



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation on
28th June 2005**

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To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 28 June 2005**

REASON FOR BRINGING TO COMMITTEE: Significant community interest/Speakers.

Application Number: 04/1321/FL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Minhajul Quran

Agent: Mr. M. Afzal

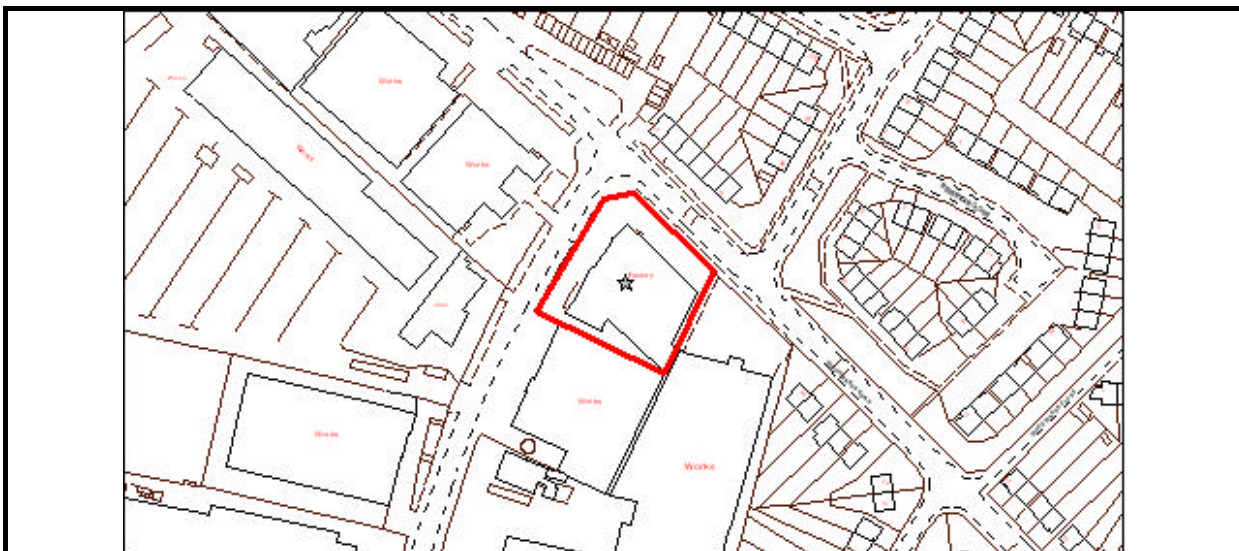
Proposal: Change of use to Mosque

Location: 49,WOODWARDS
ROAD,WALSALL,WEST
MIDLANDS,WS2 9RN

Ward: Pleck

Expired: 25 January 2005

Recommendation Summary: Refuse Permission



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Application and Site Details

The application relates to a former factory at the junction of Woodward's Road and Reservoir Place. The uses on the south side of Woodward's Road are predominantly industrial. The north side is residential.

The application was originally submitted as a change of use to community learning resource centre but this description has subsequently been amended to change of use to a mosque, with ancillary religious education classes.

The mosque will be open for prayers between 6 a.m. and 10 p.m, seven days a week. It is anticipated that very few people would attend the early morning and late evening prayers. It is anticipated that a maximum of 30 adults would attend each prayer session. Religious education classes would be held between 5 p.m. and 8 p.m on Mondays to Fridays only. They would cater for a maximum of 15 to 20 children between the ages of 6 and 13. The majority of children would walk to the site, accompanied by parents, and some would be 'dropped off' by parents at dedicated points within the application site.

The mosque would have one full time employee, who will be responsible for leading the prayers, and two part time employees for the education classes.

A maximum of 25 spaces would be required to comply with Council standards. These can be provided external to the building on the forecourt and further parking (approximately 25 spaces) could be provided in the single storey building. (Since supplying this information the applicants have confirmed that it is not their intention that the single storey part of the building should be used for parking.) Staff would have allocated parking spaces. The applicants wish to encourage visitors to walk to the site and are also willing to provide cycle parking. They would be happy to accept a condition requiring a Travel Plan. There are speed humps along Woodward's Road and most residents have off street parking so that there are unlikely to be any highway safety concerns.

The application site was chosen as it is within the Alumwell area and the majority of users reside within walking distance. The location is well served by buses, along Darlaston road and Pleck Road, which are within walking distance. The site has no designation in the Development Plan and is in a predominantly industrial area, with little effect on residential amenity. Other sites considered were too small or had inadequate parking.

