



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation on
20th September 2005**

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 05/0988/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: GMI PROPERTY CO. LTD

Agent: John Sharpe MBIAT

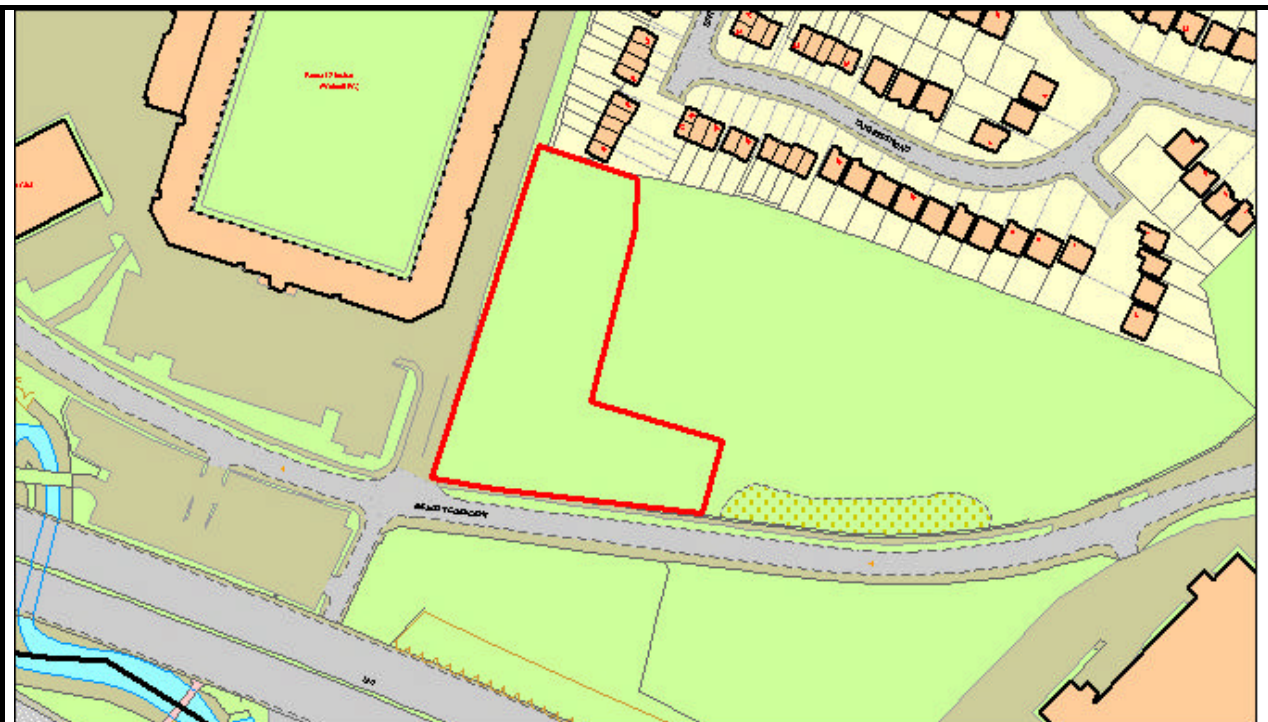
Proposal: Proposed Hotel (Amendment to Approved Scheme) Proposed partial increase in height from 3 to 4 storeys and increase the number of bedrooms from 103 to 121 (amendment to 04/1661/RM/W2)

Location: LAND ADJOINING, Bescot Stadium, Bescot Crescent, WALSALL, WS1 4SA

Ward: Palfrey

Expired: 11 August 2005

Recommendation Summary: Grant Permission subject to conditions and no new material objections



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Application and Site Details

In 2003, planning permission was given in outline for a hotel on this site. A Reserved Matters submission for a 3 storey hotel, with 103 bedrooms was approved in 2004.

This is a full application for a 121 bedroom hotel, as an alternative design. Construction has begun on the site, under the earlier permission, but if approved, this proposal would replace it.

The 'revised' scheme provides for the addition of a fourth floor over part of the building, to provide the additional 18 bedrooms. The scheme also includes slight change, primarily a slight enlargement of the ground floor bar on the southern elevation, and an enlargement of the two meeting rooms on the northern elevation.

The applicant has submitted a range of written material, including a planning statement, the key points of which are:-

- a new hotel group is partnering the Club, the Ramada group
- improved conferencing facilities at the Club lead to an additional room requirement
- they therefore require a scheme incorporating 120 bedrooms on the site
- the enlarged hotel is seen as an important complement to the Club's investment in the site
- an updated Green Travel Plan is submitted and membership of TravelWise is intended
- there is no increase in parking provision (reflecting the Green Travel Plan and other factors)
- the hotel is primarily oriented to a bed-and-breakfast market, so it will not be a late hours leisure destination
- the existing permission for the approved hotel is a fall-back position, very relevant to the present application
- there has been no significant change in planning policy since the earlier permission SEE, HOWEVER, THE PLANNING POLICY SECTION BELOW
- in policy terms this is locationally specific, and qualitatively related to the Club on this site
- the scheme will not give rise to any material harm to the town centre
- clustering activities can be sustainable
- the budget hotel sector is growing
- there is expected to be growth in the conferencing business sector
- a number of organisations have sought use of the Club but needed hotel accommodation as well
- there would be negligible impact from the increased hotel size

Relevant Planning History

At Bescot Stadium

The original outline for the stadium / housing / retail park included the possibility of a hotel. That has now lapsed, in the sense that it can no longer be used.

BC44910P - Outline 40 bedroom hotel - approved in 1997 (this permission has now lapsed) - the hotel was shown on the opposite side of the ground, between the Football Club and the Supporter's Club. Condition 3 attached to this permission required 'no functions shall take place in the hotel during, or for two hours before or after events attracting more than 500 patrons in the stadium or function room'.

02/1858/OL/W4, outline for hotel approved 2003.

04/1661/RM/W2, Reserved Matters, erection of Hotel (103 bedrooms) Grant Subject to Conditions 16th September 2004

On other sites

Two hotels have been approved on the Junction 10 site reflecting the Unitary Development Plan and the outline permission for that site. One is operational. There is not yet a detailed planning permission for the other.

Just off the BCR an existing hotel has recently sought permission for an expansion. That was refused as failing to demonstrate compliance with the relevant policy tests on out-of-centre development.

The Royal Hotel in Walsall town centre has approval to increase to 100 bedrooms, and a revised application appears elsewhere on this agenda.

Walsall Waterfront is a town centre site. There are indications that a hotel may be included in that development, but no firm statements can be made. This site and other sites in the town centre are identified for hotel development in the UDP.

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

UDP (adopted March 2005)

The site is now allocated as a New Employment Site under Policy JP1 (E18). JP7 lists the uses that will normally be permitted on such sites. It states that hotels will not be permitted except on Site E13 (Junction 10)

Hotels are defined as a town centre use in Policy S1.

Policy S7 relates to out-of-centre developments, and requires among other things:

- need to be demonstrated
- compliance with the sequential approach (i.e. there are no more centrally-located sites)
- no adverse impact trade and investment in centres
- accessibility by a choice of means of transport and compliance with policies to reduce the need to travel.

Hotels are specifically identified as a suitable use on the site to the south-east of Junction 10 and on the following town centre sites:-

- Hatherton St. /Littleton Street;
- Intown;
- Town Wharf;
- Littleton Street West/Wisemore.

ENV32 Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, this is particularly important on a visually prominent site, areas with a special character arising from the existing development in the neighbourhood. It sets guidelines with which to assess the quality of design.

National Policy

PPS1 seeks to promote the efficient use of land.

PPS6 (published in March 2005) defines that competition is not a planning issue but that hotels are identified as a town centre use. Outside of centres applicants are required to demonstrate the acceptability of proposals in terms of:

- need
- appropriate scale (to meet any need identified)
- the sequential approach
- impact on existing centres
- accessibility (including in terms of the effects on the need to travel and on traffic).

PPG13 defines the need for a transport assessment for development involving significant transport implications, illustrating accessibility to the site by all modes, and the likely modal split of journeys.

PPG21 encourages tourism, and that hotels can bring economic benefits. If development plans do not identify specific locations for new hotel developments it will be necessary to adopt a flexible approach to proposals. Whatever the type of hotel or its location, it should fit well with its surroundings and be in harmony with the local environment.

Consultations

Transportation: No objections. Green Travel Plan still relevant.

Pollution Control: No objection. The building will act as a noise barrier for the residents to the north, protecting them from M6 noise. The use of the car park has the potential for bringing noisy activities (such as vehicle movements, slamming doors and people shouting [especially during the night time period]) nearer to residents (Poppyfields estate). The proposed enhanced embankment is crucial. Conditions are recommended to achieve the following:-

- restricting hours of construction;
- requiring a ground contamination survey;
- providing adequate noise climate for the future occupants of the hotel;
- boundary noise treatment to protect existing residents;
- hotel plant to be internal.

Walsall Regeneration Company

We are very clear that retail, office and leisure activities should be located within the town centre, in line with government planning policy, wherever possible, so that they can all play their part in creating the critical mass of activity that will make Walsall town centre the powerhouse for the borough as set out in the council's own vision 2008.

In that context we would normally object to planning applications that sought to locate new such uses outside of the town centre. However we are aware that the council has previously granted planning permission for a 103 bed hotel on the above site, we do not consider the additional 18 bedrooms as material and would recommend support Such an approval would demonstrate manifestly that Walsall is a town for enterprise, and one that encourages inward investment where it is in line an existing permission. Clearly we would want your officers to insist on quality design

We would have to review our position if the applicant sought to extend ... beyond the additional 18 bedrooms. If it is possible to secure the consent of the applicant to such a position, preferably through a legal agreement then we would want this to be explored.

Central Network - have equipment in the area and advise on safe working practices.

Environment Agency: In Flood Risk Zone 2. Would normally object as no Flood Risk Assessment done but given existing permission that is not relevant. Recommend condition to secure an assessment of flooding risks.

Highways Agency no objection. Offer comments that future signs should not distract drivers on M6. Direct imposition of a condition to that effect. *(A condition of that sort is not legal, as it uses planning permission controls to restrict a separate part of the legislation. The covering letter also states that the Agency is not empowered to direct LPAs on advertising matters. A condition is not therefore included. Advertises significant enough to matter in the context of the M6 would need advert consent in their own right.)*

Drainage - satisfactory

Centro - any bus shelters needing to be moved should be done in consultation with them. A Green Travel Plan is needed.

Fire Service: satisfactory.

Representations

Comet (trading on the adjoining retail park) consider the hotels should have above average car parking, as there is impact from the Club's activities on the retail park.

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

Determining Issues

- whether the increase in size from 103 to 121 bedrooms will be satisfactory in policy terms.
- whether the increase in height from three floors to four will be satisfactory in design terms;
- parking

Observations

Policy

Hotels are defined as a town centre use in Policy S1 of the Unitary Development Plan and Policy S7 of the plan requires that proposals for such uses outside of existing centres have to satisfy a number of tests, including need, the sequential approach, impact and accessibility. Recently-published Government policy in PPS6 contains similar requirements.

The applicant has submitted a wide range of information on the relevant policy tests (though they dispute the relevance of the tests to this modest expansion of the existing approval).

When the hotel outline permission was being determined, it was acknowledged that there was a need for a hotel at Bescot Stadium to link in with the facilities there. The submissions made

lead officers to the conclusion that only a 40 bedroom hotel could be supported on this site. Despite this, permission was given for the approved 103 bedrooms. This permission is an important material consideration, which must be taken into account. However, the present application has been framed as a full application for the construction of a 121-bedroom hotel and this is the starting point for assessment.

i) In terms of need, officers have previously not accepted that all of the demand for a hotel at this location would necessarily be generated by facilities at the football club. On the other hand, the expansion of catering and conference facilities at the football club can be expected to lead to an increase in the demand for hotel accommodation in this location.

ii) In assessing the application for a hotel in terms of the sequential approach, it is clear that the UDP identifies several sites in the town centre for hotel development and I do not agree with the submissions on behalf of the applicant that these locations would not be suitable for hotel use. Government policy nationally is directed to securing hotel investment in town centres and locally both the Council's UDP and Walsall Regeneration Company are committed to securing investment in Walsall town centre. In this context, an out-of-centre application for a large hotel is contrary to the sequential approach, except insofar as it meets a need at the football club.

iii) In my view an application for a large hotel will have an impact on hotel investment in the surrounding area. On the other hand it is encouraging that an application is being pursued to expand and improve the Royal Hotel in the town centre.

iv) In terms of accessibility and the effect on the need to travel, a large hotel would be less accessible in this location and more likely to be depend on car travel than a town centre development, except insofar as it would meet needs generated at or by the football club.

The UDP was adopted since the decision was made to grant the previous outline permission for the hotel. The allocation of the site excludes hotel use in terms of Policies JP1 and JP7 and I also consider that, on balance, the application, as it is framed, is contrary to Policy S7, particularly in terms of the sequential approach and accessibility. Thus, approval of the application would be a departure from the development plan.

On the other hand, the existing outline permission clearly needs to be taken into account. Thus the effect of this application would be to provide a relatively modest increase in the number of rooms, which would be associated to some degree with an increase in the demand generated by activities at the football club. I also consider that benefits to the football club can also be capable of being a material consideration that may be taken - to an appropriate degree as being in support of the application

I would be concerned if this application would result in a very large expansion of hotel provision in an out-of-centre location, either now or in the future. However, there is little or no scope to extend the hotel within the proposed building, so the legal agreement suggested by WRC is not necessary.

Design

The scheme has been amended since it was originally submitted, to ensure that the addition of the fourth floor attains the high standard of design which the approved scheme achieves.

The design is satisfactory.

Parking

A Green Travel Plan was submitted at outline stage. As this is a new full planning application, a new Plan (or the re-introduction of the previous Plan) will be necessary. I have recommended an appropriate condition.

Conclusions

Because it is framed as being for a hotel with 121 bedrooms I consider the application is a departure from the UDP. However, because, compared with the number allowed previously, the net effect would be an increase of 18 rooms. I consider that, on balance this can be justified, taking account of increased demands at the football club and the benefits for the club. The Local Authority is therefore not required to notify the Secretary of State as a departure application as it is considered, in view of what has already been approved the proposal does not threaten the policies and objectives of the Unitary Development Plan.

The period for response has not yet expired on all of the neighbour consultations I have therefore recommended Grant subject to conditions and no new material objections.

Recommendation: Grant Permission subject to conditions and no new material objections

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

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

2. The approved landscaping scheme indicated on plan nos. PP01, PP02 dated 27th July 2005 and PP03 dated 29th July 2005 shall be implemented in the first planting season (1st October - 1st April) following any part of the development being brought into use, or in accordance with any phasing to be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3 a) No construction or engineering works (including land reclamation stabilisation, preparation, remediation) shall take place on any Sunday, Bank Holiday or Public Holiday, or outside the hours of 0700 to 1800 weekdays or 0800 to 1300 on a Saturday, unless otherwise agreed 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.

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

Reason: To safeguard the amenities of the occupiers of adjoining premises, and to prevent mud being deposited on the public highway.

4. No development shall be carried out until a survey and site investigation has been carried out to assess the likely hazards to the proposed development (and its future occupants), and

any surrounding development, of any contamination of the land resulting in the presence of potentially toxic substances or combustible fill materials, the possibility of chemical attack on building materials, the emission of toxic and flammable and asphyxiant gases, or general problems of stability, drainage, odour, leachate production, and surface run-off.

A copy of the survey and site investigation, together with a report setting out any remedial measures proposed to deal with the hazards from any contamination of the land and ground gases, including the design and specifications of foundations and sub floor structures, shall be submitted to the Local Planning Authority and no development shall be carried out until remedial measures have been approved in writing by the Local Planning Authority. The remedial measures identified shall be implemented prior to the development being brought into use.

The above is unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site, and to prevent pollution.

5. No development shall take place until details of the extended embankment between the car park and the dwellings in Britannia Way and Duchess Road have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure the satisfactory appearance of the development.

7. Unless otherwise agreed in writing by the Local Planning Authority, the Travel Plan, forming part of the information submitted with this application, and with application 02/1858/FL/W4, shall be implemented in accordance with the recommendations therein and in partnership with Walsall Council's Travelwise Team (contact 01922 652463).

Reason: To promote environmentally sustainable forms of transport.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through 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 prevent the pollution of the water environment.

