent any adverse impact upon privacy, daylight, outlook or overlooking.

The proposals maintain an open aspect to both frontages and propose retention of trees and replacement tree planting that will maintain a landscaped outlook for surrounding dwellings and prevent any adverse impact upon the character or visual amenities of the surrounding area and addresses reason 3 of the earlier refusal.

The neighbour's concern that construction traffic may use the private drive off Ganton Road is not a matter that the local planning authority can control. However, it is unlikely that vehicles would use this private drive as they would have to manoeuvre within it rather than parking on Ganton Road itself.

Access and Parking

The proposals show a new vehicular access off Ganton Road serving the driveway and garage of the proposed new dwelling. The driveway is 7m in length and 5m wide incorporating space for a turning area. This can easily accommodate two off-street parking spaces (3 including the garage space) and achieve turning space within the site. A vehicle crossover 5.4m wide is proposed and the drawings illustrate 3.4m X 2.4m visibility splays. In the circumstances off-street parking provision meets the criteria specified in policy T13 and the design of the proposed access will maintain pedestrian and vehicle safety.

Despite concerns from third parties that the proposals will increase congestion and create a highway hazard in Ganton Road it is considered that one additional dwelling would have a negligible impact in terms of traffic generation and the design of the access accords with Council standards and is therefore considered acceptable. Pedestrian safety will be maintained by provision of visibility splays and reduction in the height of the hedge to no greater than 600mm at the junction with Ganton Road and the footpath.

The proposals do not indicate provision of a secondary vehicular access off Alnwick Road so the objectors concerns appear unsubstantiated. As the main entrance and access to the dwelling is in Ganton Road presumably it would have a postal address in Ganton Road hence there would be no logic to create a vehicle access off Alnwick Road. In any case there are protected trees in this area that would preclude creation of a driveway.

Summary of Reasons for Granting Planning Permission

The proposals have overcome the previous reasons for refusal of 06/1724/FL/E11 in so far as the dwelling has been repositioned so that it is not as obtrusive within the street scene and maintains an open aspect to both road frontages enabling retention of grassed areas and the majority of the perimeter hedge and planting replacement trees to compensate for those to be removed.

The design and layout of the dwelling is considered to be in keeping with surrounding dwellings and the garden area and separation distances between the proposed dwelling and existing dwellings are considered acceptable as they have no adverse impact upon privacy, outlook or daylighting.

Main objections relate to loss of protected trees and the open aspect at the junction of Alnwick Road and Ganton Road. However, the proposals maintain an open aspect, albeit reduced in size, and propose to replace the trees with new ones of a size that will have an immediate impact upon visual amenities.

The design of the access and parking arrangements for the new dwelling meet the UDP requirements and the safety of pedestrians and vehicles will be safeguarded by provision of visibility splays that can be achieved by reduction in the hedge height. The safety of pedestrians using the footway in Ganton Road or footpath linking Alnwick Road and Ganton Road is therefore maintained. It is considered that provision of one additional dwelling will have a negligible impact upon traffic generation in Ganton Road.

For the above reasons the proposals are considered to comply with policies GP1, 2.2, GP2, GP7, 3.6, 3.7, 3.16, ENV17, ENV18, 3.64, ENV32, ENV33, 3.114, 3.115, 3.116, 3.117, 6.3, H3, H9, H10, T4, T7 and T13 of Walsall Unitary Development Plan, Policies DW1, DW2, DW3 and DW6 of the Supplementary Planning Document: Designing Walsall and the Regional Spatial Strategy for the West Midlands (RSS) and PPS1: Delivering Sustainable Development, PPS3: Housing and PPG13:Transport.