The proposal is unlikely to have any adverse effect on the amenity of local residents. Prayers are offered very quietly. The majority of people will walk to the mosque, reducing external noise from vehicle movements. The property could be re-used as a factory and industrial uses are likely to raise significantly greater levels of noise and disturbance than the proposed use and to generate more traffic movements, possibly involving larger vehicles.

The use of the site is in accordance with PPG6 and PPG13 and with Development Plan policies. The mosque is a local facility and would not add to the viability or vitality of town, district or local centres.

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)

Unitary Development Plan.

Policy GP1 relates to sustainable development - the location of facilities where they are accessible to everyone and minimise the need to travel

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

Paragraph 4.5 states that employment areas(which are not included in Core Employment Areas or are best quality sites) should retain their overall industrial character, subject to Policy JP7.

Policy JP7 defines the uses suitable to employment areas. Places of worship (D1) uses are not acceptable unless a purely local need can be demonstrated.

Policy S1 defines uses which are appropriate to Town centres. This includes uses falling within Class D1 which serve more than local needs.

Policy S6 identifies that some areas are without local facilities such as shops, health, community and local education facilities. New small scale local facilities can be considered acceptable provided that they meet specific criteria relating to scale, location, impact on other centres and facilities, travel and amenity

Policy T13 relates to car parking standards.

Paragraph 8.7 supports the provision of new community facilities, including those for religious groups

National Policy.

Planning Policy Guidance Note PPG1: General Policy and Principles requires Local Authorities to address issues of social inclusion and to make provision for a variety of needs including places of worship.

Planning Policy Guidance Note PPS6: Planning for Town Centres sets out the need to direct development to centres to promote their vitality and viability and to adopt a sequential approach to the location of new development..

Planning Policy Guidance Note: PPG13 Transport promotes accessibility to facilities by public transport, walking and cycling and seeks to reduce the need to travel by private car.

Consultations

Transportation: Objection as the single storey part of the building is not to be used as part of the site's parking facilities. The use as a mosque would require 46 parking spaces on that basis. The former industrial use of the building would have required 16 parking spaces.

Pollution Control: No objections.

Fire Service: No objection.

Education Walsall: No objections.

Walsall Regeneration Company: Object to the application. In general terms the Company supports the provision of community facilities but it is expected such a use would be within a centre unless a local need can be demonstrated. The premises are within a predominantly

industrial area, directly adjacent to the former IMI site. The future development of this site will strengthen the industrial character and the use of the building as a mosque is therefore inappropriate.

Representations

A 98 name petition of support has been received. The supporters addresses are predominantly from Pleck, within walking distance of the site.

Objections have been received to the application in two phases. Initially when the application was described as a community and learning centre it attracted a petition of 335 names and 12 letters. The revised description as a mosque attracted a petition of 118 names and 5 letters. It is clear from the contents of both phases of objections that there are common elements of concern.

The grounds of objection (to both descriptions) are:

- i) the retrospective nature of the use
- ii) lack of off - street parking, parking and congestion on narrow residential roads; difficulty of access for ambulances/fire engines, cars come from outside the area to these premises, traffic is already a problem from the industries in the area; health problems from traffic
- iii) sufficient/too many mosques in the area already; community facilities/education already available; lack of facilities for resident population; proposal of no benefit to area
- iv) large numbers of people visiting the premises, the area is heavily populated and cannot cope with people coming from outside the area. The area is deprived and struggling to resolve problems affecting the community already living here.
- v) there are vacant factories in the area which have residual pollution and the adjacent site is used for zinc plating etc. This is potentially dangerous and unhealthy. The area in general is highly polluted from the motorway.
- vi) noise and unruly behaviour from children and noise from visitors to the mosque particularly in the evening,
- vii) factory needed to encourage jobs in area
- viii) devalue properties
- ix) rubbish and broken windows

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

Determining Issues

- i) the need to retain the building in industrial use
- ii) local need
- iii) parking/highway safety
- iv) amenity

Observations

Use of the building.

The site is not allocated for industrial purposes in the development plan, although, as a building within an existing employment area, paragraphs 4.5 and Policy JP7 give a presumption that the industrial use will be retained. Places of worship are not defined as suitable uses for such areas unless a local need can be justified.

Local need.

The application is supported by a petition of 98 names, with the supporters coming mainly from the Pleck area which is within walking distance of the site.

While residents have objected on the grounds that there are 'sufficient' mosques in the area already the retrospective nature of the application would indicate that this is not the case.

