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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2477/FL/E6

Application Type: Full application

Applicant: Bace Groundworks Ltd

Proposal: Change of Use from Storage to Non Hazardous Inert Treatment and Transfer Site to Recycle Inert Materials for Resale and Aggregates Opening Hours. Mon-Fri 0700-1800, Saturdays 0700-1300, Emergency Maintenance out of Hours Notified

Ward: Aldridge/Central & South

Recommendation Summary: Grant Subject to conditions

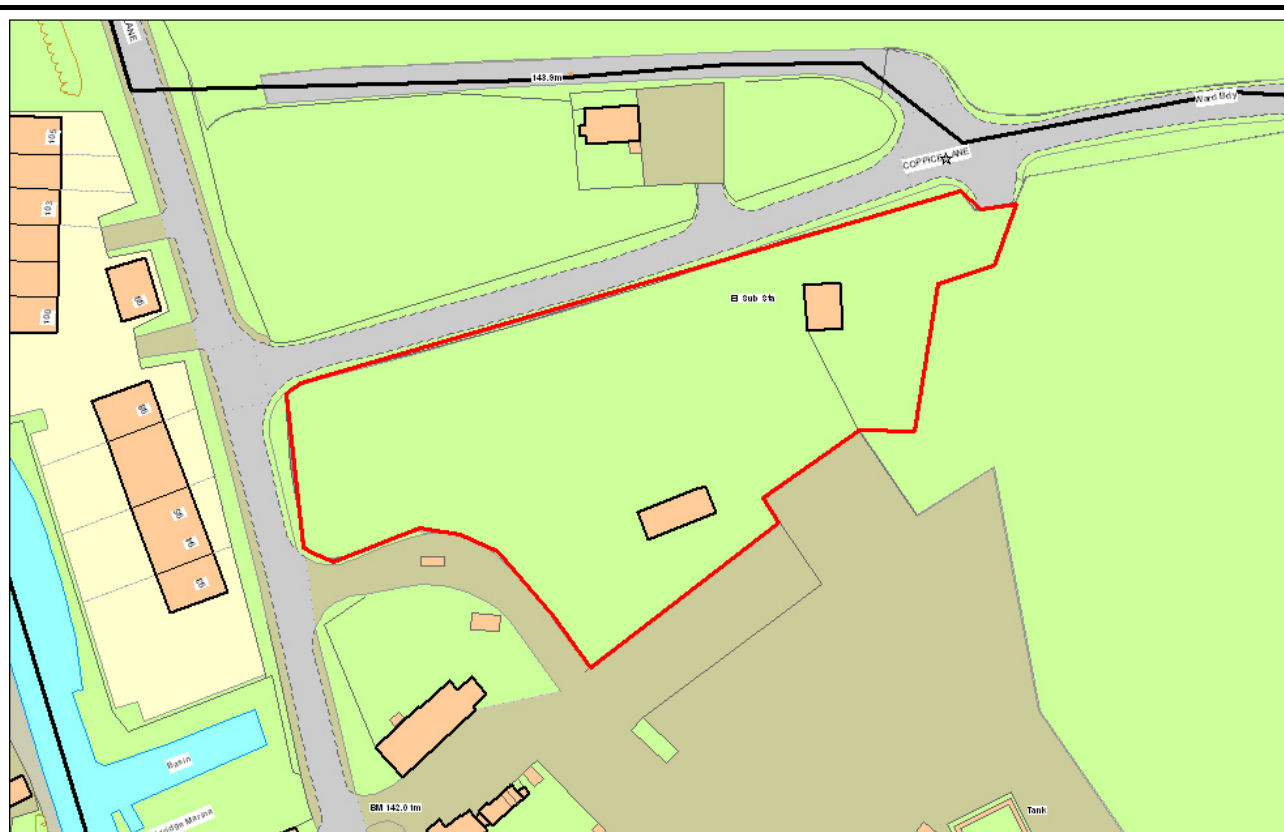
Case Officer: Paul Hinton

Telephone Number: 01922 652420

Agent: Mr. D.E. Quince

Location: BACE GROUNDWORKS LTD, COPPICE LANE ALDRIDGE, WALSALL, WS99AA

Expired: 17/01/2008



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Application and site details

This application is for the change of use of a plant storage yard to the treatment of non-hazardous inert materials which are to be recycled by breaking down demolition materials into aggregates for resale.

The applicants propose working hours of 07.00 to 18.00 Monday to Friday and 07.00-13.00 on Saturdays. The amount of material to be stored on site at any one time would be 10,000 tonnes, with a maximum annual throughput of 74,790 tonnes and a daily throughput of 250 tonnes. The expected vehicle movements would be in the region of 30 per day varying between 7 and 29 tonnes.

There are two existing buildings on site; a brick built substation and an existing maintenance building. The applicants have confirmed that once equipment stored by a third party has been removed, the sub-station building will be demolished.

The application site is located on the corner of Coppice Lane and Brickyard Road on the edge of an industrial area. To the north is the Vigo Utopia landfill site, which is shortly due to be completed and become public open space. To the east and west are industrial units and directly to the south is part of the former Ibstock Brick site, which has recently been divided by additional fencing and currently sits vacant. Further south is Ibstock Brick works. For purposes of the UDP, the site is considered to fall within the category of other employment land.

The Coppice Lane frontage is screened by a 2m high bund, with established planting. A 2.5m high chain link fencing provides security. To the other boundaries a 1.8m high metal palisade fencing is in place, the applicants propose a 5m high/4m wide landscape bund to the south and west boundaries, to support oak, ash and birch planting, to screen the site. Two storage bays of 15m by 15m, with a 2.5m high back wall are proposed to the east of the site, which would hold stone and brick hardcore. 10 staff and visitor car parking spaces, toilets, a portable office, weighbridge and 2 builders skips are proposed. The rest of the site will be used to store inert waste material which is then processed to create aggregates to be stored within the storage bays.

The applicants state that the materials will be from local sources, with a limited amount of material from outside of the borough. The company will be working to the new landfill directive, treating recovered inert materials for reuse in the local construction, engineering and landscape gardening sectors, minimising the need to use virgin materials. The process involves importing non hazardous material, putting it through a mobile crushing unit to create aggregates. Waste generated is transferred to one of the builders skips and then later disposed either once or twice a week. The crushed aggregates are transferred to one of the two storage bays ready for resale distribution.

Vehicles entering and leaving the inert treatment facility will not number more than 30 vehicles movements per day, the largest vehicles being 8 wheel 32 tonne tippers, the majority of these vehicles will be the site operatives own vehicles which are kept at their depot at the Maybrook Road Industrial Estate. All vehicles will be netted or sheeted on entering or leaving the site. The loading area will be kept clean and tidy in order to minimise the possibility of vehicles carrying material out on their wheels, a motorised sweeper will also be in use during working hours.

The applicants state that there should not be a problem with dust from the operation of the crushing and screening equipment as they are fitted with dust suppression sprinklers. Dust that may be caused by vehicle movements during very dry weather conditions will be controlled by manual jetting of water by hose. The applicants state that noise should not be a problem once the bunding and tree planting regime becomes established and the intended plant will be maintained to the manufacturers noise suppressed requirements.

Imported material will only be processed to customers order. The height of all materials stored on site will not exceed the height of the bunds. No plant or equipment will be left on the storage mounds over night or at weekends. The screening and crusher equipment will remain at ground level at all times, however the feed hoppers can extend up to 3m in height during the working process and the excavators which supply the hoppers would not be more than 5m above the hoppers. The existing workshop is proposed to be refurbished.

At the time of the officer's site visit, the use had commenced. Therefore the application is being dealt with as retrospective.

Relevant Planning history

BC59315P – Construction of plant storage and maintenance building. Granted subject to conditions. 5/8/1999.

BC02647P - Change of use to commercial tractor and tyre fitting. Granted subject to conditions. 25/2/1982.

BC13549P - Change of use to tyre fitting and repairs. Granted subject to conditions. 11/4/1985.

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

Unitary Development Plan

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

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

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

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

Policy ENV10

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

1. Release pollutants into water, soil or air
2. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust steam, heat, light, vibration, smell, noise or other polluting emissions

3. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.
- b) Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

JP7 a) uses permitted in these areas include:

- iv. scrap metal dealing, car breaking, recycling of metals and other materials, waste transfer stations and other activities which are unlikely to be acceptable in non-industrial areas, subject to policy JP8.
- b) whilst the above uses are appropriate in principle in these areas, not all uses will necessarily be suitable for all sites and buildings.

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

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

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

- i. Height of open storage
- ii. Location, within the site, of activities with a potentially adverse impact
- iii. Hours of operation
- iv. Boundary treatment
- v. Proper demarcation of areas for parking, loading and manoeuvring which shall be kept clear of stored material

Policy 9.9 – The Council will endeavour to maintain the Metropolitan area's contribution towards meeting the regional demand for aggregates and the role that recycled and waste materials can play in helping to meet aggregates needs.

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

Policy WM1

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

- i. The proposal can be demonstrated to be the best practicable environmental option for the achievement of the Council's strategy for waste management, and

- ii. There will be no unacceptable adverse impact on the environment, amenities or health of the area
- b) Wherever reasonably practicable, waste management activities other than landfill should be contained within buildings rather than carried out in the open air

National Policy

Planning Policy Statement 10: Planning for Sustainable Waste Management: Waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should focus on whether development is an acceptable use on the land, and the impacts of those uses on the development and use of the land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced and it should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority.

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

Consultations

Amended plans and additional information has been received, the consultation period is due to expire on 8th February 2008, any additional comments will be reported in the supplementary papers.

Transportation – no objections subject to use of appropriate conditions.

Pollution Control Scientific Team – no objection to the above application in principle. To protect nearby residents from noise and dust from operations however conditions have been recommended.

Pollution Control Contaminated Land Team – to fully consider the application further information is needed on how the site is going to be treated to prevent cross contamination of materials and details on what surface treatment is going to be carried out to prevent any potential localised contamination from materials brought onto site.

Landscape – no objections subject to conditions for details of an appropriately sized and constructed bund and to ensure the site operations remain within the working area to ensure no damage to the existing boundary bund and planting.

Natural Environment – no objections subject to the submission of a tree survey, tree protection measures and an appropriate landscaping scheme.

Environmental Health and Consumer Services – no objections.

British Waterways – no objections.

Inland Waterways Association – no objections.

Fire Service – satisfactory access for fire appliances.

Public Participation Responses

Two letters have been received, one from Ibstock Group and one from the agent acting for the owners of the adjacent vacant premises and yard, objecting on the following grounds:

- Proposal would create significant quantities of airborne dust which would be a significant hazard to both neighbouring properties and road users. This is exacerbated by the stock piling of materials well above ground level.
- High risk of airborne contamination of limestone over clays stored on the brickworks site. Limestone causes serious problems in finished bricks.
- Concern over the expected vehicle movements and access and highway ability to accommodate the increase in traffic.
- The proposal would have a detrimental effect on the adjacent employment areas and would limit their potential for that purpose. It would become more difficult for the re-sale or re-letting of industrial buildings in close proximity to the application site.
- Noise and vibration will be a problem for the adjacent areas, again the elevated nature only serves to exacerbate the problem
- The site is too small for the proposed use
- The bund width proposed would be incapable of supporting its height, and therefore serves no purpose.
- Other means of screening should be explored.

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

Determining Issues

- Principle of use
- Noise, dust and cross contamination
- Impact upon the character and openness of the Green Belt
- Impact upon visual amenity
- Impact upon highway safety
- Sustainable waste management
- Public participation issues

Observations

Principle of use

The application site is within an industrial area. The site is considered an employment area use but needs to demonstrate that the use should not have an adverse impact upon other land uses and that it is capable of providing satisfactory screening and landscaping.

Noise, dust and cross contamination

The nearest residential property is across the existing landfill 325m away. Noise and dust is therefore considered in relation to the neighbouring commercial sites. Coppice Lane and Brickyard Road are both busy roads carrying high percentages of commercial based vehicles

Pollution Control does not object to the planning application. It is considered that landscape bunds can provide a satisfactory level of protection from noise and dust and this is required to be controlled by recommended safeguarding conditions, particularly to ensure the implementation of a dust suppression strategy. Appropriate planning conditions are recommended to ensure environmental impacts can be successfully managed. The facility also requires a permit from the pollution control authority which will be subject to stringent operational control that will minimise disturbance to adjacent uses. This should protect the Ibstock Brick clay stockpiles. There are no sensitive uses in the vicinity that are sufficiently close to be adversely affected. The proposed development also represents an opportunity to secure some environmental improvements through landscaping, demolition of the sub-station and improvement of the existing maintenance building.

Pollution Control requested further information on the treatment of the site to prevent cross contamination from part of the site that was once used to take hazardous waste. Additional information is being assessed. Comments will be reported in the supplementary papers.

Impact upon the character and openness of the Green Belt

The application site is 47m from the Green Belt boundary. The existing planted bunds and recommended conditions to restrict the height of stored materials will ensure that the proposal would not impact upon the character and openness of the Green Belt.

It is acknowledged that the management of the stockpiles also includes the mechanical excavator to work at high levels on the stockpiles. PPS10 recognises the protection of green belts, but also the particular locational needs of some types of waste management facilities and together with the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining whether proposals should be given planning permission.

It is considered that this industrial use within an established industrial area contributes to the recycling of waste material helping avoid the use of primary aggregates. The plant in use, while specialist is no larger than many items of construction plant and indeed is wheeled to facilitate movement around the site. Therefore it is considered that the excavator working at high levels at various positions across the site would have a limited impact upon the openness of the Green Belt. A condition is recommended that would require plant and equipment to be stored at ground level outside the operation hours.

Impact upon visual amenity

The 2m high landscape bund to the Coppice Lane boundary is supplemented by 2-3m high trees means site activities can only be seen from the driveway to the adjacent site along Brickyard Road. The proposed bunds to the south and west boundaries will provide a planted landscape screen for approximately 90% of the site boundaries.

The Landscape Team have no objections to the application. It is recommended that safeguarding conditions are used to control the height of both pre-and post-treated material to ensure that the stockpiling of material does not exceed the height of the existing and proposed bunds. The proposed bund is too narrow at 4m to support the 5m height, it is considered possible that an appropriate bund can be constructed on the site to achieve an appropriate visual screen, this can be achieved by condition which would also ensure that the bund is constructed to the Council's requirements so

that planting can become adequately established and able to be retained in the long-term.

The site operations mean that the extractor plant sits on top of the stored pre-treated material. It is likely that plant when on the mound will exceed the height of the landscape bund. Due to the need for the plant to move around the site, it is considered that this would not create a permanent solid feature and is therefore acceptable.

There are two buildings on site, an existing sub-station and a maintenance workshop. The applicant has stated that the sub-station will be demolished once materials stored by a third party has been removed and the electrical connections have been relocated. The existing workshop, which has been allowed to deteriorate over time, will be refurbished with appropriate materials. This refurbishment and type of finishing materials can be secured by condition.

A condition restricting the portable building to a temporary consent of three years would allow for the situation to be reviewed and the opportunity to secure the removal of the building should it become dilapidated and unsightly.

Impact upon highway safety

Transportation does not object to the application. The application site is well connected to the road network and in view of the short-term completion of the landfill site, the reduction of commercial traffic associated with the landfill use and traffic movements proposed as a result of this application would have no further detrimental impact upon the highway network. A condition is recommended to ensure a concrete pad is laid around the entrance to ensure any materials gathered from vehicles within the site is deposited within the site rather than on the highway. A wheel wash facility is also required.

Sustainable waste management

Waste transfer stations can be permitted if it can be demonstrated to be the best practicable environmental option for the achievement of the Council's strategy for waste management and that there will be no unacceptable adverse impact on the environment. Wherever reasonably practicable, waste management activities should be contained within buildings rather than carried out in the open air. It is considered that it would be impracticable to construct a building for this use and that environmental issues arising from the open-air operations can be controlled by conditions and under pollution control legislation.

The proposal reduces the need for primary aggregates helping deliver sustainable development.

Public participation issues

It is considered that the generation of dust can be limited by appropriate dust suppression methods and by stockpiling materials no higher than 3m. The impact upon airborne limestone dust on the clays stored in the brickwork site is not a reason to refuse the planning application because reasonable protection measures can be adopted.

It is considered that appropriate conditions and the pollution control legislation ensure that there will be minimal impact upon the adjacent employment land and its long term viability.

The size of the site and the details submitted with the application demonstrate that the use can adequately function; the size of the site and recommended conditions ensures that the operations cannot grow to unacceptable limits.

Recommendation: Grant Subject to conditions

1. Within three months from the date of this decision a working plan and Waste Management Licence plan approved by the Environment Agency shall have been submitted to the Local Planning Authority. If an approved plan and licence is not received within this time operations shall cease until appropriately approved documents have been submitted to the Local Planning Authority.

Reason: To define the permission.

2. Within one month from the date of this decision, full details, including location, width, height, profile, method of construction and types of material for the proposed landscaping bund shall be submitted to the Local Planning Authority for approval. The landscaping bund shall be constructed in accordance with the agreed details within three months from the acceptance of these details. The landscaping bunds shall be retained and maintained in a weed free condition until permanent planting can take place. All landscaping bunds shall be retained thereafter.

Reason: In the interests of visual amenity.

3. The landscaping bunds constructed under the terms of this permission shall be planted in the first available planting season (November-March), in accordance with a planting plan for the whole of the site to be submitted to the Local Planning Authority within one month from the date of this decision. This plan shall show the position, species, numbers and size supplied of all new planting. The planting on all the landscaping bunds shall be maintained for a period of 5 years from the full completion of the approved scheme. 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.

Reason: To ensure the satisfactory appearance of the development.

4. Within one month from the date of this decision a tree survey to 'BS5837 2005: Trees in relation to construction' standards must be undertaken and submitted to the Local Planning Authority. No trees or hedges shall be removed unless agreed in writing by the Local Planning Authority.

Reason: To safeguard the trees.

5. Within one month from the date of this decision a plan indicating the design and location of protective guards or fencing (in accordance with the design in BS5837) to protect all trees or hedges to be retained and proposed as part of the landscape scheme shall be submitted for approval by the Local Planning Authority. The approved details shall be implemented within three months of the written approval and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority. The protection area shall be kept clear of all rubbish, materials, equipment, vehicles or

any other activity likely to cause compaction, poisoning or mechanical damage to the trees.

Reason: To safeguard the existing and proposed trees.

6. Within one month from the date of this decision details for a vehicle wheel-wash shall be submitted to the Local Planning Authority. Within three months from the date of the acceptance of these details the wheel-wash shall be installed as agreed. No vehicles shall leave the development site and enter onto the public highway without first passing through the wheel-wash system, which shall be maintained in a fully operational condition throughout the period of operation.

Reason: To avoid the transfer of mud or debris onto the public highway in the interests of highway safety.

7. Within one month from the date of this decision details shall be submitted to the Local Planning Authority for the refurbishment of the existing maintenance workshop. The details shall include a schedule of materials to be used. The refurbishment works shall be completed within 9 months from the written acceptance of these details.

Reason: To facilitate the visual improvements of the site.

8. Within one month from the date of this decision full details of design, size and materials of the proposed portacabin and toilets shall be submitted to and approved in writing by the Local Planning Authority. The portacabin and toilets shall be retained in the location as shown on approved plan 006 received by the Local Planning Authority on 22nd January 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the permission.

9. Within one month from the date of this decision details for the location and construction of a hardsurfaced (concrete or other suitable material) internal site road extending from the site access to and including the parking area and weighbridge shall be submitted to the Local Planning Authority. Within three months from the written acceptance of these details from the Local Planning Authority works shall be undertaken in accordance with the agreed details.

Reason: In order that the site is brought into a condition capable of containing the development and to avoid the transfer of mud or debris onto the public highway in the interests of highway safety.

10. Within one month from the date of this decision, in accordance with condition 9, details for the revised car parking area and parking and waiting areas to accommodate the largest delivery vehicles shall be submitted for approval by the Local Planning Authority. The car parking area shall be a minimum of 1m from the existing landscape bund with 10 parking spaces of 4.8m by 2.4m. The car parking spaces shall be demarcated and used for no other purpose. The delivery vehicle parking and waiting areas shall be demarcated and retained for the purpose of parking or waiting only. The parking and waiting areas shall be implemented within three months from the date of written acceptance from the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity.

11. Within one month from the date of this decision details for the storage bays hereby approved shall be submitted to the Local Planning Authority. Within three months from the written acceptance of these details from the Local Planning Authority works shall be undertaken in accordance with the agreed details. The storage bays shall only be used for the storage of stone and brick hardcore not exceeding 250m³ in each bay and materials shall be stored to a height that does not exceed the walls of the bays.

Reason: In order that the site is brought into a condition capable of containing the development and in the interests of avoiding any adverse environmental impact arising on adjacent uses in the vicinity.

12. Within one month from the date of this decision a method statement for the purposes of controlling grit and dust across the site in all weather conditions shall be submitted to the Local Planning Authority. Within three months from the written acceptance of these details from the Local Planning Authority works shall be undertaken in accordance with the agreed details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority. At no time shall the site be operated so as to permit the escape of any litter or visible dust emissions outside the confines of the site. In the event of any such emissions despite the use of dust suppression techniques then the operations that cause dust emissions shall cease until such time as conditions change and dust suppression becomes effective.

Reason: To prevent any dust emissions or escape of litter arising

13. The portacabin and toilets hereby permitted shall be removed prior to the expiration of 3 years from the date of this permission, unless a further planning application for its retention or the removal of this condition has been approved by the Local Planning Authority. All materials arising from the demolition shall be removed and the site left in a neat and tidy condition.

Reason: The permanent retention of the building(s) would be inappropriate as the site should ultimately be developed by the erection of suitable permanent buildings and an unlimited permission may prejudice development in accordance with the Unitary Development Plan.

14. The electric sub-station shall be demolished within 9 months from the date of this decision, unless otherwise agreed in writing by the Local Planning Authority. All materials arising from the demolition shall be removed and the site left in a neat and tidy condition

Reason: To define the permission.

15. No site operations or storage shall take place within 1m of the landscape bunds.

Reason: To ensure the long-term protection of the landscape screening.

16. Materials shall at no time be stored any higher than 3m above ground level.

Reason: To define the permission and in the interests of visual amenity.

17. The screening and crusher equipment shall remain at ground level at all times.

Reason: In the interests of visual amenity.