9. Unless otherwise agreed in writing by the Local Planning Authority, all plant or equipment, used in connection with heating, ventilation, air conditioning, chilling and freezing systems, shall be located within the main building structure or within purpose designed enclosures.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.7, ENV32, and 5.2 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

NOTE FOR APPLICANT

Central Networks have been consulted on this application and attention is drawn to the attached response.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 05/0752/FL/W1

Case Officer: Bob Scrivens

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Barratt West Midlands

Agent: RPS Design Ltd

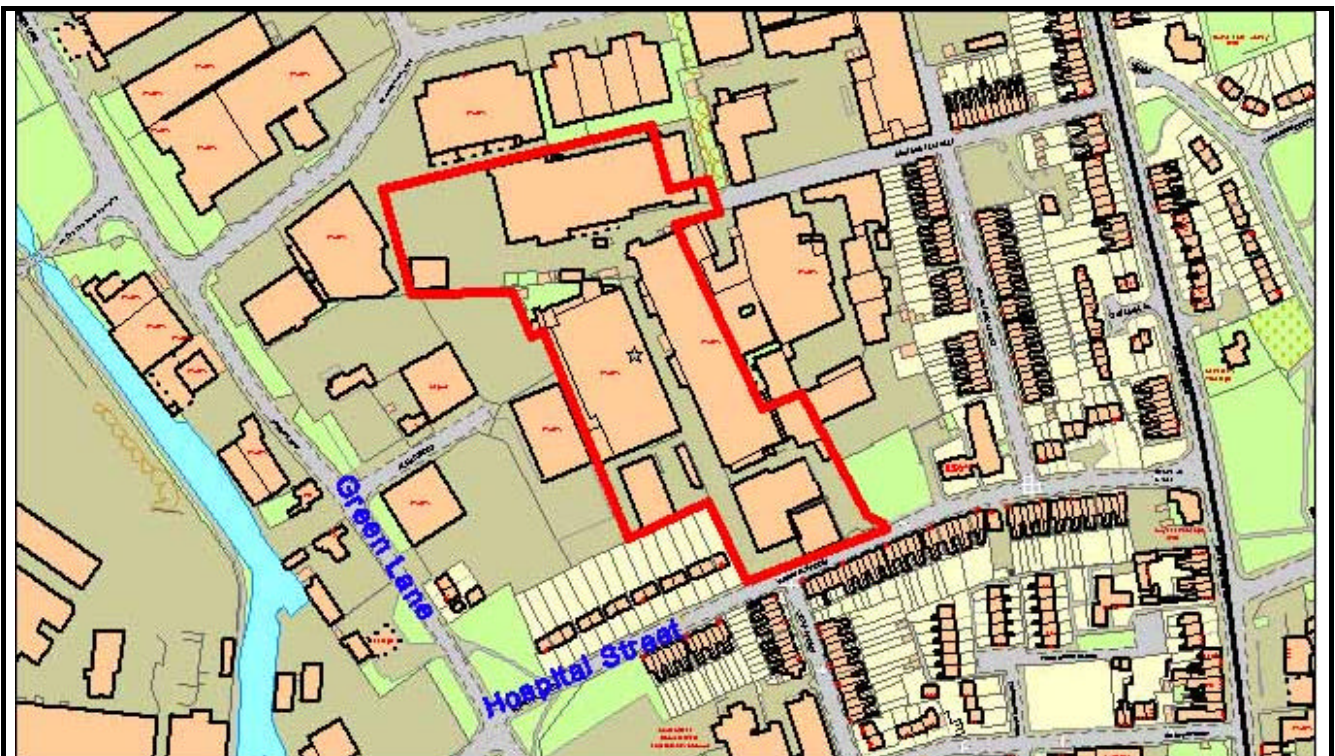
Proposal: 110 Dwellings (revisions to some of previous approved house types and consequential changes to layout.)

Location: LAND
BETWEEN,HOSPITAL
STREET/,NORTHCOTE STREET AND
GLADSTONE
STREET,WALSALL,WEST MIDLANDS

Ward: Birchills Leamore

Expired: 13 July 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

There is an approval for 205 dwellings (a mix of houses and flats) on land enclosing this site. This application flows from the subsequent division of that site between two housing developers. The current application is to amend the house types and make modest changes to the layout, reflecting the preferences of the new applicant / developer.

The western half of the site is to be developed by this applicant.

The site is part of a group of old industrial properties north of Hospital Street and west of Gladstone Street. Demolition has started, reflecting the existing permission.

Hospital Street opposite the southern boundary of the site is essentially Victorian terraced houses (physically unaffected by the proposal).

The northern and western boundaries of the site are onto industrial / commercial areas.

Parking is proposed for the dwellings. Seventy flats share 89 car spaces (121%, compared to the approved scheme which had 114% in this area). Three flats over garage blocks, and 38 houses have 2 car spaces per dwelling. Density is essentially the same as the previous scheme (for the estate overall 66 dwellings per hectare, reflecting the fairly high proportion three storey flats).

There is an area of proposed open space in the centre of the site. The roads and visibility splays remain unchanged.

This scheme is not directly affected, but the design of the larger site has had regard to the existence of Stokes Forgings in Northcote Street (adjoining one part of the site boundary). Single aspect flats are proposed, and the car park areas are used to separate the buildings from the site boundary, to increase noise attenuation, by distance. That part of the design was in accordance with the recommendations of a noise study prepared for the applicants.

The current application has flats on the northern and part of the western boundaries, and there are some houses on the western boundary. These areas also adjoin industrial uses.

Access to the site is from Hospital Street.

Relevant Planning History

The site has been in use for a range of industrial activities for many years.

In 2001, BC57150P was submitted, seeking outline permission for residential development on a larger version of this site. It was withdrawn early in 2004.

In 2003 another outline application for residential (02/1883/OL/W2) was submitted. It included the site and an additional area of land on the east side of Gladstone Street. The latter was proposed for development (currently a company car park for Stokes). That development would have facilitated the closure of Gladstone Street at its northern end, and relocation of the car park.

The most recent permission for a housing estate (04/0306/fl/w1), has already been referred to.

In addition to this application for amendments, you considered and agreed to an application to amend the house types on another part of the rest of the site, at your last meeting.

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

UDP

The land is designated as a Core Employment area under Policy JP5 in the UDP Review, though this is now only of historical relevance given the housing estate approval..

The Council's Residential Design Standards have been adopted.

National Policy

PPG3 encourages the reuse of previously-developed sites for housing, in preference to greenfield sites, at relatively high densities.

Consultations

Transportation - no objection.

Pollution Control

Object on issues of noise.

There were concerns in relation to the original permission for the site. Approval was supported, with a requirement for a package of noise measures to be implemented. This reflected the noise levels at that time.

Since then one of the objectors (*see below*) has installed further refrigeration machinery, and has commissioned a noise study of the area in support of their objections. Another objector has identified their intention to begin night shifts at some undetermined point in the near future.

As a result of this, Pollution Control have done further noise measurement, identifying increased noise levels compared to the time of the original approval.

Pollution Control recommend certain flats in the north west corner of the site should have sealed habitable room windows (living rooms and bedrooms). However, the developers prefer a scheme that allows windows to be opened and argue that with the windows closed, the noise insulation meets the necessary standards, but that it is unreasonable to impose sealed windows on the residents. They should have the choice.

Pollution Control do not accept that position. The noise levels are such that complaints are highly likely with windows open. Such complaints would be justified as a Statutory Nuisance. In such a case, the Council has no option but to serve abatement notice(s) on the source of the complaint. The ability to close a window and reduce the noise to a level that did not amount to a Statutory Nuisance would not provide a basis to decline to act. As a result, this application should not be approved without sealed windows.

There is concern about ground contamination, and construction hours, conditions would address these matters as in the existing approval.

Lifelong Learning - no objection but advise would not look to adopt the open spaces on the site.

Education

No requirement for new school investment as a result of the scheme.

Black Country Archaeologist - no requirement.

Drainage - Acceptable.

Central Networks - no objection. Offer advice on safe working practices.

Fire Service - satisfactory.

Environment Agency - no objections subject to compliance with the previous developers drainage strategy...

National Grid - no objections.

Environmental Regeneration Services - no objection.

Representations

One occupier of the commercial premises to the northwest (Stockton Close). runs a chilled food operation and is concerned at noise from its refrigeration units having an adverse effect on the proposed dwellings, and similar concerns at their early movements of vehicles. They have chosen their unit to be away from dwellings, to address the nature of their operation, and seek assurances about the new development not having an adverse impact on them. They support the idea of the development, other than in this respect. They have submitted a noise study which concludes there is a risk of nuisance in the north west corner of the site Approval would threaten pressures on them to control their noise output.

A further industrial neighbour has objected in generally similar terms.

The owners of the industrial estate to the north also object to the potential for impact on businesses from the occupiers of the flats (they refer to quite high noise levels and dusty operations).

WRC have expressed reservations about design. They have met the developers to discuss this, and amendments have resulted.

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

Determining Issues

- the relationship of the development to the surrounding industrial uses,
- amenity space

- the changes made in relation to the previous approval

Observations

The relationship of the development to the surrounding industrial uses,

The Unitary Development Plan seeks to provide a satisfactory residential environment; ensuring that schemes are well integrated into the existing pattern of settlement and surrounding land use. Residential development will not normally be permitted in locations that experience high levels of environmental nuisance.

If the previous approval were to be implemented, in the prevailing noise climate complaints are likely to follow, as the windows are openable. That is now unavoidable as there is no way to retrospectively improve the noise package on that permission. However, the decision was properly arrived at, on the information then available. There can be no criticism of the Local Planning Authority for that decision, nor for the consequences.

The noise climate has changed since the last approval. If noise complaints arise, the commercial uses are at risk of action under the Environmental Protection Act to control their activities. It is therefore important that the present development be properly designed to avoid these effects.

In relation to the relevant commercial uses, Pollution Control identify the critical need for noise measures for a range of plots, including sealed windows on some of the flats. The developers do not wish to use sealed windows.

With the information now available, the avoidance of complaints requires sealed windows. I have recommended conditions accordingly.

Amenity space

At the time of the last application on the site, it was UDP policy that residential development should provide amenity space (kickabout areas, open spaces etc.) Council policy is that such provision can be deleted from a development, and replaced by a financial contribution to the improvement of public spaces in the area. The standard arrangement is embodied in a section 106 Agreement, at the rate of £100 per bedroom. Such an agreement was made. The two current developers have arranged payment under that agreement, to simplify the progress on the amendment applications.

The changes made in relation to the previous approval

The applicants seek to substitute their house types for the previous scheme. There are minor changes in layout to achieve this, but overall, the scheme meets the Council standards embodied in the earlier approval.

The introduction of the newer Residential Design Standards has increased some design requirements. These have not been specifically sought in the new application, given the underlying principles of the redesign. However, in most cases those new standards are met or exceeded.

Recommendation: Grant Permission subject to conditions

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

Reason

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

2. No development shall be commenced until details of existing and proposed levels of the site, access way and floor levels, in relation to land adjoining the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason.

To ensure the satisfactory appearance and functioning of the development.

3. No building shall be commenced until a schedule of facing materials to be used in external walls and roofs, and a statement of which design option has been adopted for the elevations from the available choices for each building, has been approved in writing by the Local Planning Authority.

Reason.

To ensure the satisfactory appearance of the development.

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

Reason.

To ensure the satisfactory appearance of the development.

5. No development shall be carried out until revised details of the noise control measures set out on superseded drawing 33406/14, to reflect the principles underpinning the similar arrangements approved under planning permission 04/0306/FL/W1 and to apply them to the approved scheme on this permission, have been submitted to and approved in writing by the Local Planning Authority. The revisions will provide for sealed windows to all living and bedroom windows in all dwellings on plots B47 to B70 inclusive and all living and bedroom windows in all north-facing and west-facing facades of plots B71 to B86 inclusive. The approved noise measures will be implemented before any of the dwellings affected by, or adjoining, the specified measures (as appropriate) are occupied. The noise measures will be thereafter retained as approved.

Reason.

To ensure the satisfactory development of the site for the occupiers and to protect them from industrial noise in the area.

6. (a) No development shall be commenced until a scheme for the provision of storm and foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

(b) There shall be no discharge of foul sewage, trade effluent or contaminated drainage from the site into either groundwater or surface waters, whether direct or via soakaways. Any

such drainage shall be discharged to the public foul water sewerage system, subject to the prior approval of the sewerage undertaker.

Reason.

To prevent pollution of the water environment.

7. No development shall be commenced until a protocol has been submitted to and approved in writing by the Local Planning Authority, to ensure that the immediately surrounding highways are not adversely affected by the deposition of materials from vehicles leaving the site. All operations on the site shall comply with the provisions of the approved protocol.

Reason.

To prevent mud etc. being deposited on the public highway.

8. A) No development shall be commenced on the site, unless otherwise agreed in writing by the Local Planning Authority, until revised or amplified details of security measures on plots B1 and B38 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before the plot(s) affected is (are) brought into use.

B) The screen fence indicate for the side of the rear garden of plot B7 shall be implemented as a 1.8 metre screen wall, rather than a fence.

Reason.

A) To improve the security of those plots.

B) To improve the appearance of this plot on a prominent corner.

9. Prior to any residential development on the site

(a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]

(b) the approved survey and investigation shall be undertaken in accordance with the approved details

(c) the results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.

(d) The approved measures shall be implemented in accordance with the approved timetable.

NOTE FOR APPLICANT

The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Please note that this is not an exhaustive list.

Reason.

To ensure the satisfactory development of the site.

10. Prior to remediation works commencing, details of plant required for any crushing and / or grading of brick / concrete shall be submitted to the Local Planning Authority for written approval. The machinery shall be operated in accordance with the approved details.

Reason.

To control the environmental impact of the remediation of the site, to protect nearby occupiers.

11. No construction, demolition or engineering works (including land reclamation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1300 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 operated on the site outside of these permitted hours.

Reason.

To safeguard the amenity of surrounding residents.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings associated with the commercial / industrial development 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 prevent pollution of the water environment.

13. Unless otherwise approved in writing by the Local Planning Authority, the development shall be implemented and operated in accordance with the drainage strategy approved under planning permission 04/0306/FL/W1.

Reason.

To ensure the satisfactory drainage of the site.

14. Before any part of this development is brought into use, the accessways, vehicle parking and maneuvering areas (including the drives and / or car parking spaces associated with individual houses) shown on the approved plans for that part of the development shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose.

Reason.

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

15. Before more than 50 dwellings are occupied (a combined total all houses occupied within the area of planning permission 04/0306/FL/W1), the raised pedestrian crossing shown on the deposited plans, shall have been installed.

Reason

To assist children crossing the road.

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

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

Reason.

To ensure the satisfactory appearance of the development.

17. At all times the kitchen, landing and bathroom windows in the dwellings on plots B16, B17, will be obscure glazed, and no part of the window below 1.74 metres above floor level in the dwellings shall be capable of being opened, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To preserve the amenity of adjoining dwellings by preventing overlooking..

18. At all times, the landing windows in plots B13, B15, B22, B26, B27, B28, B29, B33, B34, B36, B37 and B38 shall be obscure glazed.

Reason

To preserve the amenity of adjoining dwellings by controlling overlooking.

19 At all times, the second floor bedroom windows in plots B8, B10, B18, B23, B25, shall be obscure glazed.

Reason

To preserve the amenity of adjoining dwellings by controlling overlooking.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, and E of Schedule 2 Part 1 to the Order shall be carried out to the dwellings on plots B10, B11, B12, B13, B29, without the prior approval of a planning application.

Reason

To control the provision of extensions on plots where the design of the scheme increases the impact of such extensions beyond normal.

21. At no time will there be any

- extensions to the dwellings proposed on the site,
- garden sheds or any other buildings associated with those dwellings
- any other substantial enclosure comparable to a building associated with those dwellings erected without the prior approval of a planning application.

Reason.

To control the implications of landfill gas for such structures.

22. This permission relates to drawings designated / numbered:-

33406/14/B
2205/WIE/01
2205/NOR/01A
33406/12/A
33406/5
33406/6
33406/4
2205/MAI/02A
2205/MAI/01B
2089/ESS/01
2089/ARG/01/D
33406/LOCATION PLAN33406/11/A
33406/15
33401/1
2118/FA3/301/C
33406/2
33406/3
33406/16

Reason.

To define the permission.

NOTE FOR APPLICANT

Central Networks has been consulted on this application, and attention is drawn to their response.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Major application.