Recommendation: Grant Subject to conditions

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

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

2. The works hereby approved shall only be carried out in accordance with details contained within the following drawing numbers:

- Amended Location Plan (Drwg. No. 10) received 10/01/08
- Amended Site Layout Plan – showing levels & tree planting (Drwg. No. 12B) received 24/07/08
- Amended Layout Plan – showing floor plans and elevations (Drwg. No. 11B) received 08/07/08
- Street Scene & Site Section (Drwg. No. 13) received 10/01/08
- Ganton Road Street Scene (Drwg. NO. 14) received 10/01/08
- Design & Access Statement prepared by Paul Clifton & Associates dated October 2007 received 30/10/07
- Arboricultural Impact Assessment prepared by A L Smith dated 8th November 2006 received 30/10/07

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

3. No development shall be carried out until a schedule of facing materials, including colour, to be used in external walls, roofs and hard surfaces have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, such arrangements to have been previously approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be satisfactorily drained.

5. Prior to the first occupation of the dwelling hereby approved the existing front boundary hedge shall be reduced in height to 600mm above ground level for a distance of 2 metres in a northerly direction from the driveway entrance, and for 4 metres in a southerly direction from the driveway entrance (to the corner of the public footpath) in order to provide a 2.4m x 3.4m visibility splay and to improve visibility generally at

the access point for vehicles in a southerly direction and for pedestrians emerging from the public footpath. The hedge shall thereafter be maintained at or below the specified height in order to retain the said splays.

Reason: In the interests of pedestrian /vehicle intervisibility and highway safety.

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

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

7. Prior to the first occupation of the proposed development the driveway and parking area shown on the approved plan shall be fully consolidated, surfaced and drained and thereafter maintained.

Reason: To ensure the satisfactory completion of the development.

8. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

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

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

10. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

11. The approved tree protection measures detailed in the arboricultural report by Tree Health Consulting Ltd, dated November 2006, shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The land so

enclosed shall be kept clear of all contractors' materials and machinery at all times, as laid out in British Standard 5837:2005

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

12. The replacement tree planting indicated as part of the proposals and shown on the approved drawing 12B shall be implemented in accordance with the approved plans and retained throughout the life of the development unless the Local Planning Authority agrees in writing to any variation. Any trees that die, become seriously diseased, damaged or are removed shall be replaced with a tree of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area and mitigate for the loss of trees on the site.

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

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and policies GP2 and ENV39 of the Walsall Unitary Development Plan

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

Reason: - To safeguard the amenities of nearby residents.

Note to applicant in respect of condition 14

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

Note to applicant in respect of health and safety

The area of this proposed development has a history of mineral extraction that may have resulted in the creation of surface voids that have subsequently been filled or levelled. No specific detail of ground

conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health & Safety at Work precautions they consider appropriate when undertaking construction work at the site of the proposed development.

DRAFT



Walsall Council

ITEM NO: 6.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE:

Application Number: 09/0223/FL
Application Type: Full application

Case Officer: Paul Hinton
Telephone Number: 01922
652420

Applicant: Mr Geoff Stanton
Proposal: Re-submission of
07/2266/FL/E6 for a two bedroom
detached dwelling

Agent: Mr Karl Grace
Location: 182 OGLEY
ROAD, WALSALL, WS8 6AN

Ward: Brownhills

Expired: 24/04/2009

Recommendation Summary: Grant Subject to conditions



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Paul working on draft report – hard copy to be given at agenda meeting – agreed with Norman.

Summary of Reasons for Granting Planning Permission

Recommendation: Grant Subject to conditions

DRAFT



ITEM NO: 7.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number:

09/0215/FL

Application Type: Full
application

Applicant: Hilton Property
Services

Proposal: Proposed
demolition of existing
warehouse and construction of
12 new 2 bedroom apartments