18. The total quantity of waste imported onto the site as measured over any 52 week period shall not exceed 78,000 tonnes. There shall be no more than 10,000 tonnes of inert waste and recycled materials within the application site at any one time.

Reason: To minimise the potential for any adverse impact arising from the development.

19. The development hereby approved shall only be for inert waste recycling, the following types of waste shall not be imported onto the site:

- a) Any waste comprised in the form of liquid sludge or slurry;
- b) Any biodegradable or putrescible waste other than timber from demolition waste;
- c) Any waste classified as hazardous within the European Waste Catalogue.

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

20. No vehicles shall be permitted to enter or leave the site except in forward motion.

Reason: To prevent any potential adverse impact on the adjoining highway.

21. No operations or activities associated with this permission shall take place on any Sunday, Bank Holiday or Public Holiday*, and such operations or activities shall otherwise only take place between the hours of 07.00 to 18.00 weekdays and 07.00 to 13.00 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.

Note for Applicant

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

22. Plant and equipment shall not be parked or stored on any of the material stockpiles outside of the approved working hours.

Reason: In the interests of visual amenity.

23. No surface water shall be permitted to enter the sewer system without being passed through an interceptor tank installed within the site which shall thereafter be retained and maintained in an effective condition for the duration of the development.

Reason: To prevent any incident of ground or water pollution.

24. Any facilities for the storage of oils, fuels, chemicals, or any other potentially polluting liquids shall only be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank/vessel or the combined capacity of

interconnected tanks or vessels plus 10%. All filling points associated pipework, vents gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: to prevent any incident of ground or water pollution.

25. No public address facility shall be installed internally or externally to the development without the prior written approval of the local planning authority and thereafter it shall not be modified from any approved details.

Reason: To safeguard the amenities of adjacent occupiers.

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, ENV3, ENV10, ENV32, JP7, JP8, 9.9, 10.4 and WM1 of Walsall Unitary Development Plan and guidance given in National Planning Policy Guidance 4: Industrial, commercial development and small firms, Planning Policy Statement 10: Planning for Sustainable Waste Management and Planning Policy Guidance 24: Planning and Noise, 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Major planning application

Application Number: 07/2644/FL/E12

Application Type: Full application

Applicant: Housing 21

Proposal: 53 No. Extra Care Apartments,
Communal Facilities, Day-Care Centre,
Parking and Associated Landscaping

Ward: Aldridge/Central & South

Recommendation Summary: Grant Subject to conditions

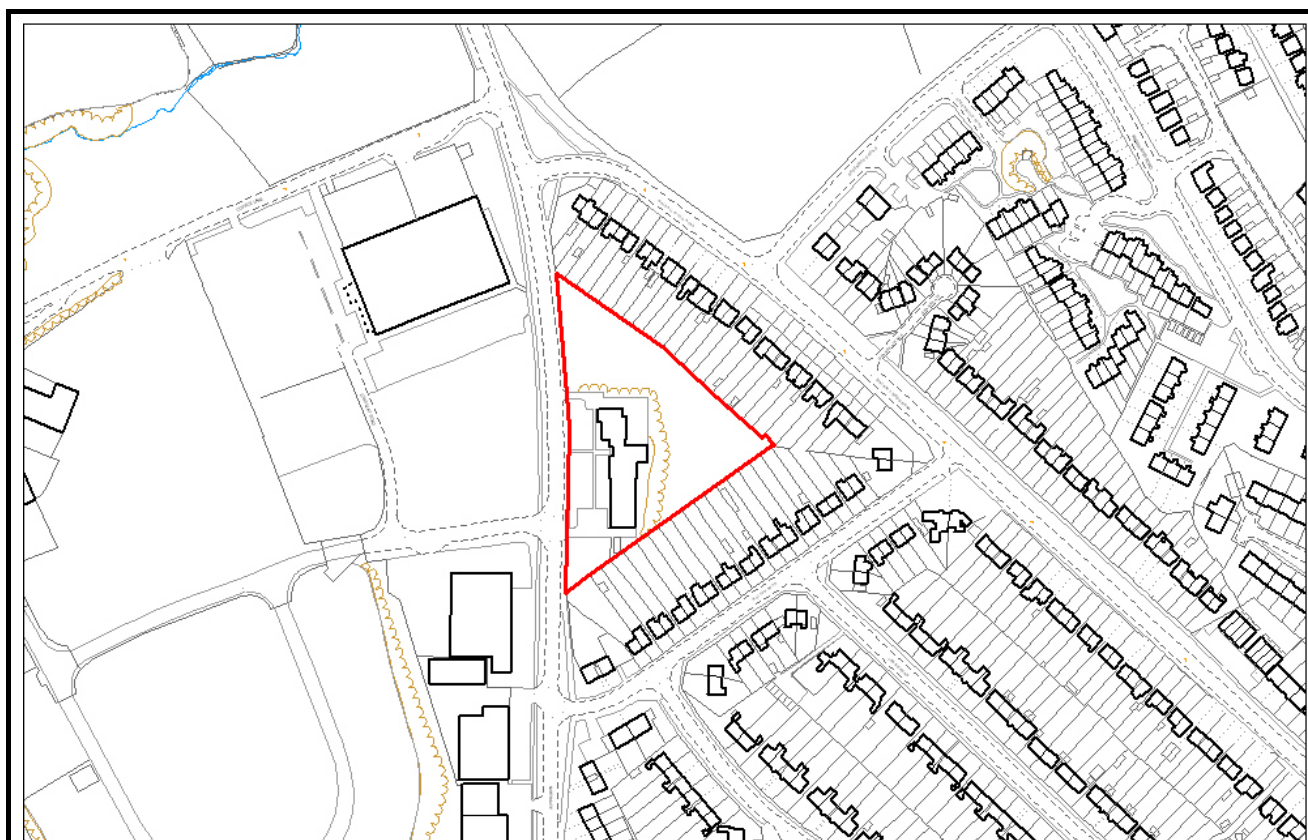
Case Officer: Devinder Matharu

Telephone Number: 01922 652429

Agent: Calfordseaden LLP

Location: NORTHGATE
REHABILITATION CENTRE,
NORTHGATE, WALSALL, WS9

Expired: 11/03/2008



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Application and Site Details

The application proposes the redevelopment of the site for 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 an employment site in the UDP.

The site comprises a vacant single storey rehabilitation centre building positioned across the frontage of the site facing the road.

The proposal includes the demolition of the existing building and erection of 28 x 1 bed and 25 x 2 bed apartments (including 25% shared ownership and the remainder at affordable rent) 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 significantly more trees and shrubs will be planted within the rear private amenity area and along the Northgate frontage of the site, in mitigation.

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 site investigation report, an environmental noise assessment, arboricultural survey and a Phase 1 habitat survey.

Relevant Planning History

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

PPS 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS3: 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

PPG 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation – No objection subject to conditions regarding the specification of the access, provision of a 2m pedestrian footpath into the site, parking bays to be demarcated, disabled logo within the parking bay, restriction on the occupation to 60 plus and a revised plan to demonstrate that a refuse vehicle can enter, manoeuvre, and leave the site in a safe manner.

Pollution Control –Scientific Team - no objections subject to conditions regarding noise survey and mitigation measures and hours of working on site.

Pollution Control – Contaminated Land Team - The preliminary desk study (Phase 1 Desk Study Report for the Northgate Centre, Aldridge, GS166-03/NJS/HB/GP) provided with the planning application has identified the need for intrusive site specific investigation due to the potential contamination and likelihood of the presence of ground gas. The site investigation should identify and assess the risk to end users of contamination present on the site, it should also recommend suitable measures to deal with any contamination and make the site suitable for its end use this should be in the form of a remediation statement. Conditions are required to address these issues. The developer has clarified the missing data.

Fire Service – Satisfactory access for fire appliances.

Regeneration - Arboricultural Officer – No objections, providing the tree protection fencing is erected in accordance with BS: 5837 2005 and details of the species and size of replacement trees are submitted.

Most of the significant trees are on the periphery of the site or situated outside of it and the proposed construction would appear not to encroach within their root protection areas, the trees proposed for removal are acceptable as they are of low amenity value or in poor condition and can be easily replicated elsewhere on site as indicated on the landscape plan LA / WS / - / 90 / 01.

Regeneration – Landscape – Areas of native screen planting are shown along the boundaries adjoining existing gardens, this planting consists mainly of shrub species such as hazel and dogwood. To provide a tall screen this mix should include tree species such as Birch and Cherry. A schedule giving plant species, size supplied and planting density has been provided, the details of the shrub planting are acceptable. All tree sizes are shown as 'extra standard heavy trees'. The information does not constitute a full landscape plan that would meet a 'standard' landscape condition. Details of the plant numbers and location are required to complete such a plan. At the same time the location, height and colour finish of the fence should be clearly stated.

Urban Designer – No objections

Environmental Health – No adverse comments.

Housing Strategy and Partnerships – Supportive of the application which contributes to the Council's Extra Care Reprovision programme, providing more affordable modern housing for older people.

Public Rights of Way – No comments

Environment Agency – Low environmental risk

Representations

Five letters from two local residents have been received objecting to the proposal on the following grounds:

- Not enough car parking for the development will result in parking on Northgate.
- Car parking in Aldridge is insufficient and if more buildings go up there would be no where to park
 - 3 storey not conducive to the area
 - loss of daylight in the winter and summer months to residential properties
 - loss of privacy reducing enjoyment of the rear of our properties.
 - loss of outlook
 - loss of sunlight through out December and January
 - overshadowing
 - property will be within feet of 386 Walsall Wood Road
- devaluing of property
- enough retirement homes in Aldridge that are not selling.

Two petitions with a total of 39 signatures have also been received objecting to the proposal on the grounds raised above.

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

Determining Issues

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

Observations

Principle of development

The application site comprises previously developed 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 ear marked for new employment land under policy JP1 of the UDP.

The site is situated between Aldridge district centre and Streets Corner local centre, linked by Northgate, which is served by a number of bus routes, the site is therefore considered a sustainable location with good public transport. The principle of residential on the site is therefore considered appropriate.

Policy H9 indicates that densities of between 30 to 50 dwellings per hectare are likely to be suitable for most sites. Higher densities will be encouraged if the proposals are 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 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 proposed development would run almost the entire frontage of this site along Northgate, being set off the boundary either side, away from the rear garden boundaries with the residential properties on Walsall Wood Road and Walton Road. The two front corners of the site which form the boundary with these residential properties would be landscaped to provide an attractive frontage along this busy section of the highway.

The scheme is set back within the site to accommodate a car parking area on the frontage, with landscaping to the street frontage and immediately in front of the building to soften the visual impact of the proposed parking from the street and the building.

A metal fence and gate will be erected along the side of the building to secure the site. A private landscaped garden with a gazebo, terrace, pergola and a crazy golf course will be provided to the east of the site. Landscaping will be accommodated along the rear boundaries with the properties on both Walsall Wood Road and Walton Road to provide privacy for all potential and adjoining occupiers.

All public areas (including the day centre and restaurant) will be provided within the ground floor of the southern wing, just inside the main entrance, which allows the northern wing to be purely residential and would ensure the security and safety of residents.

Two lifts will be provided within the scheme to give access to the upper floors. The scheme is designed with a central corridor with flats either side which, whilst not ideal, providing single aspect units, the requirements for level, internal secure access to all units is a priority for residents so that they can use the restaurant, shop, hairdressers etc without leaving the building or using any steps and is accepted as a key design choice.

Each flat would have its own front door and facilities such as a kitchen, bathroom and lounge area, some of the flats would have two bedrooms and others having a single bedroom. Some of the flats would have double doors and a Juliet balcony others would have windows within the gable features to allow views on to Northgate and the rear private amenity area. These two features both on the front and rear elevation add interest to the overall design of the building.

The overall design and layout of the building has been determined by the use and requirements of the end users as well as the 'not for profit' build restrictions for the provision of affordable housing.

Whilst it is recognised the building has a larger footprint and is higher than the neighbouring surrounding residential properties, it is considered that the gable features on the front elevation and the use of different material on the whole building, render, facing brick, timber and interlocking tiles would break up the mass of this building and adding interest along this prominent stretch of the highway. The gable features would also allow the roof line to be split up, which would reduce the overall visual impact.

Impact on surrounding occupiers

The application site is triangular in shape with the proposed building set across the frontage, parallel to Northgate. The rear gardens of the residential properties in Walsall Wood Road and Walton Road exceed 30 m in length and are angled to the two rear site boundaries therefore providing no directly facing habitable room windows. The proposed buildings would be positioned set in from the boundaries with the closest habitable room window set approx 12m away from the fence line with landscaping proposed along the boundary. The proposal would therefore result in no direct overlooking or loss of privacy to the surrounding residential properties.

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 April; this pattern is similar for July. For October the plan illustrates shadowing across a number of rear gardens of the properties on Walsall Wood Road, during the early evening. 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.

Objector's have indicated that there are already enough retirement homes in Aldridge. This scheme is a re-provision scheme to re house residents from residential care elsewhere in the Borough.

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

Living environment for potential 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.

Access and parking

The scheme seeks to utilise the two existing access points onto Northgate 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 residents renting 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. Overall this is acceptable.

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. This is supported.

Conditions can be imposed to deliver 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.

Landscape and boundary treatments

A landscaping plan has been submitted. Although part of the details provided are acceptable there are still issues that need to be resolved regarding the type and number of plants to be used. These details can be secured by way of a standard landscape condition.

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.

Whilst 13 trees on the front of the site would be removed to accommodate the proposal, it is considered that the proposed 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 accommodation for the elderly on behalf of Walsall Council and would be funded through public monies which have been specifically approved and ring-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 health facilities. A significant on site contribution in providing an area of open space and additional planting is also proposed.

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

Recommendation: Grant Subject to conditions

That planning permission is granted subject to planning conditions.

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

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

2) The works hereby approved shall only be carried out as shown on drawing numbers 117 submitted on 7 December 2008, drawing number 110 submitted on 11 December 2007, drawing numbers 112A, 113A, 114A submitted on 28 January 2008, drawing numbers 111A 116A submitted on 29 January 2008 and the 3D elevational plans submitted on 31 January 2008.

Reason: To define the permission.

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

Reason: To ensure the satisfactory development of the site.

4) 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) No external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details and retained as such.

Reason: To safeguard the visual amenities of the area.

6) No development shall commence on site until surface materials of the proposed car parking area to the front of the site have been submitted to and approved in writing. The development shall be completed with the approved details.

Reason: To ensure the satisfactory development of the site.

7) 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

8) No development shall commence on site until details of the surface and foul water drainage on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the site.

9) Not with standing the landscaping scheme submitted on 28 January 2008, a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised landscaping scheme shall include details of the plant and tree species, sizes, numbers and location of the shrubs/plants to be incorporated into the landscaping scheme. 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), 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 same species as that originally required to be planted.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To protect the existing trees on the site.

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

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

12) Any alterations to the vehicle access shall be carried out to a specification to be approved in writing by the Local Planning Authority, and meet all statutory requirements.

Reason: In the interests of highway safety.

13) No development shall commence on site until a revised plan showing 2.0 metre pedestrian footways leading from the access points into the site have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out and retained in accordance with these approved details.

Reason: In order to ensure satisfactory pedestrian access to the building.

14) Prior to the development being brought into use parking bays will be demarcated on the ground, with the inclusion of a disabled logo within the parking bay, and on the post sign at the front of each bay and hatched areas for pedestrian movement (to the rear).

Reason: To ensure the parking spaces are available for use by occupiers and visitors.

15) No development shall commence on site until a plan demonstrating that a three axle refuse vehicle can enter, manoeuvre, and leave the site in a safe manner has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with these approved details.

Reason: In the interests of highway safety.

16) No development shall commence on site until details of the height and external colour finish of the metal fence and gate hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

17) 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.

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

18) 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.

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

19) 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 amenity of occupiers of premises within the vicinity.

20) Prior to development commencing on site, 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.

Reason: In order to safeguard the amenities of residential occupiers in the vicinity and future occupiers of the premises.

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

Reason: In order to safeguard the amenities of residential occupiers in the vicinity and future occupiers of the premises.

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

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.

3) 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.

4) 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, $L_{Aeq(16 \text{ hours})}$, 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

**REASON FOR BRINGING TO COMMITTEE: Requires Delicate Judgement
involving review of previous Committee Decision**

Application Number: 08/0020/FL
Application Type: Full application
Applicant: Walsall Teaching Primary Care
Trust

Proposal: Section 73 Application to Delete
Condition 12 of Planning Approval
07/1694/OL/E11 which requires closure of
the southern access and re-opening the
central access to the site.

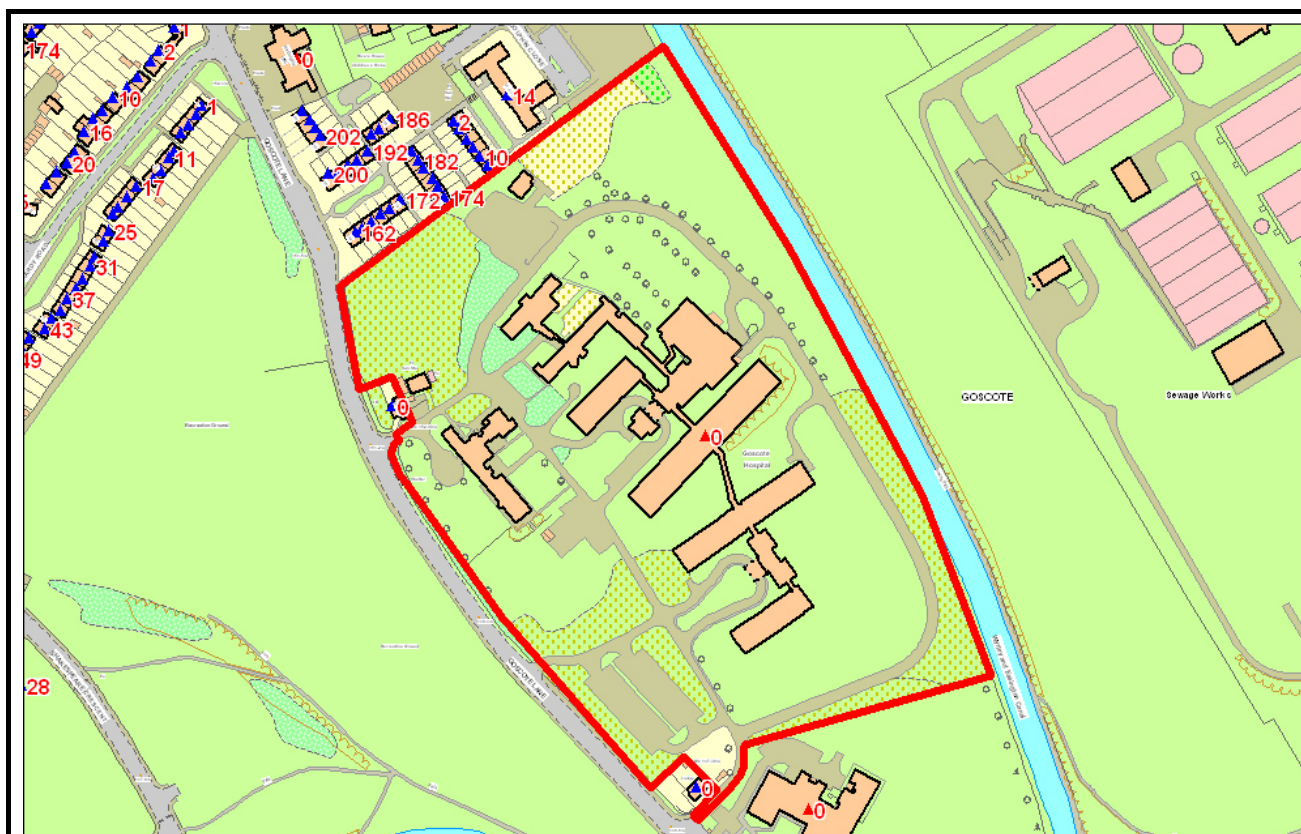
Ward: Blakenall

Recommendation Summary: Grant

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Agent: Drivers Jonas

Location: GOSCOTE HOSPITAL,
GOSCOTE LANE, WALSALL

Expired: 28/02/2008



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Application and Site Details

The application seeks to delete condition 12 of planning permission 07/1694/OL/E11, an outline permission for demolition of buildings at Goscote Hospital and redevelopment to provide new health and social care buildings to include Dementia and Palliative Care Units together with access, associated hard and soft landscaping. The original planning permission was granted following Committee approval on 2nd November 2007. During debate at Committee an additional condition was imposed regarding the means of access to the site in the interests of highway safety. It is this condition which the applicants seek to delete which reads as follows: -

“12. Prior to the commencement of the development the existing southern access to the site off Goscote Lane (adjacent Bottom Lodge) shall be closed to vehicular traffic unless otherwise demonstrated and agreed in writing by the Local Planning Authority. There shall be no other alterations to the proposed accesses, and they shall be used as stated within the Transport Assessment, to serve the remaining buildings and the proposed (PCC) Palliative Care Centre, and (DCU) Dementia Care Unit unless the Local Planning Authority agrees in writing to any variation. There shall also be no additional access to the highway, and no further extensions or development without prior submission of an accompanying additional traffic related supporting Transport Statement, and revised Travel Plan to be agreed in writing by the Local Planning Authority.”

The site is allocated in the Unitary Development Plan as a Major Developed Site within the Green Belt and comprises a group of hospital buildings located within a mature landscaped setting enclosed by security fencing. The existing buildings occupy the centre of the site contained by the internal service road. There are presently two access and egress points along Goscote Lane plus one further unused access in the central part of the site frontage. A one-way circulatory traffic system currently operates whereby traffic enters the site from the northern access adjacent Top Lodge and exits from the southern access adjacent Bottom Lodge.

Relevant Planning History

06/2190/ND/E11 – Request for a screening opinion as to whether an Environmental Impact Assessment is required for proposed health care development – Environmental Impact Assessment not required as the proposals are not likely to have a significant effect on the environment given the scale of existing and previous uses on the site.

07/0773/OL/E11- Outline planning application for the demolition of some existing buildings and redevelopment to provide new health and social care buildings together with access, parking and landscaping. Withdrawn 20/7/07

07/1694/OL/E11 - Outline: Demolition of existing hospital buildings and redevelopment to provide new health and social care buildings to include Dementia and Palliative Care Units together with access, associated hard and soft landscaping – Granted Subject to Conditions 2/11/07.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP1: Development will be guided by principles of sustainability, 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.