Parking/highway safety.

The applicant has calculated the parking requirement of the site to be 25 spaces, which appears to be based on the use of the first floor of the building only.

The car parking requirement of the two storey part of the building is however 46 spaces based upon the use of both floors (the upper floor for worship and education and the ground floor for ancillary purposes such as offices). The use of the single storey part of the building has not been included in these figures since the applicant has previously indicated that it would be used for parking. Were this area to be used for religious or ancillary purposes rather than car parking then an additional 25 car parking spaces would be required.

The applicant has recently confirmed that there will be no parking available within the building. The application therefore provides 25 parking spaces rather than the 71 spaces required to meet Council standards for places of worship.

The site has been in use for approximately a year, during which the applicant has sought to identify and provide the facilities which the congregation require and the use and the application proposals have therefore been evolving during that time. The applicant has also been made aware that the unauthorised status of the use may result in enforcement action by the Council, so that the level of the current use may be somewhat muted.

Objectors have indicated that on - street parking takes place, causing congestion on narrow roads. The problem does however appear to be an occasional one rather than a permanent problem, which suggests that it is particular events which create additional demand for parking space rather than the day to day use of the premises. There have been three occasions reported over the last year on which parking has been a significant problem. On the latest occasion, which the applicant has confirmed to be a special prayer meeting, residents report that the single storey area of the building was used for parking, with further on-street parking occurring as well.

It is likely that the use of the single storey part of the building for parking could bring the level of parking available up to Council standards, but notwithstanding the use of this part of the building on the last major prayer meeting, the applicant is not prepared to use this space for parking in the future. The lack of this internal space for car parking would increase the requirement for parking since it could be used, instead, for religious/educational purposes if the application were approved.

It has been clearly demonstrated that, on occasion, the parking needs of the site exceed the Council's standards. This situation would be exacerbated on future occasions if the internal space was used for religious purposes rather than parking, since it would increase the need for parking space while simultaneously removing the possibility of providing it.

Amenity.

The operating hours of the original factory were not restricted by condition and evening working could have taken place, with deliveries and shift changes occurring at unsocial hours. The use of the premises as a mosque would not necessarily have a greater impact on the amenities of the area than manufacturing and is likely to have less.

The petitioners in support of the application are locally based and except on the special occasions identified there does not appear to have been a significant number of people visiting the premises. This has the potential to change and increase with the use of the single storey part of the building for worship/educational purposes. The main effect of an increased number of people attending the site would appear to be that of increased parking on the area.

Conclusion.

The site cannot provide sufficient car parking to meet Council standards without the use of the single storey part of the building and on occasion this level of parking provision has been insufficient to prevent on street parking in the immediate vicinity.

The application omits this potential parking area and if approved, would allow its use for religious purposes which clearly has the potential for the congregation to expand and the demand for parking to increase. The resulting shortfall in off street parking provision is unacceptable this close to a junction and would be detrimental to highway safety.

Recommendation: Refuse Permission

1. The proposal fails to provide car parking to the Council's standards, as set out in policy T13 of the Unitary Development Plan, and this will result in on-street parking in proximity to a junction to the detriment of highway safety, when the site is fully used.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 28 June 2005

REASON FOR BRINGING TO COMMITTEE: Major Application/Speakers

Application Number: 04/2710/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Urban Exposure