Ward: Willenhall South

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

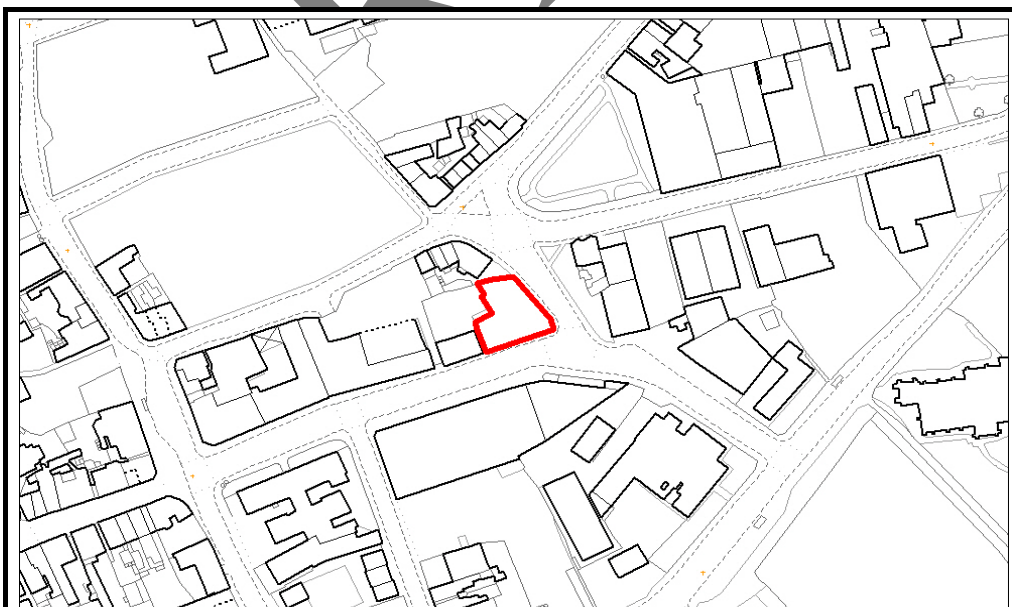
Case Officer: Karon Hulse

Telephone Number: 01922 652492

Agent: Mr J McAlster

Location: LAND CORNER OF LEVE
LANE/JOHN
STREET, WILLENHALL, WALSALL

Expired: 22/05/2009



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Application and Site Details

The site is on the corner of Leve Lane and John Street on the edge of the Willenhall town centre. The application proposes the demolition of the existing three storey vacant factory / warehouse on the site and the construction of 12 x two bedroom apartments. The new development will be 2 and 3 storeys and would occupy a similar position to the existing building at the back of pavement on the corner of Leve Lane and John Street.

The application follows a previous refusal for 15 flats (12 large one bedroom apartments and 3 two bedroom) in the same position as the one now being proposed, but of a different design.

The amendments have been developed following extensive discussions with the applicants and now aim to address the previous reasons for refusal whilst maintaining the site's viability as a development opportunity.

There would be pedestrian entrances from both Leve Lane and John Street, with a secondary access off Leve Lane to a small rear courtyard area which will provide informal amenity area, bin storage area and undercover cycle storage area.

The corner location is very prominent on one of the main approaches to Willenhall town centre. The pedestrianised area of the town centre is approximately 100 metres away to the west. Leve Lane and John Street are both restricted to one way, John Street towards the town centre and Leve Lane out of the town centre.

The density of the site has been reduced from 350 dwellings per hectare to approximately 290 dwellings per hectare.

There is no on site parking proposed however an in depth travel plan has again been submitted. The plan proposes that each dwelling should be provided with a travel pack which contains such information as public transport maps, cycle maps, local facilities maps, details of discounted taxi services, details of the free delivery service offered by Somerfield supermarket, one Black Country Faresaver travel card per apartment and a voucher to the value of £50 redeemable against purchases for cycles.

The site is located close to a good range of local facilities, highway network and public transport routes. Secure cycle parking would be provided for each unit and there are local car parks within 200 metres.

Relevant Planning History

07/2629/FL/W5 - Proposed demolition of existing unit and construction of 15 apartments. Refused for

1. Poor design in a prominent location
2. Density of 350 dph too high – overdeveloped – minimal open space
3. No parking provided – will lead to vehicle parking on street detrimental to safety
4. No arrangements made for 106 contributions

Relevant Planning Policy Summary

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

The adjacent premises, The Ring O'Bells Public House, John Street, is locally listed.

Unitary Development Plan

2.1, 2.2 and GP1: Sustainable Location of Development - Development will be guided by the principles of sustainability.

GP2: Environmental Protection - Requires new development to contribute to the improvement of the environment.

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

GP7: Community Safety - Development is expected to design out crime whilst maintaining good urban design.