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

GP7: Development is expected to design out crime and maintain good urban design.

3.3: The character and function of the Green Belt will continue to be safeguarded as part of the wider West Midlands Green Belt.

3.16: Development will be considered in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

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

ENV2: Allows limited infilling or redevelopment of major existing developed sites in accordance with policy ENV4.

ENV3: Identifies more detailed considerations for proposals in the Green Belt.

ENV4: allows for infilling or redevelopment of major developed sites in the Green Belt provided proposals have no greater impact than the existing development on the openness and purpose of the Green Belt.

ENV14: The Council encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible.

ENV17: Planting will be promoted particularly in the following areas; streets, towns, transport corridors and derelict land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows. Where developments are permitted which involve the loss of trees... developers will be required to minimise the loss and to provide appropriate planting of commensurate 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: Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

3.113, 3.114 & 3.115: New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough. Good design should respond positively and imaginatively to the context, in which development takes place, discourage crime and increase safety and has a major role to play in the creation of an environment which is distinctive and creates a sense of place.

ENV39: The Council will encourage proposals for the development of renewable energy resources and for efficient use of energy.

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

T7: All development should satisfy the car parking standards set out in Policy
T12: Encourages access by public transport.
T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Provision for Hospitals – 1 car park space per 4 staff and 1 space per 3 daily visitors and patients. 1 bike locker for every 10 car parking spaces. Taxi facilities.
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.

Consultations

Transportation – No objections.

Pollution Control (Scientific Team) – No objections.

Pollution Control (Contaminated Land) – No objections.

Strategic Policy – No objections.

Police Architectural Liaison Officer – No objections.

Fire Service – No objections.

Environment Agency – No objections.

British Waterways – No objections.

Fire Officer – No objections.

Public Participation Response

None.

Determining Issues

- Implications of deletion of condition 12 from planning permission 07/1694/OL/E11
- Impact on the Green Belt

Observations

Implications of deletion of condition 12 from planning permission 07/1694/OL/E11

A Transport Assessment was submitted in support of the original permission which concluded that vehicular access to the site would be via two points, the existing northern “in only” and the southern “out only” access onto Goscote Lane as per the existing arrangements as the consultants considered it likely that traffic flows will decrease as a result of the proposals.

However, the design and access statement submitted at that time highlighted that if further development occurs there would be a need to improve the existing central access (currently unused) to a two way route with improved alignment and to address the impact any potential future increase in traffic would have on the southern site exit adjacent to the Adult Training Centre.

The Transportation Officer had no objections to the proposals (and has none to the deletion of the condition which this application seeks) subject to the following conditions which relate to the access arrangements:

- The most northerly access shall be used for entry to the site only.
- There shall be no alterations to the proposed accesses, and they shall be used as stated within the Transport Assessment, to serve the remaining buildings and the proposed (PCC) Palliative Care Centre, and (DCU) Dementia Care Unit.
- There shall be no additional access to the highway, and no further extensions or development without an accompanying additional traffic related supporting Transport statement, and revised Travel Plan.
- A Travel Plan shall be submitted to promote sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan. The travel plan shall be submitted within six months of the completion of Phase One.

However, during debate at Committee members were concerned that any potential future development at the hospital site would increase risks to highway safety by intensification of use of the southern access point, which is immediately adjacent the access for an adult education centre. Committee therefore considered that imposition of condition 12 to require closure of the southern access point and re-opening of the central access point would address any potential highway safety issues from the outset.

The applicant claims that re-opening the central access is unnecessary as the Transport Assessment did not highlight any potential highway safety issues and the Transportation Officer considered the proposals for means of access were satisfactory for the level of development proposed. They also advise that re-opening the central access point would require alterations and resurfacing that may have a greater impact on the character of this Green Belt site and would be costly.

It is also noted that any further built development at the site over and above that specified within the original application would require further planning permission yet is unlikely to be supported as it would have an adverse impact on the character and openness of the Green Belt contrary to policy ENV4 and PPG2. In the circumstances the proposed development as limited by the original permission has no greater impact on highway safety as stated in the Transport Assessment which was considered satisfactory. It is therefore appropriate for the means of access to remain as existing by deletion of condition 12 requiring alternative access arrangements.

Impact on the Green Belt

The proposals to retain the existing access arrangements at the site have no adverse impact on the character or openness of the Green Belt. However, if further alterations to the central access point were required, for example to provide improved visibility, this may result in loss of trees that could have an adverse impact on the character of the site within the Green Belt. It is therefore recommended that the access arrangements remain as existing.

Recommendation: Grant



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Sale of Council Land

Application Number: 07/2522/FL/W3

Application Type: Full application

Applicant: J Muncy

Proposal: Erection of 1 house

Case Officer: Mrs J Scrivens

Telephone Number: 01922 652436

Agent: F J & M J Meeson RIBA

Location: At corner of Old Birchills
and Reedswood Close - to rear and
side of Rose and Crown Public
House, Old Birchills, Walsall.

Expired: 15/02/2008

Ward: Birchills Leamore

Recommendation Summary: Grant Subject to Amended Details, and Appropriate
Conditions



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Application and site details

Part of this site is an area of open land wrapped around the Rose and Crown public house (which is on the corner of Old Birchills and Reedswood Close). The rest of the site is an area of land in the curtilage of the pub, and largely occupied by a stable block.

A companion application for seven houses is elsewhere on this agenda, and it occupies land around the pub and this site.

The house has two car parking spaces.

The Rose and Crown is a Listed Building, though the listing description is clear that the stable block has been excluded from the listing. The new house, in common with the seven proposed around it, is designed as a larger house than those in the area, sharing some of the characteristics of the pub (a three storey, very ornate building on its street frontages, but almost featureless on its other elevations). It is close to back of pavement and two storeys, with rooms in the roof.

Reedswood Close is a small 1960s development of houses in a cul-de-sac.

Relevant Policy

Development Plan

GP1 supports the sustainable location of development

GP2 and 3.6 expect all development to make a positive contribution to the improvement of the environment.

ENV14 supports the redevelopment of previously developed sites

ENV27 relates to listed buildings and their protection

ENV32 requires the design of development to take account of its context and surroundings

H3 supports the provision of additional housing through the use of previously developed sites.

H10 expects residential development to create a high quality living environment well integrated with surrounding land uses and local character

Residential Development Standards were adopted on 25.4.05

T6 and T13 relate to car parking.

The Residential design Standards set dimensions for new houses (gardens 12 metres long, and 53 sq. m. in area, 13 metres between habitable rooms and gable walls, and 24 metres between habitable room windows).

Regional Spatial Strategy

This is now part of the development Plan. It seeks to maximise the use of brownfield sites, and meet the needs of the urban areas within those areas.

National Policy

PPS 1 seeks to promote the value of design.

PPG 15 seeks to protect the historic environment.

Relevant history

Application 07/1064/FL/W3 (for seven houses, comparable to the companion application on this agenda) was refused in July 2007, for detailed design reasons.

Consultations

Transportation

No Objection to the current proposal subject to the following conditions:

- The parking allocated to serve the proposed dwelling should be shown on a plan at the required parking bay size of 4.8m x 2.4m. The bays should be located as close to the proposed dwelling as possible, to create a pedestrian visibility splay at the access point, when vehicles are egressing the site.

- Any proposed gates shall be sited in a more north westerly direction from where they are currently shown to create a pedestrian visibility splay in the opposing south easterly direction, due to visibility restrictions create the brick pillar and 1.5m high close boarded timber fence.

Fire Service: No objection

British Waterways: No objection

Arboricultural Officer, Regeneration: No objection

Conservation Officer: Objects to the proposal on the following grounds:

- an application is required for listed building consent to demolish the stables and boundary walls which are physically attached to the principle listed building. Justification for demolition of the stables should be provided. It would be preferable to convert the stable block to residential use.

- the Council have a statutory duty to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses. The proposed design of the dwellings is wholly out of character with the immediate locality in that influences for the new dwellings should be taken from the housing not the pub; a short terrace would be more in keeping to semi-detached dwellings; the front elevations to Old Birchills and Reedswood Close are the same and do not take into account the differing elevations of the existing buildings in these two streets; the ridge height should be lower and closer to that of the terraces; the depth of roof and dormers are inappropriate; the window openings should have a more vertical emphasis and the porches should be omitted as out of character; the ratio of voids to solids on the front elevations is too small; the depth of the roof and the solid horizontal division of the proposed dwellings at first floor level give them a horizontal emphasis as opposed to the traditional vertical emphasis of the pub and terraces.

Representations

None.

Determining issues

- Principle of residential development
- Impact on Listed building
- Design and amenity
- Parking / highway safety

Observations

Principle of residential development

The surrounding area is predominantly residential. The use is acceptable in principle.

Impact on Listed building

The situation is unusual. The listing of the pub specifically excludes the stable block, despite the building being within the curtilage of the pub. Ordinarily, every building in the curtilage of a Listed Building is included within the listing, and demolition permission requires Listed Building Consent. It would appear that the deliberate omission from the listing would not remove the need for a Listed Building Consent, though an application has not been made.

Conservation oppose the proposal, and the companion application, having judged that the design should reflect the terraced houses, rather than the pub building. Clearly this is a judgement on the fundamental approach. Overall, that approach is not recommended to Committee. Instead, it is suggested that the proposed buildings should share some of the characteristics of the pub and of the houses. They will form a transition from the 1960 houses to the rear to the pub onto the Old Birchills frontage of the pub, and then onto the Victorian terraced houses on the other side of the pub.

Some of the comments made by Conservation are accepted (reducing the apparent height, and changing the proportions of the windows for example). Revisions are being sought, and the situation will be updated in the Supplementary.

Design and amenity

The design issues as they relate to the listed building have already been set out. The same issues are relevant in a more general context, as the design of a new development, and the same conclusions are reached.

The dwelling has front and rear gardens, and these are acceptable within the framework of the RDS.

Parking / highway safety

The dwelling has two car spaces, and this is acceptable. The Transportation comments can be accommodated in revised plans, and these are being explored by officers.

Conclusion

The scheme makes acceptable arrangements for amenity and parking.

Design improvements are being negotiated.]

The impact on the Listed Building is acceptable, provided the design changes can be delivered.

It would assist the developer to progress this project if a speedy decision could be given, reflecting the delays in the previous refusal. The application is before you as a result, despite the continuing negotiations over design details. Matters will be updated in the Supplementary report.

Reflecting the need for some design modifications, the application is recommended for approval, subject to these changes, and appropriate conditions (to be prepared in the light of those design changes and included in the Supplementary, as appropriate).

Recommendation: Grant Subject to Amended Details, and Appropriate Conditions



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Sale of Council Land

Application Number: 07/2732/FL/W3

Application Type: Full application

Applicant: J Muncy

Proposal: Erection of 7 Houses

Case Officer: Mrs J Scrivens

Telephone Number: 01922 652436

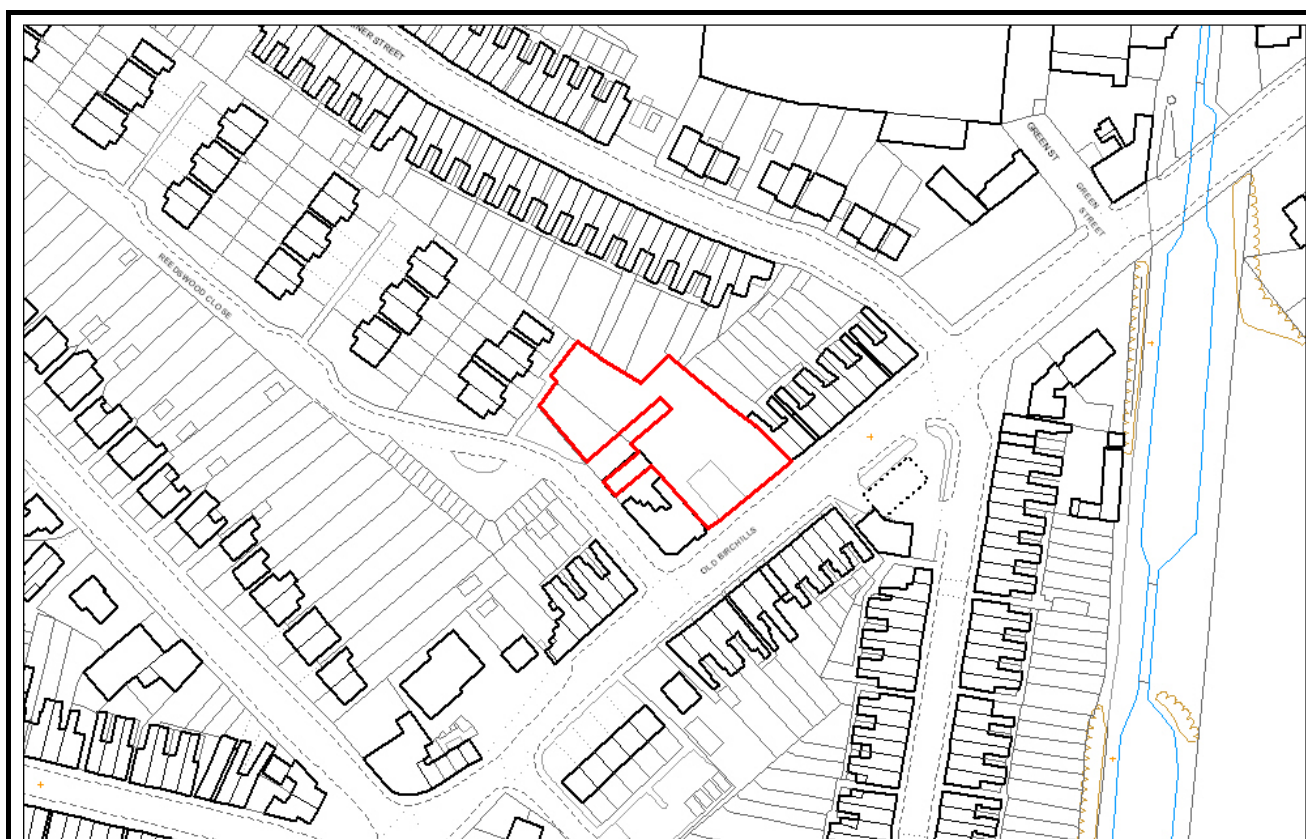
Agent: F J & M J Messon R.I.B.A

Location: At corner of Old Birchills
and Reedswood Close - to rear and
side of Rose & Crown Public House

Expired: 15/02/2008

Ward: Birchills Leamore

Recommendation Summary: Grant Subject to Amended Details, and Appropriate
Conditions



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Application and site details

The site is an area of open land wrapped around the Rose and Crown public house (which is on the corner of Old Birchills and Reedswood Close). The site has a frontage to both roads.

Four houses are proposed facing Old Birchills, each with its own car parking (2 spaces per dwelling - though 2 of the car spaces are accessed from Reedswood Close, with a gate into the garden of the house served). Three houses face Reedswood Close, again with two parking spaces each (access at this point is across a grass verge, forming part of the highway). There is a fourth house proposed facing Reedswood Close, and this is the subject of a separate application elsewhere on this agenda.

The character of Old Birchills is largely Victorian, though there are a few more modern buildings. The Rose and Crown is a Listed Building. The new houses are designed as larger houses than those in the rest of the street, sharing some of the characteristics of the pub, a three storey, very ornate building on its street frontages, but almost featureless on its other elevations. They are close to back of pavement, with the parking separating the pairs of house from each other and from the adjoining terraced house.

Reedswood Close is a small 1960s development of houses in a cul-de-sac. The houses proposed here follow the same design arrangements as those facing Old Birchills.

All of the houses are two storeys, with rooms in the roof.

Relevant Policy

Development Plan

GP1 supports the sustainable location of development

GP2 and 3.6 expect all development to make a positive contribution to the improvement of the environment.

ENV14 supports the redevelopment of previously developed sites

ENV27 relates to listed buildings and their protection

ENV32 requires the design of development to take account of its context and surroundings

H3 supports the provision of additional housing through the use of previously developed sites.

H10 expects residential development to create a high quality living environment well integrated with surrounding land uses and local character

Residential Development Standards were adopted on 25.4.05

T6 and T13 relate to car parking.

The Residential design Standards set dimensions for new houses (gardens 12 metres long, and 53 sq. m. in area, 13 metres between habitable rooms and gable walls, and 24 metres between habitable room windows).

Regional Spatial Strategy

This is now part of the development Plan. It seeks to maximise the use of brownfield sites, and meet the needs of the urban areas within those areas.

National Policy
PPS 1 seeks to promote the value of design.

PPG 15 seeks to protect the historic environment.

Relevant history

A large part of the site was previously used for the Birchills neighbourhood office.

Outline permission BC49936P was given for residential development, in 1997, on about half of the site.

Application 07/1064/FL/W3 (for the same development as the current application) was refused in July 2007, for detailed design reasons.

Consultations

Transportation:

Objection relating to visibility:

- There is insufficient pedestrian visibility in a north easterly direction from Plot 4, due to the location of the driveway in relation to 67 Old Birchills.
- There is insufficient pedestrian visibility to serve the parking provision for Plot 1, in a north westerly direction due to a brick pillar, and the proposed 1500mm high close boarded timber fence. There is insufficient pedestrian visibility in a south westerly direction from the same access due to the existing brick pillar associated with The Rose and Crown Public house.

Fire Service: No objection

British Waterways: No objection

Arboricultural Officer, Regeneration: No objection

Conservation Officer: Objects to the proposal on the following grounds:

- an application is required for listed building consent to demolish the stables and boundary walls which are physically attached to the principle listed building. Justification for demolition of the stables should be provided. It would be preferable to convert the stable block to residential use.

- the Council have a statutory duty to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses. The proposed design of the dwellings is wholly out of character with the immediate locality in that influences for the new dwellings should be taken from the housing not the pub; a short terrace would be more in keeping to semi-detached dwellings; the front elevations to Old Birchills and Reedswood Close are the same and do not take into account the differing elevations of the existing buildings in these two streets; the ridge height should be lower and closer to that of the terraces; the depth of roof and dormers are inappropriate; the window openings should have a more vertical emphasis and the porches should be omitted as out of character; the ratio of voids to solids on the front elevations is too small; the depth of the roof and the solid horizontal division of the proposed dwellings at first floor level

give them a horizontal emphasis as opposed to the traditional vertical emphasis of the pub and terraces.

Representations

The occupiers of nos. 1-5 Reedswood Close object to the development on the following grounds:

- the height of the houses would severely restrict natural light and outlook from 1-5 Reedswood Close which face the site
- the driveways have been sited directly in front of no.1 and 2, across the grassed and landscaped area. The current car parking problems, which are caused mainly by customers of the Rose and Crown, which has no car park of its own, has increased over the years. Reedswood Close is narrow and cannot sustain extra traffic and parking which already blocks the footpath.
- the residents would like to see the site developed, since this has caused problems over the years but this scheme is totally unacceptable to all the residents.

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

Determining issues

- Principle of residential development
- Impact on Listed building
- Design and amenity
- Parking / highway safety

Observations

Principle of residential development

The surrounding area is predominantly residential and outline permission has been given on part of the site (though it has now expired). The use is acceptable in principle.

Impact on Listed building

The situation is unusual. The listing of the pub specifically excludes the stable block, though this is more important in connection with the companion application. On Reedswood Close, the current application does not directly adjoin the Listed Building (because the stable block intervenes, as does the companion application for a single house. Despite this, this application needs to be assessed for its visual impact. On Old Birchills, the relationship is closer, as the end wall of the nearest house immediately adjoins the end wall of the pub.

Conservation oppose the scheme, having judged that the design should reflect the terraced houses, rather than the pub building. Clearly this is a judgement on the fundamental approach. Overall, that approach is not recommended to Committee. Instead, it is suggested that the proposed buildings should share some of the characteristics of the pub and of the houses. They will form a transition from the 1960

houses to the rear to the pub onto the Old Birchills frontage of the pub, and then onto the Victorian terraced houses on the other side of the pub.

Some of the comments made by Conservation are accepted (reducing the apparent height, and changing the proportions of the windows for example). Revisions are being sought, and the situation will be updated in the Supplementary.

The Transportation comments about Plot 1 and its access are relevant here, but addressed in detail in a following section.

Design and amenity

The design issues as they relate to the listed building have already been set out. The same issues are relevant in a more general context, as the design of a new development, and the same conclusions are reached.

The dwellings all have front and rear gardens, and these are acceptable within the framework of the RDS (one garden is shorter than would normally be preferred, 9 metres rather than the 12 metres of the RDS, but that garden is compensated by being wider, and has an area of in excess of 100 sq.m., compared to the 63 sq.m. of the RDS).

Neighbours in Reedswood Close are concerned that the height of the buildings would block sunlight and the outlook from their dwellings. The nearest new properties would be some 14m approximately to the south east and would be side on to the existing dwellings which would mitigate any loss of sunlight. The outlook from the existing dwellings will inevitably change with the development of the site but there is no entitlement to a view across neighbouring property.

Parking / highway safety

Parking is provided at 2 spaces per house, and this is seen as satisfactory.

Transportation are concerned that Plot 1 has visibility from its parking spaces reduced by the pillars and wall of the existing access into the yard of the pub (serving, at present the stable block). The issue is recognised, but the pillars and wall are part of the Listed Building. The application proposes their retention and refurbishment, with some minor modifications. Their demolition would reduce the value of the pub. The advice of officers is that these should be retained. It will be possible to effect a more limited improvement by change the low fence along the side of the car spaces for a lower design.

In relation to plot 4, no improvements are possible in the current design, Officers are exploring the potential for revisions to the house type including relocation the driveway and matters will be updated in the Supplementary.

Conclusion

The scheme makes acceptable arrangements for amenity and parking (subject to the comments about visibility).

Design improvements are being negotiated.

The impact on the Listed Building is acceptable, provided the design changes can be delivered.

It would assist the developer to progress this project if a speedy decision could be given, reflecting the delays in the previous refusal. The application is before you as a result, despite the continuing negotiations over design details. Matters will be updated in the Supplementary report.

Reflecting the need for some design modifications, the application is recommended for approval, subject to these changes, and appropriate conditions (to be prepared in the light of those design changes and included in the Supplementary, as appropriate).

Recommendation: Grant Subject to Amended Details, and Appropriate Conditions



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Raises issues of significance resulting from previous committee decision.