Application Number: 05/1047/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Accord Housing Association Ltd

Agent: Roger P. Dudley & Associates

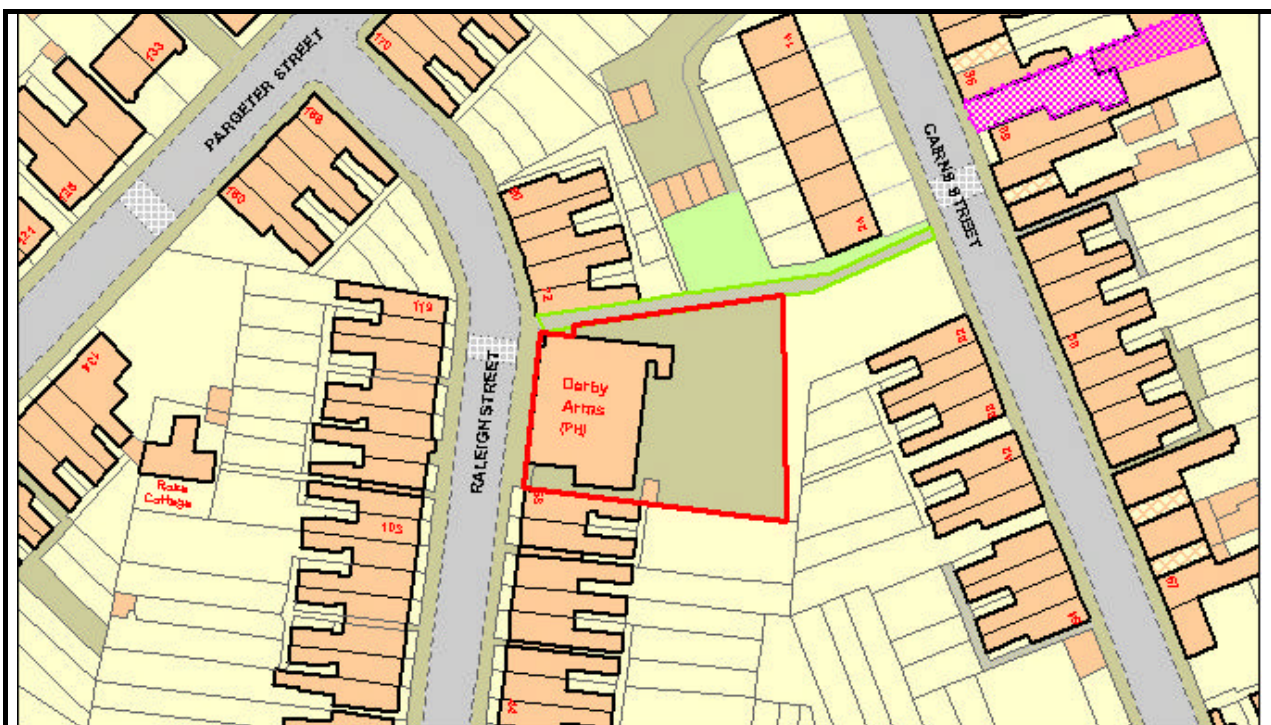
Proposal: Demolition of Ex Buildings and
Erection of 10 no. 2 Bed 3 Person Flats and
Associated Site Works

Location: FORMER DERBY
ARMS, BETWEEN 58-72 RALEIGH
STREET, WALSALL, WS2 8QY

Ward: Pleck

Expired: 06 September 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This proposes the erection of ten flats in two three storey blocks on the frontage of the site in the approximate position of the Derby Arms P.H. The blocks would be linked over a central gated vehicular access leading to a fifteen space car park and amenity space at the rear. The scheme would have a density of approximately 100 dwellings per hectare and would provide 150% car parking. The applicant is a housing association which has identified a need for two bedroom flats in this area.

The existing pub is a substantial detached building which is taller than its immediate neighbours and completely different in character with a hipped roof and a gable in the centre of the front elevation. The design of the proposed flats reflects this appearance and scale, which allows for a three storey replacement.

The amenity space to the rear is some 250 sq.m, approximately one third of the site area, most of which is to the rear of one of the blocks. This is easily accessible to all of the flats. There are existing trees on the boundaries of the site and their retention has dictated the position of the car parking and amenity space. They will provide a good screen between the site and surrounding properties and attractive outlook for the flats. A landscape scheme has been submitted for the site.

A public footpath adjoins the northern boundary of the site.

The surrounding area is predominantly residential in character, the majority of houses being Victorian terraced properties with no off-street parking.

Relevant Planning History

04/0845/OL/W3 Outline: Erection of 10 flats. Granted subject to conditions 13.1.05
A section 106 agreement was completed on 10.1.05. This agreement undertook to contribute towards improvements to public open space facilities.

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

Development Plan

Policies GP2 and 3.6 relate to the improvement of the urban environment.

Policies H3, H9 and H10 support the re-use for housing of previously developed sites and set out criteria for new development

Policy LC8 supports the retention of community facilities unless alternatives exist or there is no longer a need for the facility.

National Policy

PPG3 supports the re-use of previously developed sites for housing.

Consultations

Transportation: No objections. Request condition relating to the operation of the proposed electronic gates.

Pollution Control: No objections. Recommend condition restricting working hours.

Fire Service: No objections.

Education: No financial contribution is sought from this development.

Lifelong Learning and Community: No objections. Any opportunity to improve Reedswood Park would be beneficial.

Rights of Way Officer: No objections. Vandalised boundary wall to footpath should be rebuilt as soon as possible.

Drainage: No objections.

Central Networks: No objections.

Energis Communications: No objections.

Representations

None.

Determining Issues

- amenity
- parking and highway safety

Observations

Amenity

The redevelopment of the site with ten flats was considered acceptable in principle by planning permission 04/0845/OL/W3. This application also established that there was no objection to the loss of the Derby Arms as a building or as a community facility.

The proposed building would be similar in scale and footprint to the existing pub. The dwellings on either side are 'turned away' from the site and the properties to the rear would be a minimum of 28 metres from the rear of the proposed building and screened by the trees on the boundary which are to be retained. There would therefore be no loss of amenity for neighbours.

Within the site there would be adequate provision of landscaped private amenity space for the occupiers of the flats.

Parking and highway safety

The development would provide car parking to meet Council standards, together with facilities for cycle storage. The width and location of the access is satisfactory in terms of highway safety.

A Section 106 Agreement to provide a financial contribution towards the improvement of public open space in the area was completed by the site owner as part of the outline planning application. The current application is however a full application by a different applicant and the Agreement would not therefore be binding on the present applicant. Given that the Council's policy in respect of public open space contributions is currently under review a further Agreement cannot be sought at this stage.

The re-use of this site for residential purposes is appropriate in terms of national and local policy. The proposed scheme is satisfactory and complies with Development Plan policy.

Recommendation: Grant Permission subject to conditions

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

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

2. Notwithstanding the details shown on the submitted drawings no development shall be carried out until:

- i) an illustrated schedule of facing materials for the building and surfacing materials for the access and car parking/manoeuvring areas has been submitted to and approved in writing by the Local Planning Authority.
- ii) details of the proposed treatment of the area between the front of the building and the back of footpath to Raleigh Street has been submitted to and approved in writing by the Local Planning Authority.
- iii) existing levels for the site and adjacent land together with the proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The proposed levels shown on drawing 2331-014C are not approved in the absence of existing levels.

Reason: To ensure the satisfactory appearance of the development and the amenity of the area.

3. No demolition or development shall take place on the site until tree guards as shown on drawing 2331-014C have been erected as indicated on this drawing. The details of tree protection and methods of working in the vicinity of trees on the site as indicated on this drawing shall be adhered to until the development is complete.

Reason: To ensure the satisfactory retention of trees on the site in the interests of the amenity of future occupiers of the development and adjacent occupiers.

4. No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development 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 agreed 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.

5. No flat shall be occupied until the access and car parking/manoeuvring areas have been hardsurfaced in the approved materials and the area between the front of the building and the back of footpath to Raleigh Street has been treated in accordance with the approved submission.

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

6. No flat shall be occupied until the boundary treatment shown on drawing no.2331-014 has been implemented.

Reason: In the interests of the security and amenity of future occupiers of the development and adjacent occupiers.

7. No flat shall be occupied until the rear amenity space for the development has been turfed to the extent shown on drawing no.2331-014C. The planting of the remainder of the landscaping scheme shown on this drawing shall be completed within 12 months of the first occupation of any flat in the development.

Reason: In the interests of the amenity of future occupiers of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

9. The proposed lighting bollards shall not be installed until details of their height and type of illumination have been submitted to and approved in writing by the Local Planning Authority. No other external illumination shall be installed without the prior written consent of the Local Planning Authority having been obtained.

Reason: In the interests of the amenity of future occupiers of the development and adjoining occupiers.

10. Prior to the occupation of any flat within the development the proposed vehicle gates to the development shall be fitted with a remote control mechanism, the means of operation of which will be available to the occupiers of each flat upon occupation. A remote control mechanism will operate on any vehicular gates subsequently installed on these premises and the means of operation will continue to be available to the occupiers of the flats. The vehicular gates shall open into the site.

Reason: To prevent vehicles having to wait on the highway while the gates are opened and to ensure the satisfactory provision of off-street parking in the interests of highway safety.

11. This decision relates to drawing nos. 2331-014C, 2331-016A and 2331-015B.

Reason: To define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, H3, H9 and H10 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 05/1045/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: H & H Holman Properties/Crown Street Interests Ltd/Caledonian Building Services Ltd

Agent: K3 Consulting Ltd

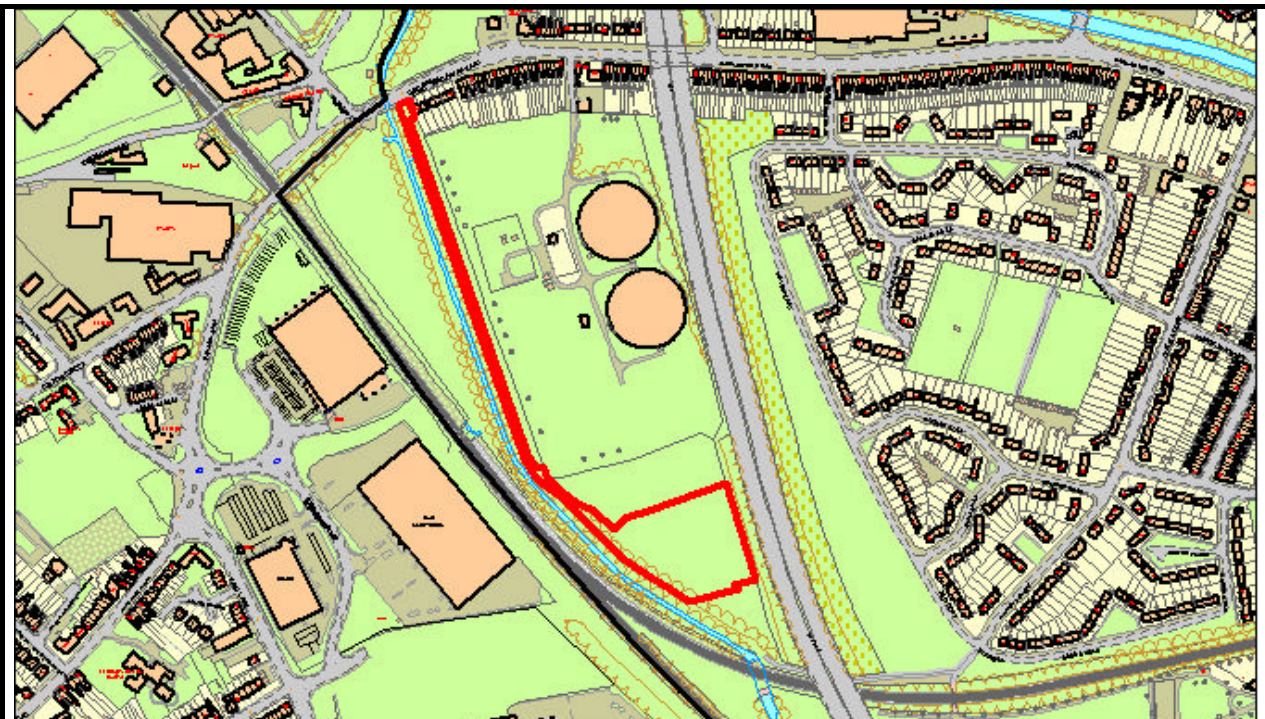
Proposal: Change of use to storage of construction industry containers

Location: LAND OFF DARLASTON ROAD,(south of gas holders, west of M6),WALSALL,WEST MIDLANDS

Ward: Pleck

Expired: 18 August 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site is part of the land south of the gasometers adjacent to the M6. Access is from Darlaston Road, opposite the Globe Tavern. The existing access would be widened as part of this proposal.

The proposal is to fence the land and use it to store construction industry containers. These are used for on-site offices by builders, and similar activities. Between 100 and 150 containers will be stored (no vehicles or trailers). Maximum vehicle movements are expected to be 10 or 12 per day. Operation will be 0800 to 1730, Monday to Friday. Ten people are expected to be employed.

The land is rough grass land. To the north are the gasometers, to the east is the elevated section of the M6.

To the west and south are the River Tame and a railway line, and these meet the M6 to the south of the site.

Relevant Planning History

None.

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

UDP

GP2 and 3.7 on environmental protection
ENV32 on visual impact notably adjacent to transport routes
JP5 on core employment sites (the site adjoins one such)

National Policy

There is little of relevance beyond the generalised aims of promoting good design and economic regeneration.

Consultations

Transportation No objections.

Pollution Control No objections.

Walsall Regeneration Company Site is within the Darlaston Strategic Development Area and has major development potential. The aspirations for the area would not be served by approving the use and could discourage future investment. Even a temporary permission could set a precedent for similar uses, or the continuation of this one. Would be visually poor from the railway. Refusal is recommended.

Environment Agency No objections.

Fire Service No access issues.

Drainage No objections. There are sewers on the site and access is needed for to the River Tame.

Representations

None.

Determining Issues

- visual impact
- relationship to Darlaston SDA
- access / parking
- impact on amenity of neighbours

Observations

Visual impact

The site is below the M6 and can not be seen from that direction.

Views from the north are dominated by the gasometers and the effect on the visual quality of the area is negligible in this respect.

The site is slightly elevated in relation to the River Tame, the railway and the industrial units to the west. The containers will be visible from that direction as the applicants propose a simple palisade fence around the site. I consider the views of the site available to users of the railway would be impaired by the proposed use.

There is scope within the site to implement a screen fence or landscaping scheme to control that impact.

With a screen or landscaping, I regard the proposal as having no significant visual implications for the area as it currently exists.

Relationship to Darlaston SDA

The Council is committed to achieving the SDA regeneration. WRC share that aim. I share their concern that development which would impair that aim should be resisted. (As an aside, there has been a refusal nearby because of the potential for adverse impact on the aspirations for the area.)

I have already set out my conclusions on visual impact, but I would stress that those conclusions are only valid in the prevailing circumstances. Once the SDA work gathers momentum, it is likely this use would be out of place.

The applicants would be comfortable with a permission for 10 years (the term of their lease). However, I consider that the progress on the SDA regeneration will be effective in less than 10 years. Equally, I would not expect significant progress for a few years.

My conclusion is that a temporary permission for 5 years represents a reasonable compromise between using the land in the short term, and preserving its development potential in the longer term.

I do not share the WRC view that even a short temporary will damage the prospects of the SDA, in this case. The recent refusal was on a more prominent site, with the potential for greater public presence and impact on public and developer confidence. This site is secluded and has far less potential for such impact.

Access / parking

The use will not generate large volumes of movements. The access track and entrance are satisfactory to Transportation.

There is ample land for parking. I propose a condition to define the parking area.

Impact on amenity of neighbours

The proposed use is well separated from the nearest houses, by the gasometer area. The access is however close to the end of the row of houses fronting Darlaston Road. The proposed hours would minimise impact and I propose a condition to restrict activity on the site to those hours for this reason.

Conclusion

It is important to support both WRC and the objectives of the SDA. Refusal of this proposal would be difficult, given its location. However, as the SDA makes progress, and the area becomes more conducive to investment, I would find the proposal increasingly out of place. I propose a 5 year temporary permission as a suitable compromise. The applicants have indicated they can reluctantly agree to this limit.

Recommendation: Grant Permission subject to conditions

1. A) The site owner shall notify the Local Planning Authority in writing of the date of the first occupation of the site within one month of this occurring.
B) First occupation of the site shall be within 6 months of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority.
C) The use hereby permitted shall cease no later than 5 years from the date of the first occupation of the site by this use and the site shall be left in a neat and tidy condition, unless a further planning application for the continued use or the removal of this condition has been approved by the Local Planning Authority.

Reason: An unlimited permission may prejudice development in accordance with the Council's aspirations for Darlaston Strategic Development Area.

2. No development shall be carried out until details of a screen fence along the western boundary of the site, to conceal the storage area from the railway, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the storage of containers begins, and the fence shall be thereafter retained for the duration of the use.

Reason: To protect the visual amenity of the users of the railway line.

3. No development shall be carried out until details of an employee car park (including surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the storage of containers begins, and thereafter retained, and at all times the car park shall be kept clear of storage and available for use by employees.

Reason: To ensure the provision of appropriate parking facilities.

4. No development shall be carried out until full details of existing and proposed levels of the site in relation to land adjoining the site, 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 or adjoining land.

Reason: To ensure the visual amenity of the area.

5. No development shall be carried out until details of the proposed surfacing of the access track have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be carried out before the commencement of the use.

Reason: To ensure the satisfactory functioning of the development.

6. There shall be no deliveries or collections to the site, nor any other manoeuvring of vehicles or containers on the site:-

- a) at any time on any Bank or Public Holiday
- b) outside the hours of 0800 to 1730, Monday to Friday.

Reason: To preserve the amenity of residents on Darlaston Road.

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

Reason: To enable the Local Planning Authority to retain effective control over the site and to protect the amenities of the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.7 and ENV32 of Walsall's Unitary development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 20 September 2005**

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 05/1370/FL/W7

Case Officer: Andrew White

Application Type: Full application

Telephone Number: 01922 652488

Applicant: The Royal Hotel

Agent: Pinnegar Hayward Design

Proposal: Extension of existing hotel and function room

Location: THE ROYAL HOTEL, ABLEWELL STREET, WALSALL

Ward: Walsall Central

Expired: 11 October 2005

Recommendation Summary: Grant Permission subject to conditions



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Application details

You have recently approved an essentially similar proposal for this site. The present application updates the previous scheme in terms of internal arrangements, and slightly changes the boundary. The most significant change, however, is the proposed external appearance.