3.113, 3.114 & 3.115 Seek good design and high quality architectural and landscape design to improve access, discourage crime and create a distinctive environment.

3.16...The Council will consider development in relation to its setting.

3.6...Development and redevelopment schemes should help improve the environment...considerations set out in GP2.

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

ENV29: determine development (character and appearance of a Conservation Area) in terms of:-

- ~ degree of loss / alteration which makes positive contribution to character of area.
- ~ impact of new buildings on special townscape.
- ~ scale, massing, siting, layout, design or choice of materials used in any new building or structure.
- ~ use / anticipated levels of traffic, parking etc.

ENV14: Development of Derelict and Previously-Developed Land and

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

ENV28: The 'Local List' of Buildings of Historic or Architectural Interest

ENV29: Conservation Areas

ENV31: Continued Protection of the Historic Built Environment

ENV32: Design and Development Proposals - Poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings - Encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved.

H9: Minimum Densities - Housing densities in the range of 30 -50 dwellings per hectare.

H10: Layout, Design and Dwelling Mix - High quality living environment to be created, well integrated with surrounding land uses and local character.

7.3 Travel Plans

T7 and T13 - Car Parking - development to comply with car parking standards : 1, 2 and 3 bedroom houses: 2 spaces per unit, 4 bedroom houses and above: 3 spaces per unit and in town centres will negotiate an appropriate level of parking provision.

T13 (a (vi))...in town centres will negotiate an appropriate level of parking provision.

S8... investment in housing development within and close to Town, District and Local Centres will be encouraged, both on new sites and through the conversion of existing buildings...proposals must achieve satisfactory residential environment, support not prejudice centre's retail, commercial and leisure functions, including the growth of the evening economy.

Para 8.8 and 8.9 - Residential development only permitted where adequate school capacity exists or can be provided.

LC1: Urban Open Spaces - residential developments will be required to make a financial or other contribution which will enable the provision of new, or the improvement of existing urban open spaces.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

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

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

DW5 Ease of movement- create places that are easily connected, safe to move through;
DW6 – Legibility - new development should contribute to creating a place that has a clear identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DBW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings, garden dimensions, etc.

Urban Open Space (SPD) (April 2006)

Requires a contribution of £16,632.00 towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

There are no other contributions required by Healthcare, Education, Affordable or Percent for Art Supplementary Planning Guidance.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Regional Spatial Strategy for the West Midlands (RSS 11)

The Regional Spatial Strategy has been revised and republished on 15th January 2008 to reflect the first Phase of Review. The Strategy seeks to provide broad regional directives and recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region. The next phases of review are underway.

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

a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and

meeting at least the levels of housing provision identified in Policy CF3 table 1;

b) to raise income levels raising demand and household incomes (average earnings, GDP per head and reducing unemployment) to the UK average by 2033;

c) to create an inclusive and cohesive society within the Black Country removing barriers to opportunity and changing the socio economic mix by increasing the proportion of social grades A and B to match the national profile by 2033 or earlier; and

d) to transform the Black Country environment by protecting and enhancing the sub-region's environmental and heritage assets and biodiversity and implementing the Black Country as Urban Park concept.

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

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

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

The policies also aim to enhance public spaces and urban green space. Policy CC1, EN1, EN2 seeks to conserve energy and address climate change.

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

There is no need for this application to be considered under the Conformity Protocol.

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good design.

Supplementary document published on the need to address climate change through the planning system.

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

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

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

Consultations

Transportation - no objections

Pollution Control Division (scientific team) - no objections

Pollution Control Division (contaminated land) - no objections

Fire Service - objects on grounds of unacceptable access for Fire Service

Severn Trent water - no objections

Building Control (Local Planning Authority)- no objections

Centro - no objections

Greenspace Services - Financial contribution of £16,632.00 required

Education - no requirement for financial contribution towards secondary or primary education.

Regeneration (Urban Design) - no objections

Public Participation Responses

None.

Determining Issues

- Development opportunity / design
- Conservation
- Car parking, access and travel plan
- Planning obligations
- Fire Service objections

Observations

Development Opportunity / Design

This resubmission is seen to provide an opportunity to develop a site which is a particular focal point and on a prominent corner on one of the approaches to Willenhall town centre.