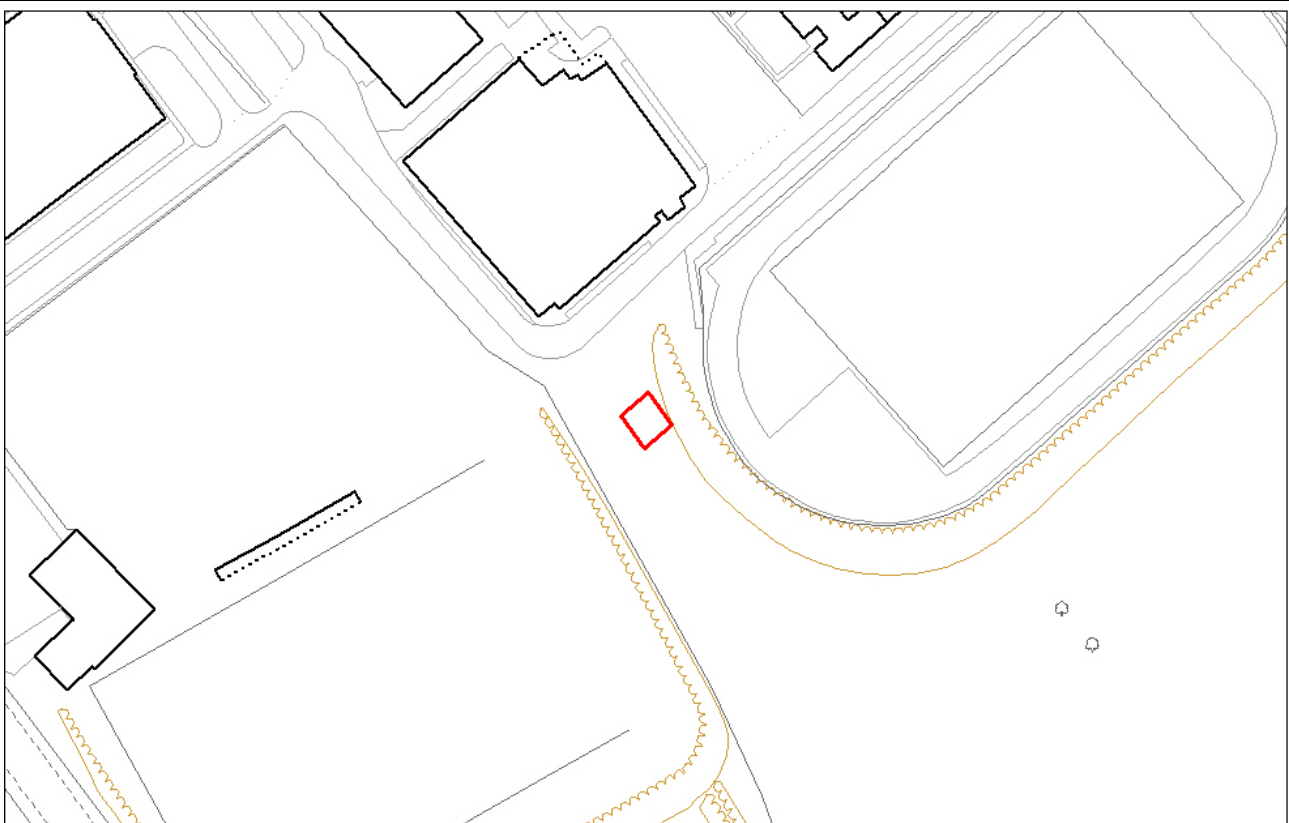
Application Number: 08/0022/FL
Application Type: Full application
Applicant: T- Mobile (UK) Ltd
Proposal: Retention of temporary telecoms mast (adj running track) for 4 months

Case Officer: Karon Hulse
Telephone Number: 01922 652492
Agent: CaraSpace Consulting
Location: WALSALL CAMPUS,
WOLVERHAMPTON UNIVERSITY
SPORTS GROUND, OFF
MAGDALENE ROAD, WALSALL, WS1
3BD

Ward: St. Matthews

Expired: 28/02/2008

Recommendation Summary: Grant Subject to conditions



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Current Status and application details

Members will recall refusing planning permission (March 2007) for the erection of replacement telecommunication equipment previously sited on top of the existing central teaching block at the Walsall campus off Gorway road which is currently being demolished. It was proposed to erect a 17 metre high mast at the south western end (towards the rugby club side) of the all weather pitch. It consisted of antenna fixed to a head frame and would incorporate floodlights to give it an appearance similar to the existing floodlights around the perimeter of the running track and all weather pitch.

As a result of the application being refused the operator installed a temporary mast under the telecommunication permitted development rights.

A report was considered by your committee in September, 2007, which outlined the position regarding permitted development rights and concluded that it was permitted development as long as it remained on site for a period of no more than six months. You noted the report. That temporary period expired on 30th January, 2008.

In addition to the above, Members may be aware that the operator has appealed against the March 2007 decision to refuse the replacement mast. That appeal is currently with the Planning Inspectorate. There have been problems with progress on the part of the Inspectorate. The necessary site visit was the 30th of January, 2008. The Planning Inspectorate have indicated that decisions on appeals are usually issued within 5 weeks of the date of the site visit.

As a result of the appeal timetable, the permission for the temporary mast will expire before the decision of the Planning Inspectorate is issued. Consequently the operator is now applying to extend the temporary period by 4 months to allow for the decision of the Planning Inspectorate and to facilitate future development as an outcome of that decision.

The temporary mast is 23 metres tall (to the top of the antenna cluster). The mast is in a central location within the university campus. It will be at least 200 metres from the nearest residential properties (200 metres to Delves Road, 225 metres to St. Catherine's Close, 200 metres to Broadway). It will generally be seen against the backdrop of existing approved flood light columns

The applicant's plan identifies the flood lights as 14.5 metres tall. However the approved floodlights are 10 metres around the outside of the running track and 16 metres around the all weather pitch, in the centre of the track.

Relevant Planning History

07/0190/FI/W5 - Erection of replacement telecommunication equipment. Refused 16th March, 2007.

Report to Development Control Committee dated 18th September, 2007 regarding siting of telecommunication mast under permitted development rights. Report noted, temporary period to expire on 30th January, 2008.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP2: developments to make a positive contribution to the quality of the environment and the principles of sustainable development

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

ENV38: Large items of telecommunications equipment e.g. masts, dishes, antennae and cabins - can have a significant detrimental impact on the visual amenity of the area. They are therefore unlikely to be acceptable in

- I. In Conservation Areas.
- II. Within the curtilage or affecting the setting of a Listed Building, Ancient Monument or Historic Park or Garden.
- III. In low-rise residential areas
- IV. In other visually sensitive locations

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 improvements to the design and sustainability of urban areas.

National Policy

Planning Policy Guidance PPG8...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 14 and 28 refer to effective landscaping for proposals and paragraphs 19 to 23 refer to mast and site sharing.

Consultations

Pollution Control Division – no objections

Public Participation Responses

One letter of objection has been received from an occupier in Magdalene Road, no grounds are cited. The consultation period expires after publication of this report, any additional responses will be included in the Supplementary paper.

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

Determining Issues

- impact on the appearance of the area
- impact of extending the period for siting of the temporary mast

Observations

Impact on the appearance of the area

As already set out, the mast is in the centre of the university complex, 200 metres from the nearest houses (200 metres to Delves Road, 225 metres to St. Catherine's Close, 200 metres to Broadway).

It will be seen against the backdrop of the existing track flood lights. While the mast will be taller than the existing floodlight columns on the all weather, its appearance will not be too dissimilar. The wires and associated elements holding up the temporary mast do not change this conclusion..

Residents in Delves Road (200 metres away) would view the mast over the existing rugby club pitch which has its own floodlights and the tall rugby goal posts at either end, therefore it is not considered that it will have any impact on either the existing amenities of those residents or the appearance of the area generally when viewed from Delves Road.

Similarly, views of the mast from St. Catherine's Close are also between existing floodlights (around the new all weather pitch) and street lamps along the new access road into the campus. Again it is considered that the masts appearance will have little impact on the amenities of those residents or the area generally.

With regards to residents and views from Broadway, whilst the site is on a slightly higher elevation to the street level along Broadway, views are interspersed with mature trees and planting and will therefore be limited. When travelling along Broadway it will be difficult to distinguish between the existing floodlights, street light columns and the proposed mast because there would only be fleeting glimpses between the trees.

The Whitehall junior school which is approximately 150 metres away will also have limited views of the mast due to the position of the new judo hall and existing mature trees.

In conclusion, this site offers the best location within the campus to re-site existing telecommunication equipment and will in fact move it away from residential properties, particularly those in St. Catherine's Close into a more central location.

Impact of extending the period for siting of the temporary mast

As outlined in the application details above this mast was erected under emergency powers. These exist so telecommunication operators can prevent the interruption of service.

The government is committed to facilitating the growth of telecommunication systems whilst keeping the environmental impact to a minimum.

The decision of the Planning Inspectorate will be a determining factor of whether or not the site is satisfactory for the siting of a telecommunication mast in this location. Until that decision has been issued, removal of the temporary mast would threaten the coverage provided.

Recommendation: Grant Subject to conditions

1. The existing telecommunication mast and any associated equipment shall be removed from the site no later than 28th May, 2007. The area of the installation shall be made good.

Reason: To ensure the satisfactory appearance of the site following removal of the equipment

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, ENV32 and ENV38 of Walsall's Unitary Development Plan and Government Planning Policy Guidance PPG8 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2651/FL/E11

Application Type: Full application

Applicant: Towncourt

Proposal: Erection of 18 Dwellings and
Associated Access and Car Parking

Ward: Bloxwich East

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

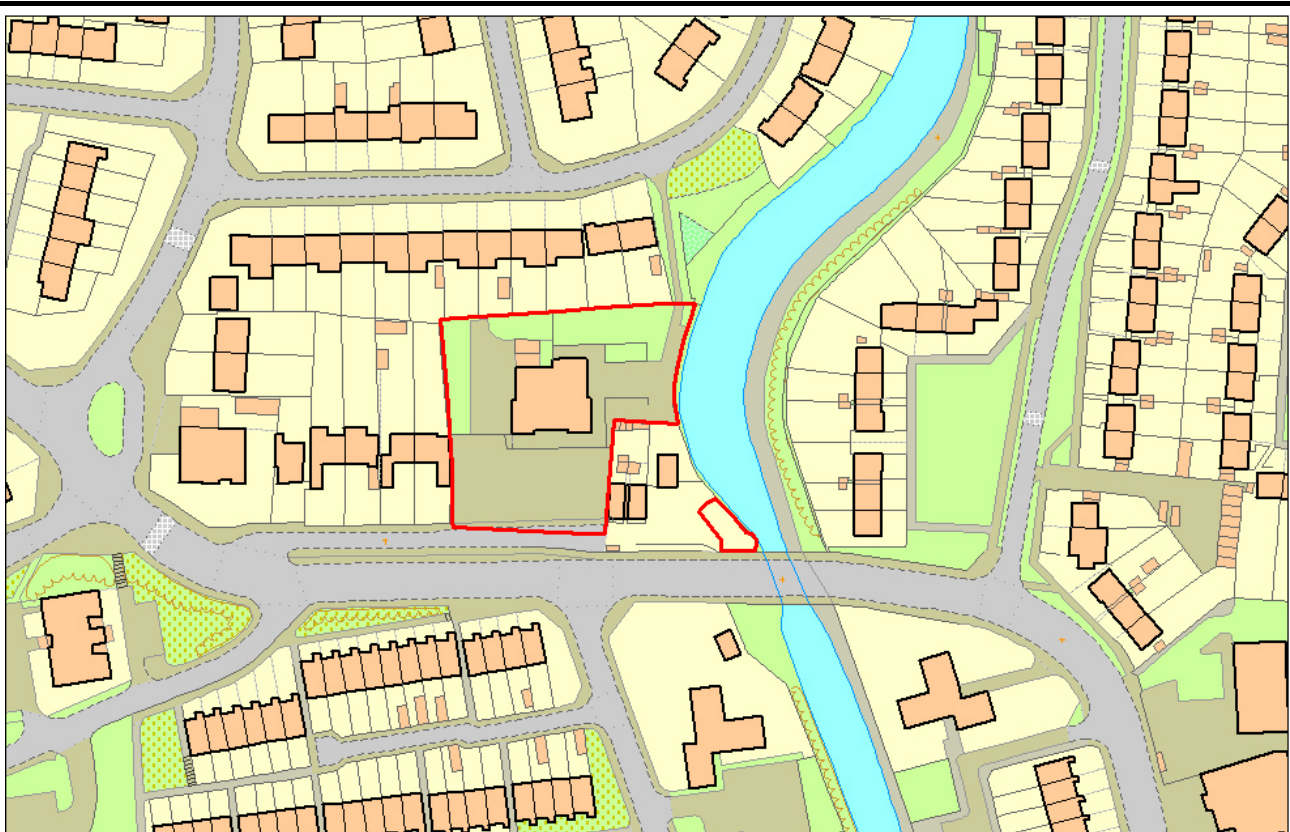
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Planning Cubed

Location: FORMER BRIDGEWATER
P.H., STONEY LANE, LITTLE
BLOXWICH, WALSALL, WS3 3QY

Expired: 10/03/2008



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Application and Site Details

The proposed 18 dwellings are split into three terraces, a row of 7 houses fronting the existing service road off Stoney Lane and terraces of 5 and 6 facing a private cul-de-sac at the rear. All dwellings are three storeys, have 3 bedrooms and are designed in a contemporary architectural style.

The site is 0.28 hectares giving a proposed density of 64 dwellings per hectare.

The applicants advise the public house had not been economically viable for the past 5 years and lain vacant since August 2006, hence the building was recently demolished and the site fenced off. There is a secondary access to the site off Simmonds Road which is also presently fenced off but this does not form part of the application site boundary and is to be closed off providing no access to the site.

The service road off Stoney Lane serves seven existing residential properties and a hot food take-away. The dwellings to the north in Simmonds Road have rear garden boundaries with the application site and are sited at an approximately 2m higher ground level. The eastern site boundary adjoins Wyrley & Essington Canal and wraps around the rear gardens of 161/163 Stoney Lane, a pair of Victorian houses set forward towards the boundary with the service road, and 165 Stoney Lane which is a single storey hot food take-away premises set back from the service road with parking in the front eastern corner. Stoney Lane rises over a canal bridge at this point hence it is at a higher level than the application site.

There is a variety of housing in the vicinity comprising predominantly two storey terraced and semi-detached 1950's and 1960's housing and including a tower block of flats (Thomas House). There is a local convenience store 58m to the west of the site at the junction with Fishley Lane.

The proposed houses all face the public realm with private secure rear gardens. Parking is provided in front of the houses for the majority of plots, with the exception of plots 6 and 7 which are close to the site access, and have parking at the rear. The design incorporates a shared surface courtyard with block paving to pathways, bonded gravel to the access and parking bays and landscaping throughout. The extent of the adoptable highway will be a short turning head off the existing service road. The scheme identifies one parking space per plot plus 5 visitor spaces within the development site curtilage itself and 7 visitor spaces at the head of the service road adjacent to the take-away premises. This equates to 167% parking provision.

The proposed dwellings fronting the Stoney Lane access are staggered forward to respect the position of the adjacent houses 151 and 161 Stoney Lane. The houses on plots 1 and 2 are 9m high to the ridge to respect the height of 151 Stoney Lane and the remainder of houses are 9.8m high to the ridge. Design of the dwellings incorporates tile hanging and cedar cladding as a contemporary interpretation of existing housing in the area, flat roof dormer windows are included to the front of the proposed dwellings with roof light windows at the rear and balconies to the rear of those plots overlooking the canal (with Juliet balconies only on plots 13 and 18 to avoid overlooking). A full length landing window is also included to the front elevations above a flat roof door canopy. Bat boxes are incorporated in gables and corner properties have secondary windows to provide surveillance of the street.

The applicant has provided the following information in support of the application:

- Design & Access Statement
- Planning Statement
- Transport Statement
- Bat Survey
- Extended Phase 1 Bat Assessment & Water Vole Survey
- Unilateral Undertaking relating to Education and Open Space provision

Relevant Planning History

None.

Relevant Planning Policy Summary

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

Unitary Development Plan

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

ENV14: encourages the development of derelict and previously developed land.

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

ENV24: New development which would sever or unacceptably harm the integrity of a wildlife corridor will not be permitted.

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites. Designing out crime' through design, layout, landscaping and boundary treatments.

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

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

H9: net density of residential development should be at least 30 dwellings per hectare. Densities exceeding 50 dwellings per hectare will be encouraged on sites located at major transport corridors.

8.8: states that residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities a financial contribution to the costs of providing these facilities will be required.

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

Residential developments will be required to make financial or other contributions, which will enable the provision of new, or the improvement of existing urban open spaces.

LC8: Proposals involving the loss of public houses will only be permitted if it can be demonstrated that there are other existing facilities or a replacement facility could be provided.

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.

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

T12: for residential developments the walking distance should be no more than 400 metres to a bus stop.

T13: car parking standards

1, 2 & 3 bedroom houses 2 spaces per unit

Residential Development Standards, April 2005 provides guidance to standards for residential dwellings. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Gardens should normally be 12m long and 68m² in area. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Supplementary Planning Document for Urban Open Spaces

Identifies the requisite local standards and contributions that developers will be required to make towards provision and improvement of open spaces.

Supplementary Planning Document for Education

Sets out the contributions that developers will be required to make towards the provision and improvement of local education facilities.

Regional Spatial Strategy

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 - Promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context.

PPS9 Biodiversity & Geological Conservation – seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

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

Other relevant policies include PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to

Consultations

Transportation – No objections in principle subject to minor revisions.

Pollution control (Scientific Team) – No objections.

Strategic Policy – No objections.

Urban Design – No objections.

Landscape – No objections subject to submission of a detailed landscaping scheme.

Ecology – Require replacement planting equivalent to that lost within the site and some concern about the hard edge that fencing to the rear gardens would create against the canal corridor that could affect the integrity of the canal as a wildlife corridor. A detailed landscaping scheme should be requested.

Education Walsall – No objections but require £39,794.33 contribution towards secondary school education provision in line with the Supplementary Planning Document for Education.

Police Architectural Liaison Officer – The area is currently a hot spot area for burglary and vehicle crime. Details of the design of the secure gates to pathways are required. Also concerns are raised regarding security of rear paths which should be gated and lit, isolated visitor parking, lack of defensible space alongside the gables of the properties, isolated parking for plots 6 & 7 and incorporation of raised planting beds which could reduce natural surveillance.

Fire Service – Satisfactory fire service access.

British Waterways – No objections.

Inland Waterways – No objections.

Centro – No objections.

National Grid – No objections.

Public Participation Response

Seven letters of objection received which are summarised as follows:

- Any access to the development from Simmonds Road would cause major traffic disruption (*no access is proposed*)
- Object to 3 storey houses as these look like flats
- Loss of light
- Loss of privacy from overlooking adjacent houses and gardens
- Loss of security to adjacent dwellings by incorporation of alleyways
- Overlooking from balconies

- Lack of parking
- Location of bin store area adjacent to gardens may create smells, noise and possible nuisance from vermin
- Too many plots creating a cramped development
- Displaces parking for hot food take-away to the detriment of the business

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

Determining Issues

- Loss of the Public House
- Principle of Residential Development
- Design and Layout
- Impact on Residential Amenity
- Access and Parking
- Ecology
- Education/Urban Open Space Contributions

Observations

Loss of the Public House

The applicant advises that the former public house had not been viable for the past 5 years and was closed in August 2006 having been marketed for 2 years with no interest expressed for continued use as a public house. The vacant site had become an attraction for vandals and crime and hence the buildings were demolished recently and the site fenced off. The supporting information demonstrates that there are 10 public houses within 1 mile of the site. In the circumstances, as there was no longer a need for the local community facility and there are equally convenient alternative provision in the vicinity the loss of the Bridgewater Public House is considered not to have any detrimental affect.

Principle of Residential Development

The proposal is for residential re-development of a previously developed "brownfield" site within an established residential area. At 64 dwellings per hectare the proposal seeks to make more efficient use of previously developed land within an existing urban area in a manner that reflects that of surrounding development in the vicinity. The site is considered to be within a sustainable location as the applicants have demonstrated that there are local bus routes, shops and pubs within a 400m (5 minute walk) radius and further facilities within an 800m (10 minute walk). An accessible and sustainable location such as this gives an ideal opportunity to introduce higher density schemes in accordance with the principles of sustainable development.

Design and Layout

The proposed layout provides buildings that face the street in Stoney Lane and the private access and windows in gable elevations of corner properties to ensure direct surveillance of these public areas. Each dwelling has a secure private garden also giving a clear definition between public and private spaces. The proposal seeks to introduce a high quality contemporary design of architecture to the site in a way that respects the scale and massing of adjacent dwellings. For example, although the dwellings are three storeys high the street elevation and section drawings demonstrate that the overall height of the proposed dwellings is sympathetic to the existing surrounding properties.

The proposal provides at least 18m front to front separation between dwellings which, reflects existing development patterns in the area. It is considered adequate separation to maintain privacy between dwellings, whilst creating an attractive enclosed feel to the courtyard.

The layout seeks to create a pedestrian friendly environment by developing a shared surface for pedestrians, parking and landscaping within the cul-de-sac and by use of different surface materials. Although the Police Architectural Liaison Officer is concerned that inclusion of raised planting beds will provide hiding areas for criminals it is considered that there will be adequate surveillance of the courtyard area from neighbouring properties kitchen windows to deter this behaviour. The pathways giving access to the rear of individual dwellings are also to be secured and gated to prevent unauthorised access. The security to the rear of plots with a boundary to the canal is considered acceptable as there is no tow path on this side of the canal and the incorporation of fencing will ensure security is maintained.

A specimen tree is proposed to be planted at the head of the private access to provide a focal feature. The species will be determined as part of a further landscaping scheme to be submitted.

Nine of the properties would have private rear gardens that meet the requirements of the RDS. Members may be aware that recent appeal decisions have called into question a rigid reliance on the RDS guidelines. The remainder would fall short of the standards, but five of the properties have rear gardens backing onto the canal. Open post and rail fencing would be provided to the rear to provide a division but keep the views towards and from the canal. It is considered that the proximity of the canal as a wildlife corridor would compensate for the reduced level of private amenity within the development and that the overall scheme is acceptable in terms of amenity space.