Agent: Moken Greenhalgh

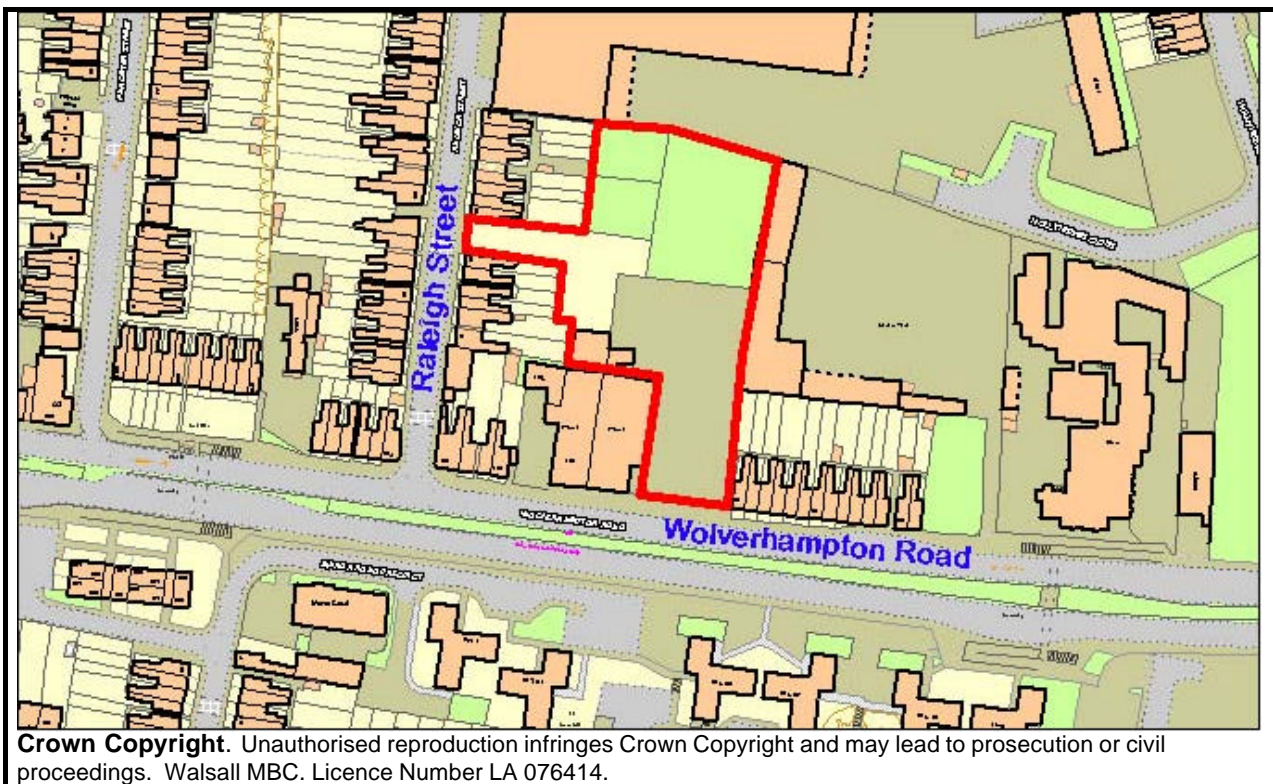
Proposal: Construction of 65 one, and two bedroom apartments with landscaping and parking.

Location: FORMER AVONMORE DAIRIES, WOLVERHAMPTON ROAD, WALSALL, WEST MIDLANDS

Ward: Pleck

Expired: 02 May 2005

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



Application and Site Details

Outline planning permission for residential development has already been granted for the site. All matters were reserved for future approval. This is a fresh application for full planning permission.

Originally the application was for 83 one and two bedroomed apartments. This was reduced to 71 units as part of the scheme was amended to 3 storey. The application was deferred from the last committee meeting, as Members wished to discuss the matter in more depth.

Since that meeting the scheme has been revised by the deletion of the fourth floor on the Wolverhampton Road frontage. This reduces the scheme by six one-bedroomed units. The parking provision has not been reduced.

An inner landscape area would be provided to meet with amenity standards. All units facing the inner amenity area have balconies or ground floor amenity decks.

Ninety-three car parking spaces have been provided for the 65 units (equates to 143% (previously 130%).

The development provides approximately 123 dwellings per hectare (previously 134). The developers have made a statement on the issue that:-

The proposed scheme was worked up as a result of considerable liaison with Planning Officers. Initial proposals were for 83 units. However, following additional liaison, and attempting to address concerns regarding parking numbers the scheme was further reduced to first 74 and then 71 dwellings.

At the last committee meeting the application was deferred. One reason given for this was concern being raised about the density of the scheme. In particular, the fact that it was over 50 dwellings per hectare. In acknowledgment of this issue, and in detailed liaison with Planning Officers, the applicants have further removed the entire upper floor of the area of development facing Wolverhampton Road. This will result in the removal of a further 6 units, reducing the total number of dwellings to 65.

We feel that this (in total 25%) reduction should more than address planning policy requirements and demonstrate the manner in which the applicant wishes to fully accommodate the aspirations of members wherever achievable.

But it is important to underline that the previous application proposals were in line with the Government Planning Guideline requirements for density (as stated in Section H9(c), Chapter 6 of the Walsall UDP), which declares that high density sites which exceed "50 dwellings per hectare, will be encouraged if the proposal:-

- I. Is within or close to a town, district or local centre or other location with good accessibility by a choice of means of transport; or**
- II. Provides small units for people such as single persons or the elderly."**

This scheme clearly fits both the above criteria, and indeed local research has shown there is a big demand from first time buyers to purchase these units as they have been designed at the right sizes to keep price levels affordable despite

the contemporary design of the scheme. This scheme will hopefully encourage other developers to regenerate the area to a similar high standard.