The site is currently occupied by a vacant factory warehouse building and is adjacent to the Ring O' Bells public house which is locally listed.

The key principles of the layout and design of the scheme are to create active frontages to each of the two existing roads, to enhance the street scene, provide a development of an appropriate scale and character to the surrounding area, create feature buildings to mark a prominent corner and create a safe and secure environment.

The design of both the building and small external rear area will be quite unique and innovative with its design being attractive overall and the frontage façade fitting into the existing streetscape. The proposed building has been well designed and the character of the development will draw on Willenhall's locally distinctive buildings from the 1930-1950s when the lock-making industry had expanded out of people's homes and small workshops and into factories.

The new development on Wood Street (recently approved) at the former Union Locks building has been designed as an attractive and high quality scheme and the proposals for the Morrison's new store backing onto Wood Street (again recently approved by Development Control Committee) have employed the distinctive characteristics of Willenhall's factory buildings, using them in a contemporary manner, to create a supermarket that reflects Willenhall's context. This development has drawn positively on Willenhall's character in the same way, proposing building forms and fenestration that continue to strengthen Willenhall's appearance and character.

The corner of Leve Lane and John Street is important as it is visible for some distance along Leve Lane in a south westerly direction. The design

incorporates a four storey section to properly address the corner and create a landmark.

The massing of the building has been carefully considered to give an effective and appropriate setting to the public house next door, without being overbearing or overcrowding it. The four storey corner steps down to three storeys over most of the building, and down to 2 storeys where it adjoins the Ring O' Bells.

The site is within the Town Centre (as defined by the Unitary Development Plan) and the proposed use for residential accords with planning policy in general, and would be a positive re-use of the site and beneficial to the local environment and community.

The proposed density on the site has been reduced from 350 (on the previous application) to 290 dwellings per hectare. High densities are not unreasonable for a town centre location and whilst it is accepted that more intensive development is not always appropriate, this scheme is now well designed and will enhance the character and quality of the area. The imaginative design and layout will lead to a more efficient use of land without compromising the quality of the local environment and will provide sustainable living within close proximity to the town centre amenities.

The provision of a small landscaped courtyard as well as the individual private amenity areas for most of the units is positive and provides the opportunity for occupants to enjoy an outdoor environment whilst living in town centre location. These areas are a little larger than on the previous application.

This proposal would therefore be in accordance with Planning Policy Statement 3 and policies of the Unitary Development Plan in so far as the proposal would support and promote an emerging character within this area and therefore the principle is to be encouraged. The design will enhance the area and provide an opportunity to create a building which will be noticeable on this approach to the town centre.

Conservation

The proposed development sits adjacent to a locally listed building, the Ring O'Bells Public House. As such the development has been designed to respect that building and not have any detrimental impact on it, or its setting. The scale and size of the proposed building has been reduced from the previous scheme and now reflects the height of the pub building and retains the existing gap between the buildings.

Whilst the new building will be a contemporary design it includes elements which reflect the context and character of the adjacent pub, local area and neighbouring buildings. The evenly spaced windows, new pedestrian entrances and balconies will help to integrate the new development with

its surroundings as will the proposed storey heights which are also broadly in-line with those of neighbouring buildings along John Street.

Car parking, Access and Travel Plan

Whilst the proposals do not provide any off street parking and this was one of the previous reasons for refusal it is considered by the highway authority that as this is a town centre location, the level of parking required need not reflect the standards in the UDP, but can be negotiated to reflect the location and any other factors..

In this instance whilst there is limited available parking on the street, its closeness to the town centre and all its facilities including the good links to public transport, and health premises, and the presence of public car parks nearby (currently at Lower Lichfield Street, Hall Street and Walsall Street) is considered acceptable and therefore any relaxation can be justified. Secure cycle storage is also proposed within the rear amenity area and the submitted travel plan is considered sufficiently robust, proposing that each dwelling will be provided with a travel pack containing those items outlined in the application details above. This is acceptable and a welcomed move to providing sustainable town centre living accommodation.

