



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 01 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0163/OL

Application Type: Outline Application

Applicant: Caparo Industries PLC

Proposal: Outline Application for residential development of up to 310 dwellings (access and scale to be considered)

Case Officer: Andrew Thompson

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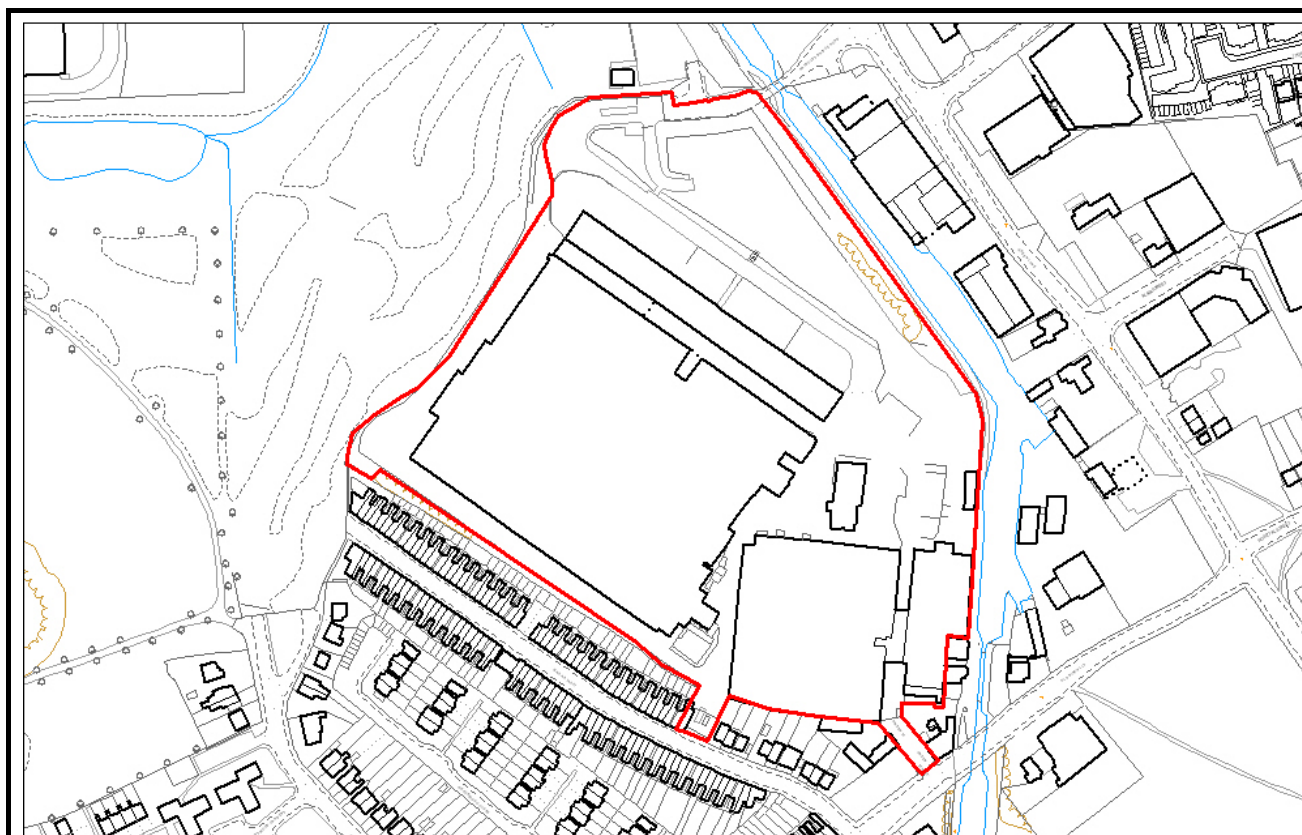
Agent: John Williams

Location: LAND AT FORMER CAPARO WORKS, BETWEEN THE WYRELY AND ESSINGTON CANAL, MINER STREET, GREEN STREET AND OLD BIRCHILLS, OLD BIRCHILLS, WALSALL

Ward: Birchills Leamore

Expired: 08/05/2008

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



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2	24	07/2253/FL/W7	LAND AT WEDNESBURY ROAD AND TASKER STREET, WALSALL, W S1 3QT	Proposed residential development of 28 number new build houses, 7no. houses formed from conversion of exchange house, 4no. apartments from conversion of offices to Wednesbury Road, 8no. apartments from conversion of offices to Midland Road with associated car parking, external works and demolition of existing industrial buildings	Grant Permission Subject to Conditions and a Planning Obligation
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Application and Site Details

The application site comprises the land formerly occupied by Caparo Industries and Barton Aluminium and is bordered by Miner Street to the southwest, the Wyrley and Essington Canal to the east and northeast and Reedswood Park and Golf Course to the north and northwest. To the southeast of the site is located a public house and the former lock museum and Top Lock Cottage.

The site is accessed principally from Green Street. Also located on Green Street are MGW which is a small car repairs employer. The Caparo Industries southern car park (fronting onto Old Birchills) is not included in the application site. Rayboulds Bridge is the principal access point for Barton Aluminium. This is an adopted public highway and is currently used as a two way access point for Barton Aluminium, the Golf Course and Caparo Industries existing northern car park.

The existing factory has a pedestrian entrance from Miner Street. Miner Street is a terrace of Victorian houses with a strong design character and built form. On the opposite side of the canal are further employment uses including Metafin Ltd and a boatyard.

The application site is designated as Core Employment Land within the Unitary Development Plan (UDP). Much of the canal, which bends around the site, is designated as a Conservation Area with the locks being listed. In addition the former lock museum, Top Lock Cottage and Rayboulds Bridge are also Grade II Listed buildings. In addition a small portion of the southeastern corner of the site is designated as a Limestone Consideration Zone.

The application is an outline application with scale and access to be considered, with layout, landscaping and external appearance not to be considered at this stage. The application proposes a development of up to 310 dwellings on the application site of 6.67hectares, which equates to a density of 46.4dph.

The illustrative material submitted show 10% 1 bed flats, 30% 2 bed flats, and the rest as a mix of 1 to 6 bed houses (60%). In addition the application is supported by an illustrative landscape scheme which shows next to Top Lock Cottage and fronting the canal (within the Limestone Consideration Zone) as a landscaped area and 'Urban Park'.

The principal access from Green Street, emergency access across Rayboulds Bridge, an improved pedestrian link to Miner Street, and a pedestrian link down the embankment to the canal is included in the application proposals.

In addition the proposals show an illustrative landscaping scheme which includes the improvement of the embankment to the canal, a landscaped area around Top Lock Cottage and the former lock museum.

The application is supported by the following information:

- Planning Policy Statement;
- Design and Access Statement;
- Ground investigation reports;
- A Transport Assessment;
- Noise and air quality assessments;

- A cultural heritage assessment;
- An ecological assessment;
- A flood risk assessment;
- A report on pre-application consultation carried out by the applicant;
- A revised screening opinion;
- A sustainability report – in relation to the Code for Sustainable Homes; and
- Indicative plans for a scheme based on 301 dwellings

Council policy seeks community involvement and the application records that the scheme has been presented to the Council's Development Team twice, Midlands Architecture for the Designed Environment (M.A.D.E.) and their design review process and in addition to the Walsall Regeneration Company's Regeneration Framework Committee and the local Project Reference Group for the Birchills area. In addition a more formal pre-application community event was held in 2007.

Relevant Planning History

Application site

06/0397/ND/W7 – Screening Opinion for an Environmental Impact Assessment for the demolition of existing buildings and erection of 300 residential dwellings. EIA not required – March 2006

Top Lock Cottage

07/1381/FL/W6 – Change of use from residential use to educational use. Granted – September 2007

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

Considering the size, scale and variety of the application site a significant proportion of National, Regional and Local Planning Policy is relevant. It is not possible to achieve concise and full evaluation of each policy and therefore below is a summary of the main issues and points raised by Policy. Further detail can be found in the specific Policy references.

Adopted UDP

The overall aim of the UDP is to regenerate and change the direction of Walsall Town Centre into a vibrant and economically successful town centre. The policies encourage offices in appropriate locations.

The Adopted UDP allocated land within the application site, under policy JP5 as Core Employment Land. The need to secure appropriately designed solutions, high quality environments, preserving and enhancing the historic environment, and ensure that the developments are comprehensive in manner. The need to consider appropriate measures for flooding, highway improvement, and car parking are also considered.

Policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV14, ENV18, ENV21, ENV23, ENV24, ENV26, ENV27, ENV28, ENV29, ENV32, ENV33, ENV34, ENV39, ENV40, JP5, H1, H3, H4, H9, H10, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11 and T13 of Walsall

Unitary Development Plan (March 2005). These address regeneration, design, environment, employment and transportation issues.

Black Country Joint Core Strategy – The Core Strategy is undergoing Preferred Options consultation until 28th April 2008. The site is designated within the Strategy as part of Regeneration Corridor 7 (RC7) for strategic housing.

Supplementary Planning Documents (SPDs) are also relevant are Walsall Design Guide SPD, Healthcare SPD , Urban Open Space SPD and Education SPD.

The Council's Affordable Housing SPD was adopted in July 2005 and is currently under review. It is anticipated that the new SPD will be adopted in the coming weeks.

Regional Spatial Strategy

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

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

- a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and meeting at least the levels of housing provision identified in Policy CF3 table 1;
- b) to raise income levels raising demand and household incomes (average earnings, GDP per head and reducing unemployment) to the UK average by 2033;
- c) to create an inclusive and cohesive society within the Black Country removing barriers to opportunity and changing the socio economic mix by increasing the proportion of social grades A and B to match the national profile by 2033 or earlier; and
- d) to transform the Black Country environment by protecting and enhancing the sub-region's environmental and heritage assets and biodiversity and implementing the Black Country as Urban Park concept.

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

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

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

Policies QE1, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space. Policy CC1, EN1, EN2 seeks to conserve energy and address climate change.

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

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

National Planning Policy

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

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria.

PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

Planning Policy Guidance Note (PPG) 13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment

PPS23 (Planning and Pollution Control) and PPS 24 (Planning and Noise) also apply seeking to appreciate and conserve the historic environment and deliver development which does not raise issues in terms of polluted environments.

Circulars 07/99 (Departures) and 05/2005 (Planning Obligations) are of relevance the latter with regard to the appropriate level of planning contributions that will be sought. The former requires the referral of this application to the Government Office for the West Midlands (GOWM).

Consultations

Transportation – Object to the current proposal relating to visibility, and access. Consider that there is insufficient information submitted by the applicant for Transportation to evaluate the application from a highways point of view. The adaptation and use of the existing access at the junction of Green Street and Old Birchills, to serve the proposed large scale development, where there are known issues regarding visibility, and due to the fact that details of the proposed junction and Stage 1 Safety Audit are still to be submitted for consideration Transportation are not in a position to determine the current proposal. The intention is to update matters in the supplementary paper.

Pollution Control

Scientific Team – Objects on the grounds that further information on air quality is required.

Contaminated Land Team – No objection subject to conditions.

Environment Agency – No objection subject to conditions

Walsall Regeneration Company – Fully support the application

Fire Service – No objection subject to the detailed development complying with B5 Approved Document B.

Education - We base our contribution requests on whether there are sufficient surplus places in local primary and secondary schools. If the level of surplus places is below 10% for either phase, we ask for a contribution. In this case the level of surplus places is below 10% in both the primary and secondary sectors. We would therefore look for a contribution towards provision for both phases. Based on current prices, we would look for a contribution of £965,591.20.

Conservation – No objection subject to more information at detailed stage. This site is adjacent to four listed buildings and a Conservation Area, although it does not contain any designated historic sites. There are two principle matters relating to the adjacent listed structures which require clarification.

The first is the proposed use of Rayboulds Bridge. While this falls outside the red line I am presuming that there will be some level of access over it, into the site. If so details should be provided to show what level of traffic will be allowed over it and if this would be greater than the current level of traffic. The bridge should be used for pedestrian and cycle access only and if required, for emergency vehicle access.

The second is the setting of the two listed buildings adjacent to the canal, the Former Boatmans Rest and the Toll House. There is a limestone mine consideration zone around these in which no development is proposed. The indicative landscape details suggest that these buildings will be essentially screened from the site by trees planted in the proposed Urban Park. This is a lost opportunity to enhance the setting of these buildings, either with carefully designed new development or with landscaping. Furthermore the proposed layout does not appear to give any surveillance of the buildings which could leave them vulnerable.