Relevant Planning History

03/2150/OL/W5 Outline: residential development Grant Subject to Conditions 29/12/2003

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

Unitary Development Plan Policies

The UDP promotes good development, it seeks to protect employment and employment land and create good residential environments. It makes no site specific allocations. The following policies are of particular relevance to the consideration of the application.

Policy H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises, provided that:-

- I. A satisfactory residential environment can be achieved, taking into account the considerations set out in Policy ENV11.
- II. There is no overriding need for the land or buildings to be retained for employment or any other use.
- III. The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities.
- IV. Residential development would not unacceptably constrain the development of any adjacent site for its allocated or identified use.
- V. The proposal is acceptable in terms of other policies of the Plan.

(b) When considering proposals for the conversion of appropriate buildings into dwellings the Council will be flexible in the application of standards for parking and amenity space.

Paragraph 3.6 requires re-development schemes to contribute in terms of their layout, design and landscaping towards the environmental improvement of the area.

Paragraph 6.3 advocates a sequential approach maximising the reuse of previously developed sites with good accessibility utilise physical and social infrastructure and take account of physical and environmental constraints where a satisfactory residential environment can be provided.

Paragraph 6.5 addresses meeting housing needs including the need for affordable housing (the latter is also addressed in H4).

Policy 7.8 aims to encourage walking.

Policy T13 sets out Council car parking standards.

Residential Design Standards have now been adopted.

National Policy

Planning Policy Guidance 3 : Housing sets out the Government's objectives for new housing development and is material to the determination of applications and appeals. Those objectives include :

- ~ planning to meet the housing requirements of the whole community, and provision of wider housing opportunity and choice in terms of house types and location;
- ~ giving priority to the re-use of previously developed land;
- ~ creation of more sustainable patterns of development;
- ~ the more efficient use of land through review of planning standards;
- ~ place the needs of people before ease of traffic movement and reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity.
- ~ promotion of good design.
- ~ a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking'.
- ~ can accept higher density in Town Centre or transportation corridors.

Planning Policy Guidance 24 : Planning and Noise gives guidance on suitability of sites for a number of uses.

Consultations

Transportation - There are no transportation objections to the proposal subject to the imposition of conditions relating to the relocation of the road humps (at applicant's expense), and details of the management of the proposed gates. The Transport Assessment (TA) considered the traffic generation of the proposed development and its impact on the surrounding highway network and the parking provision for the development. It concluded that the junctions would operate safely with adequate spare capacity and that the traffic generated by the development is unlikely to have any material impact on the operation of the highway network in the area. Transportation is satisfied with the assumptions and conclusions drawn. The development generates the need for 98 parking spaces. The applicant proposes 93 parking spaces which is considered acceptable due to its proximity to bus routes and the affordable nature of the scheme. The applicant should be asked to provide some cycle storage facilities. The vehicular visibility splays of 2.4m by 60m should be maintained at the junction of the access road with Raleigh Street, this should be kept clear of any obstructions over 600 millimetres in height from carriageway level.

Pollution Control / Environmental Health - Support in principle. This site has Outline Planning Permission for residential development, Planning Permission No 03/2150/OL/W5 previous comments are still relevant.

Several proposed layouts have been submitted in relation to this site these comments relate to the latest amended drawings dated 4th April 2005 and accompanying acoustic report dated March 2005 and April 2005.

The main concern of the Pollution Control Division is that the proposed development is located in an area of the Borough that suffers from a high noise climate due to the activities of Harvestime Bakery and Walsall Iron and Steel scrapyards. Despite continued advice, both verbal and written, by the Pollution Control Division to both the applicant and his noise consultant to locate habitable rooms away from these noise sources the proposed layout

does not address this issue. The site plan submitted with the application indicates that these habitable rooms have openable windows and I have no doubt that the future occupants of these rooms would be subject to a level of noise that would constitute a statutory nuisance pursuant to the Environmental Protection Act 1990 should windows be opened whilst adjacent works are operating. This would leave no option to the Local Authority than to serve notice on adjacent works to restrict their works. In this respect Members may be minded to refuse the application. However, the applicant's noise consultant has now verbally agreed that where he cannot demonstrate suitable amenity in respect of noise climate in habitable rooms or on balconies, the balcony will be removed and windows sealed. The consultant will then demonstrate that the internal noise climate of all habitable rooms will not exceed that recognised by British Standards. I would offer that in such circumstances that the application be approved but conditioned appropriately.