Planning obligations

This application triggers a financial contribution towards open space of £16,632.00. The applicants are aware that in order to comply with policy and supplementary planning documents that they will be required to enter into a Section 106 Agreement for this. This is currently being pursued through the councils legal services.

Fire Service Access

The Fire Service require satisfactory access to each dwelling. This can be resolved by providing a dry riser in the staircases with the dry riser inlet at the front of the building, and ensuring there is a fire hydrant within 90 metres of the riser. Furthermore, a domestic sprinkler system to BS 9251 would be acceptable in the areas where fire service access cannot be achieved as an alternative to the dry risers. The applicants have agreed to these measures.

Summary of Reasons for Granting Planning Permission

Having considered the location of the site in relation to Willenhall Town Centre, the proposals are considered to comply with the relevant policies of the Development Plan and be in keeping with the provision of housing in town centres. Furthermore, the design of the building has drawn on the character of the local area and its imaginative design and layout will lead to a more efficient use of land without compromising the quality of the local environment, provide sustainable living within close proximity to the

town centre amenities and provide a focal point on a prominent corner to this approach to Willenhall town centre. This proposal would therefore be in accordance with Planning Policy Statement 3, and policies of the Unitary Development Plan as the proposal would support and promote an emerging character within this area.

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

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. Prior to any development commencing a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

(NB The current bin storage provision is not sufficient to serve the proposed development. A revised plan shall be submitted to include a recycling bank.)

Reason: In the interests of highway safety.

4. No development shall begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented fully in accordance with the agreed details prior to first occupation.

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

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

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

6. All pedestrian access gates within the development shall be fitted with self closing and lockable gates which shall be implemented prior to first occupation of any unit within the development and thereafter retained in good working order

Reason: In the interests of securing the site.

7. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas, any remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. The approved remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the approved remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure the satisfactory development of the site.

8. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey., including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion, a scheme for suitable noise mitigation measures to protect internal areas shall also be submitted to and agreed in writing with the local planning authority. The development shall not be occupied until such measures have been fully implemented.

Reason: To ensure the satisfactory development of the site.

9. Prior to the development commencing details shall be submitted to the Local Planning Authority indicating the provision of dry risers in the staircases with the dry riser inlet at the front of the building and indicating a position of a fire hydrant within 90 metres of the risers or as an alternative to dry risers full details of a domestic sprinkler system to BS 9251 standard. The details shall be agreed in writing before the development is commenced and thereafter retained in good working order at all times.

Reason: To ensure the satisfactory development of the site and protection of future occupants.

10. The submitted Travel Plan shall be monitored and reviewed on an annual basis in partnership with the Councils Sustainable Travel Officer. The review shall identify any refinements and clarifications deemed necessary to plan. The revisions shall thereafter be implemented in conjunction with the use approved under the permission, unless otherwise agreed in writing by the Local Planning Authority,

Reason: In order to encourage sustainability at the site and to promote use of alternative modes of transport in accordance with policy 7.3 of the Unitary Development Plan.

11. No development shall be commenced until a revised plan is submitted and approved in writing by the Local Planning Authority which indicates the provision of cycle lockers for each apartment. The Cycle Storage shall be covered, secured and provided with adequate illumination. The agreed details shall be implemented prior to any unit being first occupied.

Reason: To ensure the satisfactory provision of cycle storage.

12. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800

weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

13. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall give particular attention to the rear boundary with the adjacent public house and include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

Note for Applicant

A. Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 –

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

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

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

following are relevant:

a) internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;

b) internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hour})}$, of 45 dB between the hours 07.00 to 23.00.

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in: Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".
British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;
British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.
British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995

This is not an exhaustive list.

Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued

monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

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

D. Vibration surveys shall be conducted having regard to the advice, recommendations or requirements contained in British Standards: BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz); BS 7385-1: 1990 Evaluation and measurement for vibration in buildings Part 1 'Guide for measurement of vibrations and evaluation of their effects on buildings'; BS 7385-2: 1993 Evaluation and measurement for vibration in buildings Part 2 'Guide to damage levels from ground borne vibration'.