Open Space – Seek £701 per bedroom of the development in accordance with the adopted SPD which based on the indicative scheme will be £569,913. On site works will need to be taken into consideration

Healthcare – Seek £384.30 per bedroom of the development in accordance with the adopted SPD which based on the indicative layout will be £312,435.90

Housing Strategy – seek the equivalent of 25% shared equity. This would be in accordance with the current Adopted Supplementary Planning Document (SPD) but also allow for social rent to be provided on site in accordance with the emerging SPD and housing needs study. The mix should include all types of units but no one bedroom flats should be offered for affordable housing.

British Waterways – No objection but would like to be consulted in the Reserved Matters submission and would like to progress a Section 106 contribution towards the canal towpath and improvement to the access point on the bridge.

Inland Waterways Association – No objection to the layout or scale of development based on landscaping to the proposed scheme being brought forward by the reserved matters submission. Object to the proposed steps to the canal and the impact on the wall on the boundary of the site.

Drainage – No objection subject to no surface water to be discharged into the canal from this site.

National Grid – no objection – risk is negligible.

Centro – No objection in principle subject to the provision of a Green Travel Plan. The applicant should be encouraged to aid the delivery of the 5W Metro scheme.

Representations

Birchills PRG – Further to presenting the proposals on 3rd March 2008. The following issues were raised by the PRG in relation to these proposals, and the PRG would like these to be taken into account in the determination of the planning application:

- The number of proposed apartments/flats. Walsall already has a high number of apartments and flats and there are concerns that the market may become oversaturated and stagnant if any more are developed in this area.

- The proposed improvements to the canal as part of works on the site. It is understood that the towpath will be improved, but proposals for the waterway itself are unclear. Any improvements to the waterway itself should be undertaken in consultation with local fishermen as they are frequent users of the waterway.
- We request that we are presented with an outline plan of British Waterways' intentions for this and the surrounding waterways. It is suggested that British Waterways form part of the steering group in the future.
- The nearby Metafin site. We would want to see steps taken to ensure that the Metafin site and the residential development can coexist and therefore avoid the unexpected closure of industry through air and noise concerns.
- The relationship between the Caparo site and the Reedswood site. It is felt that this needs to be investigated further in terms of accessibility. One possible option could be to omit layout from the outline planning application, therefore including it as a part of the reserved matters application.
- Raybould's Bridge. It is requested that the results of a more thorough investigation into the possibility of using Raybould's Bridge as a point of access, and the potential for improvements to the bridge, are presented at the next PRG meeting.
- The security of Reedswood Park. Having an open park contravenes the general notion of securing open spaces to prevent against vandalism, anti-social behaviour, etc. Therefore we would like to see security measures investigated in further detail, for example the introduction of a CCTV system.
- Open Space S106 contribution, and the exact distribution of this money. We would very strongly advocate that these monies are put into our community pot to be managed by the Birchills PRG for community-led improvements to the open space in the area. We would also like to see a similar approach through the Birchills PRG to S106 contributions in respect of education and health developments, as discussed at length with appropriate senior Council officers.
- Policing of the Caparo site once it is developed. There is widespread feeling that there are not enough police available to this area at the moment and additional residential development in this area will stretch police resources further. We would therefore like to know what plans the police authority has to police the site should it be redeveloped for residential use.

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

Determining Issues

- Planning Policy context
- The proposed layout (as submitted showing 301 units)
- The proposed scale of development
- Access and transportation issues
- Relationship to neighbouring uses

- Comments received to the application
- Relationship to the canal
- Future reserved matters
- Section 106 Agreement

Observations

Planning Policy context

The site is designated as Core Employment within the Adopted Unitary Development Plan, however also plays a pivotal role in the development of the Walsall Regeneration Company's "Canalside Communities" concept which aims to improve and regeneration areas next to canal with a focus on high quality design and sustainability.

The site has been investigated for regeneration since December 2004, the emphasis of the site has been the ongoing relationship to residential properties on Miner Street, relationships to listed properties and structures, the canalside conservation area and the poor state of repair in relation to the existing properties on the site.

In addition the strategic position in relation to the town centre, open space and public transport has also been considered.

The Council is now required to carry out and publish in its Annual Monitoring Report an annual review of its housing land supply to ensure a five-year supply of deliverable sites. Walsall has more than enough land to satisfy this requirement and is likely to have a five-year supply until 2016. In approving the Walsall Local Development Scheme, GOWM has accepted this position. Consequently, Walsall has no need for more housing land in the short term.

Planning Policy Statement 3: Housing (PPS 3) came fully into force on 1 April 2007 says in paragraph 60. that to "ensure that there is a continuous five year supply of deliverable sites available for housing, Local Planning Authorities should monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process, ...".

At April 2007 Walsall has more than enough land available to meet the 5-year supply requirement in PPS 3, even when measured against the most ambitious option being considered for the RSS Phase Two Revision. However the issue, in this case, is more complex.

In purely numeric terms Walsall has no need for more land for house building in the short term. Walsall is therefore in a strong position to resist unwanted residential developments and to encourage high quality development that creates or enhances a distinctive character and supports a sense of local pride and civic identity (see PPS 3 paragraph 16).

A range of regeneration initiatives is being pursued, which involves some residential development. A Design Guide SPD is in preparation and this will help to judge and improve the design quality of new developments. The Government wants more homes to be built and it wants good design, affordability and sustainability, including in relation to climate change.

UDP policy JP5 rejects housing on Core Employment Land on the basis that it is a non employment use, and the need could be satisfied elsewhere. However given the site constraints (namely the mine shafts, neighbouring residential occupiers, restricted access opportunities, and neighbouring listed buildings and structures) the site has been identified as part of housing land requirements as an “other known site” within the Council’s monitoring figures for a period of time. The site is being progressed for housing development in the recently published Joint Core Strategy.

The applicant has submitted a detailed planning statement with the application. Officers agree with its conclusions and broadly its assessment of the planning policy assessment. It is therefore considered that the principle with regard to the loss of employment land is accepted by the Council.

The proposed layout (as submitted showing 301 units)

Whilst indicative at this stage, the layout has been designed in consultation with Officers over a number of years and is broadly supported. The layout includes the opportunity to develop links to the development proposals at Reedswood Golf Course, currently at public consultation, as well as building a sense of place and character that would be positive in terms of urban design criteria.

The scheme has been designed to link and reflect the existing properties on Miner Street, provide a link to the canal from Miner Street with a focus on walking and other non-vehicular movements.

The central corridor of the development will provide a pleasant environment for meeting and a central core of the development which will lead off to several character areas.

Overall the use of the embankment and creating a sense of place is welcomed. Slight changes to the garages on plots 143 and 144 would be required in order to develop linkages to Reedswood Golf Course.

The applicant has submitted the application of up to 310 units and requests flexibility in the housing numbers and development density. Whilst Officers are keen to support the negotiated layout and provide flexibility in development density, which could potentially increase the number of houses on the site, this raises issues in relation to approving a layout which may change.

Therefore it is proposed to add an informative supporting the principles of the layout shown on the submitted scheme but also require layout to be approved once the development density is approved.

Therefore officers recommend that layout is not approved at this stage but the layout submitted is broadly supported as the correct approach in developing the site and making most efficient use of the site.

The proposed scale of development

The scale of the development is broadly related to the storey heights shown on the application submission. This shows 2-storey development next to Miner Street, which will allow for the housing next to this boundary to be reflective of the changes in levels between these properties and Miner Street.

The area of 2-2.5 storey development will be located by the proposed development of Reedswood Golf Course. This will allow for large houses to be built on this boundary and allow for good links to Reedswood Park at a scale that will not be overbearing or dominant. This will also allow for the development to stand alone.

The main central element running through the site from the entrance to Rayboulds Bridge will be 2.5 to 3 storeys in height giving a central focus and a positive location feature to the development.

The use of the canal frontage as 3 to 4 storey development will create a positive feature along the canal, as one of the most aspirational parts of the development. It will allow for the new buildings to retain an industrial style and design building on the character of the area. The proposals will also add a focal point to the bend in the canal.

Overall the scale of development proposed is acceptable.

Access and transportation issues

The site allows for access and turning and manoeuvring within the site. Internal garages and garages associated with the houses are not part of this application (as external appearance has not formed part of the submission) however it is clear from the Design and Access Statement and Transportation Assessment that the proposals will seek to offer on average 200% car parking for each house and approximately 150% on average for apartments. Overall this level of parking will be acceptable to officers.

Transportation comments are noted and will be updated. It should be noted that the Transportation Assessment has been prepared in full consultation with Transportation Officers as the wider master plan for the 'Canalside Communities' projects is developed.

Offsite highways works are needed in a S106 and this is proposed. Conditions proposed relate to the construction and maintenance costs of offsite highways works, the completion of an acceptable travel plan, the submission of details relating to parking, access for the Council's bin lorry, cycle storage and areas to be offered for adoption.

Relationship to neighbouring uses

Whilst the concerns and objections from Pollution Control Officers are noted in relation to the Metafin works on the opposite side of the canal, mitigation methods and a satisfactory assessment as part of the reserved matters submission has been conditioned. The precise details of properties to the canal frontage are not defined by this permission and this will need to be an assessment carried out on the detailed submission at Reserved Matters stage.

It is considered that the proposals will not have a negative impact on industrial and commercial properties opposite and will allow them to continue to operate. Noise mitigation requirements have also been included as part of the conditions.

Future reserved matters

As previously stated the layout is broadly supported and will need to build on the layout submitted which is broadly accepted as the correct approach.

The landscape scheme for the site must reflect the value of the canal as a wildlife corridor and must therefore have an ecological dimension.

External appearance should build on the industrial heritage and use a mix of contemporary and traditional architecture to build character areas and linkages through the site. The attention to detail in the elevation in this regard will be essential in the success of the detailed submission.

Section 106 Agreement

As the application is in outline, the broad scope of the Section 106 agreement is to be defined now with the precise amounts to be confirmed as part of the reserved matters.

The scheme has been progressing as part of pre-application discussions over 4 years and has been to the Council's Development Team on 11th January 2007. The principal change in this regard relates to Education contribution sought. At the 11th January 2007 Education Walsall stated:

Education Walsall base contribution requests on whether there are sufficient surplus places in local primary and secondary schools. If the level of surplus places is below 10% we ask for a contribution. In this case the level of surplus places is below 10% in both the primary and secondary sectors.

The contribution calculation is sensitive to the type and mix of dwellings to be built. It involves combining the expected pupil yield for the development by a Building Cost Multiplier provided by the DCSF at the start of every financial year. Based on current prices, a contribution for both the primary and secondary sectors of £461,696 and £503,895 respectively would be sought on present indicative figures, giving a total of £965,591.

The applicant has also supplied evidence that disagrees with the calculation method used by Education Walsall. The applicant, considering the size of the site, has considered a number of locations within the site. On this basis, the applicant calculates the primary phase surplus is at 10.68% and secondary phase at 7.73%, this figure is based on the October 2007 school figures. The applicant therefore considers that it would be inappropriate to seek contributions towards the primary phase.

Both points of view are noted however it is the view of officers that the issue should be progressed at Reserved Matters stage when the precise figures are known. Instead it is proposed to include in the Heads of Terms that an Education contribution would be sought having regard to the Adopted Supplementary Planning Document.

The precise figure is not to be agreed as the precise mix and layout has yet to be approved.

In addition the Section 106 would also seek

- Affordable Housing, the equivalent of 25% shared equity. This would be in accordance with the current Supplementary Planning Document (SPD) but also allow for social rent to be provided on site in accordance with the emerging SPD. Housing strategy officers support this provision.

- Open Space contributions would be sought at £701 per bedroom. On site works to the canalside embankment, landscaped area around Top Lock Cottage and the former Lock Museum and canal towpath improvements would be discounted from the total amount. The canal towpath works would need to meet the requirements and standard of British Waterways.

- Healthcare – £384.30 per bedroom would be sought in accordance with the adopted Supplementary Planning Document.

- Public Art – the scheme will include on site public art which will be developed in partnership with the Creative Design Team, precise details and locations will be development as part of the reserved matters submission.