Conditions relating to ground contamination, noise, and ventilation have been suggested.

Drainage Section - Satisfactory

Fire Service - No objections providing the gates off Raleigh Street are provided with an override facility to allow access to fire appliances at all times and that a 'grasscrete' or similar circular footpath is provided with a minimum width of 3.1 m capable of taking 12.5 tonnes and having adequate sized bends to allow a fire appliance to travel all the way around building 'C', then adequate access will be achieved. There would then be no need for dry risers as all flat doors will be within 45m of the fire appliance.

Education Walsall - No justification for any requirement for a financial contribution towards educational facilities under S106.

Education - No need for developer contributions.

Walsall Regeneration Company (WRC) - In our view the proposal is overdevelopment of the site and it is disappointing to note that many of the apartments are extremely small. Such development does not support the creation of sustainable communities. Notwithstanding this, the amendment of the scheme to include 3 bedroom flats on the Wolverhampton Road frontage is welcomed as this will go some way towards increasing housing diversity and choice, improving the sustainability of the scheme and provide an improved level of housing in the area. The treatment to the west elevation of building 'C' is too harsh and requires more animation. The proposed development is sited in a prominent location on a key route into Walsall town centre. As such, it is important that a high standard of design is achieved. The views of the Council's Excellence in Design Officer to be key in the determination of this application.

National Grid - Not affected.

Urban Regeneration Services (Excellence in Design) - The scheme is generally satisfactory. Still concern with ownership of court areas. Frontage needs better quality detail at ground floor level e.g. railings. However, there would be a good amenity area in the central court area.

Representations

I have received 6 letters of objection and a petition containing 42 signatures. These all related to earlier plans, the period for response on the most recently amended plans. I have not

received any response to the most recently amended plans which remove the upper floor from block 'C'. The letters expire on 25/5/05 The grounds of objection were:

- a) Parking increase on-street and increase in traffic.
- b) Height of the flats out of keeping with and overbearing to adjoining dwellings also out of character with height of all other properties on Wolverhampton Road frontage and most on Raleigh Street frontage;
- c) All surrounding developments step down to keep the same profile of adjoining dwellings.
- d) No green area to soften the frontage of the development.
- e) The development is inward facing, giving a blank appearance to adjoining dwellings.
- f) Render is not a high quality medium.
- g) The scheme is like 60's and 70's flats.
- h) Over development.
- i) Concern that this could be a housing association development;
- j) Occupiers of surrounding dwellings are currently reluctant to spend on improving their homes but a high quality development here will encourage investment in existing stock.
- k) The new Wharf development should help to promote a high quality development in this location.
- l) Concern over possible overlooking and loss of light.
- m) Any damage due to the development should be made good.
- n) The existing gate to the side of no. 74 Wolverhampton Road should be retained to ensure the safety of children and security of the rear of these properties.
- o) A secure boundary should be maintained to the new development.
Inconvenience due to proposed construction works.
- p) Loss of community feel.
- q) Noise from people occupying the apartments;

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

Determining Issues

- Density
- Parking/transportation
- Design / Environmental issues
- Affordable housing

Observations

Density

PPG3 (Housing) advocates the efficient use of land and a greater intensity of development at places with good public transport or around major nodes along good quality public transport corridors. The scheme is in such a location and can therefore be supported in terms of density.

Notwithstanding that these were my conclusions in my last report, the developers have chosen to reduce the number of units. While it is a modest change, it has altered both the density and the car parking figures. The latter is addressed below. The change in density is also welcomed.

Design / Environmental Issues

The scheme meets the standards set out on the newly adopted Residential Design Standards.

For a residential development to work on this site it is essential that a high standard of amenity is created for future residents and existing surrounding residents. The two main identified sources of noise are the existing scrap yard and bakery. The relationship between future occupiers and these uses needs to be carefully assessed. This was flagged up at the outline stage.

The boundaries of the site do not provide a pleasant outlook for development i.e. to the east is a scrap yard, to the north a bakery and to the south, the Wolverhampton Road and the backs of two shops, the development has therefore been designed, in the main, as an inward looking scheme within this high density urban area. The scheme has been designed to avoid overlooking of adjacent residential properties or rear gardens of existing development. It does however still include a few habitable windows which overlook the adjoining commercial uses. Pollution Control and Environmental Health have suggested a condition (22) which will ensure that if, following monitoring under recommended standards, a higher rating level than acceptable is recorded then the balcony will be omitted and windows sealed.