This is not an exhaustive list.

Guidance on physical mounting on accelerometers may be obtained from British Standard BS ISO 5348: 1998 Mechanical vibration and shock – Mechanical mounting of accelerometers

E. The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports (Environment Agency 2005) for the type of information that they require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health. Refer to the Environment Agency website at www.environment-agency.gov.uk

F. There is an existing public sewer which crosses the site. The applicant is advised to consult Severn Trent Water to consider diverting the sewer in accordance with Section 185 of the Water Industry Act 1991.

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

DRAFT



Walsall Council

ITEM NO: 8.

To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration Directorate on
21 Apr 2009

REASON FOR BRINGING TO COMMITTEE:

Application Number: 09/0252/FL
Application Type: Full application

Case Officer: Barbara Toy
Telephone Number: 01922
652429

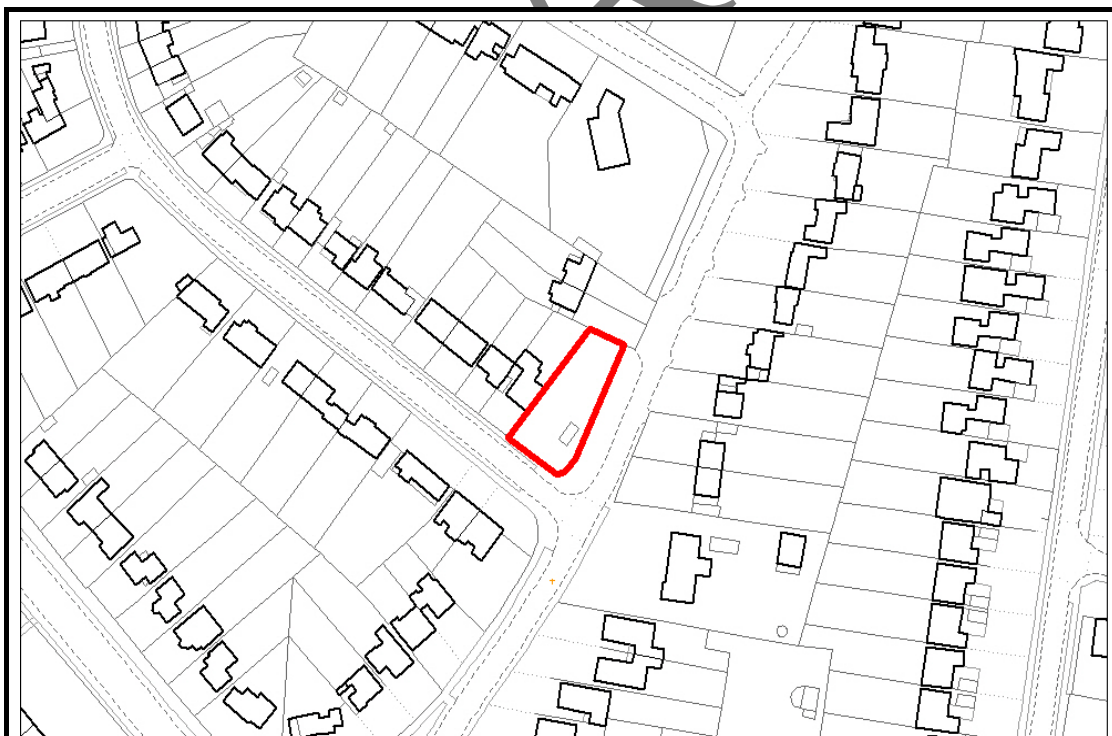
Applicant: Mr A Vurlan
Proposal: Erection of 5 Bedroom,
two storey detached dwelling on
land adjacent.

Agent: Mr Phillip Taylor
Location: 4 LONSDALE
ROAD, WALSALL, WS5 3JJ

Ward: Paddock

Expired: 23/04/2009

Recommendation Summary: Grant Subject to conditions



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Summary of Reasons for Granting Planning Permission

Recommendation: Grant Subject to conditions

DRAFT