- Transportation improvements to Old Birchills and Green Street junction would be funded by the development in addition to a contribution (of not more than 1/3 of the total cost of works) to improve the Old Birchills/Green Lane/Hospital Street junction.

- Green Travel Plan – walking and cycle initiatives and bus passes for future residents in addition to a welcome pack being provided for future occupants. The Travel Plan document will be developed in co-ordination with Council Officers and Centro.

Any reductions in the Section 106 from the above level will need to be justified in a viability assessment and submitted to the District Valuers Service for independent assessment at Reserved Matters Stage. The costs of the independent assessment will need to be met by the applicant.

Conclusion

Overall the proposals are considered to be acceptable and should be supported. Should committee resolve to support the scheme will need to be submitted to the Government Office as a Departure from the Development Plan.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. Application for approval of the first Reserved Matters shall be made within 3 years of the date of this decision. Development must be begun not later than 3 years from the date of approval of the Reserved Matters permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. This development of each parcel of land shall not be commenced until details of the following, hereafter named “the Reserved Matters”, have been submitted to and approved by the Local Planning Authority:-

- a) Layout of the site
- b) The external appearance of the building(s)
- c) The landscaping of the site

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

3. As part of the Reserved Matters submission, 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 Travel Wise co-ordinator 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 and ticket details;
- b) Cycle provision, showers and lockers and associated infrastructure; and
- c) Walking initiatives.

Prior to the first dwelling being occupied on the development hereby approved, the full Residential Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the details written in the approved Travel Plan. A review of the approved Travel Plan shall be submitted to, and agreed in writing by, the Local Planning Authority in accordance with the approved Travel Plan. This will identify any refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development and to promote sustainable modes of transport.

4. Unless otherwise agreed in writing by the Local Planning Authority, before work commences on the area next to the Former Boatmans Rest and the Toll House, the canalside frontage and land adjacent to Rayboulds Bridge, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artefacts or documentation meriting preservation:

- * Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);
- * Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).
- * Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

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

5. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

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

6. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site (identified under survey work of Condition 5) and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

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

7. Agreed remedial measures under Conditions 5 and 6 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: In order to ensure satisfactory development of the application site.

8. This development shall not be carried out other than in conformity with the approved plans and documents, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

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).

9. Before work commences on site details of measures to control water run off from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

Reason: To protect the water environment.

10. For the duration of the reclamation of the site, and the construction period, the accesses 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.

11. 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 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: In the interests of the amenity of adjacent occupiers.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from service vehicle areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To protect the water environment.

13. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until drainage details, incorporating:-

- a) sustainable drainage principles
- b) an assessment of the hydrological and hydrogeological context of the development
- c) the provision and implementation of a surface water run-off limitation and on site attenuation as appropriate, and a programme for implementation and completion

have been submitted to and approved in writing by the Local Planning Authority and in consultation with the Environment Agency and British Waterways. The scheme shall be implemented and completed in accordance with the approved details.

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

14. Before the development is brought into use, the accessways and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

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

15. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development

16. Prior to the occupation of the buildings hereby approved, the location of communal satellite dishes to serve the apartment units shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite dishes on the building and to ensure satisfactory functioning of the development.

17. There shall be no deliveries or vehicular access to non-residential premises between the hours of 2300 and 0700, on any day.

Reason: To reduce the potential for conflict between vehicles and pedestrians on the shared surface, at times when the largest numbers of pedestrians are likely to be present.

18. Prior to the commencement of development samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

19. At all times, when construction is not underway, there will be unrestricted pedestrian access to the canal arm towpath.

Reason: To secure public access, in the interests of promoting improvements to the environment of the town centre.

20. As part of the Reserved Matters submission, details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to seeking to achieve a minimum of 3 stars standard as amplified by the Code for Sustainable Homes (December 2006) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, Policy CC1, EN1 and EN2 of RSS11 and PPS1 in terms of sustainable development and use of natural resources.

21. All hand-held pneumatic machinery used in respect of demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels.

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

22. All plant and machinery in use shall be maintained and silenced in accordance with the manufacturer's and/or supplier's instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design, and wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

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

23. No operations or activities incorporating explosive blasting, drop-balling or thermic/thermal lances shall be undertaken.

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

24. 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.

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

25. No development shall take place until suitable noise mitigation measures identified by survey work in Condition 24 of this permission 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: To safeguard the amenities of the occupiers of adjoining premises.

26. As part of the Reserved Matters submission details of bin stores and cycle stores shall be detailed. The stores shall be implemented in accordance with the approved details.

Reason: In order to ensure satisfactory functioning of the development.

27. As part of the Reserved Matters submission the scheme shall progress a minimum gross development density of 40 dwellings per hectare.

Reason: In order to make efficient use of brownfield land.

28. As part of the Reserved Matters submission the scheme shall progress links to Reedswood Golf Course for both vehicular and pedestrian movement.

Reason: In order to ensure that this development and neighbouring potential developments are delivered in a comprehensive manner and good quality design and links to Reedswood Park are maintained and delivered and to ensure that the neighbouring highways network is not adversely affected.

29. Notwithstanding the access approved, as part of the Reserved Matters submission the proposals shall include an assessment for using and accessing the site from Rayboulds Bridge as a minimum of a one-way access point.

Reason: In order to ensure satisfactory impact on the neighbouring highway network.

30. As part of the Reserved Matters a plan showing the areas to be offered for highways adoption shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show details of refuse and re-cycling storage areas for those properties that front the road and do not have rear access should also be provided to demonstrate that residents' bins will not obstruct the footway or visibility splays. The applicant shall also submit tracking details to show access for the Council's bin lorry. Should the Council's refuse vehicle be required to access roads and/or parking areas that are not being offered for adoption, the applicant will be required to indemnify the Council against damage caused to the road by the vehicle prior to the first occupation of any dwelling. The areas shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the satisfactory appearance of the development and to ensure the satisfactory functioning of the development.

31. As part of the reserved matters submission highways improvements to Old Birchills detailed in the submitted Transport Assessment shall be detailed and submitted to the Council. The approved scheme shall be implemented prior to the first occupation of the site.

Reason: In the interests of highway safety.

32. As part of the reserved matters submission a phasing plan for development shall be submitted and agreed with the Local Planning Authority.

Reason: In order to ensure that the development is delivered in a satisfactory manner.

33. As part of the Reserved Matters submission a detailed air quality and odour assessment shall be submitted to and agreed in writing with the Local Planning Authority. The scope of the assessment shall assess the odour and air quality from neighbouring industrial processes at various heights. Any mitigation methods or requirements shall be implemented in accordance with the agreed recommendations within the air quality assessment.

Reason: In order to ensure the satisfactory amenity of neighbouring residential occupiers.

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

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

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

Reason: To prevent the pollution to 'controlled waters'.

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 GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV14, ENV18, ENV21, ENV23, ENV24, ENV26, ENV27, ENV28, ENV29, ENV32, ENV33, ENV34, ENV39, ENV40, JP5, H1, H3, H4, H9, H10, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11 and T13 of Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA3, PA4, PA5, PA6, PA10, PA11, UR1, UR3, UR4, QE1, QE2, QE3, QE4, QE5, QE7, EN1, EN2, T1, T2, T3, T4, T5, T7, T8, T9, CF1, CF4, and CF6 of the Regional Spatial Strategy for the West Midlands (RSS11); Adopted Supplementary Planning Documents including Designing a Better Walsall SPD, Housing SPD, 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 website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.

NOTE FOR APPLICANT:

A) The layout submitted as part of the outline approval is acceptable in a large proportion of the site and could be delivered should a scheme of 301 units is progressed at Reserved Matters stage. The principal improvement required relates to Plots 143 and 144 in relation to the illustrative layout shown which would require improvement in order to improve connectivity of the site to future proposals for Reedswood Golf Course.

B) 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.

C) 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.

D) There are a number of large projects in the town centre, each with areas of new public realm. The Council and Walsall Regeneration Company are working on a strategic framework for public realm works and this should be used to guide the details of landscaping and surface materials.

E) Building works may not be undertaken, and a public highway may not be closed in the absence of the appropriate consent, which must be obtained through the Local Highway Authority. Those consents may require a public local inquiry if there are objections.

F) You are advised that although this permission has been granted you must also respect any ownership rights or other legal agreements including rights of way.

G) You are advised to refer to the agreement under Section 106 of the Town and Country Planning Act 1990 which was completed in conjunction with the development.

H) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

I) Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

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

K) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191, Fax. 0181 694 0099.

L) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

M) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

N) The applicant/developer is advised to contact Des Harris British Waterways third party works engineer in order to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

O) The Council consider the scheme should meet the terms of the Secured by Design concept, and will expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so.

P) For the avoidance of doubt, no water should be discharged into the canal without first obtaining written consent from British Waterways.

Q) For the purpose of this condition instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS 7482: 1991 'Instrumentation for the measurement of vibration exposure of human beings' where applicable or any superseding standard, and shall have a linear performance frequency range of not less than 1Hz to 80 Hz.

'Vibration sensitive' premises shall be taken to include, inter alia: any premises used as an occupied dwelling, hospital or similar institution, schools or other educational premises (when in use), places of worship (when in use), hotels and similar facilities.

R) 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.

S) There has been the invasion of Japanese Knotweed on the site. The eradication of such species is not simple, therefore we wish to inform the applicant of the correct procedure to completely eradicate this invasive species, the information can be found at:

<http://www.environment-agency.gov.uk/subjects/conservation/840870/840941/?referrer=/subjects/conservation/>



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 01 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2253/FL/W7

Application Type: Full application

Applicant: Bromford Housing Group Ltd

Proposal: Proposed residential development of 28 number new build houses, 7no. houses formed from conversion of exchange house, 4no. apartments from conversion of offices to Wednesbury Road, 8no. apartments from conversion of offices to Midland Road with associated car parking, external works and demolition of existing industrial buildings

Ward: St. Matthews

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

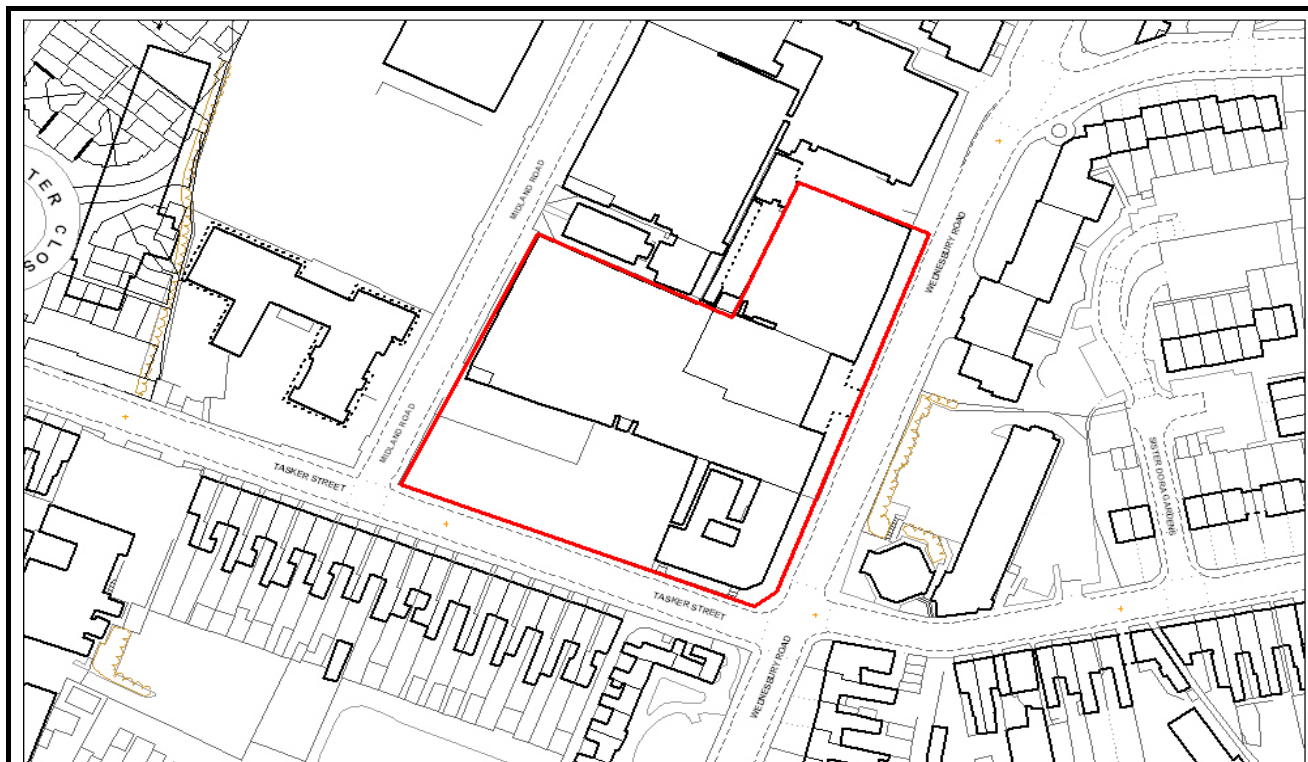
Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Agent: E&H Design Limited

Location: LAND AT WEDNESBURY ROAD AND TASKER STREET, WALSALL, WS1 3QT

Expired: 15/04/2008



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Application and Site Details

The application site comprises about half of the Walsall Lithographic factory, their associated car park and the Government Office buildings, and the Motorway Tyres fitting centre, all between Wednesbury Road, Tasker Street and Midland Road. The site frontage on Wednesbury Road is within the Bradford Street Conservation Area and on the opposite site of Tasker Street are the Henry Boys Almshouses' which are Grade II Listed and date from c.1887.