Impact on Residential Amenity

Generally the proposed residential redevelopment of this former public house site is considered to benefit neighbouring properties as the external noise and disturbance associated with the previous use for car parking and beer garden purposes are replaced by residential dwellings hence security and privacy are improved.

There is 12m separation between the gable of plot 13 and the nearest dwellings at the rear in Simmonds Road, which are at a 2m higher ground level. In the circumstances the three storey gable appears as approximately the same height as the properties in Simmonds Road and as the only windows in the proposed gable elevation of plot 13 are non-habitable rooms such as the en-suite, bathroom and w.c. which will be obscurely glazed there is no potential for overlooking. There is approximately 15m separation between the rear elevation of 161/163 Stoney Lane and the gable elevation of plot 18 which exceeds the Residential Development Standards of 14m and will therefore maintain privacy and residential amenity.

There is approximately 12m separation between the rear elevation of plots 8-12 and the rear garden of 151 Stoney Lane and in the circumstances will provide adequate separation in order to prevent overlooking or loss of daylight.

Although objectors are concerned that three storey development will potentially have an overbearing impact on existing properties and result in overlooking from balconies

for example, given the separation standards achieved as referred to above and the differences in levels the proposals are considered not to have any adverse impact on residential amenity.

Access and Parking

The proposed design seeks to create a pedestrian friendly environment that visually reduces the dominance of parked cars within the street scene. The courtyard area will not be adopted by the Council. The extent of the adoptable turning head from the existing service road off Stoney Lane is adequate to allow a pantechicon sized vehicle to enter, turn and leave in a safe manner.

Concerns have been raised by the Police Architectural Liaison Officer and Transportation Officer relating to remote visitor parking at the head of the service road. However, this overspill parking is only accessible from the existing service road and is not directly linked to the main highway and would therefore not attract passing traffic. Also, the proposed layout does provide each dwelling with one convenient parking space and the applicant has provided evidence that car ownership is low in this area and demonstrated that there are local shops and facilities in walking distance so as to encourage use of other means of transport in the interests of sustainability. The overall parking provision equates to 167%. Although less than the required 200% parking stated in policy T13 for the reasons given above this lower level of parking provision is considered acceptable in this location.

No access is proposed to the development from Simmonds Road hence neighbour's concerns relating to this are addressed.

The location of the bin store area is for bin collection day only and at other times refuse will be kept in the rear gardens of individual properties hence the potential for and accumulation of litter, smell and vermin should not be a concern.

Ecology

The bat survey concludes that there was no evidence of bats on the site and although the buildings have now been demolished the proposal does include for provision of bat boxes on the gable elevations of the proposed dwellings. The canal and its environs are within a wildlife corridor and the Council's ecologist has expressed concern regarding the relationship of the proposed development to the canal, where individual back garden fencing of plots 13-18 directly abuts the canal. The alternative to have dwellings fronting the canal would have exposed private rear gardens to the public realm and created a poor environment within the cul-de-sac. It is considered that the current layout is more appropriate as it provides secure private gardens that abut the canal and planting within gardens may itself enhance the potential for wildlife habitat. It is also noted that there is no tow path on this side of the canal. Additional tree planting is also proposed throughout the development as a whole which will enhance the potential for wildlife to flourish and a full landscaping scheme can be conditioned.

Education/Urban Open Space Contributions

In accordance with policies GP3, 8.8 and LC1 of the UDP and relevant Supplementary Planning Documents on provision of Education and Urban Open Space the application would be subject to a S106 Planning Obligation to secure contributions towards provision of education and urban open space. On the basis of the submitted plans an education contribution of £39,794.33 and urban open space contribution of £36,990.00 would be required which gives a total of £76,784.33. The applicants have

submitted a draft unilateral undertaking that refers to the above contributions which they have agreed to provide.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

- Proposed Site Plan (Dwg. 701/1) received 10/12/07
- Proposed Plans & Elevations – Units 1-7 (Dwg. 701/2) received 10/12/07
- Proposed Plans & Elevations – Units 8-12 (Dwg. 701/3) received 10/12/07
- Proposed Plans & Elevations – Units 13-18 (Dwg. 701/4) received 10/12/07
- Street Scenes (Sheet 1) (Dwg. 701/5) received 10/12/07
- Street Scenes (Sheet 2) (Dwg. 701/6) received 10/12/07
- Indicative Landscape Proposals (Dwg. 701/7) received 10/12/07
- Proposed Plans & Elevations - Unit 7 (Dwg. 701/7) received 28/12/07
- Design & Access Statement prepared by Townscape Solutions dated November 2007 received 10/12/07
- Transport Statement prepared by Phil Jones Associates dated November 2007 received 10/12/07
- Presence/Likely Absence Bat Survey prepared by Land Care Associates (P233/2 Version One) received 10/12/07
- Extended Phase 1, Daytime Bat Assessment and Water Vole Survey prepared by Land Care Associates (P233/Version One) received 10/12/07

Reason; To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. No 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 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of the amenity of the surrounding residents of the proposed development.

4. No development shall be carried out until a detailed landscaping scheme for the site, in particular, to address the courtyard and canalside boundary (including any necessary phasing of implementation), has been submitted to and agreed in writing

with the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and enhance the canalside corridor.

5. All planted and grassed areas and associated protective fencing shall be maintained for a period of 24 months from the full completion of the approved scheme. Within this period:

- (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.

6. No development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments (including details of the gates to the secure parking areas), has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. Notwithstanding the submitted plans, the access ways, vehicle parking areas and manoeuvring spaces shall be hard-surfaced in materials to be agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the access drives, vehicular turning areas and parking have been provided as shown on the approved plans. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory development of the site.

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

Reason: In the interests of the amenity of the area.

9. Notwithstanding the submitted plans details of the following matters shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority:

- The design and fixing of the pedestrian pathway access gates
- The design and fixing of the Bat Boxes

Reason: In the interests of security and visual amenity.

10. The windows in the gable elevation of the dwellings on plots 12 and 13 shall be fitted with obscure glazing and shall be maintained throughout the life of the development.

Reason: To prevent overlooking.

11. No development shall commence until details of a post and rail fence be erected to the eastern boundary of plots 13 to 18, fronting the canal have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises and thereafter retained.

Reason: In order to ensure the satisfactory appearance of the development from the Wyrley and Essington Canal.

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, no fences, gates or walls on the eastern elevation fronting the canal other than those approved shall be erected without the prior submission and approval of a planning application.

Reason: In order to ensure the satisfactory appearance of the development from the Wyrley and Essington Canal.

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 3.3, 3.6, 3.7, 3.16, 3.23, GP2, GP3, GP4, GP7, ENV14, ENV17, ENV18, ENV24, ENV32, ENV33, H3, H9, H10, 8.8, LC1, LC8, T7 and T13 of Walsall Unitary Development Plan March 2005, 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1197/OL/E11

Application Type: Outline Application

Applicant: Mrs J Bull

Proposal: Outline - Erection of single storey 2 bedroom managers dwelling with garage, building for fish tanks and WC block for anglers and lockable bait room.

Ward: Pheasey Park Farm

Recommendation Summary: Refuse

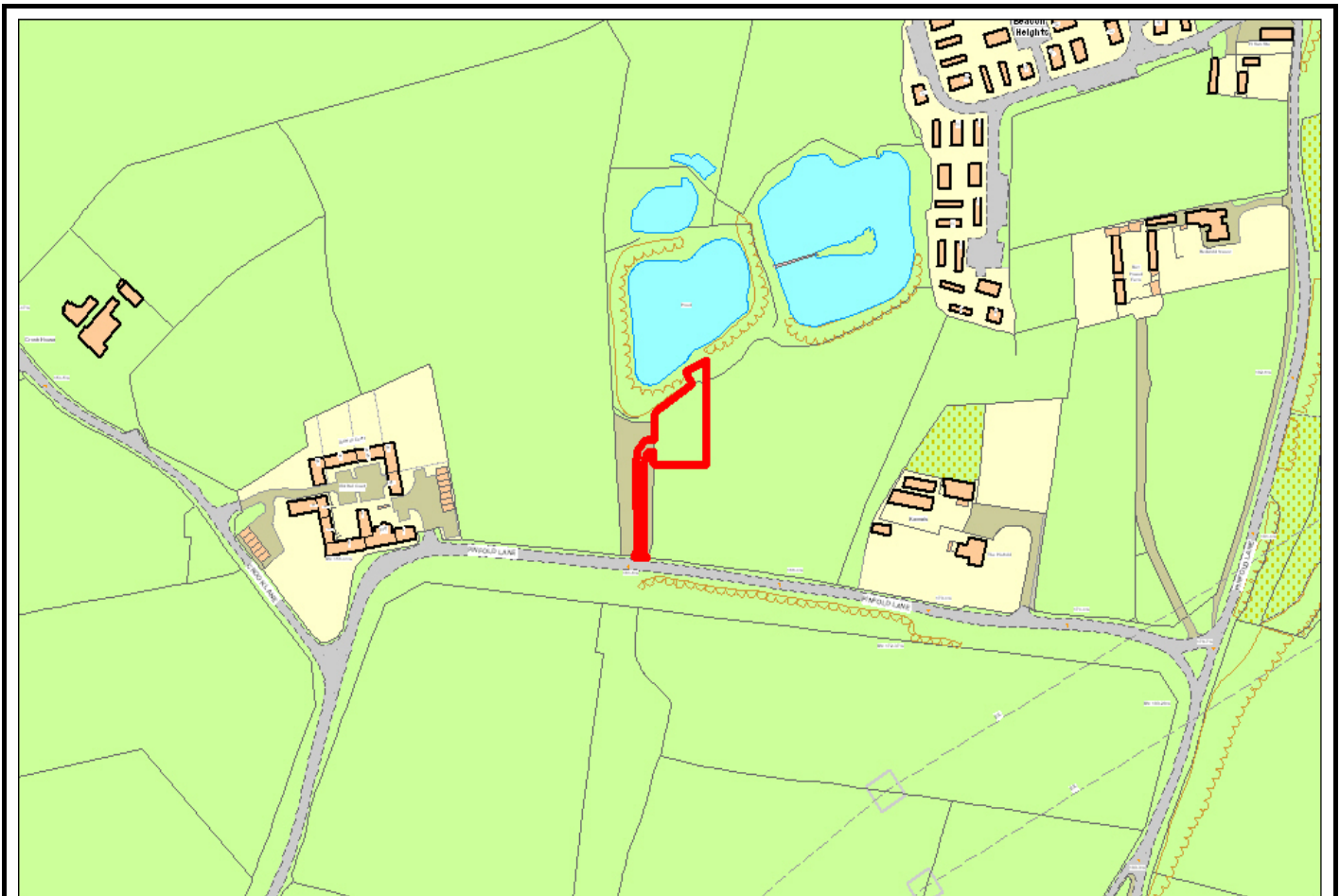
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Kernon Countryside
Consultants

Location: FOXHILL
FISHERIES, PINFOLD LANE, BARR
BEACON, WS9 0QP

Expired: 21/08/2007



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Application and Site Details

Foxhills Fisheries is located to the north of Pinfold Lane, within the Green Belt and Great Barr Conservation Area. Beacon Heights Caravan Park lies to the north east of the site and there are individual residential properties to the east and west along the Pinfold Lane frontage. The remainder of the surrounding area is open countryside. The existing fisheries site comprises a car park, three fishing lakes (80 pegs), a toilet and a hot food snack bar. The entire fishery site extends to 6.5 hectares.

The current proposal is an outline application for erection of a single storey manager's dwelling with garage and annexed bait shop and office, open fronted room for housing aerated fish breeding and rearing tanks and a replacement toilet block for fishermen (including a disabled toilet) with a small lockable bait room attached. The proposal would result in a 24 hour presence on the site. Means of access only are to be determined at this stage with all other matters reserved for subsequent approval.

The proposal is a resubmission following refusal of two recent applications and seeks to address previous concerns regarding failure to demonstrate very special circumstances to outweigh the harm inappropriate built development has on the openness and character of the Green Belt and impact on the Conservation Area and failure to demonstrate a functional need for the proposed dwelling or that a proposed shop is essential for outdoor sport and satisfies the tests of need and sequential approach.

The scale of the proposed buildings and fish breeding tanks, as shown on the indicative plan, has been reduced, the retail element reduced to bait sales only on demand from fishermen from the proposed bait store room, provision of a separate toilet building to cater for male, female and mixed disabled, and relocating and redesigning the proposed dwelling. However, the footprint of the proposed bungalow is 72m², the proposed double garage is 30m² (almost half the size of the proposed bungalow), the proposed fry tanks store is 19.2m² and proposed office/utility 12.8m² giving the cluster of new buildings a total area of 134m².

In support of the proposals the applicant has provided an Illustrative Layout, Design & Access Statement and Appraisal of Need Statement. The illustrative layout suggests the proposed new buildings will be accessed via the existing fishery car park and will be located in the north-west corner of the adjacent field to the south of the fishing lakes. The proposed dwelling, garage and fish tank room are located in one group of buildings and the proposed toilet block and bait store are located at the edge of the fishing lake amongst the existing trees. The illustrative layout also shows a new hedge boundary continued around the proposed buildings.

It is stated that a dwelling is required on site because it will provide accommodation for the fisheries site manager to support the future of the fisheries business. The applicant's have submitted the following information seeking to demonstrate that very special circumstances exist to satisfy the national and local presumption against residential development, relating to fishing, in the Green Belt.

- There is a need for staff to be on hand 24 hours a day to check on the health of the fish, prevent vandalism and theft, to allow supervision of the site to enable

night time fishing to be introduced, day to day management of the site and to monitor fish breeding. They consider that collectively these are reasons to have a dwelling on site to offer a 24 hour presence to enable the proper functioning of the site.

- A full time worker is employed on site for in excess of 40 hours per week.
- The applicant's state that the business has a healthy balance sheet in terms of assets versus liabilities and that the profit for 2004/5 was 1.5 X the minimum agricultural wage.
- At present the staff live in rented accommodation 1 mile away from the fisheries site and given the above factors it is considered there is a functional need for the staff to reside closer to the fishing lakes yet there is no other suitable alternative accommodation in the vicinity. In a recent appeal case at Elphicks Fisheries, Horsmonden, Kent, 170m was considered not sufficient proximity.
- The proposed dwelling is proposed to be sited near to the fishing lake to oversee the main lake and car parking area

The Design & Access Statement also advises that the illustrative layout and siting has been chosen to maximise security benefits so that people entering the site can see there is a residential presence, to maximise functional benefits as the proposed dwelling is closest to the largest lake and easiest and most efficient location for management of the enterprise and away from the Pinfold Lane frontage to address previous planning concerns. It also suggests that housing the manager on site will reduce traffic as presently 4-8 daily journeys are made to the site by the manager.

The application forms identify that the site area is 0.1 hectares and the gross new floor space is 149m². However, the design and access statement suggests the proposed new floor space between 153-169m².

Relevant Planning History

05/0060/OL/E4 - Outline application for a single storey 3-bed dwelling, construction of an additional fishing pool, retail shop, amenities, double garage, siting/construction of fish rearing tanks and demolition of existing wash facilities –Refused 20/06/05. This was on the grounds that no very special circumstances had been put forward to outweigh the harm this inappropriate development would have on the openness and character of the green belt or the character and appearance of the Conservation Area.

06/1037/OL/E11 – Similar outline application as above - Refused 24/8/07. The grounds for refusal were failure to demonstrate very special circumstances to outweigh the harm built development would have on the green belt and visual amenity of the Great Barr Conservation Area, failure to demonstrate a functional need for the new dwelling, failure to demonstrate that the proposed shop was essential for outdoor sport or for the proper functioning of the fishing enterprise or to satisfy the tests of need and sequential approach and the adverse impact of the proposed buildings and associated activities on the character or appearance of the conservation area.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP1: The location of development will be guided by the principles of sustainable development.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance.
- VII. Adequacy of access and parking facilities.
- VIII. The effect on the environment of the countryside and Green Belt.

GP6: Developments to which the public will have access will only be permitted if designed to provide good access for disabled people.

GP7: Development is expected to design out crime and maintain good urban design.

3.3: Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

3.16: Development will be considered in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

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

ENV2: There is a presumption against construction of new buildings except where this is for agriculture, forestry or facilities essential for outdoor sport or recreation.

ENV6: Proposals for the diversification of the rural economy will be supported provided that the character scale and location of proposals are compatible with surroundings.

ENV21: Development which would destroy, damage or adversely affect Sites of Local Importance for Nature Conservation will not be permitted.

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

ENV23: The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology and will require mitigation to compensate for features lost.

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

3.113, 3.114 & 3.115: Encourages high quality architectural and landscape design that responds positively and imaginatively to the context in which development takes place, increases safety, accommodated access requirements of all sections of the community and plays a major role to play in the creation of an environment which is distinctive.

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

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources.

S14: Farm Shops will only be permitted where it involves conversion of an existing building, satisfactory vehicular access and parking can be achieved.

H10: The design of residential developments should create a high quality living environment; integrate with surroundings and local character in accordance with principles of good design.

T10: The standards for public transport, cycles, taxis and disabled car parking are minimum ones and developers are strongly encouraged to improve on them.
Standards for non-residential car parking are maximum ones as required by PPG13.
T13: The Council will negotiate an appropriate level of parking provision with developers.

Barr Beacon Countryside Area Profile 1993

Encourages informal recreation and discourages development of facilities for formal recreation which is likely to have a detrimental effect on the character of the area.

Regional Spatial Strategy

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 protect the quality, character and amenity value of the countryside and give a high level of protection to most valued landscapes, wildlife habitats and natural resources.

PPG2 Green Belts: Seeks to protect against inappropriate development that is harmful to the Green Belt. Construction of new buildings is inappropriate unless it is for agriculture or forestry, essential facilities for outdoor sport and recreation, and for other uses of land that preserve the openness of the Green Belt.

The new dwelling and garage would inevitably have an adverse impact on the character and openness of the Green Belt. PPG2 advises that in order to justify such inappropriate development in the Green Belt applicants must demonstrate that there are very special circumstances that outweigh the harm caused to the character and openness of the green belt. Paragraph 3.1 of PPG2 states that *“very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations”*.

Such very special circumstances may exist if the applicant can demonstrate that there is a justified need for the dwelling to support existing agricultural activities, forestry and other full-time workers to live at or in the immediate vicinity of their place of work.

Paragraph 10 of PPS7 also states that *“isolated new houses in the countryside will require special justification for planning permission to be granted”* and *“where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside”*.. Annex A of PPS7 sets out criteria for assessing such proposals including; justifying a functional need for the dwelling, establishing the need relates to a full time worker, the unit and agricultural activity is financially sound, there is no other accommodation in the area which is suitable and available for occupation by the workers and other planning requirements such as impact on the Green Belt, Conservation Area etc are satisfied.

PPS3 Housing: Promotes sustainable development and the efficient use of previously developed land and commitment to improving affordability and supply of housing in all communities. It promotes the need for well designed new housing developments and consideration of design and layout must be informed by the wider context.

PPS7 Sustainable Development in Rural Areas: Promotes sustainable patterns of development and sustainable communities in rural areas to ensure effective protection

and enhancement of the environment, prudent use of natural resources and maintain high and stable levels of economic growth and employment. Isolated new houses in the countryside require special justification for planning permission to be granted such as to allow agricultural, forestry and certain other full time workers to live at or in the immediate vicinity of their place of work.

PPG9 Nature Conservation: Promotes sustainable development, conservation, enhancement and restoration of diverse wildlife and geology and contribution towards rural renewal and urban renaissance.

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

Other relevant policies include PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk,

Consultations

Transportation – No objections.

Pollution Control – No objections in respect of contaminated land.

Strategic Policy – In contrast to the previous application the applicant has provided an explanation of the functional links between the fishery and the proposed dwelling to address the requirements of PPS7 (the functional test) and PPG2 (regarding appropriate development in the Green Belt) and therefore policy ENV2 of the Unitary Development Plan. The proposed breeding and rearing tanks are agricultural and would not be inappropriate in terms of PPG2. The toilet block and small bait store would also not be inappropriate in terms of PPG2 as they are essential for outdoor sport. Nonetheless any facilities should still preserve the openness of the Green Belt.

Environmental Health – No objections.

Building Control – No objections.

Conservation – Insufficient information to determine whether the proposals will preserve or enhance the Great Barr Conservation Area. Further landscaping and hedging is proposed to soften the impact of the development but without details of the design, landscaping and materials proposed it is not possible to determine whether the proposed buildings are sympathetic to the surrounding landscape. This is not a suitable location for a traditional suburban bungalow.

Natural England – The proposal may affect a locally designated site, namely Pinfold Lane Quarry Site of Importance for Nature Conservation, but recommends the Council's own officer with the responsibility for nature conservation comments on the application. No objections to the proposed development in respect of legally protected species as Natural England are not aware that they are likely to be adversely affected by the proposals. However, if protected species are highlighted then further survey work is recommended.

Natural Environment – No objections subject to submission of a landscape scheme to enhance the site for wildlife.

Landscape – Objects on the basis that there is a lack of information to provide an accurate assessment of the impact the proposals have on the existing landscape which is within the Green Belt and Conservation Area.

Access and Disability Officer – Inadequate information regarding access for disabled people visiting the site.

Drainage – No objections.

Fire Service – No objections - satisfactory for fire service access.

Inland Waterways – No objections.

Severn Trent Water Authority – No objections.

Public Participation Response

A petition of support with 19 signatories, and no grounds of support given.

Two letters of objection have been received. The objections are: -

- Inappropriate to build a new bungalow in the Great Barr Conservation Area as it would harm the appearance of the area
- Proposals should conserve wildlife
- Insufficient need for anyone to live permanently on site
- Fish losses last year referred to in the report were as a result of drought

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

Determining Issues

- Whether there are very special circumstances to justify inappropriate development within the green belt
- Whether there is a justified need for the development
- Impact on the Green Belt, Conservation Area and Site of Local Importance for Nature Conservation
- Impact on surrounding residential amenities
- Access

Observations

Whether there are very special circumstances to justify inappropriate development within the green belt

The construction of new buildings inside the green belt is inappropriate unless it is for specified purposes, including; agriculture or forestry, essential facilities for outdoor sport and outdoor recreation or for other uses of land that preserve the openness of the green belt. Paragraph 3.5 of PPG2 states that essential facilities should be genuinely required for uses of land which preserves the openness of the green belt.