The site is on the corner of Ablewell Street and Bott Lane. At present it comprises four key elements:-

1. a car park at the rear
2. the Astor Room (function room area) on Bott Lane, a converted warehouse style building
3. the Royal Hotel proper, a 1960s vintage, concrete frame five storey block on the corner
4. the Royal Oak pub, on Ablewell Street, mock-Tudor half timbered, but dating from about the 1930s

The applicants argue this is the only hotel / function complex of any size close to the town centre, and it has a niche market at 2 stars (catering for weekday business travelers and weekend clubbers) compared to 3 or 4 star hotels at M6 junctions in the area.

No additional uses are proposed. The scheme proposes to create a 2 star hotel comprising 100 rooms (75 new rooms and 25 refurbished):-

- demolition of the Astor Room and The Royal Oak pub
- a 61 space car park in the rear of the site (on the existing car park area and the site of the Astor Room)
- a hotel extension over the car park, around its perimeter, rising to three storeys of rooms (effectively four storeys with the car park underneath) at the rear of the existing five storey block
- a new function room at first floor, on the site of the Royal Oak
- a new main entrance
- the creation of three strong visual elements:-
 - the new function room
 - the new hotel extension
 - and
 - the recladding (with a decorative, coloured and patterned material) of the existing five storey block, to change its appearance and give it a new visual effect (this replaces a timber screen on the earlier proposal)

The site slopes, dropping almost 4 metres from front to back.

The possibility of demolishing the five storey hotel block is not available, for economic reasons.

Drawing on the submissions made in the previous application, the applicants consider that within the budget restrictions:-

- the scheme aims to enrich the urban environment
- provide much needed low cost hotel accommodation
- cater for specific users such as the clubbing population
- create the largest meeting room in central Walsall for conferences, weddings and other gatherings

- meet the parking needs of the site, other than weekends when the function room is in use - a shortfall of about 15 car spaces is predicted in such cases - and to accommodate that shortfall public car parks are nearby, and on-street parking is available)
- create a gateway feature for the town centre
- retain the existing five storey hotel block, but with the inclusion of visual devices to change its appearance and reduce its impact
- the massing of the new hotel extension is sympathetic to the views from Church Hill
- while the Royal Oak pub is a familiar and comforting landmark, it has no architectural or historic interest, it is not even on the Local List of buildings, and its replacement by a better building will enhance the role of the site as a gateway to the town centre.

The previous application proposed a timber cladding screen over the existing hotel, coloured cladding on the hotel extension and (potentially) a stone clad function room. The present application has revised the external envelope.

What is now proposed is the same basic division of the building into three components. A significant glazed feature (the full height of the hotel) has been added over the main entrance containing the staircase, and forming a strong visual feature on the front elevation. This adds a strong visual punctuation point, articulating the other components.

Cladding has been simplified. Fibre cement cladding is now proposed on the upper elevations. No decision has been made on colour, but it is likely to be grey on the hotel extension, and buff on the function room. The existing hotel is to be clad in an irregular coloured, decorative, pattern likely to be of grey and brown cladding.

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

UDP:

The opening position in this context is that the Royal is a town centre hotel. I explore this position further in relation to Government guidance in PPG6 and to the UDP Review - see below.

Parking standards in the Unitary Development Plan call for 100 car spaces for the hotel plus spaces for meeting / function rooms. However, the site is within the town centre for the purposes of parking. The standards seek a negotiated solution, not an imposed one. Policy T7 seeks generally that parking (for shopping developments etc.) should serve the town centre as a whole, but it recognises there may be cases where there would be a need to secure parking dedicated for users of the development.

Even if it was out of centre we would not be able to require a set number as PPG13 sets maximum standards and says we should not require developers to provide more spaces than they themselves would wish except where there's a definite road safety issue. Therefore it becomes a matter to be decided between our engineers and the developer.

Policy WA3 encourages 'other town centre uses' (business / service, offices, leisure, community - as well as housing) outside the primary shopping area but within the Inset, and it identifies a reduced (so that it does not extend quite so far as opposite the Royal) Upper Rushall St / Ablewell St / The Ditch area (WA11) for a range of town centre uses, excluding retailing but including a hotel.

The Inset policies have to be read in the context of the Policies in Chapter 5.

Policy S1 makes it clear that hotels are a use that is to be encouraged in town centre locations.

Policy S3 states:

- in-centre developments will be in the Inset areas and whilst retail and other activities likely to be visited on shopping trips should be located in or close to the primary shopping area, B1 offices and other uses which do not attract large numbers of visits from members of the public need not be so close but should have good pedestrian access to the centre's facilities and public transport links.
- the definition of edge-of-centre will apply to developments for other town centre uses which are located within the Inset Plan area but are not well-related to the primary shopping area or public transport, or which are outside the Inset Plan area but immediately adjoin it or can be well-related to the facilities of the centre.

In this context, as the Royal is on a major public transport route and one of the main radial routes into the centre, it can be considered as being 'in-centre'.

Additionally, the site adjoins the Church Hill Conservation Area. Relevant policies promote the protection of the historic environment.

National planning guidance:

Again, the location of the site within the town centre is important. Policy T7 seeks generally that parking (for shopping developments etc.) should serve the town centre as a whole, but it recognises there may be cases where there would be a need to secure parking dedicated for users of the development.

On this basis, a proposal for a town centre use such as hotel accommodation would not (generally) be subject to the tests, arising from Government guidance, that would apply to proposals outside the centre (including on its edge), and these are:-

- the requirement to demonstrate a need for the development
- the requirement to demonstrate compliance with the sequential approach (i.e. that there are no more centrally located sites available that could accommodate the proposed use)
- the likely impact on the development plan strategy
- the likely economic impact on the vitality and viability of the town centre
- accessibility by a choice of means of transport
- the likely effect on the need to travel.

The third of the tests - the likely impact on the development plan strategy - is still relevant, as the UDP does not propose an expansion of the Royal Hotel, and does make proposals for hotel development elsewhere in the centre. Of course, such proposals aim to sustain and enhance Walsall town centre generally as a location for leisure, service and business activities.

As already set out, PPG13 sets maximum standards and we should not require developers to provide more spaces than they wish except where there is a road safety issue, it is a matter between the Council and the developer.

PPG13 and PPG6 also say that parking for town centre developments should serve the centre as a whole. However in this case there may be a need for secure parking (i.e. not to be shared with the town centre as a whole).

Relevant Planning History

On the site

I have already referred to the recent approval for a version of this scheme.

Elsewhere in the Borough

Two hotels have been approved in outline at Junction 10 (a Unitary Development Plan commitment). One is complete, the other has not got detailed approval yet.

A further hotel has been approved at Walsall F.C. and a revised application is elsewhere on this agenda.

The Waterfront project may well contain a hotel, though this is not yet clear, as intentions are still being explored.

Adjoining the site

Planning permission has been given for new dwellings to the south (sharing a boundary with the site). This will not be implemented if the present application proceeds, as it has been acquired by the applicants and part of the revision is the inclusion of a small part of that site in the present site, thereby rendering redevelopment as approved, impossible.

Residential development has also been approved in Hill Street (the other side of Ablewell Street - now under construction).

Consultation Replies

Transportation

No objections. Existing building calls for 55 car spaces and has 29.

Proposed building calls for 124 spaces and proposes 61.

Access generally satisfactory. Will be an improvement on existing arrangements.

Previous application identified user groups, and present application stands on the same information. On balance this information makes the scheme acceptable.

Pollution Control

No objection as this is not within their area of control

Environmental Health

No objections.

Walsall Regeneration Company

No objection in principle. Do not consider there are enough details for design judgements to be made. Seek meeting with developer.

Black Country Archaeologist

Site is in historic core of town centre. A programme of archaeological works are required. Desk study (first step) will define need for any further study on site. Condition suggested.

Drainage

Public sewer at rear of site.

Fire Service

Access appears satisfactory.

Environment Agency

Landfill site exists to northeast. Landfill gas may be an issue.

Representations

An adjoining occupier identifies the need for care in works on buildings on the boundary (refers to the Party Wall Act) and to the need to control noise from the premises to harmonize with neighbours.

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

Determining issues

Planning policy / the principle of the use

Design

Ground gas

Impact on nearby dwellings

Observations

Planning policy / the principle of the use

Conclusions on this issue start from the point of view that the Royal is a town centre hotel, as discussed in the policy section above. As the Royal Hotel is on a major public transport route and one of the main radial routes into the centre, it can be considered as being 'in-centre'.

The adopted UDP considers town centre uses will be acceptable, within the Inset area, outside the main shopping area, and it identifies that the Ablewell St area close to the site has potential for town centre uses. The UDP Review updates this and encourages town centre uses - which include hotel development - within the Inset, though it identifies a reduced development area opposite the site.

Despite the fact that neither the UDP nor the Review propose an expansion of the Royal Hotel, such proposals as are made aim to sustain and enhance Walsall town centre generally as a location for leisure, service and business activities.

This proposal would contribute towards the development plan strategy, by helping to establish the town centre as a location for hotel stays - with consequent improvement in the visitor / leisure economy generally - which could encourage further investment in future. In doing this it would be helping to make the most of what should be an existing asset for the town centre. Because it is intended the expanded hotel would be operated by its present owners, the development would not be diverting investment interest away from development opportunities

that are identified in the UDP / UDP Review, but should help to demonstrate the potential of the town centre for hotel development. Thus it should support the UDP in detail as well as in general terms.

Design

The loss of the Royal Oak is, at most, the removal of a land mark. The building has no inherent value, otherwise. I do not see that role as requiring its retention.

The existing five storey hotel block is poor, visually. The previous scheme established the principle of overcladding it. The new scheme chooses a new; less elaborate material, single colour rather than texture to decorate the building. I consider the revised design is acceptable.

The change to a simple single colour material on the hotel extension provides a visual foil for the five storey block, and a backdrop to the function room.

The function room and glazed tower

Overall, I feel the scheme offers interest and variety, creating a new landmark, on this prominent and hence important site. I support the design of the proposal.

Ground gas

The tip identified is what used to be a small sunken play area in the centre of the Tantarra Street flats. The likelihood of this small area creating gas in volumes likely to affect this site is negligible. (However, this matter would be dealt with as part of the Building Regulations.)

Impact on nearby dwellings

Internal noise is amenable to control, and conditions are proposed.

Plant noise can be similarly controlled.

External noise (e.g. groups of people on the pavement) is not controllable. However, it is a natural part of town centre life. Occupation of dwellings in such locations must carry with it some implications.

In this case, it must also be judged against the background of the existing use of the site, including the existing function room. That will produce comparable effects to the proposed room (though it is highly likely that the new room will be more intensively used. It is also somewhat closer to some of the nearby dwellings.

I do not see this as a reason to resist the application.

Conclusions

On balance, the scheme improves the appearance of the site, makes sensible levels of new provision and should benefit the town centre. I support the application.

Recommendation: Grant Permission subject to conditions

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

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

2. No development shall be carried out until a full environmental noise survey has been carried out, submitted to and approved in writing by the Local Planning Authority. The study will address the question of the noise emissions from the proposed development, including noise levels in public spaces in the development, the spectral energy of acoustic output, attenuation, and any necessary works to control adverse impact on houses close to the site. The approved scheme shall be implemented before the development is brought into use, and thereafter retained in situ, and in working order where that is appropriate.

Reason: To control the impact of noise from the development on existing and proposed houses in the vicinity.

3. No development shall be carried out until details of a noise enclosure for the proposed sub station have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before the sub-station is brought into use.

Reason: To control any adverse effects from noise from the substation.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work with a brief written by the Council's Archaeologist, and a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Before the development is occupied, one copy of the results of the scheme shall be deposited with the Local Planning Authority.

Reason: To ensure recording of any archaeological material.

5. No demolition shall take place on the site until a photographic record of the site has been made, and one copy deposited with the Local Planning Authority.

Reason: To record the site.

6. No development shall be carried out until a survey and site investigation has been carried out to assess the likely hazards to the proposed development (and its future occupants), and any surrounding development, of any contamination of the land resulting in the presence of potentially toxic substances or combustible fill materials, the possibility of chemical attack on building materials, the emission of toxic and flammable and asphyxiant gases, or general problems of stability, drainage, odour, leachate production, and surface run-off.

A copy of the survey and site investigation, together with a report setting out any remedial measures proposed to deal with the hazards from any contamination of the land and ground gases, including the design and specifications of foundations and sub floor structures, shall be submitted to the Local Planning Authority and no development shall be carried out until remedial measures have been approved in writing by the Local Planning Authority. The remedial measures identified shall be implemented prior to the development being brought into use.

The above is unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site, and to prevent pollution.

7. a) No construction or engineering works (including land reclamation stabilisation, preparation, remediation) shall take place on any Sunday, Bank Holiday or Public Holiday, or outside the hours of 0700 to 1800 weekdays or 0800 to 1300 on a Saturday, unless otherwise agreed 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.

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

Reason: To safeguard the amenities of the occupiers of adjoining premises, and to prevent mud being deposited on the public highway.

8. No materials, goods or refuse shall be stored or deposited in the open on any part of the site.

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

9. The site and buildings shall remain in single occupation and shall not be sub divided to form two or more units in separate occupation.

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

10. a) No part of the hotel extension, or the new function room, shall be brought into use until the car park on the deposited plans has been completed, the parking spaces have been marked out, and the car park is available for use.

b) Vehicles shall only park in the parking spaces shown on the deposited plans.

c) The car park shall only be used by:-

- a) Owners of and employees of the hotel
- b) residents of the hotel
- c) people using the function room

Reason: To ensure the satisfactory provision of off-street parking, to prevent use of the car park by other groups such as commuters, to minimise use of the car as a means of transport.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through 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 prevent the pollution of the water environment.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, 5.2, 5.4 and T7 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Major development.

Application Number: 05/0395/RM/H1

Case Officer: Neville Ball

Application Type: Reserved Matters

Telephone Number: 01922 652528

Applicant: Bovis Homes Ltd

Agent: David Laight

Proposal: Reserved matters application 159 apartments/houses, garages and associated works (Phase 1)

Location: ST MARGARETS HOSPITAL, QUESLETT ROAD, BIRMINGHAM, WALSALL, WEST MIDLANDS

Ward: Pheasey Park Farm

Expired: 07 June 2005

Recommendation Summary: Approved Reserved Matters



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Introduction and Background

This application is the first of a series of detailed submissions for the redevelopment of the former St Margaret's Hospital. They follow the granting of outline planning permission by the Secretary of State in September 2004 after a public inquiry which took place in March 2004.

Some historical background is set out below for Members who may not be familiar with the site.

St Margaret's Hospital occupies part of what was originally the estate belonging to Great Barr Hall. The historical development of the site centres on works done to the Hall and surrounding parkland by successive generations of the Scott family and later, in the twentieth century, the building of the hospital.

In brief, prior to the development of the estate, Great Barr formed part of the Royal Forest of Cannock. In 1125 it was deforested and became part of Sutton Chase, a private chase belonging to the Earl of Warwick. Richard Scott established Nether-House Farm, now the site of Great Barr Hall, some time between 1641 and 1660. Throughout the 18th and 19th centuries, the original Nether House and surrounding gardens/parkland were developed into Great Barr Hall and Estate.

The development of Great Barr Hall is entwined with important historical figures. Different phases of the design of the parkland have associations with the leading and influential gardeners/landscape architects Shenstone, Repton and Nash. In the 18th century, the Hall was leased to Samuel Galton who played host to some of the nation's foremost scientists and thinkers, holding meetings of the Lunar Society which were attended by Josiah Wedgwood, James Watt and Matthew Boulton, amongst others.

The estate was taken over for the development of the Great Barr Colony and Hospital in 1912 and the hospital buildings were developed in stages from this time, utilising designs attributed to local architect Gerald McMichael. The horseshoe of the female homes was complete by 1930, and the male homes blocks were complete by 1937.

In the early 1970's the construction of the M6 motorway severed the original estate, with the bulk remaining to its north.

In the late 1970's the Hall and the land to the west, including the lakes, became surplus to the requirements of the NHS and were disposed of. Shortly afterwards the owner went into receivership. The Hall has been vacant since then but was sold to a new owner in September 2003.

In August 2004, your committee considered applications for the erection of two individual dwellings on either side of the lake which formed 'enabling development' to part fund the restoration of the Hall. You resolved to defer consideration pending the receipt of a full package of enabling proposals to secure the full restoration of the Hall. These two applications remain undetermined.

The current application proposals relate to the eastern half of the site involving the hospital buildings which remained in use until 1997.

Because of the historic and landscape value of Great Barr and the parkland with which it was historically associated, the site is subject to a number of designations. The site lies within the Green Belt, forms part of the Great Barr Conservation Area, includes 2 Sites of Importance for Nature Conservation, 6 Sites of Local Importance for Nature Conservation, and 3 areas of Ancient Woodland. Great Barr Hall is a Grade II* listed building, whilst its remaining estate is a Grade II listed Park of Special Historic Interest.