Tasker Street is predominantly residential with a strong terrace of residential properties opposite the site. A new residential development is under construction nearby on the former British Rail Depot site off Tasker Street and a further residential development is approved subject to the completion of a legal agreement on the former dairy site on Midland Road opposite the site.

There are a number of commercial uses on Midland Road including the Probation Centre, Pattison House (offices) and the Particular Baptist Chapel and Hall. Wednesbury Road also has a number of commercial properties in the vicinity of the site, together with houses and flats.

The proposals are for 47 dwellings comprising the following:

- Twelve 4 bedroom houses
- Thirteen 3 bedroom houses
- Three 2 or 3 bedroom houses

and the conversion of three of the existing buildings to:

- Five 3 bedroom houses
- Two 2 bedroom houses
- Twelve 2 bedroom apartments.

The application proposes 67 car parking spaces solely for residential use (143%).

The proposals also include 55 car parking spaces for the remaining industrial use of the Walsall Lithographic factory.

Density is 45 dwellings per hectare (excluding the commercial car park proposed – just over 30 if it is included).

Relevant Planning History

Wednesbury Road (Exchange House) (within the site)

06/1125/FL/W5 - Change of Use from B1 (Offices) to D1 (Non residential and training centre) - Granted 28/08/2006

Wednesbury Road (Walsall Lithographic Offices) (within the site)

04/1283/FL/W7 - Change of use back to B2 general industrial use – Granted 13/08/04

BC57590P/C - Change of use to martial arts/fitness – Granted 31/07/2001

BC52886P/C – External Alterations – Conservation Area Consent – 10/09/1998

Wednesbury Road (Former Motorway Tyres) (within the site)

03/1261/FL/W3 - Change of use to general industrial B2 (print works in connection with surrounding buildings) – Granted – 06/10/2003

Former British Rail Depot, Tasker Street (near the site)

Residential Development providing 62 no. residential units: 11 x 4 bedroom houses, 10 x 3 bedroom houses, 2 x 5 bedroom houses and 39 x 2 bedroom flats – Granted – 20/07/06

Former Dairy Site, Midland Road (opposite the site)

Outline: Erection of 112 apartments and associated works – Resolution to grant subject to the signing of a legal agreement – 20/02/2007

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 relevant planning policies include the General Principles for Development (Chapter 2 of the UDP) which encourage sustainable regeneration and seek to maximise the development of previously developed land in sustainable locations and promote high quality development. High quality design is at the core of the Principles for Development. The application site has no specific designation within the UDP therefore policy JP7 applies (seeks to protect employment land unless it would be more appropriate to consider alternative uses).

H3: Encourages provision of additional housing on previously-developed land, subject to (among other things) satisfactory residential environment, and no unacceptable constraint on the development of any adjacent site for its allocated or identified use. Policy H4 seeks to provide a level of affordable housing at 25% of the total dwellings proposed on the application sites. Policy H9 and H10 seek to encourage appropriate densities on developments with the proposed layout, design and mix.

Policy Env10 seeks to ensure that proposals take account of pollution, including air quality, noise and smell, for example, and also to ensure that proposals do not have an unacceptable adverse effect on nearby land users and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

Policy Env14 specifically encourages the development of previously developed land. Policy Env28 seeks to preserve and enhance Conservation Areas. Policy Env32 sets out design criteria and Policy Env33 seeks good landscape design. Policy Env39 seeks to ensure renewable energy and energy efficiency is encouraged as part of development

Chapter 7 of the UDP (Transportation) seeks to encourage alternative modes of transport to the public car. Policies T7 and T13 seek a well designed scheme in relation to car parking provision and policies T8 and T9 seek to promote walking and cycling respectively. Accessibility for all members of the community is reflected in policy T10.

The Urban Open Space Supplementary Planning Document (SPD) (April 2006), Education SPD (February 2007), Healthcare SPD (January 2007) and Walsall Design Guide SPD (January 2008) are all relevant.

Regional Spatial Strategy for the West Midlands (RSS11)

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

There is no need for this application to be considered under the Conformity Protocol. A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

Policies UR1 and UR3 which seek to regenerate urban areas and in particular centres; whilst Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations.

Policies QE1, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space. Policy EN2 seeks to conserve energy.

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

National policy

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. In paragraph 13 PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good design.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria.

Paragraph 10 of PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment

PPG15 (Planning and the Historic Environment), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) also apply seeking to appreciate and conserve the historic environment and deliver development which does not raise issues in terms of polluted environments and noise issues.

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

Consultations

Transportation – No objection subject to a bin storage area being included for properties fronting Wednesbury Road.

Pollution Control (contaminated land and scientific teams) – No objection subject to conditions

Conservation – No objection subject to appropriate materials being used. Welcomes the retention of Exchange House

Fire Service – No objection

Urban Open Space – Seek £97,439 in accordance with the Council's Adopted Supplementary Planning Document.

Healthcare - Seek £53,417.70 in accordance with the Council's Adopted Supplementary Planning Document.

Education – Seek £181,556.80 towards Secondary School provision in accordance with the Council's Adopted Supplementary Planning Document.

Housing Strategy – Note that the applicant is a Registered Social Landlord and will therefore provide a higher level of affordable housing.

District Valuer – to be reported in the Supplementary Paper

Representations

None.

Determining Issues

- Principle of development
- Design and layout
- Impact on neighbouring commercial users.
- Impact of neighbouring commercial uses on the future residents

- Car parking provision
- S106 Agreement and Affordable Housing provision

Observations

Principle of development

The area around Tasker Street and Midland Road has been the subject of several recent permissions in relation to a shift in the use of the area to residential. This is a continuation of that process. Much of the application site is currently a large car park and the proposals are an improvement.

The site and area are not allocated for employment purposes and as such residential use is considered an appropriate alternative use. This is compatible with policy and other developments in the area.

Design and layout

The proposals have been designed to respect the nearby residential properties with terraced housing reflecting the design of properties on the opposite side of Tasker Street. The proposals will also involve the conversion of the key buildings on the site. This will allow for the development to build on the industrial heritage and promote a high quality residential environment. The proposals are considered to be acceptable in terms of its design and layout.

The application proposes smaller garden spaces for the houses proposed:

Units 1-11 – approximately 45sqm on average (9m by 5m)

Unit 12 – approximately 70sqm (14m by 5m)

Units 24-31 – approximately 31sqm on average (7m by 4.5m)

Units 32-35 – approximately 42sqm on average (9m by 4.5m)

Units 44-47 – approximately 47.5sqm on average (9.5m by 5m)

In addition two areas of communal amenity space are provided approximately 100sqm for Exchange House and the converted Walsall Lithographic building on Wednesbury Road. The second area, behind the converted premises on Midland Road provides approximately 170sqm of communal amenity space.

Overall, considering the house types and location close to the town centre, it is considered that the level of amenity space provided is acceptable in this instance and provides a positive approach to amenity space.

Impact on neighbouring commercial users.

The proposals have been designed to allow for the existing commercial neighbours to continue to operate and not be adversely affected by the proposals. The commercial access for the factory is unaffected by the proposals and staff access would still be allowed. A majority of the residential properties are set away and separated from the commercial aspect of the proposals.

The proposed car parking for the Lithographic factory also demonstrates this commitment to minimising the impact on neighbouring commercial operators.

Impact of neighbouring commercial uses on the future residents

It is noted that Pollution Control Officers raise no objection to the proposals subject to satisfactory noise mitigation being installed. An acoustic fence is proposed on the boundary to the factory and generally residential gardens are separated.

The existing silos would be relocated to allow for the creation of the private access road however this would not create significant issues in terms of maintenance or noise and disturbance in the view of Officers.

The position of the existing substation is also noted, however the views of Pollution Control Officers are noted. Overall given the noise mitigation methods proposed, the separation

Car parking provision

The proposals include a level of car parking that would be considered appropriate when considered against the availability of public transport to the site and the proximity of the site to the town centre. The proposals include 55 spaces for the remaining Lithographic factory elements, however at night and at times when the factory is not using the car parking spaces (e.g. the weekends), the spaces could be used by residents of the development however a security gate will provide security onto this area. The car park as existing appears to be underutilised and therefore its redevelopment and reduction in size is not of concern to officers. In addition should the car parking become surplus to the requirements of the neighbouring factory users the area could be redeveloped for further housing, to allow for better use of the area.

Overall, it is considered that the level of car parking is appropriate in this instance.

S106 Agreement and Affordable Housing provision

The applicant is a Registered Social Landlord and therefore a significant proportion of the development will be offered for affordable housing. The amount of affordable housing to be provided however is dependent on Housing Corporation funding. In seeking this funding, the applicant cannot include Affordable Housing in a Section 106 agreement and therefore the recommendation is to deal with this issue through planning condition (as has been done on other sites recently). Officers consider that this is robust and defensible and a reasonable approach to securing affordable housing. The precise number, mix and tenure will be agreed with officers although it is anticipated that over 50% of the development will be offered for affordable housing, double the amount sought in the Adopted Supplementary Planning Document.

With regard to the remaining contributions, the applicant has submitted a viability appraisal to the District Valuer for assessment. The applicant is offering £35,000 to Education and £35,000 to Open Space contributions. The Housing Association funding would not be affected by the applicant entering into a Section 106 agreement for these contributions. The full report of District Valuer will be reported in the Supplementary Paper. However, members will have seen other cases where priority has been given to meeting the whole of the Education needs, at the expense of other provisions. It is possible that this will feature in the final position.

Conclusion

Overall the proposals would represent a significant improvement to the area and improve the use of an underutilised area of previously developed land and achieve a high level of design and sustainability that would build on the industrial heritage of the site. The proposals are supported by Officers.

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. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

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

3. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present (identified under condition 2) on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

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

4. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable (identified in condition 3). 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: In order to ensure satisfactory development of the application site.

4. This development shall not be carried out other than in conformity with the approved plans and documents, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

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).

5. Unless otherwise agreed in writing by the Local Planning Authority, at least 28 days before work commences on properties to be retained, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artifacts or documentation meriting preservation:

- * Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);
- * Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).
- * Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

No development shall be carried out until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall include the submission of one copy of all results to the Local Planning Authority.

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

6. Before work commences on site details of measures to control water run off from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

Reason: To protect the water environment.

7. 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 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: In the interests of the amenity of adjacent occupiers.

8. Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from service vehicle areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To protect the water environment.

9. No development shall be carried out until drainage details, incorporating:-

- a) sustainable drainage principles
- b) an assessment of the hydrological and hydrogeological context of the development
- c) the provision and implementation of a surface water run-off limitation and on site attenuation as appropriate, and a programme for implementation and completion

have been submitted to and approved in writing by the Local Planning Authority and in consultation with the Environment Agency and British Waterways. The scheme shall be implemented and completed in accordance with the approved details.

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

10. Before each zone of the development is brought into use, the accessways and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

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

11. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development

12. Prior to the occupation of the buildings hereby approved, the location of a communal satellite dishes to serve the apartment units shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite dishes on the building and to ensure satisfactory functioning of the development.