Fishing is appropriate in the Green Belt. A small toilet block to support this use is acceptable, as essential facilities. Production of fry, for sport, in a building to house

fish breeding tanks is considered not essential as this operation can be carried out elsewhere and need not be attached to a fishing lake. For this reason, national Green Belt policy requirements would not be met.

Whilst the toilet block is considered appropriate in principle within the Green Belt the size, design and siting of the buildings must not have any adverse impact on the openness or character of the Green Belt. As the application is in outline form with indicative layout plans it is not possible to fully assess the impact on the character or openness of the Green Belt as no details of landscaping or design have been provided. The proposed toilets/bait store building as shown on the indicative plan is only 14m² and is positioned amongst existing trees around the edge of the larger pool. Removal of existing trees and vegetation to accommodate the toilet/bait store may in itself have an adverse impact on the character of the Green Belt and could leave any building unacceptably exposed. In the absence of any details of design and landscaping it is not possible to demonstrate that there would be no undue harm. Inadequate details have therefore been provided in order to demonstrate that the proposals would not have an adverse impact on the character or openness of the Green Belt or to demonstrate that there are very special circumstances sufficient to outweigh the harm caused by inappropriate development of the new dwelling in the Green Belt contrary to policies GP2, 3.3, ENV2, ENV29, ENV32 and ENV33 of the Walsall UDP.

In an attempt to demonstrate that there is a functional need to live on site to provide 24 hours security the applicants have not explained what other security measures have been considered to prevent occurrences of vandalism and theft. As the proposed dwelling is separated from the fishing lakes by the existing screen of trees it would not enable direct overlooking of the lakes and in any case 24 hour security would not be achieved as during the night time occupants will be sleeping. The incorporation of a dwelling is therefore unlikely to provide a presence in order to deter such behaviour.

No information regarding the financial security of the fisheries business has been provided other than to state that the Fisheries made a profit in 2004/5 and no information relating to availability of alternative accommodation within close proximity to the fisheries has been provided. This has arisen as a key issue in appeal cases.

In the Springhill Trout Fisheries appeal case quoted by the applicant (APP/M2270/C/07/2043993) two residential caravans were contained within an existing open sided building on the land, hence they did not adversely affect the openness of the Green Belt as an entirely new permanent, built, residential dwelling and garage would do in the application case. Also in the appeal case security issues and animal care were considered to be of primary importance as the fish referred to were trout which are susceptible to poaching and more sensitive to water re-circulation and oxygenation equipment failure requiring a permanent residential presence on-site. Foxhill Fisheries stocks carp which are not as susceptible to such problems. The appeal cases referred to also related to rural locations which are not directly comparable with the Foxhills Fisheries case which is in an urban fringe location where there are 100's of existing houses within the locality.

Whether there is a justified need for the development

Other considerations are the key tests set out in Annex A of PPS7 which refer to provision of agricultural, forestry and other occupational dwellings in the countryside. It is notable that recreational fishing is not mentioned even though it is the most popular

sport. The Annex sets criteria that apply to proposals for new dwellings and specifies they will only be permitted where: -

- there is a clear established existing functional need
- the need relates to a full time worker
- the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so
- the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable for occupation by the workers concerned
- other planning requirements, e.g. in relation to access, or the impact on the countryside, are satisfied

The applicant has provided supporting information in response to the above criteria. They consider that the proposed new dwelling is essential for the proper functioning of the enterprise as it is for fish management including water quality and aeration, visitor management and safety, water management, prevention of theft or damage and day to day management of the fishery. The key issue is whether the enterprise can operate properly without this dwelling.

Although the scale of the proposed dwelling has been reduced from previous submissions the proposals nevertheless seek permission to erect a new building in the Green Belt and the majority of the floor space is given over to the residential accommodation. No financial information regarding the health of the business has been provided to demonstrate that it is financially sound, or assess this fully. Without full evidence to demonstrate the health of the business in order to ensure its ongoing success and to justify the development of a new dwelling it is not possible to determine whether the business is likely to continue or whether the value of the proposed new dwelling would eventually exceed the value of the business as a whole which may lead to its non-viability. The applicant has therefore not demonstrated a justified need for the development to support the ongoing fisheries business.

There is established existing housing at Pheasey to the south of the site that is within 1km of the site and further housing to the east within Streetly that is within 2km of the site yet the applicant has not provided evidence to demonstrate why a house in these locations would not be suitable. The only information regarding alternative provision is the claim that the applicant's existing rented accommodation a mile away has become increasingly difficult to provide proper levels of management at the fisheries.

Impact on the Green Belt, Conservation Area and Site of Local Importance for Nature Conservation

The application is outline with siting only to be determined. The proposed dwelling and garage has been relocated adjacent to the lake but still proposes a cluster of buildings in what is presently an open paddock. In the absence of any details relating to matters such as design, landscaping or levels it is not possible to make an accurate assessment of the proposals in terms of protecting or enhancing the conservation area. Nevertheless, the proposed siting of a cluster of buildings in what is presently an open paddock will adversely affect the character and appearance of the Conservation Area, particularly as the indicative proposals show a suburban bungalow design which is out of keeping. The proposals are therefore contrary to policy ENV29.

The proposed access is now via the existing car park hence the previous concern relating to removal of trees along Pinfold Lane has been resolved.

Impact on surrounding residential amenities

Whilst the site is located in a part of the borough that is rural in character, it is only minutes away from large residential areas. There are isolated farms and residential properties to the east and west of the site and Beacon Heights Caravan Park to the north east. Two letters of objection have been received referring to the potential impact of the proposal on the appearance of the conservation area and surrounding area, need to conserve wildlife and the need for the new dwelling. Given the separation between the proposed dwelling and the closest of these residential properties it is considered that residential amenities will not be adversely affected by the proposals in terms of privacy, daylight or outlook. However, it is inevitable that if the business begins to operate on a 24 hour basis as suggested in the application the effect of traffic and activities at the site may be more noticeable to neighbours.

Access

The means of access to the proposed dwelling, garage and bait store is via the existing car park and would involve creation of a new access leading off the car park with driveway and parking for residents vehicles in front of the proposed dwellings. Transportation do not object to this means of access as it does not displace any existing parking spaces and there is ample space to park two vehicles within the new residential curtilage.

Recommendation: Refuse

1. The applicant has failed to demonstrate that there are very special circumstances or justification for the proposed buildings that outweigh the harm the proposed inappropriate built development would have on the character and openness of the green belt and visual amenity of the Great Barr Conservation Area. The proposal is therefore contrary to the policies 3.3, GP2, ENV2, ENV3, ENV29, ENV32 and ENV33 of the Walsall Unitary Development Plan and to Planning Policy Guidance Note 2 Green Belts.
2. Insufficient information has been provided in relation to the financial viability of the fishing business in order to demonstrate that there is a functional need for a new permanent residential dwelling on site in order to ensure the proper functioning of the fisheries business contrary to Annex A of PPS7 Sustainable Development in Rural Areas.
3. Insufficient information has been provided to determine the full impact the proposed development would have on the character and openness of the Green Belt and visual amenity of the Great Barr Conservation Area due to the lack of details regarding design and landscaping. The impact of the cluster of buildings and associated activities in this isolated position would be unlikely to enhance or preserve the character or appearance of the conservation area. The proposals are therefore contrary to policies 3.3, GP2, ENV2, ENV3, ENV29, ENV32 and ENV33 of the Walsall Unitary Development Plan and to PPG2 Green Belt and PPG15 Planning & The Historic Environment.

4. Intensification of a 24 hour operation of the fishery business would potentially lead to additional noise and disturbance from visitors and their vehicles during sensitive night time periods, which would be detrimental to the residential amenities of surrounding occupiers contrary to policies GP2 and ENV32 of Walsall Unitary Development Plan.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2282/FL/W5

Application Type: Full application

Applicant: Network Rail (Infrastructure) Ltd

Proposal: Construction Of A Rail
Maintenance And Safety Training Facility
Comprising Of Single Storey Classrooms
And Practical Training Area Plus Ancillary
Areas (Office, Catering, Toilets, Circulation).

Ward: Pleck

Recommendation Summary: Grant Subject to conditions

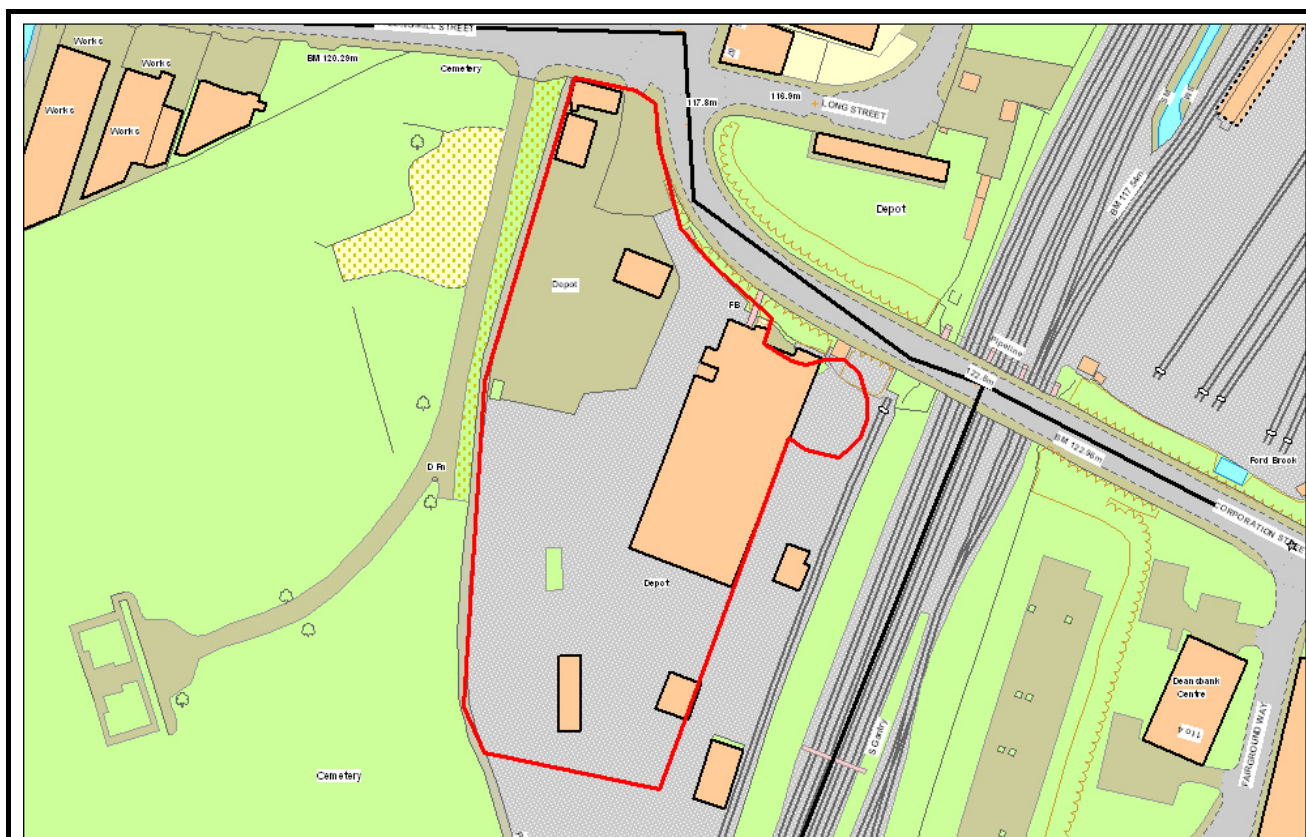
Case Officer: Karon Hulse

Telephone Number: 01922 652492

Agent: Mr A Rivero

Location: WALSALL TRACK
MAINTENANCE DEPOT, OFF
CORPORATION STREET WEST,
WALSALL, WS2 9EF

Expired: 26/02/2008



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Application and Site Details

This application seeks the construction of a rail maintenance and safety training facility. It will consist of two buildings measuring in total 2,856 sq.mts floor space and comprising a large single storey building to accommodate classrooms with practical training areas plus ancillary areas such as office, catering, toilets and general circulation areas and smaller workshop building. The total site area is just over 2 Ha. The site is at a lower level to surrounding highway network and sits in-between the railway line and the cemetery.

The existing site currently consist of a number of old buildings and temporary mobile buildings used for training purposes with a large amount of open storage. This application would clear the site and develop it with a purpose built facility for training. The site has direct access to the live rail network through existing sidings, this allows for rail based engineering equipment such as rail cranes and track laying trains into the training centre so that staff can be trained safely.

The site has been specifically chosen for its good central location within the Midlands area and close proximity to the Walsall town centre train station for travel purposes.

The existing site entrance at the junction of Corporation Street West, Queen Street and Rollingmill Street will be subject to highway alterations to improve access/egress into the site and general traffic flows around this part of the Premier Business Park..

The design of the building incorporates finishes and materials to enhance its presence in this location.

A new 87 space car park (inc 6 disabled spaces) will be provided along the boundaries with Corporation Street West and the public footpath adjoining the cemetery.

It is proposed to replace some of the existing boundary treatment with new 2.5 metre high palisade fencing, powder coated black, this includes sections of the existing boundary along the public footpath with the cemetery.

A transport assessment has been submitted as part of the application.

Relevant Planning History

None relevant

Relevant Planning Policy Summary

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

Unitary Development Plan

3.6...schemes should help improve the environment of the Borough

3.7...proposals for development or redevelopment should protect people from unacceptable noise, pollution and other environmental problems...encourage relocation of bad neighbour uses from residential and other sensitive areas

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

ENV14...encourage reclamation and development of derelict and previously developed land where feasible,

4.1...seek to improve the local environment and enhance the image of the area, introduce security improvements to reduce crime and vandalism and create new, and safeguard existing, job opportunities.

4.2...promotes investment and diversification to meet the needs of both inward investors and existing firms

4.10...provision of sites and buildings, improved highway and other infrastructure, training to further equip the workforce with modern skills, local recruitment policies

GP1... location of development guided by principles of sustainable development and involve:-

- a) Locating facilities where they are accessible to everyone and minimise the need to travel... a sequential approach requiring the location of development....Development should be of a scale appropriate to the size of the centre
- b) Mixed-use developments will be encouraged to minimise travel and increase local diversity and vitality...subject to no unacceptable adverse impact on the environment.
- c) A sequential approach maximising re-use of derelict, vacant and underused urban land and buildings ... make best use of urban land and buildings...development proposals should not prejudice beneficial use of any adjoining land or buildings, or other parts of a building (e.g. upper floors above shops).

GP2... expect all developments to make a positive contribution to quality of the environment...development having adverse impact on environment will not be acceptable

GP4...promote and encourage comprehensive local area regeneration initiatives which revitalise local economy, create/ safeguard jobs, protect / enhance natural and built environment, bring forward derelict, vacant or underused land and buildings for new uses.

T7... Car Parking all developments to comply with T13...provide car parking not exceeding maximum standards

T13 on parking standards (1 car space per 30 sq.m. gross floorspace, 1 bike locker per 10 car spaces, taxi facilities)

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 UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres.

PPG4 seeks a positive approach to the location of new business developments and assisting small firms....economic growth and high-quality environment to be pursued together....the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

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

Other related documents are 'By Design' companion to PPG's, Urban Design Compendium, Safer Places, The Planning System and Crime Prevention and By Design - Urban Design in the Planning System: Towards Better Practice and Delivering Quality Places.

Consultations

Transportation – no objections subject to a road safety audit being carried out, a section 278 agreement will be required and a traffic regulation order making a section of Long Street one-way will be required before the development can proceed.

Fire Service – no objections

Pollution Control Division (scientific team) – no objections

Pollution Control Division (contaminated land) - no objections subject to conditions requiring ground and site investigations

Urban design – no objections

Rights of Way Officer – no objections subject to scheme for fencing along the public footpath which allows for increased natural surveillance (possibly vertical bar fencing) and lighting to the footpath through lighting of the car park.

Drainage – no objections

Police Architectural Liaison Officer – no objections subject to improved security measures being required

Conservation officer – no objections subject to recording of the site

Landscape – no objections subject to conditions relating to landscaping

Public Participation Responses

None

Determining Issues

- **Principle of the development / design**
- **Highways**
- **Conservation and environment**
- **Crime prevention/safety/public footpath**

Observations

Principle of the development / design

This scheme proposes to redevelop this existing rail site for a new Network Rail training facility. The proposed facility will include a main single storey building to accommodate teaching classrooms, administration offices, practical training rooms and general areas. It will also provide a single storey welding facility for practical training purposes. It will serve as the main training facility for the Midlands area and has been specifically chosen due to its good rail network links and close proximity to the main town centre train station.

Therefore the use of this site is in principle acceptable as it is considered to be in a sustainable location for this facility.

In terms of scale and design of the development, the area is predominantly industrial/commercial and as such its use will be well integrated with neighbouring buildings and the local area.

The existing site consists of a number of old buildings with lots of open storage taking place. In terms of appearance along the main rail corridor this is very poor. The provision of this new facility will tidy the site, provide a purpose built training facility and offer a visually improved site along this main and important approach to the town centre train station.

The entrance to the new building will include a feature entry façade with specific illumination giving it a prominence in the area.

Highways

The application proposals include off site works to the adjacent highway. The priority for traffic is currently along Corporation Street West and Queen Street, the proposed scheme would change this priority to Corporation Street West-Rollingmill Street. Whilst the application details have included a transport assessment, a road safety audit will be necessary and a section 278 agreement will also be required for the change to priorities in the vicinity. This can all be adequately addressed and secured by way of planning conditions

The transport assessment sets out several alternatives which have been considered, the proposed changes to the highway system being the best option for safe

access/egress in and out of the site and for existing traffic users. A traffic regulation order making a section of Long Street one-way will be required.

The development will provide a car park with 87 spaces, and the changes to the road layout immediately outside the site will enable the car park to be accessed safely and conveniently without any impact on highway safety. The amount of parking is relevant to the use of the site for training purposes i.e. it will allow for 13 permanent staff and approximately 150 trainees (max). The close proximity to the town centre with its train and bus stations means that the site will also be well served by a variety of alternative transport modes. Secure cycles storage should be required by way of a planning condition in order that choice of travel modes is further increased.

Nature Conservation and Environment

A landscape scheme specific to black redstarts is required as they have been recorded close to the centre of Walsall. This area of railway tracks and sidings is prime foraging habitat. Therefore rather than the usual and traditional tree, shrubs and lawns landscape plan, it is suggested that an alternative solution is adopted. In this case to accommodate black redstarts, best practice suggests that aggregates and low-nutrient substrate should be used to encourage an arid, montane style of landscaping.

Crime prevention/safety/public footpath

The Police Architectural Liaison Officer, while not objecting to the application, has stated that such facilities often result in an increase in crime related incidents such as theft and burglaries occurring. It is therefore important to ensure that there is a satisfactory level of security measures implemented on the site whilst not compromising the appearance of the site within the environment.

Perimeter security is a key to creating an overall secure site. The perimeter fencing on the current site is in a poor condition and not suitable for the proposed facility. The planning application details include replacement of some boundary fencing with a 2.5 metre high palisade fence powder coated black.

The boundary treatment along the public footpath which runs between the site and the adjacent cemetery is currently very poor and in some places it appears in an unsafe condition. In places it has already been replaced with palisade fencing, it is considered that the replacement of all this boundary would provide better security for the proposed development whilst improving the personal safety of users of the public footpath. It will open up the footpath and allow views into and out of what is currently an enclosed alleyway and furthermore, allow light to permeate from the site over the public footpath. This would be an additional benefit gained from the approval of the proposals and a condition requiring a scheme for lighting of the external areas and car parking should enable this to be satisfactorily achieved.

Recommendation: Grant Subject to conditions

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

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

2. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained.

Reason: To ensure the visual amenity of the area.

3. There shall be no open storage on the site unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. No industrial process shall take place in the open on any part of the site unless approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory provision of off-street parking and appearance of the site.

5. Machinery shall not be operated on the premises outside the hours of 0700 to 1900 on Monday to Fridays; 0700 to 1300 on Saturdays; and not at all on Sundays or Public Holidays.

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

6. Prior to any part of this development being commenced a Stage 1 Road Safety Audit shall be carried out with regards to the proposed junction improvements in Corporation Street West, Queen Street, Long Street and Rollingmill Street and in particular at the site access. In addition to the above the developer is required to enter into a Section 278 Agreement with the Local Authority for the proposed road improvement works, before the development is commenced. The existing access shall be improved in accordance with the approved plans or any details identified by the Stage One Road Safety Audit. The works shall be carried out before the premises are first occupied.

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

7. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in tarmac (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces have been clearly marked out.

Reason: To ensure the satisfactory provision of off-street parking, appearance and functioning of the development and in the interests of highway safety.

8. The car parking layout to be submitted shall include 10 per cent of spaces for use by drivers with disabilities. These shall be clearly identified and marked out, and thereafter retained for that purpose.

Reason: To ensure adequate provision for the ease of access for disabled persons.

9. All loading and unloading of goods shall take place within the curtilage of the site.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site other than through the approved access, without the prior submission and approval of a planning application.

Reason: In the interests of highway safety.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained

Reason: To ensure the satisfactory development of the site.

12. Prior to built development commencing a site investigation, ground contamination survey, assessment of ground gas and details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with an 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 commenced.

Reason: To ensure the satisfactory development of the site.

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 include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

(NB. It is considered that the boundary treatment along the public footpath and the cemetery should consist of palisade fencing all along the boundary in order to achieve a consistent appearance and to increase security both for the development site and users of the public footpath.)

Reason: To ensure the satisfactory appearance and security of the development.

14. Notwithstanding the deposited landscaping scheme, no development shall be carried out until a landscaping scheme which makes provision for black redstarts is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

(NB. Black Redstarts are a protected species, they have been recorded close to Walsall town centre and this area of railway tracks and sidings is prime foraging habitat. Best practice suggests that aggregates and low-nutrient substrate should be used to encourage an arid, montane style of landscaping. The black redstart website can give more detailed advice. It can be found at: <http://www.blackredstarts.org.uk>)

Reason: To ensure the satisfactory development of the site and protect species.

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

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

Reason: To ensure the satisfactory appearance of the development.

16. Prior to the development first being used details of security measures to be implemented at the access egress point shall be submitted to and approved in writing by the Local Planning Authority. The measures shall control the access on and off the site during opening times, the prevention of casual intrusion onto the site and allow access for emergency services.

Reason: To ensure the satisfactory appearance and security of the development.