Application and Site Details

The outline planning permission granted in September 2004 includes approval of a master plan which sets out the general proposed layout of the site, to accommodate a total of 445 dwellings. The master plan which was approved by the Secretary of State shows the provision of a central spine road forming the access from Queslett Road with a loop around the higher part of the site. The master plan reflects the existing layout of the hospital buildings, with a formal layout of predominantly apartment buildings in the central area and houses in a formal line along the spine road, before reverting to a more informal layout around the edges of the site adjacent to the surrounding woodland.

The houses along the spine road are shown on the master plan to lie around two formal squares, with the houses at either end of each square, and the entrances to the development at either end, forming 'pinch points' to create a sense of enclosure.

The current application for phase 1 follows the intended layout shown on the master plan. A total of 152 dwellings is proposed, with a wide mix of house types as follows:

- 8 x 1 bed apartments
- 44 x 2 bed apartments
- 58 x 3 bed terraced houses
- 6 x 3 bed semi-detached houses
- 2 x 4 bed semi-detached houses
- 19 x 4 bed detached houses
- 15 x 5 bed detached houses.

28 of the apartments are to be affordable dwellings, to be sold to key workers or through shared ownership via a housing association.

Relevant Planning History

02/2417/OL/E2. Outline (except for means of access) Residential Development. Appeal against no n-determination allowed September 2004 subject to conditions, including a requirement to submit various reserved matters and other details, including a design brief, phasing, an ecological management plan, and an arboricultural survey for each phase. A legal agreement was also completed to secure additional funding for schools, health provision, affordable housing, the future management of the landscape of the site, and the provision of a bus service.

The approval includes a master plan that sets out in principal the proposed layout of the site.

02/2416/LB/E2: Listed Building Application for relocation of the gate posts at the Queslett Road entrance to allow the access road to be widened.

03/0057/CA/E2: Conservation Area Consent to allow the demolition of the existing hospital buildings.

Both granted on appeal as above.

There are separate current applications for the details of the main access road to and within the site.

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

This summary only refers to policies that are directly relevant to issues raised by the current application proposal. Other policies are relevant to the St Margaret's Hospital development but have already been taken into account in the granting of the outline permission.

Unitary Development Plan

ENV8: Site specific policy for the Great Barr Hall and Estate and St. Margaret's Hospital. States that all proposals must provide for the preservation, enhancement and management of the historic landscape, other historic features and other areas of nature conservation value.

ENV18: Refers to the protection of existing woodlands, trees and hedgerows.

ENV23: Nature conservation and new development. Requires new development to take full account of existing features of value for wildlife.

ENV25: Archaeology. States that proposals for development which affect archaeological sites will normally need to be accompanied by an evaluation of the archaeological resource.

ENV29: Conservation Areas.

ENV30: Registered Parks and Gardens.

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. The Council will use criteria when assessing the quality of design of any development proposal, including appearance, height, proportion and scale, materials, the integration and co-ordination of buildings and external space, community safety and security, the proposed vehicular and pedestrian circulation patterns, and the maintenance requirements of the development.

ENV33: Landscape Design.

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.

- II. Provide adequate additional open space, or improvements to existing open space, in accordance with Policy LC1.
 - III. Provide an appropriate mix of housing types, sizes and tenures with a variety of design.
 - IV. Facilitate the efficient provision of public transport services.
 - V. Maximise pedestrian and cyclist access to local amenities.
- (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 - Car Parking

| | |
|----------------------------|-------------------|
| 1, 2 and 3 bedroom houses | 2 spaces per unit |
| 4 bedroom houses and above | 3 spaces per unit |

Residential Development Standards

This sets out the council's standards for space around dwellings. Key standards include:

- Rear gardens to have a minimum length of 12 metres and a minimum area of 68 square metres;
- A minimum of 24 metres between all facing windows of habitable rooms of adjacent dwellings;
- A minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

The advice outlines the main considerations taken into account by the council when assessing residential development and extensions to dwellings. The council would not wish to stifle innovative design solutions. These guidelines should be seen as being minimum standards that should normally be met when submitting planning applications.

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.

Consultation Replies

Transportation Officers - No objections.

Highways Agency - No comments

Birmingham City Council - No response received.

National Grid - Proposal will not affect any National Grid apparatus

Energis Communications - Installations are not affected

Central Networks - No objection but advise that the applicant should be aware of their health and safety responsibilities

West Midlands Fire Authority - Detailed comments are made on the access required for fire appliances to certain plots.

Black Country Archaeologist - Ask that an archaeological watching brief is kept during the groundworks.

English Nature - No Sites of Special Scientific Interest are likely to be affected by this proposal. The developer should be reminded of the need to ensure that protected species are fully taken into account.

English Heritage - No concerns other than in respect of the lack of information about landscaping (other than fencing) between the new dwellings and that part of the registered historic park which falls outside the developable area. Every opportunity must be taken to screen the new housing from long and short distance views within the historic park. Further details of tree works should be sought.

Campaign to Protect Rural England - The layout is intensively built up in its appearance, compounded by the universal use of 3-storey buildings. This is a Green Belt location where openness and a 'park' setting is to be sought. With the present high proportion of apartment blocks an even greater density could have been reached by positioning these with an open setting making possible a less oppressive overall built-up character.

The upper living floors overlook the private gardens of other properties involving a loss of privacy. The 'avenue' is devoid of trees. Floorscape has not been fully considered.

Detailed criticism is also made of the siting of individual blocks.

WMBC Pollution Control - Comments made in respect of the outline application still apply, relating to screening existing dwellings during demolition works, control of possible contamination and the provision of acoustic treatment to the proposed dwellings.

WMBC Drainage - Okay.

WMBC Arboricultural Officer - The arboricultural constraints study supplied by the applicants shows that a number of units would breach the tree protection zones and would suffer excessive shading from the existing trees. On the basis that many of the relevant trees could be removed as part of a management plan for the woodland, there is no objection. Such a plan should be agreed and the works carried out prior to commencement of the residential development.

Details of levels, services, tree protection measures, sustainable drainage, the possible impact on the Wildlife and Countryside Act, site compounds, temporary car parking for site workers, wheel washing points, landscaping and a method statement for delivery of items such as roof trusses are required.

Representations

The occupier of 3 Crail Grove has objected on the grounds that roads, schools and welfare are not adequate, and the loss of natural green belt is not acceptable.

The occupiers of 5 Crail Grove have objected because of its close proximity of the development to the rear of their property.

Councillor Keith Linnecor of Birmingham City Council has expressed total objection to the development. No reasons are given.

Determining Issues

Because the site has outline planning permission, including approval of the master plan, many issues of principle are settled. The determining issues are therefore whether the proposal:

- Creates a high quality living environment;
- Provides an appropriate housing mix;
- Is an appropriate design in the Conservation Area.

Observations

High Quality Living Environment

The principle of the layout, including the site density, has already been approved at the outline application stage as part of the master plan for the site.

The detailed layout meets the standards for nearly all the dwellings except for some of the dwellings that adjoin the main access road.

The houses that face each other across the access road have separations between facing windows of between 14 and 21 metres, which is less than the separation of 24 metres referred to in the Residential Development Standard. These houses have been designed as 'pinch points' to provide a sense of enclosure in urban design terms and contribute to the formal layout that is part of the approved master plan.

The 'pinch points' were indicated in the master plan that has been approved by the Secretary of State.

The only impact from this shortfall in the separation between windows would be on the privacy of the occupiers of the dwellings. It would be reasonable for occupiers to expect a lower level of privacy to windows facing a road than to windows facing rear gardens. This shortfall is therefore acceptable in the wider context of the design and street scene quality that would be achieved.

The amended layout complies with the Residential Development Standards in all other respects. The proposed parking provision also complies with the Council's standards.

Some of the dwellings around the periphery of the site would be shaded and have to deal with leaf fall from trees. Most of the trees that are currently close to the sites of the proposed dwellings are however sycamore. A management plan for the woodland has been submitted that proposes the removal of much of the sycamore, which is currently over-dominating other species notably oak. Although the details of the management plan for the rest of the site are still awaiting approval, the Council's arboricultural and nature conservation officers support the principal of removing the sycamore.

Other than around the periphery, there are very few trees within Phase 1 of the development. Phase 1 would also be largely screened from the historic park around Great Barr Hall, and from houses in Crail Grove, by later phases of the development.

The additional details requested by the arboricultural officer are already addressed by conditions of the outline planning permission for the site.

Appropriate Housing Mix

The details for phase 1 indicate a wide mix of house types including a number of affordable units. The provision of affordable housing is a requirement of the legal agreement that was made during preparation for the public inquiry in March 2004. The agreement was produced in consultation with officers from Housing Services.

Design in the Conservation Area

The proposed layout and elevational details indicate a high standard of design that is appropriate for the conservation area, with a formal layout in the central part of the site that reflects the formal layout of the hospital buildings, and changing to a more informal arrangement where the site adjoins the surrounding woodland.

A design brief has been submitted and approved as required by conditions of the outline permission. This separates the site into character zones that reflect the different parts of the site, with layouts and facing materials to be used for each zone that will be appropriate to the surroundings. The reserved matters application for phase 1 follows the requirements of the design brief.

Recommendation: Approved Reserved Matters

1. This permission relates to the following plans:

STMG/02/101 SITE LOCATION PLAN
STMG/02/100G SITE LAYOUT PHASE 1

STREET SCENE STMG/02/102 1/5A
STREET SCENE STMG/02/102 2/5A
STREET SCENE STMG/02/102 3/5A
STREET SCENE STMG/02/102 4/5A
STREET SCENE STMG/02/102 5/5A
MATERIAL SELECTION STMG/02/104A
TYPE A/B STMG/02/DUPLEX 01 R1 1/2B
TYPE A/B STMG/02/DUPLEX 01 R1 2/2A
TYPE C STMG/02/CT 2021 RE A
TYPE D STMG/02/A326VT 01 R2A
TYPE D STMG/02/A326 01 R2B
TYPE E STMG/02/A327/1VT 01 R2A
TYPE E STMG/02/A327/1VT 03 R1A
TYPE E STMG/02/A327/1 13 R1A
TYPE F STMG/02/C3006/C3007 01 R1A
TYPE G STMG/02/A338/1
TYPE H STMG/02/A431 03 C1

TYPE J STMG/02/A450 01 R2A
TYPE J STMG/02/A450 03 R2A
TYPE J STMG/02/A450 01 R1A
TYPE J STMG/02/A450 03 R1A
TYPE K STMG/02/CT4005VT 03 R1A
TYPE K STMG/02/CT4005VT 01 C1A
TYPE L STMG/02/A539 03 R1A
TYPE L STMG/02/A539 01 R1A
TYPE L STMG/02/A539 01 R2A
TYPE M STMG/02/A528 01 C1A
TYPE M STMG/02/A528 03/02 C1A
TYPE N STMG/02/C545 13 R1A
TYPE O STMG/02/A459 BR E
TYPE P STMG/02/C5003 01 C1 1/2A
TYPE P STMG/02/C5003 01 C1 2/2A
TYPE Q/R/S STMG/02/FLAT A/B/CVT 1/5A
TYPE Q/R/S STMG/02/FLAT A/B/CVT 2/5A
TYPE Q/R/S STMG/02/FLAT A/B/CVT 3/5A
TYPE Q/R/S STMG/02/FLAT A/B/CVT 4/5A
TYPE Q/R/S STMG/02/FLAT A/B/CVT 5/5A
TYPE T STMG/02/AF11 1R
TYPE U STMG/02/LT2025 RE
PAVING DETAILS
BRICK WALL AND FENCING DETAILS
RAILINGS AND GATES
RAILINGS AND FENCES
FEATURE GATE POST/ PIERS
WINDOW HEADS AND BRICK PATTERNS
PEDESTRIAN LINKS AND CYCLEWAYS
SUNLIGHT AVAILABILITY

GARAGE STMG/02/111
GARAGE STMG/02/AST2
GARAGE STMG/02AGS2A
GARAGE STMG/02/AGD2
GARAGE STMG/02/AGD2/FH

BIN STORE STMG/02/110

STMARGTS21A (sheets 1 and 2, and schedule) SITE WIDE TREE SURVEY PLAN

Reason: To define the permission.

Summary of reasons for the grant and a summary of 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 ENV8, ENV18, ENV23, ENV25, ENV29, ENV30, ENV32, ENV33, H10, T7 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 20 September 2005**

REASON FOR BRINGING TO COMMITTEE: Major development.

Application Number: 05/0109/RM/H1

Case Officer: Neville Ball

Application Type: Reserved Matters

Telephone Number: 01922 652528

Applicant: Bovis Homes Ltd

Agent: Bovis Homes Ltd

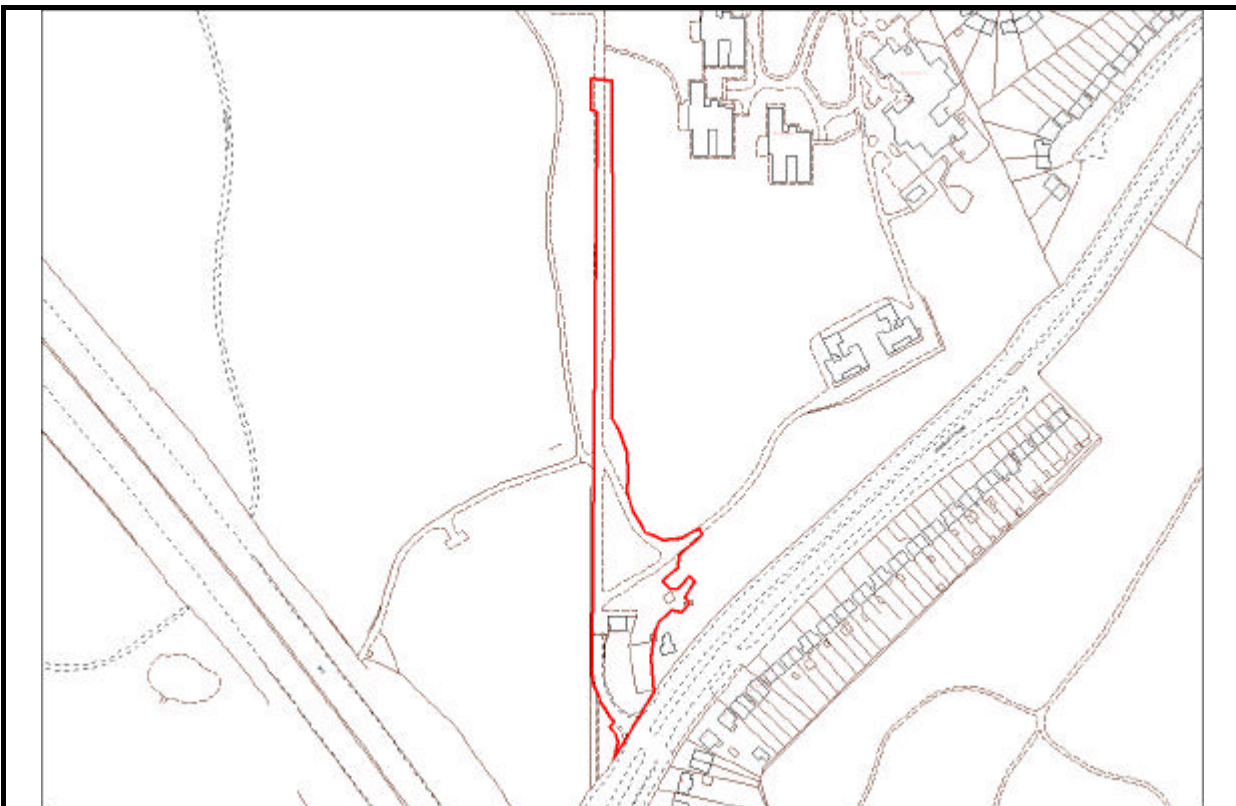
Proposal: Construction of access road from Queslett Road junction to boundary of housing development site

Location: ST MARGARETS HOSPITAL, QUESLETT ROAD, BIRMINGHAM, WALSALL, WEST MIDLANDS

Ward: Pheasey Park Farm

Expired: 21 March 2005

Recommendation Summary: Approved Reserved Matters



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Application and Site Details

This application is for approval of the construction details of the first phase of the access road to serve the redevelopment of the site of the former St Margaret's Hospital, for which outline planning permission was granted by the First Secretary of State in September 2004.

The section of road is 380 metres long and extends from the Queslett Road junction (but excluding the junction itself, for which approval has already been given) to the start of the site of the first phase of the proposed housing development itself.

The proposal involves a slight widening of the existing formal driveway that was the main entrance to the hospital prior to its closure, with the addition of a cyclepath and footpath to one side. The plans have been amended since first submitted to relocate part of the cyclepath to the opposite side of the road, in order to lessen the impact on the trees. Additional details have also been received to confirm the trees that are to be removed.

Relevant Planning History

02/2417/OL/E2. Outline (except for means of access) Residential Development. Appeal against non-determination allowed September 2004 subject to conditions, including a requirement to submit various details.

02/2416/LB/E2: Listed Building Application for relocation of the gate posts at the Queslett Road entrance to allow the access road to be widened.