13. There shall be no deliveries or vehicular access to non-residential premises between the hours of 2300 and 0700, on any day.

Reason: To reduce the potential for conflict between vehicles and pedestrians on the shared surface, at times when the largest numbers of pedestrians are likely to be present.

14. Prior to the commencement of development samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

15. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to seeking to achieve a

minimum of 3 stars standard as amplified by the Code for Sustainable Homes (December 2006) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, Policy CC1, EN1 and EN2 of RSS11 and PPS1 in terms of sustainable development and use of natural resources.

16. Prior to the first dwelling being occupied on the development hereby approved, a Residential Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in writing by the Local Planning Authority. 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 and ticket details;
- b) Cycle provision, showers and lockers; and
- c) Walking initiatives.

The approved measures shall be developed and implemented during the first six months following the occupation of the premises for the use hereby approved. Following the expiry of this period of time, a review of the Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. This will identify any refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development and to promote sustainable modes of transport.

17. Permitted levels of ground-borne vibration transmitted to floor structures of vibration sensitive premises from all works and ancillary operations shall not exceed: A peak particle velocity (PPV) of 1.0 mms^{-1} as determined in accordance with the main procedural requirements of British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1Hz to 80Hz)'.

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

18. All hand-held pneumatic machinery used in respect of demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels.

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

19. All plant and machinery in use shall be maintained and silenced in accordance with the manufacturer's and/or supplier's instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design, and wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

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

20. 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.

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

22. Prior to the commencement of development a plan showing the units to be offered for affordable housing, including the tenure and mix, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed units shall thereafter be retained in perpetuity for affordable housing.

Reason: In order to provide affordable housing for the proposals.

23. Prior to the commencement of development a bin collection area for properties fronting Wednesbury Road (units 1-11 as shown on the approved site plan) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

24. The proposed car parking for Walsall Lithograph Factory shall be retained for such purpose and shall not be used solely for the purposes of the approved residential development. Should the neighbouring factory users no longer require the use of the car parking space a scheme for alternative use of the area shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the area no longer being used unless an alternative timetable is agreed in writing by the Local Planning Authority.

Reason: In order to promote alternative modes of transport and to ensure that car parking does not dominate the scheme.

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 GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV14, ENV18, ENV29, ENV32, ENV33, JP7(d), H3, H4, H9 and H10 of Walsall Unitary Development Plan (March 2005) and Policies QE3, QE4 and QE5 of the Regional Spatial Strategy for the West Midlands (RSS11), 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 website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.

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) Building works may not be undertaken, and a public highway may not be closed in the absence of the appropriate consent, which must be obtained through the Local Highway Authority. Those consents may require a public local inquiry if there are objections.

D) You are advised that although this permission has been granted you must also respect any ownership rights or other legal agreements including rights of way.

E) You are advised to refer to the agreement under Section 106 of the Town and Country Planning Act 1990 which was completed in conjunction with the development.

F) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

G) Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

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

I) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;

- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191, Fax. 0181 694 0099.

J) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

K) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

L) The Council consider the scheme should meet the terms of the Secured by Design concept, and will expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so.

M) For the avoidance of doubt, no water should be discharged into the canal without first obtaining written consent from British Waterways.

N) For the purpose of this condition instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS 7482: 1991 'Instrumentation for the measurement of vibration exposure of human beings' where applicable or any superseding standard, and shall have a linear performance frequency range of not less than 1Hz to 80 Hz.

'Vibration sensitive' premises shall be taken to include, inter alia: any premises used as an occupied dwelling, hospital or similar institution, schools or other educational premises (when in use), places of worship (when in use), hotels and similar facilities.

O) 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 01 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2750/FL/E6
Application Type: Full application
Applicant: Steven Williamson
Proposal: Change of Use to B8 (Storage & Distribution)

Case Officer: Paul Hinton
Telephone Number: 01922 652420
Agent: Ansons LLP Solicitors
Location: LAND & PREMISES ON
THE NORTHWEST SIDE OF
MORFORD ROAD, NORTHGATE,
ALDRIDGE

Ward: Aldridge/Central & South

Expired: 06/05/2008

Recommendation Summary: Grant Subject to conditions



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Application and site details

This application seeks planning permission for the change of use of a general industrial premises to use as a distribution centre. No external alterations are proposed.

The application site is located within a core employment area within Northgate, Aldridge. The premises is currently vacant being one of the two main buildings used previously by Aldridge Plastics. Recent residential development has been undertaken at Lingmore Grove and Burnfields Way which is 13m from the application site. The site is accessed from Northgate which leads into a shared yard area serving a former printers premises, now vacant, where Little Rascal day nursery operate from the front of the building, the building subject to this permission and 5 smaller linked industrial units. A single block of 4 flats us situate adjacent to Morford Road.

The applicants supporting statement clarifies that the proposal would be for a parcel distribution centre and would replace an existing 'Interlink Express' located along Coppice Lane: nothing will be permanently stored on the site. Parcels are delivered in the morning and they are then transferred to vans and delivered that day. The site will have three office workers and an operational manager working permanently on site and 15 to 20 people based on site but working in various vans and other vehicles.

The applicant proposes 24hour operation, 7 days a week. There will be no commercial parking outside the site; all of the vans that operate from the centre will be parked in the premises at night. Twenty four car parking spaces are proposed.

The size of the commercial freight that will be operating from the site are two HGV's making deliveries between 05.00 and 07.00 and between 17.30 and 20.00. The number of vans and light vehicles making deliveries to the site or visiting the site during the day will be 20. They will leave at between 07.30 and 08.30 and return back at between 16.30 and 17.30.

There will be a small level of public use of the premises in the instances when parcels cannot be delivered they are returned to the centre for customer to collect personally at a later time. Up to 20 people would be employed at the site.

The applicants confirm that no external storage will take place and it is anticipated that there will be a decrease in traffic movements per day.

Relevant Planning history

BC07836P – Subdivision of building into 3 units, elevation alterations and car park layout. Granted subject to conditions. 29/6/1983.

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

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment.

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

4.4 Core employment uses are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. Core employment areas are locations of strategic importance and good accessibility. Core employment areas will be safeguarded for core employment uses.

JP5 a) Core employment areas shall be safeguarded for core employment uses.

Proposals for other uses will only be permitted where it can be demonstrated that:

1. A need would be met which could not be satisfied elsewhere in the Borough; or
2. The range and quality of employment opportunities would be significantly increased.

b) When windfall sites or buildings in core employment areas come forward for reuse or redevelopment they will normally be safeguarded for core employment uses according to the above policy.

4.34 Core employment areas contain major concentrations of core employment uses and/or good quality buildings or development opportunities. This policy will ensure that these areas, the best industrial areas that Walsall has to offer, will be retained for these uses.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, this includes providing an adequate level of car parking to meet the operational needs whilst not exceeding any maximum parking standards that are specified.

T13: Parking Provision

Use Class B8 – 1 car park space per 50m² of gross floorspace up to 250m²; then 1 space per 100m² up to 2500m²; then 1 space for every 500m² of gross floorspace. 1 bike locker for every 10 car parking 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 QE1 - Environment

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

National Policy

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

Consultations

Transportation – no objections subject to conditions for car park revision to include disabled parking and motorcycle spaces, replacement of radius kerbs at site entrance and construction of a dropped pedestrian crossing.

Strategic Policy – supports and welcomes the application. The proposal is a core employment use and acceptable under the terms of policy JP5.

Pollution Control Scientific Team – no objection subject to measures being put in place to address noise issues arising. Conditions have been recommended.

Environmental Health – no objection.

Landscape – no objections.

Fire Services – satisfactory for fire service access.

Public Participation Responses

One letter has been received from the occupier of 66 Northgate, opposite the application site, objecting on the following grounds:

- More vehicle movements than the current facility
- Width of Northgate does not facilitate the entry and exit to/from Morford Road which results in their having to mount the pavement
- The junction of Morford Road is too close to the junction of Northgate and Leighswood Avenue for a high volume of large vehicles to be able to use Morford Road without creating danger to road users.

Determining Issues

- Principle of proposed use
- Impact on the amenities of the surrounding occupiers
- Access and parking

Observations

Principle of proposed use

The proposed use for Class B8 purposes fall within the categories of development encouraged within the Core Employment Area and is therefore acceptable. The site is currently vacant and this proposal will bring the site forward into an acceptable use.

Impact on the amenities of the surrounding occupiers

The proposed development involves change of use of the premises only and no material alterations to the external elevations of the existing buildings are proposed. The site falls within a Core Employment Area, noise or nuisance from this site would be comparable to an industrial premises. The nearest residential properties (Burnsfields Way) are 13m away and separated from the site by the 6m brick side elevation of the building. To the south of the yard is a 3m wall, 15m from the apartments along Lingmoor Grove. Adjacent to the junction of Northgate and Morford Road are four flats which are 79m from the premises subject to this application and 3m from Morford Road.

There are no objections from Environmental Health and Pollution Control do not object to the application subject to conditions to determine through a noise survey if noise mitigation measures are needed and the implementation of such measures. It is proposed that the site will operate 24hrs a day, 7 days a week. This is comparable to the existing use which has no conditions restricting working hours. It also appears that the adjacent industrial units do not have safeguarding conditions controlling working hours. Therefore working hours could not be effectively restricted on this site because there would remain to be no control over the working hours of the adjacent site. The site falls within a Core Employment Area and it is considered the level of activity proposed is reasonable for such an area. It is recommended that conditions restricting delivery times of HGV vehicles and the use of tannoy systems are used to ensure control is maintained across the site.

Access and parking

The premises comprise existing buildings with access and parking arrangements shared with other units on this site. The applicant has submitted a tracking diagram showing that a HGV can enter, manoeuvre and leave the site in a forward gear.

The application proposes 24 parking spaces. Under policy T13 27 parking spaces would be required to meet the UDP requirements. However, it is considered given the use involves a number of delivery vehicles that will be away from site during most of the day this small short fall in parking should not be a reason to refuse the application.

Transportation do not object to the application subject to the use of recommended conditions. It is recommended that before development commences a revised layout plan is submitted to include 10% disabled parking and a minimum of three motorcycle spaces.

The letter of objection raises concern about the amount of vehicle movements, being more than the current manufacturing use and that the width of Northgate does not facilitate the entry/exit of Morford Road that results in vehicles mounting the pavement and its location would create a danger to road users. The pavement adjacent to the site has been damaged, most likely from commercial vehicles associated with the permitted use. Transportation have recommended that as part of the permission a condition is used to ensure that the radius kerbs are replaced to the Council's specification. It is also recommended that an appropriate dropped pedestrian crossing is installed along the existing footpath in the interests of highway safety.

The proposed use will generate vehicle movements in the form of workers personal vehicles, delivery vans of a transit size and large HGVs making deliveries around 4 times per day. In making a recommendation on this application the permitted use needs to be considered. The existing general industrial use could generate significant vehicle movements in the form of a number of HGVs for inward and outward deliveries and staff

vehicles. On balance, the proposal by virtue of its nature should not significantly increase vehicle movements further than those expected as a result of the existing use.

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. Prior to development commencing, a noise survey and modelling 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: To safeguard the amenities of the adjacent occupiers.

3. No development shall take place until suitable noise mitigation measures, shown to be necessary under the terms of condition 2 to protect internal areas of adjoining residential accommodation 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: To safeguard the amenities of the adjacent occupiers.

4. Prior to the commencement of development a revised car parking layout plan shall be submitted to and approved in writing by the Local Planning Authority. The revised layout shall include 10% disabled parking and a minimum of three motorcycle spaces of 2.0m by 0.8m with a 0.6m high securing rail. The parking spaces shall be demarcated on the ground in accordance with the approved details and shall be used for no other purpose.

Reason: In the interests of highway safety.

5. Within two months from the implementation of this permission details shall be submitted to the Local Planning Authority for the replacement radius kerbs at the entrance to the access to the site (Northgate/Morford Road) and details for the construction of a dropped pedestrian crossing with tactile provision at the point where the footpath meets Morford Road. Works shall be undertaken in accordance with the agreed details.

Reason: In the interests of pedestrian and highway safety.

6. No deliveries or despatches to or from the site by heavy commercial vehicles shall take place outside the hours of 05.00 to 20.00.