17. Prior to this development first being used details of any CCTV equipment required to be installed to protect the future users of the building and the building itself shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be retained in good working order at all times.

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

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

18. Prior to this development first being used, a scheme for lighting around the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being first used and retained in good working order.

Reason : To ensure the personal safety of its users is not compromised.

19. Before work commences the applicant or the applicants agent shall afford access at all reasonable times to Mike Shaw, Black Country Archaeologists, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493). and no development shall be carried out until adequate opportunity of making internal and external inspections for the purposes of making a record and identifying any artefacts or documentation meriting preservation

Reason: To secure an adequate record of the site's archaeology.

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

Reason: To ensure the satisfactory appearance of the development.

21. For the duration of the reclamation of the site, and the construction period, the access to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

Reason: To prevent mud being deposited on the public highway.

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.

Recommendation: Grant Subject to conditions

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

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

2. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The

approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained.

Reason: To ensure the visual amenity of the area.

3. There shall be no open storage on the site unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. No industrial process shall take place in the open on any part of the site unless approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory provision of off-street parking and appearance of the site.

5. Machinery shall not be operated on the premises outside the hours of 0700 to 1900 on Monday to Fridays; 0700 to 1300 on Saturdays; and not at all on Sundays or Public Holidays.

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

6. Prior to any part of this development being commenced a Stage 1 Road Safety Audit shall be carried out with regards to the proposed junction improvements in Corporation Street West, Queen Street, Long Street and Rollingmill Street and in particular at the site access. In addition to the above the developer is required to enter into a Section 278 Agreement with the Local Authority for the proposed road improvement works, before the development is commenced. The existing access shall be improved in accordance with the approved plans or any details identified by the Stage One Road Safety Audit. The works shall be carried out before the premises are first occupied.

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

7. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces have been clearly marked out.

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8. The car parking layout to be submitted shall include 10 per cent of spaces for use by drivers with disabilities. These shall be clearly identified and marked out, and thereafter retained for that purpose.

Reason: To ensure adequate provision for the ease of access for disabled persons.

9. All loading and unloading of goods shall take place within the curtilage of the site.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site other than through the approved access, without the prior submission and approval of a planning application.

Reason: In the interests of highway safety.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained

Reason: To ensure the satisfactory development of the site.

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Reason: To ensure the satisfactory development of the site.

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(NB. It is considered that the boundary treatment along the public footpath and the cemetery should consist of palisade fencing all along the boundary in order to achieve a consistent appearance and to increase security both for the development site and users of the public footpath.)

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habitat. Best practice suggests that aggregates and low-nutrient substrate should be used to encourage an arid, montane style of landscaping. The black redstart website can give more detailed advice. It can be found at: <http://www.blackredstarts.org.uk>)

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2629/FL/W5

Application Type: Full application

Applicant: Hilton Property Services

Proposal: Proposed demolition of existing unit and construction of 15 apartments

Ward: Willenhall South

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

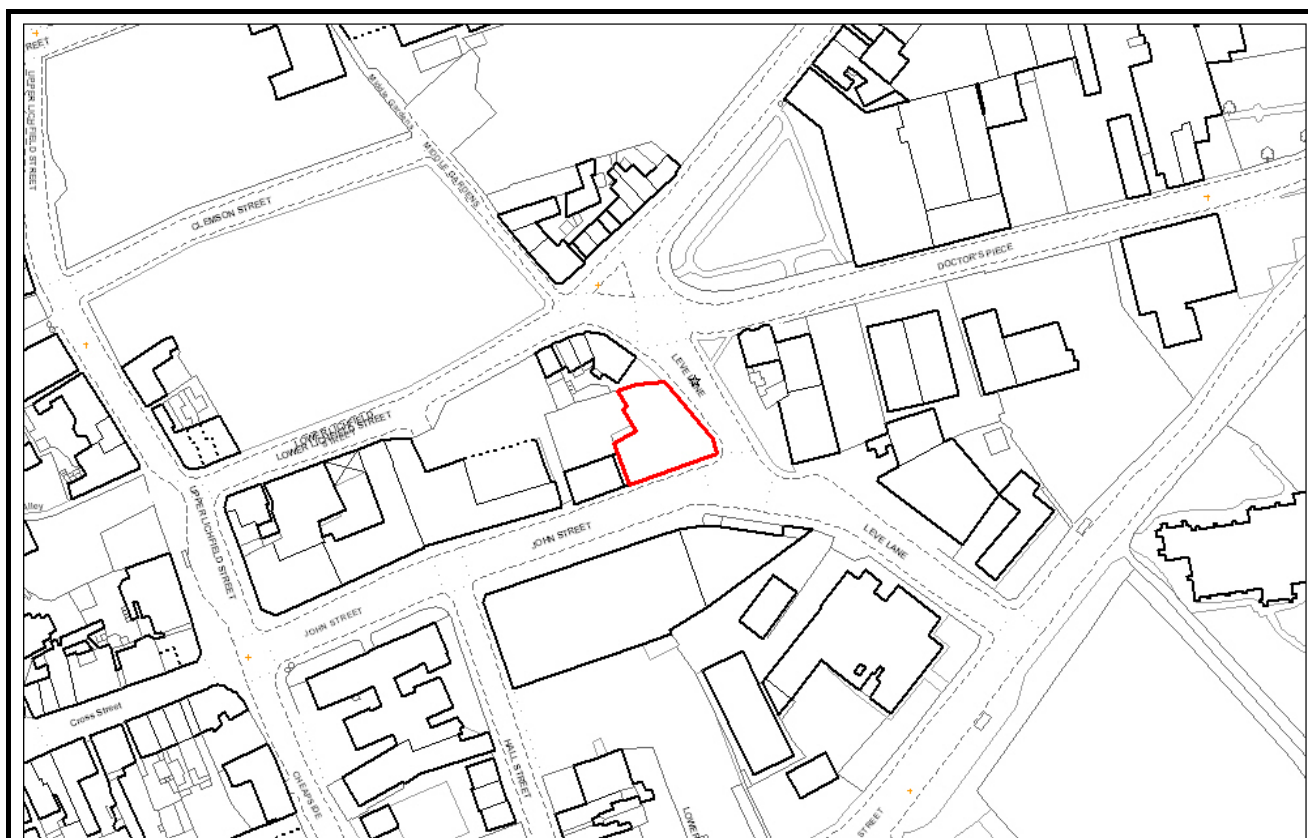
Case Officer: Karon Hulse

Telephone Number: 01922 652492

Agent: Turnbull Tweedale

Location: UNIT 10, LEVE LANE/JOHN STREET, WILLENHALL

Expired: 18/03/2008



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Application and Site Details

This application proposes to demolish an existing three storey vacant factory/warehouse on the corner of Leve Lane and John Street on the edge of the Willenhall town centre and construct a new three storey building to accommodate 15 apartments consisting of 8 one bedroom apartments and 7 two bedroom apartments. The new development would occupy a similar position to the existing building, at back of pavement on the corner of Leve Lane and John Street.

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 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 would be 350 dwellings per hectare.

There is no on site parking proposed however an in depth residential travel plan has 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.

Relevant Planning History

None relevant

Relevant Planning Policy Summary

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

Unitary Development Plan

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

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.

Policy 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.

Residential Development Standards (April, 2005)

These include guidelines relating to design and space around dwellings including garden dimensions, habitable room separation and boundary treatments.

Urban Open Space (SPD) (April 2006)

Requires a contribution of £12,474.00 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.

Education (SPD) (February 2007)

Requires a contribution of £3,351.85 towards local education facilities on residential developments of 10 units or above.

National Policy

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 – Transport.

Others include PPG24 - Planning and Noise, PPG25 - Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

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 UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

Consultations

Transportation – no objections

Pollution Control Division (scientific team) – no objections

Pollution Control Division (contaminated land) – no objections

Fire Service – no objections

Environment Agency – no objections

Centro – no objections

Greenspace Services - Financial contribution of £15,246.00 required

Education – a financial contribution will be towards secondary education

Regeneration (Urban Design) – no objections

Public Participation Responses

None.

Determining Issues

- Development opportunity and principle
- urban design and layout
- conservation
- car parking, access and travel plan

- planning obligations

Observations

Development opportunity and principle

This application provides 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. A well designed and bespoke building is envisaged which takes into account its surroundings, is well integrated with, and complements, the neighbouring buildings and the local area in terms of its terms of scale, density, layout and access.

It is within the Town Centre 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 would be approximately 350 dwellings per hectare. Such high density is not unreasonable for a town centre location and whilst it is accepted that more intensive development is not always appropriate, this is a well designed scheme which 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. It will provide the units in an area of the town centre which will benefit from this type of development and continue to promote the enhancement of the area generally.

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.

Urban Design and layout

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 deposited plans show street scenes which clearly show this).

The design concept of an apartment block with a small amenity area at the rear is acceptable, particularly given the busy nature of this part close to the town centre. It should be inherent with town centre residential developments that opportunities for sustainable living within close proximity to the town centre amenities are maximized whilst also providing the occupants with a comfortable high quality residential environment within which to relax when they wish to escape from the activity of the

town centre. The provision of a small landscaped courtyard is positive and provides the opportunity for occupants to enjoy an outdoor environment whilst living in the town centre.

The scheme includes a number of interesting features that are positive: a small number of useable balconies, some Juliet balconies, respect of the adjacent locally listed building and creation of a focal point on the approach to the town centre.

All the apartments are dual aspect which either overlook Leve Lane or John Street and the rear amenity area, whilst some bedrooms would look out over the rear area of the adjacent pub this area is heavily screened by trees and bushes which exist along that boundary (these are on the side of the public house) and the benefit of having dual aspect units is to be encouraged and welcomed. The one bedroom apartments are large and spacious, the two bedroom apartments make good use of the corner of the site, four of the apartments have the benefit of balconies and the ground floor has access to the rear courtyard area.

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 three storey tower to properly address the corner and create a landmark.

The apartment block also picks up on key characteristics of local buildings and other surrounding properties, the proposals would have some modern elements and include a varied palette of materials to be used in the external finish of the building, balconies and Juliet balconies.

The scheme will further offer a feature gateway to the recently approved Dransfield scheme and therefore acceptable in terms of relating to existing developments as well as future ones.

In conclusion the design of this development 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 its setting. The scale and size of the proposed building has been designed in order to reflect the height of the pub building and will retain 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 local area and neighbouring buildings. The evenly spaced windows, new pedestrian entrance 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

The proposals do not provide any off street parking. However, this is a town centre location and as such the level of parking required can be negotiated. In this instance

whilst there is no 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.

The submitted travel plan is 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, the need for the travel plan will also be required and secured through the Section 106 Agreement.

Planning obligations

This application triggers a financial contribution towards open space of £12,474.00 and education of £3,351.85. 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.

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. 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

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 prior to first occupation of any unit within the development.. The approved details shall be implemented and retained in working order. to first occupation of any part of this development

Reason: In the interests of securing the site.

7. Prior to built development commencing a site investigation, ground contamination survey, assessment of ground gas and details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with an 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 commenced.

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 development commencing, a ground and/or structural vibration 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 site conditions and traceable calibration tests and suitable vibration mitigation measures to protect internal areas shall have been agreed in writing with the local planning authority.

Levels of ground and/or structure-borne vibration transmitted to occupied buildings shall not exceed specified criteria for '*low probability of adverse comment*' assessed with reference to British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).

The development shall not be brought into use until such measures have been fully implemented and thereafter they shall be maintained in accordance with their design specification. Shall be submitted to the local planning authority within 2 months of completion.

Reason: To ensure the satisfactory development of the site.

10. Prior to first occupation of any unit, a Residential Travel Plan Framework shall be submitted to and approved in writing by the Local Planning Authority. The Framework shall be developed in partnership with this Council's Sustainable Travel Officer and included in as part of a S106 Legal Agreement. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and should include details on:

- a) Public Transport information
- b) Cycle routes and infrastructure provision, and
- c) Walking routes and initiatives.

The approved measures shall be implemented in accordance with details written in the plan. A review of the Plan shall be submitted to, and agreed in writing by, the Local Planning Authority in accordance with the approved Plan. This will identify any refinements and clarifications deemed necessary to plan. The approved, revised Plan 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 take place until an air quality survey and modelling has been undertaken, which demonstrates that air quality objectives in respect of Nitrogen Dioxide required by the provisions of the Environment Act 1995 will be achieved and no negative impact will occur to future occupants from the surrounding industrial premises.

Reason: To ensure the satisfactory development of the site.

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. Details of the approved Cycle Storage shall be covered, secured and provide with adequate illumination, the details of which shall be agreed in writing with the Local Planning Authority prior to any unit being first occupied.

Reason: To ensure the satisfactory provision of cycle storage.

14. 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

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 2.1, 2.2, 3.6, 3.9, 3.16, GP1, GP2, GP3, GP7, 3.114, 3.115, ENV14, ENV18, ENV32, ENV33, ENV39, H3, H4, H9, H10, LC1(d), 7.3, 8.8, 8.9 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Departure from Development Plan.

Application Number: 07/1443/FL/E9

Application Type: Full application

Applicant: Chaselook Design & Build

Proposal: Demolition of existing buildings
and erection of 2 x four bed houses,
formation of new vehicular access,
landscaping and associated works.

Ward: Aldridge North and Walsall Wood

Recommendation Summary: Grant Subject to conditions

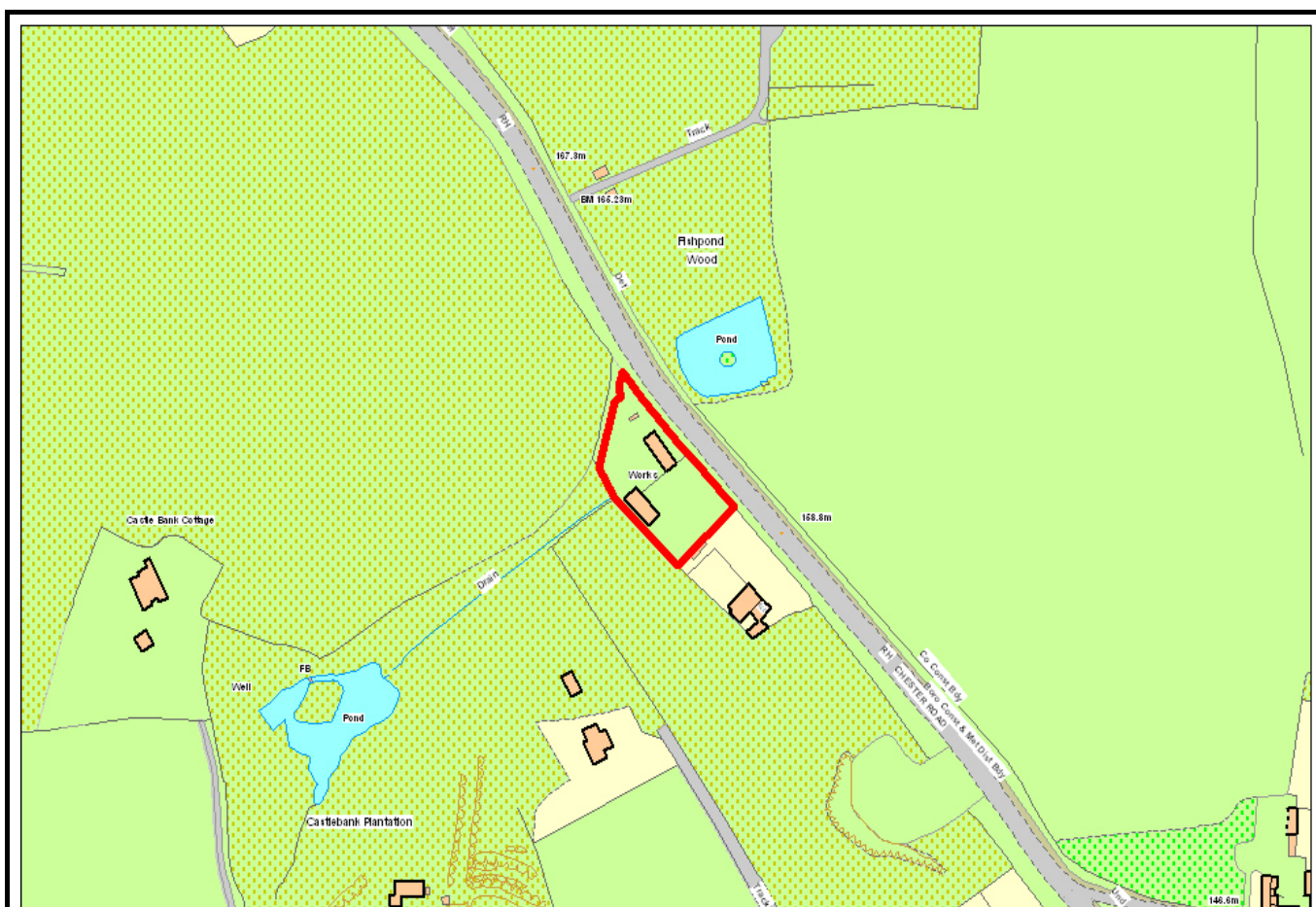
Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: CT Planning Limited

Location: 350 CHESTER
ROAD, WALSALL, WS9 0PH

Expired: 30/08/2007



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Application and site details

The site is located on the western side of Chester Road (A452) which forms part of the Strategic Highway Network within the Borough. The site sits within the Green Belt and is surrounded by extensive woodlands.

The site comprises an existing brick built flat roofed building (in quite poor condition) towards the rear and centre of the site, parallel to the rear boundary, together with a range of further semi derelict workshop buildings in quite poor condition, adjacent to the road boundary. These include a main timber building with a pitched roof and flat roofed extensions on either end, a detached wooden shed building and a further detached tiled pitched roof building adjacent (of more substantial construction but fire damaged through recent vandalism). The majority of the remainder of the site is hardstanding. The total footprint of the existing buildings on the site comprise 292sqm. Vehicle access to the site is located at the northern end of the site frontage from Chester Road.

The A452 Chester Road is subject to a 50mph speed limit within the vicinity of the site. Chester Road forms the boundary between Walsall MBC and Lichfield DC. The land on the opposite side of Chester Road comprises Green Belt land within Lichfield DC. To the south, the site is bordered by 370 Chester Road, a residential property. The character of the surrounding area is generally rural, interspersed with small groups of dwellings.

The site is currently vacant but was previously used for B1 light industrial purposes, a use authorised by a planning inspector when an appeal against an enforcement notice was allowed in 1994.

The application proposes the demolition of the existing industrial buildings on the site and erection of two detached one and a half storey, four bed houses. The proposals also include a new gated vehicle access in the centre of the site and closure of the existing access. Detailed landscaping proposals are included as part of the application.

Plot 1 would have a footprint of 142sqm and plot 2 136sqm providing a total footprint for the development of 278sqm.

Plot 1 would be sited perpendicular to the road with plot 2 facing Chester Road. Each house would have its own private amenity area and driveway parking, well exceeding the RDS guidelines and appropriate parking provision.

A bat survey and Design and Access statement have been submitted in support of the proposals.

The site area of 0.3ha would provide a density of 7 dwellings per ha.

Relevant Planning History

BC21956P, outline for the erection of four detached houses, refused 15-03-88.

BC29558P, change of use for the repair of motor cars and plant, refused 30-10-90.

ENF/883/90, enforcement complaint regarding use of the site for the storage and repair of cars. Case closed Jan 1991 prior to serving of Enforcement Notice as use ceased.

BC35100P, erection of bungalow and detached garage, landscaping, and extension to workshop and car park, refused 22-04-92.

18-11-93, Enforcement Notice served for use of the land and premises for industrial purposes.

19-07-94, appeal against Enforcement Notice. Notice corrected to read 'light industrial purposes'. Appeal allowed and Enforcement Notice quashed, planning permission granted for use of the land and premises for light industrial purposes subject to safeguarding conditions regarding hours of use, storage and B1 use only.

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

Unitary Development Plan 2005

Policies 3.6 and 3.7 states that development should help to improve the environment of the Borough whilst seeking to protect people from environmental problems.

GP2: Environmental Protection

Development should be sustainable and contribute to environmental improvement and have no adverse effect on the countryside and the Green Belt.

Policy 3.3 states that the character and function of the Greenbelt will continue to be safeguarded, as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Policy 3.16 requires high quality design.

Policy 3.23 states that the Green Belt has a positive role to play in terms of retaining attractive landscapes.

ENV2: Control of Development in the Green Belt

In the Green Belt there will be a presumption against new buildings except in very special circumstances. Where development is acceptable in principle the siting, design, form, scale and appearance should be compatible with the surrounding area and careful consideration of the openness and character of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt

Proposals will be assessed for their impact on the Green Belt including:

- i. layout
- ii. siting, design, grouping, height and scale of buildings
- iii. colour and suitability of materials
- iv. use of redundant land and buildings for alternative uses
- v. quality landscaping
- vi. impact on significant views
- vii. cumulative physical effect in one area

ENV 4: Major Development Sites in the Green Belt

Criteria for determination of such applications include:

- No greater impact than the existing development on the openness or purposes of the Green Belt
- The height of the existing buildings would not be exceeded
- The area covered by the buildings would not occupy a larger area of the site.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV18: Existing Woodlands, Trees and Hedgerows

Seeks to protect, manage and enhance existing trees and where developments are permitted which involve the loss of trees developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

ENV23: Nature Conservation and New Development

The layout of all development must take account of the potential for enhancement of the natural environment and the nature conservation opportunities provided by buildings by designing in features which provide roosting/nesting places for bats/birds etc.

ENV32: Design and Development Proposals

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

ENV33: Landscape Design

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H9: Minimum Densities

Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites. Densities below 30 may exceptionally be justified to provide larger houses, but the layout and design must make the most efficient use of the site.

H10: Layout, Design and Dwelling Mix

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

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

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

T7 – Car Parking

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

T13: Parking Provision

4 bed houses and above – 3 spaces per unit.

Regional Policy

The emerging Black Country Core Strategy aims to attract more affluent households.

National Policy

PPG2: Green Belts

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt. Paragraph 3.1 states there will be a general presumption against inappropriate development except in very special circumstances. Para 3.2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations. These exceptional cases will thus be treated as departures from the development plan.

Whilst Annex C refers to major development site redevelopment in the Green Belt, which the application site is not, the assessment criteria can be used as a guide:

- a) have no greater impact than the existing development on the openness of the Green Belt
- b) contribute to the achievement of the objectives of the use of land in the Green Belt
- c) not exceed the height of the existing buildings
- d) not occupy a larger area of the site than the existing buildings.