03/0057/CA/E2: Conservation Area Consent to allow the demolition of the existing hospital buildings.

Both granted on appeal as above.

There are separate current applications for the main road within the housing development, and for the detailed layout and design of the residential development itself.

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

The site lies within the curtilage of Great Barr Hall which is a Grade II* listed building. The estate is a Grade II Park of Special Historic Interest and contains 2 Sites of Importance for Nature Conservation, 3 Areas of Ancient Woodland, a Monument of Regional Importance and lies within the Great Barr Conservation Area. The whole area is also in the Green Belt.

This summary only refers to policies that are directly relevant to issues raised by the current application proposal. Other policies are relevant to the St Margaret's Hospital development but have already been taken into account in the granting of the outline permission.

Unitary Development Plan

ENV8: Site specific policy for the Great Barr Hall and Estate and St. Margaret's Hospital. States that all proposals must provide for the preservation, enhancement and management of the historic landscape, other historic features and other areas of nature conservation value.

ENV18: Refers to the protection of existing woodlands, trees and hedgerows.

ENV23: Nature conservation and new development. Requires new development to take full account of existing features of value for wildlife.

ENV25: Archaeology. States that proposals for development which affect archaeological sites will normally need to be accompanied by an evaluation of the archaeological resource.

ENV29: Conservation Areas. The Council will not permit development that incrementally erodes those special features which the Council wishes to preserve or enhance.

ENV30: Registered Parks and Gardens. The Council will seek to protect the Borough's registered parks and gardens from the effects of inappropriate built development and insensitive alteration.

Consultation Replies

West Midlands Fire Authority - Detailed comments are made on the minimum road width required for fire appliances.

Transportation Officer - No objection. The detailed design of the road would be examined at the adoption stage.

Birmingham City Council - No objections received.

Black Country Archaeologist - Given that the present proposals lie largely within the current access road the threat to archaeological earthworks and buried archaeological deposits may not be too great. An overall field study should be undertaken however rather than a separate archaeological response being needed for each individual planning application. A planning condition is recommended to secure this.

English Heritage - Object to the proposed widening of the existing road and the proposed removal of trees which will accentuate its presence so close to the lower lake in the former Great Barr Park. Would strongly encourage maintenance of the road at its present width, and for other mitigation measures including the alignment of the footways among the flanking trees away from the lake side. No trees should be removed without a full survey and assessment of their historic significance. The siting, height and design of any street lighting should be contrived to minimised impact on the historic lake.

WMBC Pollution Control - No observations.

WMBC Environmental Regeneration (Built Heritage and Urban Design) - No objection in principle. The use of more traditional materials for the kerbs and footway, for example stone, would be desirable. This may help to mitigate the contrast between the new road and the mature landscape.

WMBC Arboricultural Officer - No objection on the basis of the amended plans which have been provided to reduce the impact on trees.

Details of current, temporary and proposed levels, services, sustainable drainage, site access, storage, fuelling, mixing and welfare points are required.

Representations

The occupier of 269 Queslett Road has advised that they wish to repeat earlier concerns that the road cannot take any more traffic and pollution.

Determining Issues

The determining issue is whether the detail of the road construction would cause any undue harm to the historic landscape and trees.

Observations

The proposal involves the reconstruction of the existing road on the same alignment, with the addition of a cycle path and footpath to one side. Although the existing road was superimposed on the historic parkland associated with Great Barr Hall when the hospital was built, the current proposal will retain the existing formal approach to the site and will have little further impact on the historic landscape..

Many of the trees on the site are in a poor condition, since little management has taken place for a number of years, and need to be removed for arboricultural reasons. The amended plans indicate that only six further trees will be removed solely to facilitate the road construction. These trees are mainly poor specimens. Viewed against the backdrop of the surrounding woodland, their removal will have little impact.

The additional details requested by the arboricultural officer are already addressed by submissions made to comply with conditions of the outline planning permission for the site.

Recommendation: Approved Reserved Matters

1. This permission relates to the following plans:

STM-5-1001 SPINE ROAD LOCATION PLAN

STM-5-1700 LONGITUDINAL ROAD AND SEWER SECTIONS: SPINE ROAD
(SHEET 1 OF 2)

STM-5-1701 LONGITUDINAL ROAD AND SEWER SECTIONS: SPINE ROAD
(SHEET 2 OF 2)

STM-5-1602 A ENGINEERING LAYOUT (SHEET 3 OF 4)

STM-5-1603 A ENGINEERING LAYOUT (SHEET 4 OF 4)

STM-5-1900B TYPICAL ROAD CONSTRUCTION DETAILS

STMARGTS21A (sheets 1 and 2, and schedule) SITE WIDE TREE SURVEY PLAN

Reason: To define the permission.

Summary of reasons for the grant and a summary of 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 ENV8, ENV18, ENV23, ENV25, ENV29 and ENV30 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 <<http://www.walsall.gov.uk>> .



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 20 September 2005**

REASON FOR BRINGING TO COMMITTEE: Major development.

Application Number: 05/0396/RM/H1

Case Officer: Neville Ball

Application Type: Reserved Matters

Telephone Number: 01922 652528

Applicant: Bovis Homes Ltd

Agent: Bovis Homes Ltd

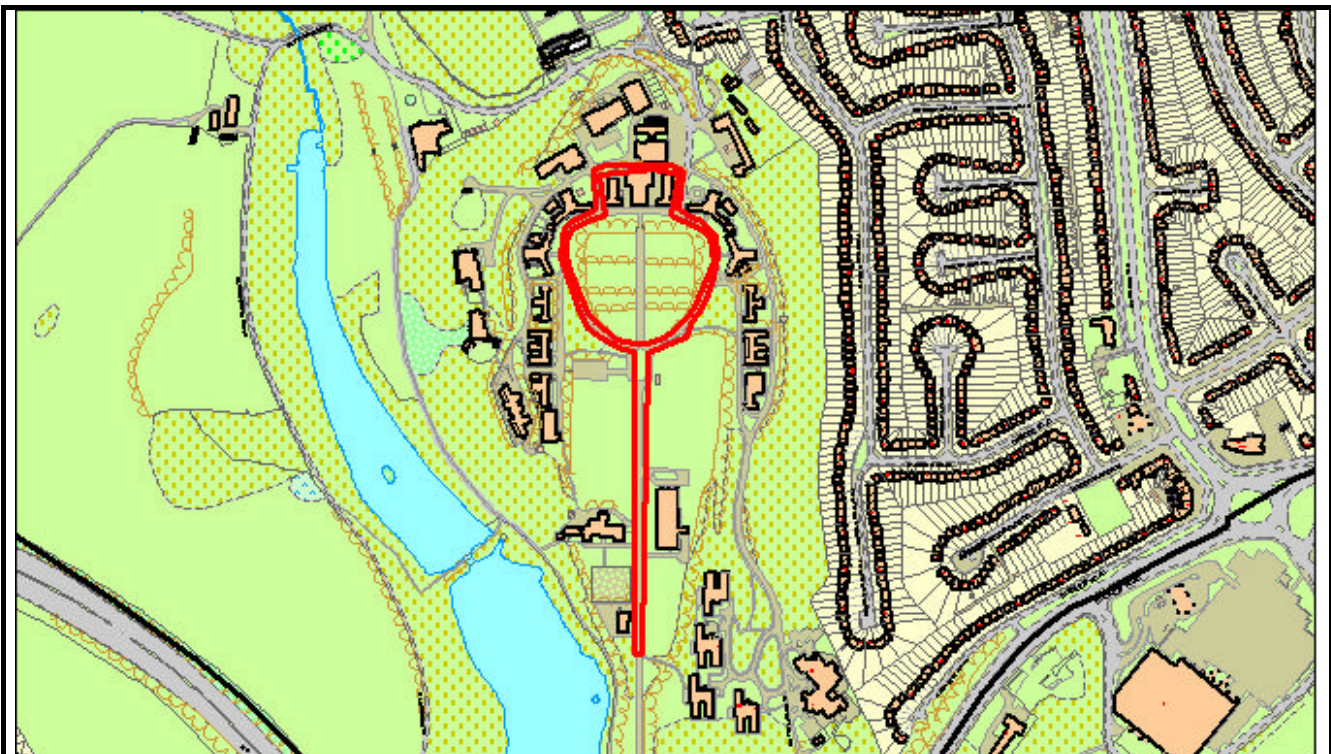
Proposal: Construction of access road to serve Phase 1 of the residential development

Location: ST MARGARETS HOSPITAL, QUESLETT ROAD, BIRMINGHAM, WALSALL, WEST MIDLANDS

Ward: Pheasey Park Farm

Expired: 15 August 2005

Recommendation Summary: Approved Reserved Matters



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Application and Site Details

This application is for approval of the construction details of the main access road within the site to serve the redevelopment of the site of the former St Margaret's Hospital, for which outline planning permission was granted by the First Secretary of State in September 2004.

The road is to form a loop reflecting the shape of the existing road, although following a different alignment.

Relevant Planning History

02/2417/OL/E2. Outline (except for means of access) Residential Development. Appeal against non-determination allowed September 2004 subject to conditions, including a requirement to submit various details.

02/2416/LB/E2: Listed Building Application for relocation of the gate posts at the Queslett Road entrance to allow the access road to be widened.

03/0057/CA/E2: Conservation Area Consent to allow the demolition of the existing hospital buildings.

Both granted on appeal as above.

There are separate current applications for approval of the details of the access drive from Queslett Road, and for the detailed layout and design of the first phase of the residential development itself.

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

The site lies within the curtilage of Great Barr Hall which is a Grade II* listed building. The estate is a Grade II Park of Special Historic Interest and contains 2 Sites of Importance for Nature Conservation, 3 Areas of Ancient Woodland, a Monument of Regional Importance and lies within the Great Barr Conservation Area. The whole area is also in the Green Belt.

This summary only refers to policies that are directly relevant to issues raised by the current application proposal. Other policies are relevant to the St Margaret's Hospital development but have already been taken into account in the granting of the outline permission.

Unitary Development Plan

ENV8: Site specific policy for the Great Barr Hall and Estate and St. Margaret's Hospital. States that all proposals must provide for the preservation, enhancement and management of the historic landscape, other historic features and other areas of nature conservation value.

ENV18: Refers to the protection of existing woodlands, trees and hedgerows.

ENV23: Nature conservation and new development. Requires new development to take full account of existing features of value for wildlife.

ENV25: Archaeology. States that proposals for development which affect archaeological sites will normally need to be accompanied by an evaluation of the archaeological resource.

ENV29: Conservation Areas. The Council will not permit development that incrementally erodes those special features which the Council wishes to preserve or enhance.

ENV30: Registered Parks and Gardens. The Council will seek to protect the Borough's registered parks and gardens from the effects of inappropriate built development and insensitive alteration.

Consultation Replies

Birmingham City Council - No objection received.

Environment Agency - No objection but advise of the presence of a nearby former landfill site.

WMBC Pollution Control - No observations.

West Midlands Fire Authority - Detailed comments on the minimum road width required for fire appliances.

WMBC Transportation - No objections.

Black Country Archaeologist - Recommend a condition to secure an archaeological investigation prior to the development taking place

WMBC Arboricultural Officer - No objection.

WMBC Environmental Regeneration (Built Heritage and Urban Design) - No objection.

English Heritage - Object to the proposed widening of the existing road and the proposed removal of trees which will accentuate its presence so close to the lower lake in the former Great Barr Park. Would strongly encourage maintenance of the road at its present width, and for other mitigation measures including the alignment of the footways among the flanking trees away from the lake side. No trees should be removed without a full survey and assessment of their historic significance.

Representations

None

Determining Issues

The determining issue is whether the road construction would have any undue harm on the historic landscape and trees.

Observations

The loop road is to lie within the centre of the former hospital site away from the historic parkland associated with Great Barr Hall, and would affect very few trees. Conditions exist on the outline planning permission to require further archaeological assessment of the site. The

site of the road was heavily disturbed during construction of the hospital and is unlikely to yield archaeological remains.

Recommendation: Approved Reserved Matters

1. This permission relates to the following plans:

STM-5-1000 LOCATION PLAN

STM-5-1006 A LOCATION PLAN

STM-5-1601 ENGINEERING LAYOUT (SHEET 2 OF 4)

STM-5-1602 ENGINEERING LAYOUT (SHEET 3 OF 4)

STM-5-1664 ENGINEERING LAYOUT (PHASE 3) (SHEET 1 OF 2)

STM-5-1665 ENGINEERING LAYOUT (PHASE 3) (SHEET 2 OF 2)

STM-5-1667 A ENGINEERING LAYOUT (SHEET 1 OF 3)

STM-5-1668 ENGINEERING LAYOUT (SHEET 2 OF 3)

STM-5-1669 ENGINEERING LAYOUT (SHEET 3 OF 3)

STM-5-1700 A LONGITUDINAL ROAD AND SEWER SECTIONS: SPINE ROAD (SHEET 1 OF 2)

STM-5-1701 A LONGITUDINAL ROAD AND SEWER SECTIONS: SPINE ROAD (SHEET 2 OF 2)

STM-5-1702 LONGITUDINAL ROAD AND SEWER SECTIONS: LOOP ROAD (SHEET 1 OF 2)

STM-5-1703 LONGITUDINAL ROAD AND SEWER SECTIONS: LOOP ROAD (SHEET 2 OF 2)

STM-5-1900 A TYPICAL ROAD CONSTRUCTION DETAILS

STM-5-1901 STM-5-1900 TYPICAL ROAD CONSTRUCTION DETAILS (LOOP ROAD)

STM-5-1902 TYPICAL ROAD DETAILS (LOOP ROAD)

TREE SURVEY AND ARBORICULTURAL IMPACT ASSESSMENT LOOP ROAD

Marg-03-085 Tree Condition Plan

Marg-03-086 Tree Retentions/ Removals

Marg-03-087 Arboricultural Constraints Plan

STMARGTS21A (sheets 1 and 2, and schedule) SITE WIDE TREE SURVEY PLAN

Reason: To define the permission.

2. This permission does not grant or imply consent for the housing layout or road alignment shown on the submitted plans other than that shown within the current application boundary.

Reason: To define the permission.

Summary of reasons for the grant and a summary of 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 ENV8, ENV18, ENV23, ENV25, ENV29 and ENV30 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. If 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 <<http://www.walsall.gov.uk>> .



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/1362/FL/E6

Case Officer: Sally Morton

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Bellway Homes (West Midlands)

Agent: Bellway Homes (West Midlands)

Proposal: Erection of 2 no 3 storey dwelling houses and 9 no. two bed apartments (Revised proposals to approved applications 04/0526/OL/E3 and 05/0628/RM/E4)

Location: 97-113,WALSALL ROAD,ALDRIDGE,WALSALL,WS9 0AY

Ward: Aldridge/Central & South

Expired: 12 October 2005

Recommendation Summary: Grant Permission Subject to Conditions and a Section 106 Agreement



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Application and Site Details

This application relates to an amendment to a residential development that was granted outline planning permission, and subsequently reserved matters.

The overall scheme did relate to 53 residential units on the former Aldridge Accident and repair site. This application seeks consent for modifications to two blocks fronting Walsall Road.

The previous permission gave consent for 3 two-bedroom apartments, in the western corner of the site. This has been amended to include a pair of semi-detached houses three-storeys in height with four bedrooms. There are some minor alterations to openings on the front elevation, and the depth of the properties have been reduced by 2.4 metres, providing gardens 10.8 metres long, one being of 70.2 square metres, the other 59.1. A further two parking spaces have been created for these houses. Providing a total of 2 parking spaces for each the two houses.

In the eastern part of the site, the apartments have been amended internally. External alterations again include minor changes to openings on the front elevation, and to the rear the projecting stairwells have been removed. At the rear of this block, a further two car parking spaces are proposed. There is no increase in the number of flats. Overall parking provision of 75 spaces will be provided for 52 properties.

The applicants have submitted a planning statement in support of their proposal. It states that car parking ratio will be improved from 1.34 per dwelling to 1.41 spaces. They consider that there will be no adverse impacts from a highway safety perspective.

The garden lengths to the two houses are below standard in respect of length (10.8 metres) and one falling below standards in area (59.1 square metres) but they suggest that is to meet high sustainable density in compliance with PPG3 and in order to provide sufficient car parking.

The site will now provide 38 two-bedroom, 12 three-bed and 2 four-bedroom units.

Finally in respect to financial contributions by the developer, they state that the current s106 agreement includes contributions towards education. They state that as there is no net increase in the number of units it would be unreasonable to request further contributions.

Relevant Planning History

04/0526/OL/E3 25th February 2005 - outline planning permission granted for 53 residential units. All matters approved apart from landscaping.

05/0628/RM/E4 29th June 2005 - Landscaping details granted permission.

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

2.2 aims to work towards the creation, sustaining and enhancing a high quality natural and built environment throughout the Borough, including a high standard of design.

Policy GP2 expects development to make a positive contribution to the environment and considers (i) visual appearance; (ii) the...susceptibility to pollution of any kind; (vi) overlooking, loss of privacy, and the effect on daylight and sunlight; (XIV) the effect on open spaces, including footpaths.