Reason: To protect the amenity of adjacent residential occupiers.

7. All doorways (personnel or otherwise) shall be maintained in a closed position other than when in use for access, egress or emergency purposes.

Reason: To protect the amenity of adjacent residential occupiers.

8. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned to avoid interference with car parking and manoeuvring on the site.

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

9. No external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority. The lights shall be installed in accordance with the approved details.

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

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

Reason: To ensure the satisfactory functioning of the development.

11. No industrial process shall take place in the open on any part of the site.

Reason: To safeguard the amenity of local residents.

12. The development hereby approved shall at no time be subdivided to form a separate unit unless otherwise agreed by the submission and approval of a separate planning application.

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

Notes for applicant

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq}(8 \text{ hours})$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq}(16 \text{ hour})$, of 45 dB between the hours 07.00 to 23.00.

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

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

This is not an exhaustive list.

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

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

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, GP4, ENV10, JP5, 4.5 and 4.35 of Walsall Unitary Development Plan 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 01 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Objection from key consultee

Application Number: 07/2706/FL/W7

Application Type: Full application

Applicant: M6 Group Ltd

Proposal: Change of Use to Takeaway A5
(including extract duct)

Ward: St. Matthews

Recommendation Summary: Grant Subject to conditions

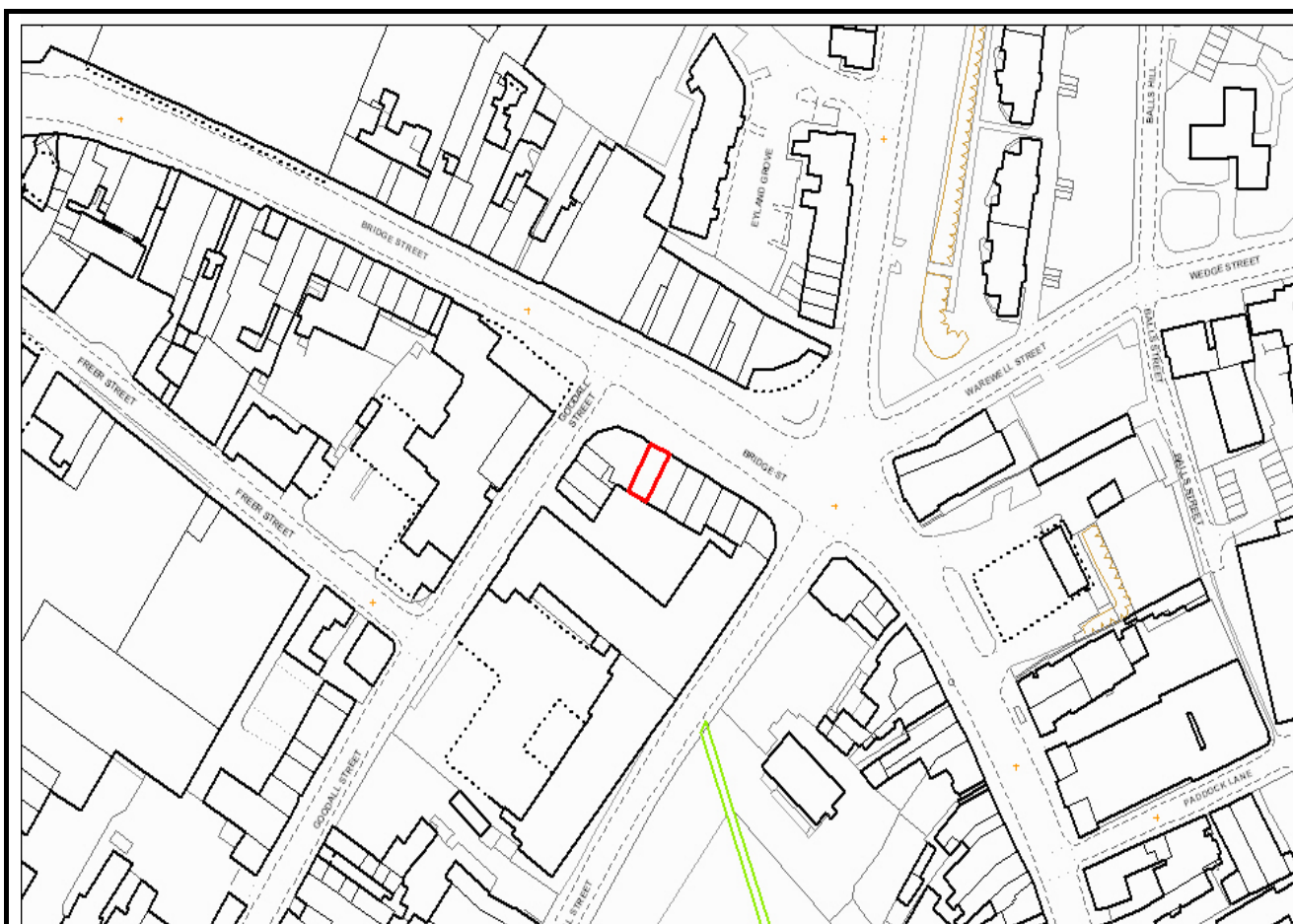
Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Agent: Bullworthy Shallish LLP

Location: 56 BRIDGE
STREET, WALSALL, WS1 1JG

Expired: 12/02/2008



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Application and Site Details

The proposals are for the change of use of a former mobile phone shop (Use Class A1) into a hot food takeaway (Use Class A5). The applications include the provision of an extract duct at the rear of the site (on the outside of the 3 storeys of offices over the building).

The site is located in the Ablewell Street/Bridge Street Conservation Area.

This section of Bridge Street is a well defined parade of shops between by Goodall Street and Upper Rushall Street. Other uses on the parade include the following:

52-54: KFC (Use Class A3/A5)
56: Application site - vacant (Use Class A1)
58: Prontaprint (Use Class A2)
60-62: Pizza Hut (Use Class A5)
64: Health and Beauty salon (Use Class A1)
66: Vacant (Use Class A1)
68: Ruby Chinese Takeaway (Use Class A5)

The upper floors above the retail shop are offices. There are numerous other takeaways, restaurants and drinking establishments in the wider area, particularly at the town centre end of Bridge Street.

Relevant Planning History

BC57154P – Floors 1, 2 and 3 Regina Court, Bridge Street, Walsall – Change of use from business to residential to include conversion to 30no. flats. Granted - 9th March 2001 (permission not implemented)

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

Adopted Unitary Development Plan (UDP)

The site is located in Walsall town centre but outside the primary shopping area therefore Borough-wide policies S4, S6, S7 and S10 apply and town centre policies WA3 and WA5 are relevant. The overall aim of the policy is to promote a diverse and strong town centre and in appropriate locations encourage other town centre uses.

In addition Conservation Area policy ENV29 indicates that development should preserve or enhance the character of the Conservation Area.

Policy S4 states:

“(a) The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses which these centres provide, consistent with the role and function of a centre within the hierarchy defined in Policy S2, in order to meet the needs and aspirations of all who use the centres.

(b) In all centres the priority will be to safeguard the existing level of shopping, leisure and other provision. In some centres there is also scope for an increase in these uses which would help those centres maintain their vitality and viability. Guidance on the appropriate

scale, type and location of new development is given in the Inset Plans for each centre. Generally, all new developments should be attractive for modern investment and it is considered that, provided they are acceptable in design and other terms, the creation of larger units should be encouraged.

(c) Development must not be at the expense of the vitality and viability of the centre as a whole, or that of other centres within the Borough or elsewhere in the affected catchment area the Council may require an impact assessment if it considers that a proposal might have adverse effects.”

However the key policy to consider is Policy S10 of the UDP, this states:

“A5 uses will be appropriate in the Town, District and Local Centres (subject to Policy S4) and in some shopping and commercial frontages elsewhere (if in accordance with Policies S6 and S7), subject to the following considerations:-

I. The use proposed must not adversely affect the amenities of existing or proposed dwellings (including those on upper floors above commercial premises) by reason of noise, smell, disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.

II. Where the Council is minded to grant planning permission, the closing time for hot food takeaways will be considered in relation to the amenities of nearby dwellings - both existing and proposed - where these are likely to be affected. In such locations, the Council will usually impose a condition requiring the premises to close at 23.00 hours Monday to Friday and 23.30 hours on Saturdays. Later opening hours and Sunday opening will be considered on their merits.

III. Permission will not be granted where the absence of adequate offstreet parking would be likely to lead to on-street parking in a hazardous location.

IV. Permission will only be granted where ventilation and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment would not be detrimental to visual amenity.”

Regional Spatial Strategy for the West Midlands (RSS11)

The RSS indicates echoes UDP policy in that development should promote town centres as a diverse location for activity throughout the day and night.

National Policy

Planning Policy Statements (PPS) 1 and 6 apply in this instance and promote a diverse town centre which addresses the needs of both the daytime and evening economy.

Planning Policy Guidance Note 15 is applicable as the site is located in a Conservation Area. Development should preserve the quality of the area.

Consultations

Transportation – No objection

Pollution Control – No objection

Environmental Health – No objection - The extract ducting must be of sufficient size and construction to take the extract gases from the cooking range a metre above the roof of the building before they emit to the open air and have sufficient filtration in it to avoid the potential for odour nuisance to persons in the vicinity.

Conservation – No objection to the change of use or the extract duct as it will follow the route of an existing duct and therefore not significantly affect the appearance of the building or the Conservation Area.

Fire Service – No objection

WM Police – There are 14 of these premises in or just next to Bridge St. These are KFC, Ruby Takeaway, No.1 Pizza, Burger Bar, Ozzys, Central Cafe, Sizzler, Turkish Delight and the Pork Joint, and Pizzeria Pisa which has recently closed.

Concerns that there are too many of these fast food restaurants in such a small area. The area is oversaturated with them, and possibly the closure of Pizzeria Pisa might signify that there is not enough business for them all to have a profitable share.

Consider that too many of these takeaways give a negative image of Walsall - and is in clear contrast to the 'cafe culture'. Besides this there are issues with litter, health implications and obviously constraints on how effective we can police the area, as these restaurants are often 'flashpoints' where violence and disorder occurs.

Representations

3 letters of objection received objecting on the following grounds

- There are a large number of other takeaways in the area
- Pizza Hut has closed and remained vacant
- 75 Bridge Street (was a café) has also closed
- Lack of parking
- Increased amount of rubbish
- Impact on the viability of existing takeaways/restaurants
- Impact on the viability of other uses in the area – e.g. offices and county court.

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

Determining Issues

- The number of hot food takeaways in the area and the impact on vitality and viability of the area.
- The impact on the character and appearance of the Conservation Area
- The impact of the proposals on car parking and highway safety.

Observations

The number of hot food takeaways in the area and the impact on vitality and viability of the area.

In terms of this area the site is located outside the Primary Retail Frontage but within the town centre boundary. As such diversity and additional town centre uses are promoted and add to the quality of the area. Policy S6 and WA3 indicates outside the primary shopping area, and on upper floors within it, the Council will encourage business/service uses, offices, leisure, community uses and where appropriate residential use

Bridge Street has evolved as the principal area for evening activities (nightclubs, bars and restaurants). It is noted that the application is submitted by the landlord of the premises who also has an interest in the other premises on this parade. For this reason, the applicant has indicated the use of Pizza Hut as an alternative has not been considered as a possibility for the applicant as an alternative site.

The current level of A5 activity on this parade (taking double units as 2 units – KFC and former Pizza Hut) on this area is 50% of a total of 10 units. The proposals would bring this total to 6 out of 10 units being in A5 use. In the wider area there are 14 of premises in or just next to Bridge St. These are KFC, Ruby Takeaway, No.1 Pizza, Burger Bar, Ozzys, Central Cafe, Sizzler, Turkish Delight and the Pork Joint, and Pizzeria Pisa which has recently closed. In addition many drinking establishments offer food to eat on the premises and many restaurants offer a takeaway service.

The most recent opening on Bridge Street is Modus Vivendi which is almost directly opposite the site. This premises occupies a double unit and noise insulation methods were required as part of the approval to prevent material disturbance to residents above the premises.