The elevations to Wolverhampton Road and Raleigh Street blocks create a contemporary design, to include balconies. The infill buildings on the road frontages continue the street frontage and respect existing building lines. The change to the Wolverhampton Road elevation flowing from the reduction in the number of units does not affect these conclusions.

A good amenity area has been provided in the central court area which is sheltered from the surrounding harsher environment. One block had already been reduced to three storeys in order to reduce the height and benefit this area by increased sunlight, and less dominance from the building. The latest revision further enhances this.

Although the WRC feels that many of the apartments are small, it is acknowledged that the scheme has been amended to include 3 bedroom flats on the Wolverhampton Road frontage. This increases housing diversity and choice, improving the sustainability of the scheme and provide an improved level of housing in the area.

Adverse comment has been made by objectors about the external materials to be used for the development. This can be dealt with by condition.

The occupier of no. 74 Wolverhampton Road has expressed concern about the retention of the existing gate to the side of his property and the retention of a secure boundary with the development. A condition would be required on any approval to address this.

Parking/Transportation

The development generates the need for 98 parking spaces based on 1.5 spaces per unit, 93 spaces have been provided (as already set out this is 143%). Transportation support this provision.

All parking areas are overlooked to provide natural surveillance apart from those in undercroft positions. It is concluded by Transportation that road junctions in the area

would operate safely with adequate spare capacity and that the traffic generated by the development is unlikely to have any material impact on the operation of the highway network in the area. The junction of the access road with Raleigh Street meets the requirement for visibility splays.

The fire officer has commented that the access gates from Raleigh Street should be fitted with an override facility to allow access to fire appliances. He also requires access to within 45 metres of all apartment front doors. This can be achieved by converting part of the footpath which runs through the amenity area into a 4.1 m wide 'grasscrete' type road, with a load bearing capability of 12.5 tonnes. The applicant has agreed to this amendment and I have now received amended plans. I do not feel that this would detrimentally impact on the amenity value of the area as the 'grasscrete' would not be visually apparent. If permission were to be granted a sign should be erected indicating that this is a fire service access.

Affordable housing

The policy base (national and local) identifies there are legitimate needs for this provision. Policy H4 sets a requirement for 25% of a site to be in this form. The Council is defining a set of more detailed requirements.

The policy recognises that sites can be expensive to develop and that this may be a reason to reduce the affordable provision.

I have recommended approval subject to a section 106 agreement. The preparation of the agreement would include a process of defining precisely the level of affordable housing, which would be required.

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

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

Reason : Pursuant to the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include measures to ensure the continued security of 74 Wolverhampton Road where this is reduced by demolitions on the site. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

4. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. The vehicular visibility splays of 2.4m by 60m at the junction of the access road with Raleigh Street shall be maintained and be kept clear of any obstructions over 600 millimetres in height from carriageway level.

Reason: In the interests of highway safety.

6. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason : To ensure the satisfactory functioning of the development and to safeguard the amenity

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

Reason : To ensure the satisfactory appearance of the development.

8. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 9.

Within this period:

- (a) grassed areas will be maintained in a tidy condition by regular cutting and any areas that fail to establish will be reinstated;
- (b) planted areas will be maintained in a tidy condition by regular weeding;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed will 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 will be made good.

Reason : To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

9. No development shall be carried out until a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

Reason : To safeguard the amenities of the occupiers of adjoining premises and highway safety.

10. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels 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 satisfactory appearance of the development and to safeguard the visual amenity of the area.

11. No development shall be carried out until a schedule of facing materials to be used in external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory functioning of the development.

14. No development shall be carried out until a protocol to ensure that the immediately surrounding highways are not adversely affect by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase. (this may involve the use of a wheel wash, road sweepers, etc.) has been submitted to and approved in writing by the Local Planning Authority.

Reason : To prevent mud being deposited on the public highway and in the interests of highway safety.

15. 'Grasscrete' or a similar footpath shall be provided with a minimum width of 3.1 m capable of taking 12.5 tonnes and having adequate sized bends to allow a fire appliance to travel all the way around building 'C'.

Reason: To ensure fire service access to the building.

16. Before the development hereby permitted is brought into use details and position of a sign saying 'Fire Service Access Road' to control use of the grasscrete fire access route shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper functioning of that route.

17. No development shall be commenced until details of an override facility to allow access for fire appliances at all times through the gates proposed off Raleigh Street have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before any dwelling is brought into use, and shall be thereafter retained in working order.