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

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

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

ENV32 poor design which fails to take account of context and surroundings will not be permitted. When assessing the quality of design of proposed developments the height, proportion, scale, and mass of proposed buildings will be considered, the visual relationship of the proposed developed with adjacent areas, the street, and the character of the surrounding area.

Policy H10 create a high quality living environment, well - integrated with good design.

Residential Development Standards (adopted)- provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings. Garden dimensions should be 12 metres in length for the area of the garden outside the main windows of the rear of the house, and a minimum 68 square metres of garden space.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

Policy advises that although failure to comply with these guidelines will not be a reason for refusal it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area.

Government Policy

Planning Policy Statement 1 : Creating Sustainable Communities both emphasise the need for good design, and development which is sustainable.

Planning Policy Guidance Note 3 Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new

housing developments. Consideration of design and layout must be informed by the wider context.

Consultations

Transportation have no objections to the proposal.

Pollution Control has no objections, the previous recommended conditions and comments are applicable.

Landscaping - states no objections

Environmental Health - no adverse comments

The West Midlands Fire Service no objection to the particular revisions.

Drainage - satisfactory

Education - the proposal will seek an additional contribution for primary and secondary spaces as the surplus is less than 10%.

Parks - have commented 'no positive or negative comments from a parks and outdoor amenities perspective'.

Energis - installations are not affected by the proposed works.

Central Networks - has network within close proximity. Has included a plan and guidance notes for the attention of the applicant.

Centro - no objection

National Grid - works will not affect any installations.

Representations

One letter has been received objecting to the proposal on the following grounds:

1. Loss of light to side window.
2. Drainage- effect on damp-proofing course.

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

Determining Issues

1. Character of the area
2. Amenity space
3. Education contributions
4. Other issues

Observations

Character of the area

The proposal is very similar to what was permitted previously. There are some minor alterations to openings. Other alterations include reduction in the depth of the two blocks. The proposal retains the height and detailing as previously sought and would have no different relationship with the street scene or adjacent area than that approved under the

existing permission. The relationship with the neighbouring business at 115, has been improved from the approved scheme in that the depth of the building is narrower.

Amenity Space

The proposed rear gardens to the pair of semi-detached houses are 10.8 metres long. Part of the gardens are reserved for car parking for the houses. The use of these spaces will further reduce the amenity space.

The other houses have gardens of 12 metres in length this complied with the guidance in place at the time. The gardens however are 70.2 square metres and 59.1 square metres. The first garden meets the Residential Development Standards, but the other is some 8.8 square metres below the standard. The previous application was for flats where the shared amenity space was considered acceptable. The gardens are now to be private areas to serve the houses.

It would be desirable to increase the garden area, but this would impact on the car parking spaces at the rear. In considering the pattern of development already approved and the benefit of mixed housing, it is thus recommended that permitted development rights are removed for the two houses to ensure effective amenity space is retained through control of development, in compliance with the Residential Development Standards.

Education Contributions

The previous planning application was for 41 two-bedroom units and 12 three-bedroom units. The amendments proposed will now provide 38 two-bedrooms, 12 three bedroom, and two four-bedroom units. An overall increase in two bedrooms which are within four-bedroom properties. This increase in bed units does impact on increased contributions which should now be sought by ensuring the developer enters into a s.106 Planning Agreement.

Other issues

The neighbouring business has objected on the grounds of loss of light. The block adjacent that property, to the west, has been reduced by 2.4 metres in depth from that which was previously approved. It is understood that prior to the site being cleared there were buildings in close proximity to the side of the neighbouring business. This proposal will therefore have less impact on light with respect to the concern about the damp proof course, the development should not pose any risk.

Recommendation: Grant Permission Subject to Conditions and a Section 106 Agreement

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, D, and E of Part 1 to Schedule 2 of the Order shall be carried out to any of the houses hereby approved without the prior submission and approval of a planning application.
Reason: To give the Local Planning Authority control over the future development of the site to maintain a adequate amenity space for the houses. .

2. This development shall only be carried out in accordance with the conditions imposed on permissions 04/0526/OL/E3 and 05/0628/RM/E4 as amended by this terms of the permission hereby granted.

Reason: To ensure the satisfactory appearance of the development.

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

The proposal complies with the development plan policies 2.2, GP2, 3.6, 3.16, ENV32 and H10



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Major development

Application Number: 05/1558/RM/E4

Case Officer: Val Osborn

Application Type: Reserved Matters

Telephone Number: 01922 652487

Applicant: Harper Group

Agent: The Design Box

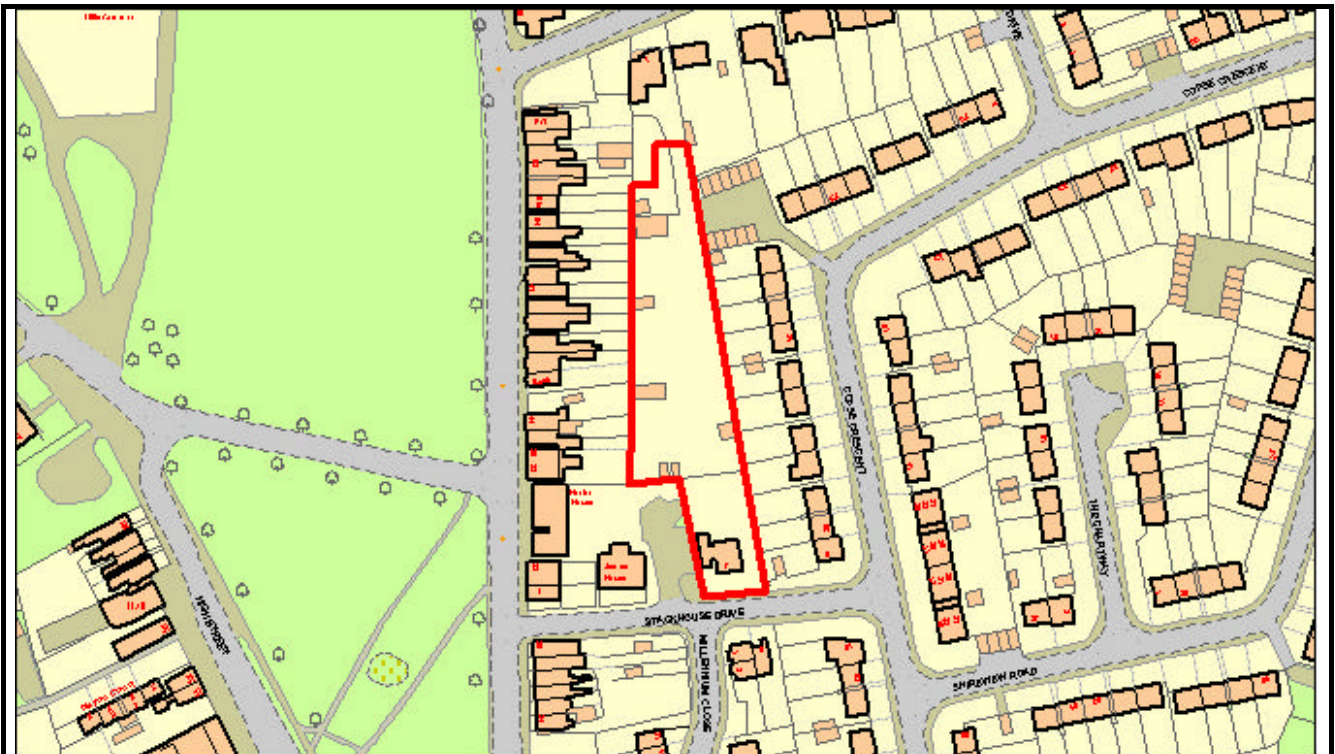
Proposal: Application for Reserved Matter of Landscaping pursuant of permission ref: 03/1308/FL/E4

Location: LAND TO THE REAR OF 7, STACKHOUSE DRIVE, PELSALL, WALSALL, WEST MIDLANDS, WS3 4DX

Ward: Pelsall

Expired: 15 November 2005

Recommendation Summary: Approved Reserved Matters Conds



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Application and Site Details

The application site is just to the north east of the Pelsall local centre and adjacent to the Pelsall common conservation area. It is now vacant, except for the dwellinghouse, no.7 Stackhouse Drive to the south, which would be demolished to provide access to the site. The rest of the site was previously used as a coalyard. To the west the site borders the rear of predominantly ground floor commercial/ first floor residential properties in Norton Road, while to the south, north and east are all residential properties.

Planning permission has been granted for residential development at outline (O3/1308/RM/E2).

This application is for the landscaping of the site. This matter was reserved for subsequent consideration when permission was granted for residential use. The scheme proposes the planting of extra heavy standard stock as three field maple trees along side the access road to the site with shrub under planting and a further 7 trees comprised of silver birch and ornamental crab apple distributed at the edges of the site. Shrub planting is proposed adjacent to the parking bays and apartment blocks.

Relevant Planning History

Outline application reference O3/1308/RM/E2 - Residential Development for 14 two bed bedroom apartments.- Granted 19.01.05

05/0384/RM/E2- approval of house types, granted 16 May 2005

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

Policy ENV33 - requires full details of landscape schemes and their enhancement of local environments.

Consultations

Environmental Regeneration, Landscape Officer - comments that the scheme is acceptable.

Representations

One letter received from an occupier of St James House raises concerns that the landscaping will provide trees that will obstruct views.

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

Determining Issues

- Whether the landscaping scheme provides a satisfactory setting for the development.

Observations

The landscape scheme on the boundary with St James House proposes grassed areas with shrub planting beds and the planting of 1 silver birch tree. This is considered an acceptable screening to soften the impact of the adjacent car park.

The landscape scheme proposes the planting of 10 trees in all, at extra heavy standard stock, which will enable the trees to succeed and is considered suitable for this site.

Whilst the drawings are annotated to indicate that existing trees will be protected by chestnut pailing fencing, in accordance with BS 5837 none of the existing trees on this site are identified on the plan. The outline consent imposed conditions requiring the identification and protection of retained trees and the replacement of any planting which fails in a five year period from the planting. These conditions are repeated in the recommendation.

The type, species, number, size and location of the planting is considered appropriate at this site and will enhance the development and amenity of residents.

Recommendation: Approved Reserved Matters Conds

1. The development must be begun not later than 11 July 2008.

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

2. No development shall be carried out until a plan showing the species and location of all existing trees and hedges on the site, details of which trees and hedges are to be retained or removed, and details of the design and location of protective guards or fencing, has been approved in writing by the Local Planning Authority.

Reason; To safeguard the trees on the site.

3. The landscaping scheme, as approved, shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3. All planted and grassed areas, including existing trees to be retained, and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained in a tidy condition by regular cutting and any areas that fail to establish shall be reinstated;

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

Reason: To ensure the satisfactory appearance of the development.

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular policy ENV33, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Note to applicant

The submitted External works plan does not identify the protective measures to be used at the site. The levels indicated on the Engineering layout have not yet been approved. The attention of the applicant is drawn in particular to the terms of the conditions 4, 5, 6 and 7 of Outline Consent reference O3/1308/RM/E2 which requires aspects to be approved before development commences. Condition 4 of O3/1308/RM/E2 is repeated at Condition 2 above.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. If 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 Transportation
on 20 September 2005**

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 05/1342/FL/E3

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Streetly Bowls Club

Agent: Mr Nigel Privett

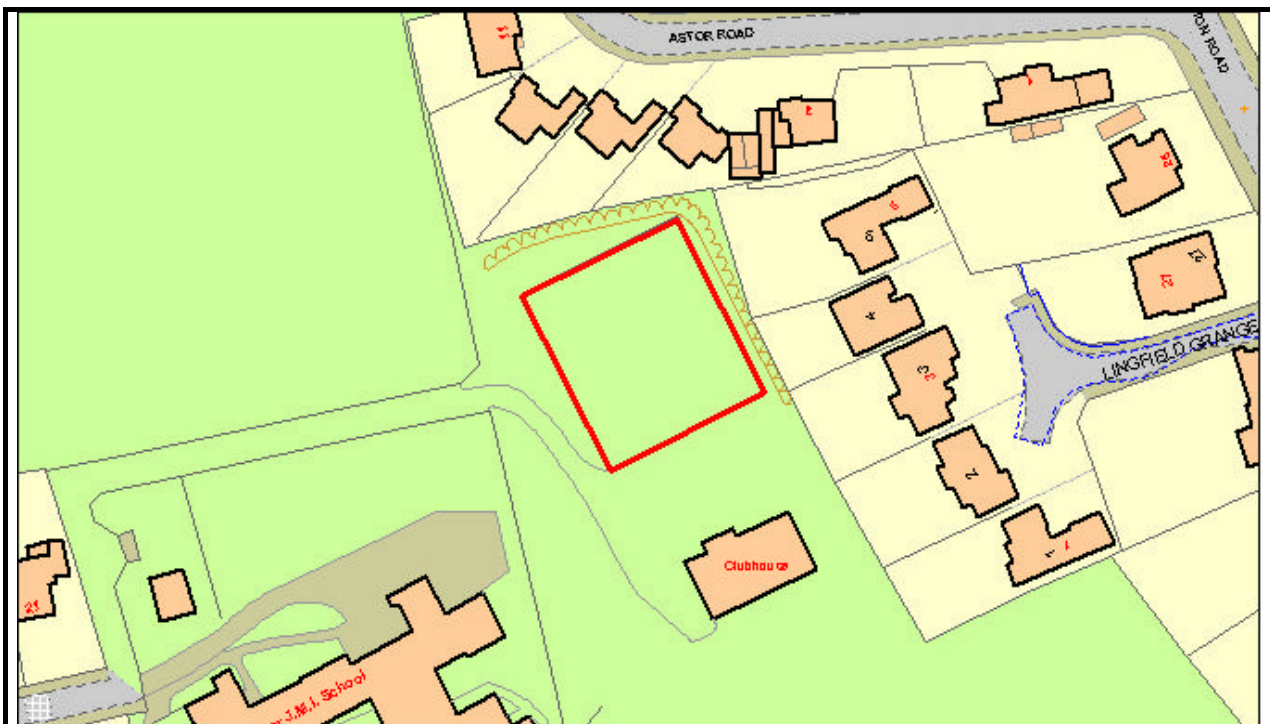
Proposal: Improve Flood Lighting on Bowling
Green - Erection of 8 floodlights

Location: STREETLY BOWLS
CLUB, BRIAR AVENUE, SUTTON
COLDFIELD, WALSALL, WEST
MIDLANDS

Ward: Streetly

Expired: 26 September 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site is located off Briar Avenue and accessed via the track running along Manor School, which lies south west of the application site. The main clubhouse is south east of the Bowling Green. To the north and east of the application site lie residential properties that overlook the site. There is limited screening around the site to the east and a fence forms the boundary with the residential properties here with a number of Silver Birch trees within the site in front of the fence along the northern boundary. North west of the site is a playing field.

The bowling green is enclosed by a fence on the western and southern boundaries. The application proposes the installation of eight Merlin 2 floodlights to be erected around the perimeter of the Bowling Green on mounted galvanised steel lighting columns at a height of 6 metres and with an illumination of 400 watts each.

The applicant has advised that the light fittings will be of the Asymmetric type and positioned on the horizontal at an angle of 0-5⁰ to avoid light spillage. The agent has agreed to fit cowls (light shields) around the light fittings to prevent any light spillage or glare. Furthermore, the fittings will be the asymmetric type, which reflect the light to the source; which will direct the light onto the Bowling Green itself.

The supporting documentation states that the new lighting will only be used in the same way as the existing lighting. There is a single lighting column on the site, which is three metres in height and accommodates a 500 watt light fitting. There are a further five light fittings around the perimeter of the site fixed to the fencing panels and portacabins, each accommodating 500 watts. This existing lighting columns do not have the benefit of planning permission.

The lighting columns will enable participates to complete bowls matches at the beginning and end of the season. The light fittings purchased are specifically for use on sports facilities giving maximum light on the playing surface. The floodlights will be used from April to September from 18:00 hours until 21:00 hours on bowling days, which are Tuesdays, Wednesdays and Thursdays and only be used as required.

Relevant Planning History

Planning permission was refused on 3 February 2003 on the following grounds:

The proposal to erect 12 floodlights at an intensity of 400 watts each around the perimeter of the site, in close proximity to the small residential rear gardens of those occupiers on Lingfield Close and Astor Road would result in an unacceptable degree of light pollution, reducing the level of amenity that can reasonably be expected to be enjoyed by those occupiers. Thus the proposal is contrary to Policy 3.6 of the Walsall Unitary Development Plan 1995, and Policies GP2, ENV12 and 3.49 of the Walsall Unitary Development Plan Review Revised Deposit Draft Plan March 2002.

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

Policy GP2 expects all development to make a positive contribution to the quality of the environment.

Policy ENV12 applications for development which involves significant external lighting will not be permitted unless they propose the minimum amount of lighting necessary to achieve its purpose and minimise glare and light spillage from the site. Consideration must be given to the effect of the lighting on neighbouring land.

Policy ENV32 states that poorly designed development or proposals which fail to properly take into account of the context or surroundings will not be permitted, when assessing the quality of design the following will be taken into account, the appearance, height, scale, proportion, mass, materials and visual relationship of the proposed development.