Considering the number of restaurants, takeaways and drinking establishments opposite and within walking distance of the site. Planning policy tests of policy S10 primarily consider tests of cumulative impact on the impact on residential amenity, it is noted that there are residential occupiers in the vicinity and therefore this is considered relevant, however given the character of the area this would not be a sustainable reason for refusal on its own. Permission BC57154P is also relevant in terms of the suitability of the area for residential use (approval formed the offices over the site as flats). However, permission has now expired without being implemented.

There is however an implication on the vitality and viability of the centre, from the number of A5 premises in the area and the closure of other A5 units, particularly in relation to the daytime activity and other uses such as offices, financial and professional services and other uses that would be appropriate in this location.

The existing level of restaurants, nightclubs, takeaways and drinking establishments on Bridge Street it is considered that the cumulative impact of the number of A5 units on grounds of vitality and viability of the town centre and other daytime users of Bridge Street, for example the nearby Tameway Tower, is a relevant consideration, particularly having regard to the comments of the Police and objectors.

Notwithstanding the potential 60% of units in this parade and the number of other restaurants (some offering takeaway) and takeaways terms of the cumulative impact, the view of officers is that the area is the primary location for these uses and as such the justification of a refusal would be unsustainable.

The impact on the character and appearance of the Conservation Area

The proposals do not propose a significant level of changes to the external appearance of the building. The proposed flue is to the rear of the premises, located in the service yard. Subject to satisfactory materials the proposed flue and extraction duct would raise no objection, particularly taking into account the existing flue to Ruby Restaurant.

The impact on residential amenity

This application site is located on the edge of the “late night area” of Bridge Street and more concentrated forms of the evening activity are closer to the town centre (i.e. lower end of Bridge Street) and in a more commercial area, here the character of the area is changing and it is likely that residential developments could be favourably considered (note planning permission reference BC57154P).

However, the existing late night activity and other takeaways should be considered in this regard. Overall it is considered that no material adverse impact would be caused on residents in the area.

The impact of the proposals on car parking and highway safety.

Transportation Officers raise no objection to the proposals based on the location being within walking distance of the town centre and public transport facilities. In this regard, due to the number of bars and facilities, it is considered that the proposals would not have an impact on highway safety.

Conclusion

For the reason stated above, it is considered that the proposals, on balance, are acceptable.

Recommendation: Grant Subject to conditions

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

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

2. This external flue shall be surface-treated to match the existing flue and ventilation system before the development is brought into use.

Reason: To ensure the satisfactory appearance of the development.

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 S4 a) and c) and S10 of Walsall Adopted Unitary Development Plan (March 2005) and Policy UR3 of the Regional Spatial Strategy

for the West Midlands (RSS11, January 2008), 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 website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 01 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Requires Delicate Judgement

Application Number: 07/2587/FL/E10

Application Type: Full application

Applicant: Milbury Voyage

Proposal: Construction of a 9 bed C2 residential care home for adults with learning disabilities including a 2 bed self contained apartment, access parking and landscaping.

Ward: Bloxwich West

Recommendation Summary: Grant Subject to conditions

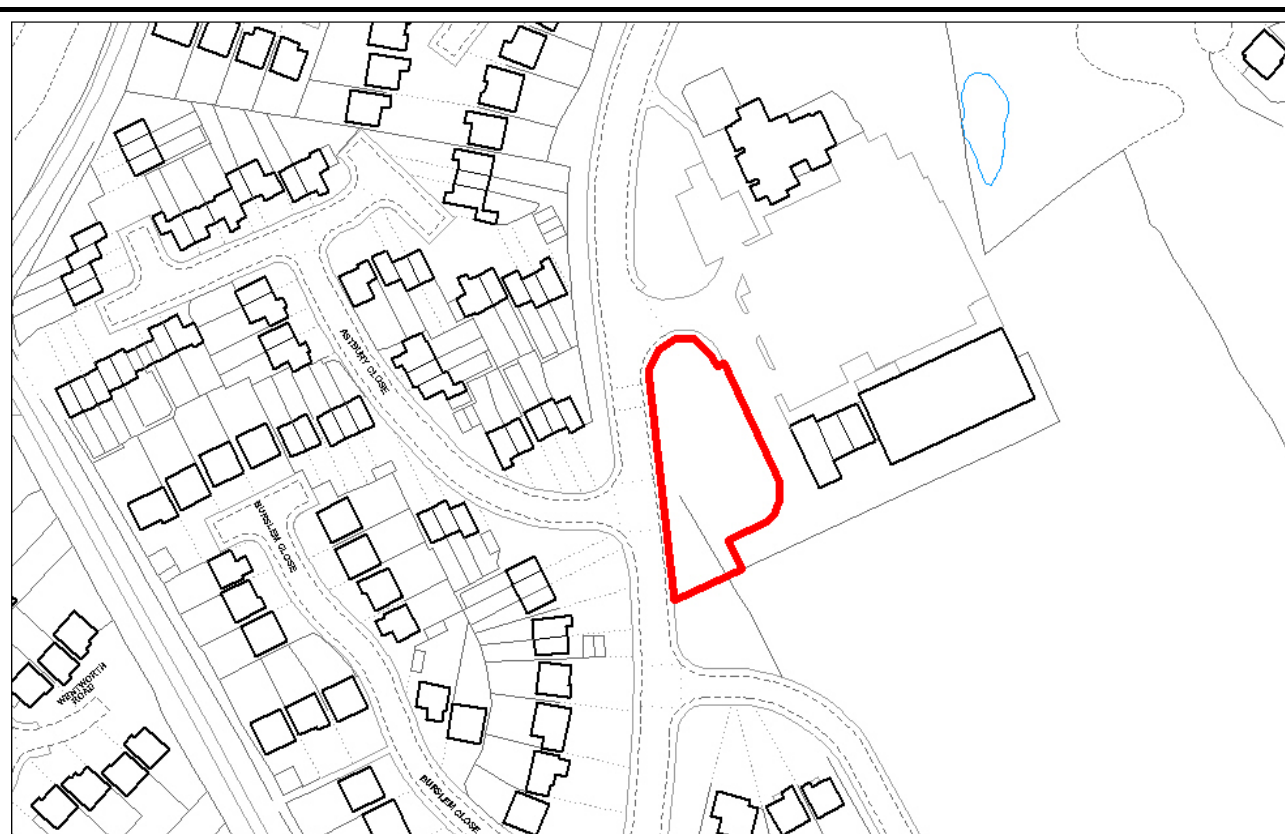
Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: Homewood Design Ltd

Location: LAND AT TURNBERRY ROAD, BLOXWICH, WALSALL, WS3 3UB

Expired: 23/01/2008



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Application and Site Details

The site is situated on the eastern side of Turnberry Road, opposite the junction with Astbury Close and currently comprises open overgrown land.

Immediately to the east of the site is a group of local shops, and to the north east a public house, with parking in between. The site, the shops and pub form the Turnberry Road local centre. An access road to the shops and pub is situated immediately to the north of the site.

An area of open land is situated to the south of the site which is the subject of a recent planning application for 4 x 4 bed detached houses and 39 retirement apartments.

The area is predominantly residential in character comprising a modern open plan estate.

The application proposes the erection of a two storey 9 bed residential care home for adults with learning disabilities including a 2 bed self contained apartment. Vehicle access to the site would be provided from the access to the local centre via a gated access and gated pedestrian access directly off Turnberry Road.

The proposed building would form an 'L' shape towards the southern end of the site, with private amenity space provided within the 'L' and vehicle access and 8 parking spaces (including 1 disabled space) towards the northern end of the site. Landscaping would be provided to the Turnberry Road elevations. Cycle and bin storage facilities would be provided to the rear.

The home would provide 24 hour care for adults (18-65 years) with learning disabilities, where residents will have care and support to participate in a personal programme of activities within the home and in the community, including education, social/leisure activities and shopping.

The accommodation would include: 7 bedrooms, a 2 bed self contained apartment, communal lounge and dining room, activity, sensory, treatment and quiet rooms, assisted bathrooms and en suite wets rooms, together with staff facilities and bedroom and lift to provide access to first floor accommodation.

The 2 bed self contained apartment would be used to provide supported living, encouraging independent living skills with staff support.

Relevant Planning History

06/0218/OL/E3, outline planning consent for residential development for 5 flats, where siting and means of access were considered, approved 29-06-06. The siting included an 'L' shaped building located centrally on the site and vehicle access from the service road for the local centre.

07/0458/FL/E12, erection of a 6 bed residential care home for adults with learning disabilities and 4 independent living units, withdrawn 06-07-07.

Concerns raised regarding the footprint of the building in relation to the outline approval, the design, scale, massing and amenity space for the building.

Relevant Planning Policy Summary

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

Walsall UDP March 2005

GP1: The Sustainable Location of Development

To minimise travel, particularly by car. Provide mixed use developments and maximise the use of land.

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.

GP5: Equal Opportunities

Concerned with meeting the needs of all sections of the community and increasing social inclusion.

GP6: Disabled People

Encourages good access for people with disabilities.

GP7: Community Safety

Developments have regard to designing out crime.

ENV14: Development of Derelict and Previously Developed Land

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

ENV17: New Planting & ENV18 Existing Woodlands, Trees and Hedgerows

Encourages new planting as part of landscape design and seeks to protect existing vegetation.

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.

ENV33 Landscape Design

Deals with landscape design and opportunities to create and enhance environmental quality.

Policy S5: The Local Centres

To concentrate investment within local centres and encourage other town centre uses.

Housing development will be considered favourably providing that the remaining retail/service function of the centre is not prejudiced.

Policy S8: Housing in Town Centres

Housing in local centres will be encouraged providing they are able to provide a satisfactory residential environment. Although it will be recognised that particular benefits of living in a centre could mean the acceptable level of residential amenity may not be the same as that expected in suburban locations.

Policy 6.5 concerns meeting housing needs, and states that the Council will take into account the needs and characteristics of the Boroughs population and particular requirements of groups such as disabled people.

H5: Housing for People with Special Needs

The Council will promote and encourages the provision of housing for people with special needs and disabilities.

H6: Nursing Homes and Rest Homes for the Elderly

Provision of nursing homes and homes for the elderly will normally be appropriate in residential and mixed residential and commercial areas.

Policy T7: Car Parking

All development should satisfy the car parking standards set out in

Policy T13: Parking Standards

Residential Homes : 1 spaces per 3 beds

Nursing Homes : 1 space per 2 beds.

Development Guidance

Land at Turnberry Road, Bloxwich. Approved by Bloxwich District Committee 25-02-04, states that the open and vacant land to the west of the local centre might acceptably be developed for either residential purposes, subject to a satisfactory relationship with the adjoining local centre or uses which would complement the role of the local centre in meeting the service/community needs of the area.

National Policy

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

PPS 3: Housing (released December 2006 and recently superseded PPG 3. 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.

PPG24: Planning and Noise, states that noise characteristics and levels can vary substantially according to their source and the type of activity involved.

Consultations

Transportation – No objections. The UDP parking standard to serve the proposed development is 1 space per three beds, with additional parking for the self contained apartment which would require 5 spaces. The applicant looks to provide eight spaces including one disabled space, which would meet the standards and allow additional capacity for busy periods.

Pollution Control – Scientific Team no objections subject to conditions to deal with noise issues arising, i.e. a noise survey and appropriate mitigation.

West Midlands Police – No objections.

Fire Officer – satisfactory access for the fire service.

Environmental Health – concerns raised regarding the proximity to the adjacent pub and shops in the local centre, however the principle of residential development has already been established on the site and a strong boundary would separate the development from the local shops. A noise survey in accordance with PPG24 should be conditioned and any mitigation measures recommended fully implemented.

Strategic Policy – no objections in principle in planning policy terms.

Urban Design – no objections to this revised scheme

Landscape Officer – no objections in principle. However the 1.8m high railings proposed are somewhat harsh within this open plan estate and should be reduced to 1.4m to soften the impact. The southern boundary needs to reflect that approved under PA 07/2265/FL/E12 on the adjacent land. The trees planting shown on the landscape concept plan within planting A is very dense and close to the proposed building and a revised planting scheme is required for this part of the development.

Public Participation

The developers have undertaken two public consultation exercises at Bloxwich library for local residents and ward councillors, prior to submission of the planning application.