PPS7: Sustainable Development in Rural Areas

Promotes sustainable patterns of development and sustainable communities in rural areas to ensure effective protection and enhancement of the environment, prudent use of natural resources and maintain high and stable levels of economic growth and employment. Isolated new houses in the countryside require special justification for planning permission to be granted such as to allow agricultural, forestry and certain other full time workers to live at or in the immediate vicinity of their place of work.

Para 19 The replacement of buildings in the Countryside should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example where a new building would bring about an environmental improvement in terms of the impact on its surroundings and the landscape.

Consultations

Transportation – no objections.

Strategic Policy – The proposed development would be acceptable in principle in planning policy terms.

Pollution Control – Scientific Team – no adverse comments.

Contaminated land Team – no objections subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues identified associated with the works previously located on the site. Appropriate conditions attached.

Fire Service – satisfactory for fire service access

Environmental Health – no adverse comments.

Drainage – no adverse comments

Landscape Officer – The revised plans show an acceptable layout and the landscaping proposals are acceptable and would create a suitable landscape setting for the two proposed houses.

Tree Officer – no objections, no arboriculture implications.

Natural Environment – No objections. The habitat creation and enhancement through an appropriate landscape scheme and other measures can be provided in accordance with ENV23. More herbaceous plants in the property gardens to attract insects and improve the site as a foraging area for bats should be included.

Recommend conditions to require a revised landscaping scheme and 2 x Schwegler bat boxes built into each house.

Representations

None

Determining issues

- Principle of the use and Development within the Green Belt
- Design
- Access

Observations

Principle of the use and development within the Green Belt

The site is situated in the Green Belt. PPG 2 indicates a general presumption against inappropriate development within the Green Belt and such inappropriate development should not be approved except in very special circumstances.

Erection of new buildings in the Green Belt for residential purposes is inappropriate development and it is therefore necessary to demonstrate that there are very special circumstances sufficient to outweigh the normal presumption against this inappropriate development.

The site comprises previously developed land, with a lawful light industrial use that was established following an appeal against an Enforcement Notice in 1994. Although the buildings are presently vacant and appears derelict, the site and buildings would however be capable of reverting to their previous light industrial use. The lawful light industrial use of the site could attract significant amounts of car parking and vehicle movements from varying sizes of vehicles, including heavy goods vehicles. The site has a large expanse of hardstanding which could be used for extensive car and vehicle parking, which could have a significant adverse impact on the openness of the green belt.

Re-use of the existing buildings for residential use would be virtually impossible to achieve without substantial alterations or extensions, due to the existing form and layout of the buildings. The workshop buildings adjacent to the road boundary are predominantly wooden construction and the main building has a flat roof.

The existing pattern of development within the site is that of detached buildings spaced around the site, not fully visible from the road and set away from the boundaries. The buildings have substantial hardstanding between them. The proposed houses have been arranged on the site to create large amounts of space between the two buildings, sited away from the boundaries (to avoid any impact on the existing woodlands) and positioned so that they can only be glimpsed through the new access from the main road. As such the new development would have no greater visual impact on the openness of the site than the existing buildings. The massing of the houses at one and a half storey would not appear materially different to the existing buildings.

The total footprint of the new houses would be approx 4sqm less than the footprint of the existing buildings they would replace. In addition the existing site has a large area of hardstanding which would be substantially reduced by the development. The proposed development would therefore not occupy a larger area of the site than the existing buildings. It is considered that the proposals would represent a significant enhancement in the appearance of the site.

The site is defined by substantial physical boundaries and the proposed development would not encroach beyond the established site boundary. The existing landscape features would be retained and managed, together with new landscaping to ensure integration of the proposed development into the Green Belt and reduce any impact on the openness of the Green Belt. The existing boundary planting would continue to shield much of the site from view from the public realm and the wider Green Belt area.

The removal of the authorised commercial use and the associated car parking and goods vehicle movements, through redevelopment for residential purposes would be a positive enhancement to the openness of the site and result in a less intensive more passive form of land use with less impact on the openness and visual amenity of the Green Belt.

It is therefore considered that although the redevelopment of the site for residential purposes with new build would be regarded as inappropriate development in the Green Belt, very special circumstances have been demonstrated to ensure that the development would have no greater impact on the openness, character or appearance of the Green Belt.

Design

The proposed houses have been designed to provide a mix of traditional and contemporary styling. The properties would have a traditional pitched tiled roof, a more formal front elevation with brick and tile detail, whilst the rear and side elevations onto the private amenity space would incorporate a mix of timber and glass infill which would provide a more contemporary treatment and would maximise the outlook onto the adjacent woodlands. The emerging Black Country Core Strategy aims to attract more affluent households to the district and therefore high quality design such as the proposals would be appropriate and comply with guidance.

The houses would be one and a half storey with first floor accommodation within the roof space with a low eaves level (3.8m) which would be well below the height of the existing buildings on the site (6m). The proposals would be 2.4m higher than the existing buildings, this is however considered appropriate as the design of the properties and the proposed materials would represent a significant improvement over the appearance of the existing buildings on the site. The proposed pitched roof would be typical of many traditionally constructed premises within the locality. The existing vegetation along the site boundaries would ensure that only limited views of the development would be possible from the public realm.

The proposed houses have been designed in compliance with the 'Code for Sustainable Homes' to reduce the impact on the environment. Bat boxes are to be included within the new build.

The proposed houses would be set away from the existing boundaries and would have no adverse impact on the amenities of the adjoining residential occupiers at 370 Chester Road.

Access

The proposals include the provision of a new vehicle access in the centre of the site and the closure of the existing access to the northern end of the site.

The existing access has poor visibility in either direction along Chester Road, situated within a bend in the road. The new access position would provide improved visibility in both directions, which would have clear benefits from a highway safety point of view.

The position of the new access would allow for a reduction in the amount of hardstanding within the site.

Whilst the proposals would necessitate the removal of a small section of the existing vegetation along the road frontage this is considered acceptable when weighed against the highway safety benefits of the proposals.

The proposals would represent a form of development that would attract less traffic particularly larger vehicles than the lawful commercial use of the site. Transportation have raised no objections.

Conclusion

On balance it is considered that the very special circumstances put forward would outweigh the harm caused by the proposed inappropriate development in the Green Belt. The proposed buildings whilst higher than the existing buildings on the site would occupy a slightly smaller footprint and would replace semi derelict buildings with a high quality well designed development. PPS7 favours replacement buildings in the countryside where environmental improvements on the surrounding landscape would be achieved. The proposals would significantly reduce the extent of hardstanding on the site and include extensive new landscaping to complement and integrate the development into the surroundings. The proposals would remove unsightly commercial buildings and the associated car parking and goods vehicle movements for the use which would be a positive enhancement to the site and the surroundings.

It is therefore recommended that the Committee refer the application, which represents a departure from the Walsall Unitary Development Plan (2005) to the Government Office for the West Midlands with a recommendation to approve subject to conditions.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

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

5. Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and as approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

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

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

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

7. Agreed remedial measures in respect of identified and potential hazards associated with land contamination and/or landfill gas present on the site shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

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

8. No development shall take place until details of the access gates and control system for the vehicle access have been submitted to and approved in writing by the

Local Planning Authority. The development shall be completed with the approved details and retained in working order.

Reason: In the interests of securing the site.

9. No development shall be carried out until a revised landscaping scheme to include herbaceous plants has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of 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 define the position and to safeguard the visual amenity and natural environment of the area.

10. No development shall take place until revised details to include two Schwegler Bat Boxes in each of the two houses, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be incorporated into the development and retained.

Reason: In order to provide suitable alternative roosting for bats in the vicinity.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, B, D, E and F of Schedule 1 to the Order shall be carried out to either dwelling without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site and the Green Belt.

12. The works hereby approved shall only be carried out in accordance with details contained within Andrew Gifford Architects Drawings 06.30.02, and 06.30.03 submitted on 4th July 2007, 06.30.01 Rev D submitted on 8th February 2008 and Design and Access Statement By CT Planning submitted on 4th July 2007.

Reason: In order to define the permission.

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 3.3, 3.6, 3.7, 3.16, 3.23, GP2, ENV2, ENV3, ENV14, ENV18, ENV23, ENV32, ENV33, H3, H9, H10, T7 and T13 of Walsall Unitary Development Plan March 2005, 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

Notes to 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”; Waste Management Paper No. 27 “Landfill Gas”; or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use, regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA) model 2002 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 19 Feb 2008

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

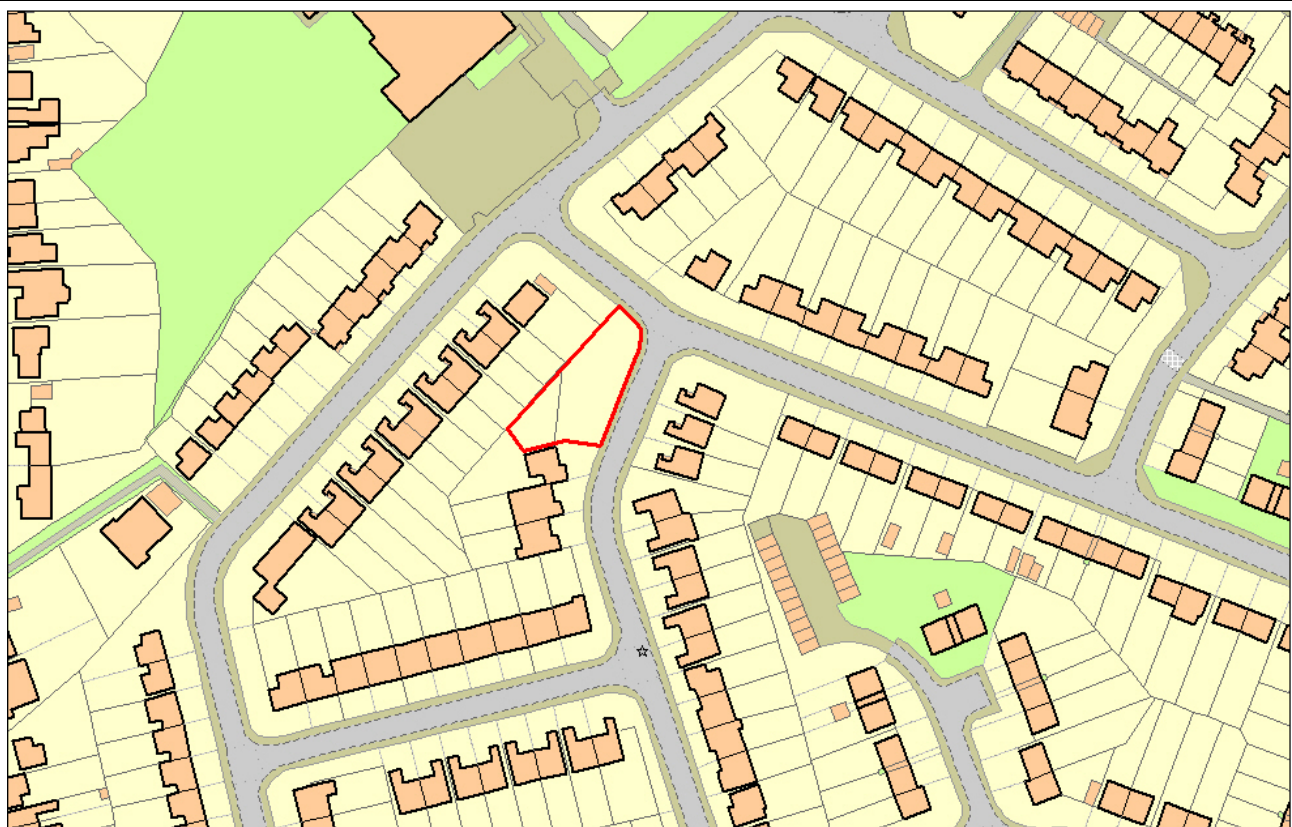
Application Number: 07/2470/FL/E9
Application Type: Full application
Applicant: Mr & Mrs. S. Terry
Proposal: Proposed New Two Bedroom
Bungalow

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Agent: Nick Massey
Location: LAND ADJACENT 4 ST.
MARKS ROAD, PELSALL, WALSALL,
WS3 4HT

Ward: Pelsall

Expired: 02/01/2008

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The site is situated on the western side of St Marks Road, on the corner of St Andrews Avenue. The site is currently open garden land adjacent to No. 4 St Marks Road. No. 4 St Marks Road is situated to the south of the site and comprises of a 2 storey link detached 1970's house with a single storey flat roofed garage to the south and a pitched roof single storey side extension to the north, adjacent to the site.

To the west of the site are the rear boundaries of 2 storey houses in Gilpin Crescent and 100 Gilpin Crescent which is a single storey bungalow with a detached garage situated on the corner of St Andrews Avenue.

Gilpin Crescent is situated at a higher level than St Marks Road, with the land continuing to fall past the site. No 100 Gilpin Crescent is approx 0.5m higher than the site and No 1 St Marks Road, and approx 0.8m lower than the proposed bungalow.

To the north of the site are semi detached and detached 2 storey 1970's houses in St Andrews Avenue and to the east on the opposite side of St Marks Road are 2 storey detached houses with single storey forward projecting garages.

This application is a revised submission following two previous outline refusals for a detached bungalow with integral garage. The application now proposes a 2 bedroom bungalow (without any dormers) and single storey detached garage set to the side at right angles to the road. The building would be set parallel to the rear (western) boundary, with the front of the property facing St Marks Road and vehicle access off St Marks Road. A private garden area would be provided to the side of the proposed bungalow adjacent to the existing house at No.4 St Marks Road. The proposals now show a reduced footprint and is a full application with full details of the building and landscaping included.

The bungalow would have a footprint of 114sqm (plus garage 14sqm) and a maximum pitched roof height of 4m.

The proposals would provide two off street parking spaces and a private amenity spaces of over 12m in length and in excess of 68sqm area.

Relevant Planning History

06/1153/OL/E9, outline application for one detached bungalow, siting and access to be considered. Refused against officer recommendation by Committee 11-08-06.

Reason for Refusal:

The proposal would constitute an over intensive development of the application site and the building would result in an incongruous feature in the street scene. The development would result in the loss of green space garden area, which currently contributes to the amenity of the area and originally planned as part of the overall estate development. As a result the proposals would have an unacceptable impact on the residential amenity currently enjoyed by the residents who live opposite the site. As such the proposals would conflict with Walsall's Unitary Development Plan (2005), in particular policies ENV32 and H10 and Supplementary Planning Document: Residential Development Standards.

07/0502/OL/E9, outline application for one detached bungalow, siting and access to be considered, refused 27-06-07.

Reasons for refusal:

The proposal would constitute an over intensive development of the application site and the building would result in an incongruous feature in the street scene. The development would result in the loss of green space garden area, which currently contributes to the amenity of the area and originally planned as part of the overall estate development. As a result the proposals would have an unacceptable impact on the residential amenity currently enjoyed by the residents who live opposite the site. As such the proposals would conflict with Walsall's Unitary Development Plan (2005), in particular policies ENV32 and H10 and The Council's Residential Development Standards.

The proposal would result in an unsatisfactory living environment for the future occupiers of the proposed bungalow and as such the proposals would conflict with Walsall's Unitary Development Plan (2005), in particular policy H10 and The Council's Residential Development Standards.

Relevant Planning Policy Summary

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

Unitary Development Plan (2005)

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

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

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

ENV32: Design and Development Proposals.

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

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

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H9 indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites.

H10: Layout, Design and Dwelling Mix

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1,2 and 3 bedroom houses 2 spaces per unit

Residential Development Standards (RDS) (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and 68 sqm.

National Policy

PPS 1: Delivering Sustainable Development

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

PPS3: Housing

The objective of the revised guidance is to:

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

PPG 13: Transport

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

Consultations

Transportation – no objections. The proposals provide 2 parking spaces and sufficient frontage to allow for manoeuvring space within the curtilage of the site.

Environmental Health – no adverse comments.

Pollution Control – Scientific Team – no objections but recommend condition regarding hours of working on the site.

Contaminated Land Team – no objections subject to condition regarding ground contamination.

Fire Officer – satisfactory fire service access.

Landscape Officer – no objections. The site currently comprised of featureless mown grass proving a generous front/side garden of the existing house at No 4. The proposed bungalow would have very limited impact on the existing street scene and would replicate other corner plots within the estate. The proposed landscaping scheme and plant schedule submitted would greatly enhance the scale and diversity of the planting on the site. A total of 8 trees are proposed, 2 of which would be multi stem birch trees, which would give the appearance of much greater tree numbers than just a single stem tree. All but one of the trees would be planted on the road frontage, so clearly visible from the public realm, adding to the visual amenity of the area.

Representations

Four objections received.

Objections:

- Very similar to previous scheme
- Large bungalow on a small plot
- Too close to the road and rear boundary
- Outside of existing building lines
- Too close to existing properties
- Loss of privacy, light and views
- Add to existing traffic congestion
- Overlooking
- Previous mining operations around the area, concern about possible subsidence to surrounding properties.
- Out of character with original layout of the estate, this site deliberately left open.
- Over development
- No traditional rear garden
- Loss of green space in the area
- Possible damage /loss of existing trees close to the boundary.

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

Determining Issues

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

- Over intensive development
- Incongruous in the street scene
- Loss of green space
- Adverse impact on the amenity of residents opposite.
- Unsatisfactory Living Environment

Observations

Over Intensive Development

The site is situated within a 1970's residential estate which comprises a mix of housing types including 2 storey detached and semi detached houses and single storey bungalows.

The proposals include a new footway crossing onto St Marks Road, driveway parking and a single garage, which would provide off street parking provision to comply with

Policy T13 of the UDP. The proposed layout would allow vehicles to both enter and leave the site in forward gear, and avoid reversing movements onto the highway, a facility that is not enjoyed by the rest of the properties within the street. Transportation have raised no objections.

The proposals include a private amenity space to the side of the property which would more than meet the 12m length and 68sqm required by the RDS.

The overall footprint of the proposals has been reduced by approx 10sqm from the original application.

There are four other bungalows in the immediate area all situated on corner plots, 100 Gilpin Crescent (immediately to the rear of the site), 78 Gilpin Crescent, 61 Gilpin Crescent and 29 St Marks Road.

The ratio of footprint to plot size for these 4 properties varies from 14% to 25%, the proposal is 24%, with a site area of 529sqm and footprint of 128sqm the size of the property to the plot size is therefore comparable with the existing plots and therefore cannot be considered as over intensive development.

Incongruous in the street scene

The application is now a full application rather than outline and provides full details of the building and landscaping. The building would be situated in effectively the same position on the site as the previous applications, but the submitted details now show extensive landscaping including multi stem trees around the frontage. The landscape officer considers that the proposed landscaping scheme would greatly enhance the scale and diversity of planting on the site and the proposed trees would add to the visual amenity of the street and the public realm.

The building would comprise a single storey bungalow with maximum pitched roof height of 4.1m, set back from the street. The revised proposals show a larger set back than previous from the St Andrews Road frontage to allow for retention of the existing hedging and additional landscaping.

The property has been designed to reflect elements of the surrounding properties, with concrete tiled roofs with hip end design, horizontal mullioned windows and brick/render detailing.

It is therefore considered that the proposals would not be incongruous within the street scene but add to general amenity of the area.

Loss of Green Space

The site forms part of the garden area of No 4 St Marks Road and is therefore privately owned and not public open space. At any time the owner could make an application to enclose the land to make it private. The site is currently a largely featureless area of mown grass with a low 1m high clipped hedge at the junction with St Andrews Road. There are two stumps indicating that there were once trees on the site, but they appear to have been removed some time ago. The proposals include landscaping to both street frontages including trees which would enhance the general street scene and visual amenity of the area. Therefore it is considered that it would be difficult to substantiate the loss of part of this private garden if challenged at appeal.

Adverse impact on the amenity of residents opposite

The proposed bungalow is set back within the site with extensive landscaping (including trees) to the frontage which would soften the impact of the proposed building. The building would be single storey only with a maximum roof height of 4.1m.

A separation distance of a minimum of 20m would be created from the front windowed elevation of the proposed bungalow to the front windows of the existing houses opposite at 1 and 3 St Marks Road with the road running between. This is a similar separation distance for the rest of the properties in St Marks Road, with two storey properties facing each other. The proposals therefore provide less of an impact than the rest of the road with the proposal being single storey only.

The properties opposite the site in St Marks Road comprise two storey detached houses with single storey garages projecting forward by approx 3m. There is only one habitable room window on the frontage which is partially enclosed by the garage. The proposed bungalow would be set parallel to the rear boundary and would therefore be set at a slight angle to the existing properties opposite.

It is therefore considered that the proposals would have no adverse impact on the amenities of the residential occupiers opposite the site or within the immediate area.

The position of the proposed bungalow meets the required separation distance to the existing bungalow at No 100 Gilpin Crescent to the rear and in addition No 100 is approx 0.5m higher than the application site.

Unsatisfactory Living Environment

This related to the previous application that provided two habitable room windows (including a kitchen window) to the rear elevation, only 1m from the rear boundary wall and would therefore provide an unsatisfactory residential environment and outlook for such a well used habitable room.

The current proposals provide only obscurely glazed bathroom and en-suite windows to the rear elevation, which are not habitable rooms and do not require an outlook and is therefore satisfactory.

The building has been designed as a lifetime home and would provide access for all with level thresholds and doors of sufficient width and opening direction to be used by people with disabilities.

Conclusion

It is considered that the amended proposals submitted overcome the previous reasons for refusal. The proposals would provide a residential property very similar in scale and character to the surrounding pattern of development and would provide an extensive landscaping scheme to provide trees to the street frontage to add to the visual amenity of the area, to the benefit of all.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

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

5. Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and as approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

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

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

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

7. Agreed remedial measures in respect of identified and potential hazards associated with land contamination and/or landfill gas present on the site shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the

agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

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

8. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

9. The site shall be landscaped in accordance with the approved landscaping scheme dated 19th September 2007 and submitted on 7th November 2007. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, B, D, E and F of Schedule 1 to the Order shall be carried out to either dwelling without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site.

Notes to 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"; Waste Management Paper No. 27 "Landfill Gas"; or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use, regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA) model 2002 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.

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 2.1, 2.2, 3.6, 3.16, GP2, ENV32, 6.3, H3, H9 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