Policy 3.116 states that good design should be a feature of all development.

Policy 3.49 advises that there is an increasing recognition of the problems caused by excessive or insensitive lighting schemes. The Policy seeks to reduce lighting to the minimum necessary and avoid, glare and light spillage.

Policy 8.5 states that the Council will seek to protect, enhance and expand facilities for sport and recreations, both formal and informal.

Policy 8.9 states that sport and recreation facilities make an important contribution to urban living by enabling people to enhance their health and fitness, have fun and socialise.

National Policy

Planning Policy Guidance Note17: Sport and Recreation

Paragraph 18 states that local authorities should seek opportunities to improve the value of existing facilities.

Paragraph 19 states that in considering applications for floodlighting, local authorities ensure that local amenity is protected.

Other Government Publications

The effectiveness of planning policy guidance on sport and recreation, May 4, 2001

Paragraph 13 Open space performs a wide range of roles in enhancing the liveability of cities, towns and rural villages. Protecting open space for its amenity, ecological, educational, social and community benefits are now well established principles among planning authorities and wider interests. The protection of open space is an important part of the *Urban Greening Initiative* and is consonant with the principles outlined in the *UK Sustainability Strategy*.

Paragraph 14. There is a need to ensure that where open space is protected it is also effectively managed, so that its benefits to local residents can be maximised.

Consultations

Transportation - No objections, however lighting Officer's advice should be sought.

Fire Officer - No Access Issues

Environmental Health and Consumer Services - No adverse comments.

Lighting Manager - Proposal is acceptable, should anyone complain then cowls must be fitted.

Representations

Four letters have been received objecting to the proposal on the following grounds, one of the objectors has written in twice.

- a) Invasion of privacy
- b) Columns in direct line of main bedroom and against boundary fence
- c) Excessive illumination
- d) Encourage late night bowling
- e) Inconvenience to residents
- f) Noise already a factor when bowling
- g) Negative effect
- h) Metal poles still in place and are an eyesore
- i) Twice the height of existing columns

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

Determining Issues

Whether the upgrade of the floodlights around the perimeter of the site would have such a detrimental impact in terms of light pollution and loss of amenity to the neighbouring residential properties.

Observations

The site already accommodates some low level lighting, which consists of a fitting attached to a 3 metre high pole, and a further five lighting fittings attached to the perimeter of the site, which would be removed after the installation of the new lighting. The existing lighting facilities do not have the benefit of planning permission.

The proposed lighting columns on the site have already been erected around the perimeter of the bowling green; the light fittings have not been attached to the lighting columns. These lighting columns are taller than the existing lighting columns and can be seen from first floor habitable room windows of neighbouring properties.

The site is a relatively small site located to the rear of the residential properties on Lingfield Close (east of the site) and Astor Road (north of the site). These properties have small rear gardens, with number 5 Lingfield Close having a rear garden of 18 metres and number 4 Lingfield Close having a rear garden of 14 metres, these properties are north east of the site. The properties to the north, Astor Road have rear garden lengths which range from 11 metres and 18 metres, these properties are set an angle, so the rear gardens are more or less triangular in shape. Therefore the level of amenity available to these residents needs to be considered, to protect that amenity available to them. With the limited screening available around the perimeter of the site, direct views from these properties to the Bowling Green can be obtained.

By reducing the number of light fittings from 12 to 8, the agent has addressed the concern with regards to excessive lighting, which were previously expressed.

It is considered that the light fitting design and cowls would reduce any light pollution and 'sky glow' during the times the lights are used and therefore would not significantly reduce the

level of amenity available to the occupiers of the residential properties around the northern and eastern boundaries of the site.

Although the lighting columns are taller than the existing columns the cowls would control the light source. A condition is also recommended requesting full details of the cowls prior to any light fitting being erected on the already installed lighting columns. With time the lighting columns would weather down and not be visible as they are now. A condition requiring the columns to be finished in a more appropriate colour is also recommended.

The number of floodlights have been reduced from the previous application the authority considered and the hours the lights will be used during the summer months has also been reduced from the previous proposal to from 22:00 hours to 21:00 hours, and a sustainable condition restricting the hours is recommended. The restriction of the hours the lights are in use would effectively limit time of play.

The bowling use is an existing use and it is not considered that the installation of the floodlights with restrictive hours of use will encourage bowling significantly later than what is already experienced therefore noise and light pollution would not be unacceptable.

Recommendation: Grant Permission subject to conditions

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

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

2) The light fittings shall only be installed on the lighting columns as shown on the plan submitted on 31 August 2005.

Reason: To ensure the light fittings are installed on the lighting columns as approved, to protect the amenity of neighbours.

3) No development shall commence on site until full details of the lighting shields to be installed around the light fittings have been submitted to and approved in writing by the Local Planning Authority. The lights shall only be used with the approved cowls in place.

Reason: In order to control the light source and reduce light pollution.

4) No development shall commence on site until details of the external finish of the lighting columns have been submitted to and approved in writing by the Local Planning Authority. Only the approved finish shall then be used.

Reason: To ensure satisfactory appearance of the lighting columns.

5) The light fittings hereby approved shall only be used during the hours of 18:00 hours to 21:00 hours on Tuesdays, Wednesdays and Thursdays during the summer months from April until the end of September. The lights shall not be used any time outside of the hours specified or on any other day of the week.

Reason: To control the hours of use of the lights in close proximity to residential properties.

6) The illumination of the light fittings hereby approved shall not exceed 400 watts, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control the illumination of the fittings and to reduce light pollution.

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

The proposal complies with policies ENV12, ENV 32, 3.49, 8.9 and 8.5



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 20 September 2005**

REASON FOR BRINGING TO COMMITTEE: Application submitted by Cllr Harris

Application Number: 05/1588/FL/E3

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Mr. A. Harris

Agent: Mr. A. Harris

Proposal: Erection of purpose built storage building

Location: 92-94, LINDON ROAD, WALSALL, WEST MIDLANDS

Ward: Aldridge North and Walsall Wood

Expired: 03 October 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application documentation states that the site has been used continuously as a showman's fairground depot since the 1950's. The shed would only be used by the applicant and is required due to Health and Safety requirements where certain components have to be stored in a dry environment. The shed would also assist to tidy and secure the site.

The site is on Lindon Road near the junction with Clayhanger Road. The site is used for the storage of road signs and other related equipment. Three existing buildings are located to the south west of the site, two are garages and one is a toilet block. The backdrop to the west of the site consists of a large grey coloured industrial shed, with a public house to the far south east and residential properties form the boundary with the site to the north.

The application proposes the erection of a large 'tunnel' shaped nissen storage building, (printed green) which measures 11 metres in width, 15.2 metres in length and would be 5.5 metres high, for the storage of fairground equipment. The building would be sited at the back of the site, and is made of corrugated steel cladding sheets.

The yard is not used on a daily basis, but as needed and is used mostly in the winter months. Car parking is available at the front of the site and at 1 Clayhanger Road, which is to the north of the site.

The building is an existing building, which has been dismantled from another site to be built on this site. The building is a three years old and is emerald green.

Relevant Planning History

BC14947, Continued use of land for Showmen's Winter Quarters. GSC Feb 1980.

BC1864, Renewal of temporary permission of winter quarters for caravans and storage of showman's equipment. GSC March 1975.

BC4200, Retention of toilet block and winter quarters for caravans and storage equipment. GSC April 1976.

BC6316, Continued use of land for showmen's winter quarters. Renewal of planning permission BC4200. GSC March 1977.

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

Policy 2.2 aims to work towards the creation, sustaining and enhancing a high quality natural and built environment throughout the Borough, including a high standard of design.

Policy GP2 seeks to ensure all developments make a positive contribution to the quality of the environment.

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

Policy 3.7 seeks to protect people from noise, pollution and other environmental problems.

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.

Policy 3.116 good design should be a feature of all development.

Policy ENV32 - Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

Policy T4 Local distributor roads mainly consist of key spine roads within residential and employment areas.

Policy T13 car park standards
1 space per 50 sq. m of gross floorspace up to 250 sq.m.

National Policy

Planning Policy Statement 1 paragraph 34, states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Consultations

Transportation - The marginal increase in gross floor area is unlikely to result in any significant number of new vehicular trips or parking demands, thus no objections.

Pollution Control - No observations

Environmental Health and Consumer Services - No adverse comments.

Fire Officer - Satisfactory access for fire appliances

Representations

None

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

Determining Issues

The determining issue is whether the building would have an adverse impact on visual amenity.

Observations

The site has been used for the storage of showman's fairground equipment which is currently stored in an ad-hoc manner.

The shed would blend in with the industrial backdrop and therefore would not be visually intrusive in the proposed location.

The site is visible from the north east, as there is a piece of open space at the junction with Lindon Road and Clayhanger Road, which allows direct views into the site. Given that the building would be tucked away within the site and the external finish, which would allow the building to blend in with the surroundings, the building is not considered to be visually intrusive.

The building would not affect the level of amenity currently available to the residential occupiers of those properties to the north of the site. The proposed shed would be 11m at the nearest point and 14 metres from the furthest point to the boundary with these properties, furthermore, the dwellings in direct view are set at an angle and have 14 and 16 metre rear gardens respectively. The building would be set a considerable distance away from these properties, so as not to affect the level of amenity currently enjoyed by these neighbouring occupiers.

There is no landscaping along the boundary with the residential properties to the north of the site to screen the building, thus a condition can be attached to any decision requiring details of a landscaping scheme to be planted along the northern boundary. Furthermore, to restrict the use of the building for storage and for no other use, a condition can be attached. This would ensure no other activity ancillary to storage is carried out to protect the level of amenity for neighbouring occupiers.

The storage depot is used by the applicant when needed, in particular the winter months; it is not used on a daily basis. There is ample parking space within the front of the site.

The proposed building would reduce open storage, improving the visual appearance of the site and thus contributing to improving the immediate environment.

Recommendation: Grant Permission subject to conditions

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

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

2) The building hereby approved shall not be erected on the site until a landscaping scheme along the northern boundary of the site, adjacent the rear of the residential properties on Clayhanger Road has been submitted to and approved in writing by the Local planning Authority. Only the approved scheme shall then be implemented during the first available planting season. Any plant or shrub failing to become established shall be replaced to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the site and to provide screening for the residents along Clayhanger Road.

3) The building hereby approved shall not be used for any purposes other than the storage of fairground equipment, no repairs or other ancilliary works shall be carried out unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

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

The proposal complies with the development plan policies 3.6, 3.7, 3.16 and ENV2



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 20 September 2005

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Oliver.

Application Number: 05/1322/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Mr A Mahmood

Agent: Walker Associates

Proposal: Change Of Use To (A5) Hot Food Takeaway

Location: 103, STAFFORD STREET, WALSALL, WEST MIDLANDS, WS2 8DX

Ward: Birchills Leamore

Expired: 29 August 2005

Recommendation Summary: Refuse Permission



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Application and Site Details

This application is a resubmission following the refusal of planning application 04/1458/FL/W7 late in 2004.

The application relates to a vacant insurance brokers office on the west side of Stafford Street at its junction with Croft Street, Walsall. The application proposes the change of use of the ground floor to a takeaway. The first floor would be retained as a separate flat. The proposed opening hours are 11 a.m. to 12 midnight, 7 days a week.

The current application is identical to the previously refusal except that the flue proposed on the rear wall of the building has been omitted. No alternative has been proposed in this application.

There are double yellow lines on both sides of the Stafford Street/Croft Street junction and immediately to the north of the site there is a right turning lane for vehicles turning into Proffitt Street. To the north of Proffitt Street is a traffic light controlled pedestrian crossing.

The block of properties fronting Stafford Street to the north of the application site contains a café and two pubs, one of which has a car park.

On the opposite side of Croft Street to the site is the vehicular entrance to a van sales and repair business, signage for which indicates a need for 24 hour access to its gates. This site is also shared by a timber supply business. Adjacent to this is a car park serving a metal finishers factory which also has a delivery access at back of pavement.

To the rear of the application site are four houses.

Croft Street is traffic calmed by speed humps and during the day this part of the street is full of parked cars. The remainder of Croft Street is predominantly residential.

Relevant Planning History

04/1473/FL/W7 Change of use to takeaway hot food sales (A3) refused 3.9.04

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

Policies GP2 and 3.6 require new development to improve the environment of the borough.

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

Policy S10 states that hot food takeaways are acceptable in some shopping and commercial frontages subject to detailed consideration of their impact on nearby residential amenity; impact on on-street parking in a restricted or hazardous location and impact on visual amenity from ventilation and fume extraction equipment.

Policy T4 states that on-street parking will be strictly regulated.

Policy T13 relates to car parking standards.

Consultations

Transportation: Object on the following grounds:

- i) 8 parking spaces are required but no off-street parking has been provided
- ii) There is on-street parking in Croft Street but given the nature of the business people would park on Stafford Street
- iii) Stafford Street is a District Distributor where parking should be strictly regulated. There are peak hour parking restrictions. Stafford Street also forms part of the bus showcase network.
- iv) On street parking is undesirable along this busy route and would impede the free flow of traffic. Parking outside the premises will obstruct the view of highway users accessing and egressing Croft Street.

Pollution Control: No objections.

Environmental Health: No detail submitted of ventilation - require to be approved - condition suggested.

Walsall Regeneration Company: No objections

Fire Service: No objections

Representations

A petition of 90 names has been received, which supports the application on the following grounds:

- i) there is local demand for a takeaway facility
- ii) parking is available in Croft Street
- iii) the local community wish to see this empty shop brought back into use.

A letter has also been received from Councillor Oliver who makes the following points:

- i) there is increasing dereliction of the shop fronts along Stafford Street which should not be allowed to worsen. The application site is currently in a reasonable external condition but empty premises are vulnerable to decline. Bringing these premises back into a suitable use would be beneficial to the area
- ii) this is a corner property and parking is available along Croft Street. This appears to be clearer of traffic in the evenings when there would be more takeaway trade
- iii) there are other takeaway/café premises in Stafford Street, including within the same block, which face similar or worse parking issues. Off-site parking could perhaps be secured by condition for this use.

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

Determining Issues

- i) impact on the amenity of neighbours/the visual amenity of the area
- ii) impact on local highway conditions due to lack of off-street parking

Observations

Impact on the amenity of neighbours/visual amenity of the area

The second reason for refusal of 04/1473/FL/W7 related to the potential nuisance which nearby residents may experience from cooking smells. No details have been supplied with this application to indicate how this problem might be overcome. The lack of information supplied suggests that the applicant has not considered this aspect of the previous refusal or sought to resolve it in the current proposal. The Inspectorate do not regard this as an issue (several appeal decisions confirm this). I have not proposed it as a reason for refusal.

The premises are a corner property and in the absence of details of the position and appearance of a flue there is the potential for it to have a detrimental effect on the appearance of the building and the streetscene.

There has been a petition in support of the application, on the grounds that there is a local demand for a takeaway. While this issue is a material planning consideration there are a number of hot food takeaways in the area, some of which deliver, and the area is not far from the Town centre.

The use of the premises as a takeaway could ensure its upkeep as a building, although it is well maintained at present and this does not appear to be a problem at this stage. Its use as a retail unit would ensure its maintenance just as well.

Impact on local highway conditions due to lack of off-street parking

Parking is a significant issue in this location. If customers were to park in Croft Street during the day then they would conflict with the access and servicing of the existing businesses and would compete for on-street parking. During the evening they may conflict with the use of the access to the van repair business. At any time this proposal would introduce additional traffic to the residential parts of Croft Street and those neighbouring residential streets which lead back to Stafford Street. Customers are also likely to park on Stafford Street despite the traffic restrictions, forcing vehicles out into the right turning lane for Proffitt Street. This is potentially dangerous close to this busy junction and the pedestrian crossing.

It has been suggested that the application site could share existing off-street parking in the vicinity of the site. The only potential for parking appears to be that of the public house car park approximately 100m to the north. It is unlikely that customers would be prepared to park this far away even if they are aware of its existence.

There are other takeaways/ restaurants/pubs on Stafford Street which have double yellow lines fronting their premises. In the case of restaurants and pubs, where customers would expect to be present for some time, they will be unlikely to park on double yellow lines. Customers to takeaways would expect to be served quickly and as a consequence routinely park illegally. There are two takeaways on Stafford Street which have restricted parking outside but neither of these is on a junction. If parking occurs illegally outside these premises there would be less potential for accidents than at the current application site.

Recommendation: Refuse Permission

1. The application property is positioned adjacent to the junction of Stafford Street and Croft Street where parking is prohibited by existing traffic regulation orders. The lack of off-street parking will encourage customers to park on street and this will create potentially dangerous on-street parking detrimental to the safety and free flow of traffic and pedestrians. The proposal is therefore contrary to Policies S10, T13 and T4 of the Unitary Development Plan.
 2. The siting of a flue on a corner property is potentially difficult to achieve without detriment to the visual amenity of the area. The absence of information in respect of the siting and appearance of a proposed flue for this property suggests that this cannot be achieved in a satisfactory manner. The approval of this application would therefore be contrary to policies GP2, 3.6 and S10 of the Unitary Development Plan.
-