Three letters of objections have been received, on the following grounds:

- The proposed railings are too high and detract from and impact on the openness of the estate which is open plan.
- The height of the fencing would set a precedent in the area.
- Out of context with the surroundings
- Care home likely to become a target for local teenagers who already cause trouble in the vicinity
- Possible adverse impact on the well being and safety of future residents from anti social behaviour from people leaving the local pub.
- Care home should be provided in a more suitable location
- This site should provide houses similar to others on the estate and not a care home
- Adverse impact on views
- Loss of green space within the estate
- Property devaluation
- Strong feelings locally resulting in a petition of 220 signatures against the development. [Whilst a petition of 228 signatures was received against the previous planning application (07/0458/FL/E12) no petition has been received in relation to this application.]

Determining Issues

- Principle of the use
- Design and layout
- Impact on the amenities of the surrounding occupiers and the street scene

Observations

Principle of the use

The principle of residential development at this site has already been established in 2006 through the outline approval for 5 residential flats (application 06/0218/OL/E3).

Policy S5 on local centres and S8 on housing in centres supports development within local centres providing that the remaining retail/service function of the centre is not prejudiced.

Policy H5 encourages the provision of housing for people with special needs.

The site lies within the Turnberry Road local centre which is considered a suitable location for the proposed use, with a mix of community uses and residential properties in the immediate area.

The site is situated in a sustainable location with good bus services (bus stop outside the site on Turnberry Road) adjoining local shops and pub and Bloxwich district centre a short distance away.

The principle of the use of the site to provide a C2 care home is therefore considered appropriate and acceptable.

Design and Layout

The proposals represent a revised scheme following the previous withdrawn planning application and negotiations with Planning Services.

The proposals now include a revised footprint to better reflect the siting approved on the previous outline consent, a reduced number of bedrooms, an amended overall design of the building with the use of materials and features, additional windows in the end gable to aid surveillance and inclusion of a porch feature to the main entrance.

The proposed use would be accommodated within a two storey 'L' shaped modern building appropriately sited towards the southern end of the site, set back from Turnberry Road. This would be in keeping with the general character of the Turnberry Road street scene and would ensure the continuity of the built form, together with landscaping inside the boundary to provide a quality setting. The building would be sited to maximise surveillance of both the street and the car park areas.

Useable private amenity space has now been provided to the rear of the building and enclosed by the building itself and a 1.95m high wall to the service road to the local shops. The space would have direct access from the communal areas of the building for residents. The building will be fully compliant with Part M of Building Regulations to ensure access for all.

The bin and cycle storage facilities have been incorporated to the rear of the building, screened from the amenity space by planting and not obtrusive within the street scene, but easily accessible from the vehicle access.

The massing of the building has been broken up by stepping at various points to add interest, a variation in the roof lines and use of varying materials, including brickwork, render, timber cladding and stone detailing. The size, massing and design of the building is therefore considered appropriate in this location.

Impact of the proposals on the amenities of adjoining occupiers and the street scene

The closest residential properties lie opposite the site on the corner of Astbury Close, those on the northern corner face south away from the site and those to the southern corner are set well back from the road frontage.

A recent application on the land to the south of the site includes one large detached house facing Turnberry Road on the land immediately adjacent to the southern boundary of the application site with a side gable wall towards the site and a wall approved along the boundary.

It is therefore considered that the proposed building would have no adverse impact on the amenities of the surrounding residential occupiers.

The site is situated within the local centre, with local shops and a pub in close proximity. Concerns have been raised by Environmental Health regarding possible noise and disturbance to the future occupiers from these uses. Policy S8 however encourages housing developments within local centres and requires that the design and layout should minimise potential conflict and disturbance between residents and local centre uses and requires sound insulation. It is therefore considered that following a noise survey in accordance with PPG24 and full implementation of appropriate mitigation measures identified by the survey, a satisfactory residential environment would be created. A 1.95m wall would be provided to the boundary with the service road and amenity area and would provide a satisfactory buffer. The site is ideally situated for the proposed use, with local facilities for residents to use supported by staff within close proximity.

The Police raise no objections or concerns with respect of neighbour's worry that the use may become a target for anti-social behaviour.

Whilst it is recognised that the Turnberry Road estate as a whole is predominantly open plan the reduced height of the proposed railings to the Turnberry Road boundary (amended from 1.8m to 1.4m high) are considered acceptable to provide the required security and definition between the public and private realm, but would not have the visual impact of a wall or solid fence.

It is therefore considered the proposals would have no adverse impact on the general street scene.

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. This development shall be implemented in accordance with the Legend (of external materials) detailed on drawing no 301/2006-04 Rev D submitted on 28th November 2007 and hereby approved, and no other materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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. 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. 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

7. No development shall be carried out until details of the vehicle and pedestrian access gates and control system have been submitted to and approved in writing by the Local Planning Authority within two months of the date of this approval. The development shall be completed with the approved details and retained in working order.

Reason: In the interests of securing the site.

8. Notwithstanding the plans hereby approved no development shall be carried out until revised details of the southern boundary have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the premises and thereafter retained.

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

9. Notwithstanding the plans hereby approved no consent is given to the 1.8m high railings to the boundary and no development shall be carried out until revised details of the railings at 1.4m in height have been submitted to and approved by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the premises and thereafter retained.

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

10. No consent is given to the species selection, size and number of trees for 'Planting A' shown on the landscape concept proposals drawing UTGP-BLX-LCP-01 Rev A submitted on 28th November 2007. Prior to implementation of the landscaping scheme revised details of 'Planting A' shall be 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 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 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.

11. Prior to development commencing, a noise survey shall be undertaken. 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 for approval. No development shall take place until suitable noise mitigation measures to protect internal and external 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 the future occupiers of the premises.

12. The works hereby approved shall only be carried out in accordance with details contained within drawing numbers 301/2006-04 Rev D, 301/2006-02 Rev G, Landscape Concept Proposals plan UTGP-BLX-LCP-01 Rev A, Design and Access Statement and Planning Statement submitted on 28th November 2007.

Reason: In order to define the permission and ensure that only the approved works are implemented.

13. Development shall not begin until parking has been provided for site operatives, machinery, and visitors within the application site in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development, to minimise the impact of site traffic to the adjacent car park.

Reason: In the interests of highway safety.

14. Prior to the development being brought into use the car park shall be demarcated in accordance with the approved plans.

Reason: In the interests of highway safety.

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 GP1, GP5, GP6, GP7, 3.6, 3.16, ENV14, ENV17, ENV18, ENV32, ENV33, 6.5, H5, H6, S5, S8, T7 and T13 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

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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 01 Apr 2008

**REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Arif and
Significant Community Interest**

Application Number: 08/0069/FL

Application Type: Full application

Applicant: Mr. C. Khera

Proposal: First Floor Rear Extension (Addition
to Existing Approval)

Ward: St. Matthews

Recommendation Summary: Grant Subject to conditions

Case Officer: Owain Williams

Telephone Number: 01922 652486

Agent: Paul Clifton Associates

Location: 26 GORWAY
ROAD, WALSALL, WS1 3BG

Expired: 13/03/2008



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Application and Site Details

This application is for retrospective permission for a first floor extension to the rear of a large detached house to provide two additional bedrooms and alter the internal layout of the existing building. The extension, which is largely complete, is an addition to an approval granted last year. The extension, which lies above the single-storey rear part of the approved extension in the centre of the rear elevation of the house, would result in the total number of bedrooms being increased to five.

A wall is currently under construction around the front garden. The wall is approximately 1 metre high with a scalloped top. This does not currently form part of the application but additional plans are expected to include it.

The extension has a gable roof with the same ridge height as the existing main ridge of the house. The extension is to be rendered white.

The extension projects 6 metres from the original rear of the house and 2.6 metres beyond the two-storey rear part of the approved extension. This approved part, which is 4 metres wide, separates the current application extension from the boundary with the adjoining house number 28 Gorway Road.

The extension lies 7 metres away from the boundary with the house on the opposite side, where the land slopes down towards 1 Gorway Gardens, and is separated from this boundary by the single-storey rear part of the approved extension.

The application house has a long rear garden that lies side on to the ends of the gardens of 5 dwellings in Gorway Gardens.

Relevant Planning History

Two storey extension to form garage, utility and toilet with bedroom & bathroom over –
Granted permission subject to conditions 1990

07/0217/FL/H5 – Part single part two storey extension to rear – Refused April 2007 on the grounds of the overbearing impact on 1 Gorway Gardens because of the excessive length of the single-storey part next to the boundary

07/0368/TR/T1 – Fell 1 Holly and 1 Cherry – Granted consent April 2007.

07/1149/FL/H5 - Rear single and two storey extension – Granted Permission Subject to Conditions July 2007.

A condition of this permission requires the provision of 5 trees to replace the ones lost through construction.

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 Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 and T13: Parking Standards.

Residential Development Standards

These include guidelines concerning design, including roof shapes, terracing and the length of extensions in relation to adjoining dwellings.

Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours

National Policies

PLANNING POLICY STATEMENT 1

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

Consultations

Tree Officer – The proposal has no arboricultural implications

Transportation – Comments to be obtained once plans of wall have been submitted, and will be reported at the committee meeting.

Public Participation Response

Representations have been received from the occupiers of five properties in Gorway Gardens, objecting on the following grounds:

- Disappointed that building work has continued even though no decision has been made;
- Loss of privacy, outlook and light;
- The size of the extension is disproportionate to the size of the original house;
- Loss of value;
- Trees and greenery have been removed;
- Application is the recycling of a failed application.

Determining Issues

- Design
- Impact of addition on amenity of nearby residents, compared with the existing approval;
- Trees; and
- Parking and Highway Safety.

Observations

Design

The extension is to have a gable roof to match that of the original part of the house, and the approved ground and first floor extensions to either side.

The application house is a large detached property with a very large rear garden. The extension is not visible from the street. The design is in keeping with the original house, and is in scale with the dwellings nearby, most of which are large detached houses and bungalows.

The front wall is in keeping with the area and is similar in design and height to those seen to the front of neighbouring dwellings.

Impact on the amenities of nearby residents

The first floor extension to the dwelling is located centrally to the dwelling away from the boundaries with the houses to either side and those in Gorway Gardens, and has little impact on 28 Gorway Road. Number 1 Gorway Gardens would not face the extension and lies to the south, so there would be no shadowing impact.

No houses directly face the extension. The rear gardens to the dwellings in Gorway Gardens are relatively short, at approximately 15 metres compared with the 50 metre rear garden of the application house, but the nearest dwelling in Gorway Gardens, facing the site, number 5, lies over 20 metres away from the extension at the nearest point. The dwellings in Gorway Gardens lie at right angles to the application property and the potential for overlooking most of them from the extension is no different to that from the original rear of the property. The angle between the rear of the extension and the rear of the nearest houses in Gorway Gardens, numbers 1 and 5, is more obscure than that from

the original rear of the application house, and in some respects reduces the impact from overlooking.

The extension lies on the north side in the shadow of the original part of the application house. The use of light coloured render on the extension, and replacement planting as referred to below, would soften the outlook from the neighbouring gardens.

The issue of loss of property value is directly not a material planning consideration.

Trees

A condition of the planning permission granted last year required the provision of trees to replace those that were authorised for removal along the boundary with the gardens of the properties in Gorway Gardens. No details of these replacements have been provided to date. The condition attached to that permission requiring replacement trees has been reimposed.

Parking and Highway Safety

The driveway and garage to the front of the house would provide plenty of parking space.

Plans of the wall are required to enable the highways officer to be consulted and to consider the possible impact of the wall on pedestrian visibility. This information and advice is being sought so that it will be available at the committee meeting.

Recommendation: Grant Subject to conditions

1: The walls of the extension shall be rendered to match the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

2: Within 2 months of this decision, details of five trees, including their species, location and size at planting, to be placed in the garden of the application property adjacent to the boundary with the dwellings in Gorway Gardens, shall be submitted to and approved in writing by the local planning authority. The trees shall be planted within 12 months of the date of this permission. Any tree which dies, is diseased or is removed within 5 years of planting shall be replaced within 12 months with a tree of the same or similar size and species. This condition shall apply to any replacement.

Reason: To replace the trees that have been removed to facilitate this development and in accordance with policy ENV18 of Walsall's Unitary Development Plan.

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

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

Summary of reasons for granting planning permission and the policies which are relevant to the decision

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV18, ENV32, H10, T7 and T13, 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 determined by the Development Control Committee, the report can also be viewed on the Council's web site at www.walsall.gov.uk/planning