Reason: At the request of the Fire Officer.

19. No development shall be carried out until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) a specification for a ground contamination survey and site investigation to assess the likely hazards of all identified contamination on the site to the proposed development (and its future occupants), resulting from the presence of potentially toxic

materials and the emission of toxic, flammable and asphyxiant gases. and having regard to appropriate advice and guidance, particularly that contained in British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practise'; British Standard BS5930:1999 'Code of Practise for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; and the Inter-Departmental Committee on the redevelopment of Contaminated Land' document ICRCL 59/83: Second Edition 1987 'Guidance on the Assessment of Contaminated Land', Contaminated Land Exposure Assessment (CLEA) model shall be approved in writing by the Local Planning Authority.

(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.

Reason : To ensure the satisfactory development of the site.

20. Prior to development commencing, a noise survey shall be undertaken in accordance with guidance and procedures contained in Planning Policy Guidance PPG 24 and British Standard BS 7445:1991 'Description and Measurement of Environmental Noise' to the written satisfaction of the Local Planning Authority. The results of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 1 month of completion.

Reason :To safeguard the amenities of the occupants.

21. No development shall take place until suitable noise mitigation measures to protect internal and external areas in the form of boundary noise treatment and/or a noise insulation scheme for all habitable rooms in close proximity to noise sources identified in condition 8 has been submitted in writing to, and approved by, the Local Planning Authority. [For the purpose of this condition habitable rooms shall be considered to be bedrooms and lounge areas.]

Reason :To safeguard the amenities of the occupants.

22. In respect of balconies and openable windows, the impact of noise generated from adjacent commercial units will need to be monitored and assessed in accordance with British Standard BS4142:1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'. Where a rating level above background noise is more than 5 as determined with that standard, a level considered to be of '*marginal significance*', then the balcony shall be omitted and windows sealed.

Reason :To safeguard the amenities of the occupants.

23. The method of ventilating rooms shall be agreed with the Local Planning Authority prior to construction commencing.

Reason: To safeguard the amenities of the occupants.

24. 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 07.00 to 18.00 weekdays, and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To safeguard the amenity of the area.

NOTES FOR APPLICANT:

- A. Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination, or other constraints.
- B. In cases where the question of stability or contamination has been a material consideration resolution of these issues does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the granting of planning permission does not give a warranty of support or stability or of freedom from contamination.
- C. The boundary treatment necessary to comply with condition 4 should ensure there is a secure boundary between adjoining properties and the application site.
- D. Careful consideration needs to be given to the frontages of the development at ground floor level possibly by the inclusion of railings
- E. Secure Cycle storage facilities should be included within the development.
- F. Sound level measuring instrumentation shall conform to 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or BS EN 61672: 2003 'Electroacoustics - Sound level meters - Part 1: Specifications' (or any superseding standard(s) as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.
- G. Prior to and after all measurements of noise instrumentation shall be calibrated by means of a known acoustical reference source in accordance with the manufacturers instructions.
- H. Microphone orientation shall be towards the relevant building(s), item(s) of plant or other noise source(s) being assessed as appropriate; microphone height should be

between 1.2 and 1.5m above ground level to assess noise in ground floor rooms. Microphone height shall be increased accordingly to assess noise at other storeys.

- I. At all times noise measurements shall be conducted with a microphone windshield in use and preferably under the following atmospheric conditions:
 - i. *Where a noise measurement position is more than 50 metres from the relevant building(s), item(s) of plant or other noise source(s), a positive wind component of up to 2 metres per second velocity towards the microphone is desirable.*
 - ii. *Where a noise measurement position is between 25 and 50 Metres from the relevant building(s), item(s) of plant or other source(s), either calm or a positive wind component of up to 2 metres per second velocity towards the microphone is desirable.*
 - iii. *Where a noise measurement position is within 25 metres from the relevant building(s), item(s) of plant or other noise source(s), calm or no wind direction is desirable.*
- J. Where sound measurements can not be undertaken where on account of practical or physical reasons, they should be conducted at an alternative location agreed in writing with the Local Planning Authority.
- K. 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.

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 H3, 3.6, 6.3, 6.5, 7.8, T13 and Residential Design Standards 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 28 June 2005

REASON FOR BRINGING TO COMMITTEE: Major development

Application Number: 05/0628/RM/E4

Case Officer: Val Osborn

Application Type: Reserved Matters

Telephone Number: 01922 652487

Applicant: Bellway Homes Limited

Agent: Mr. G. Hooper

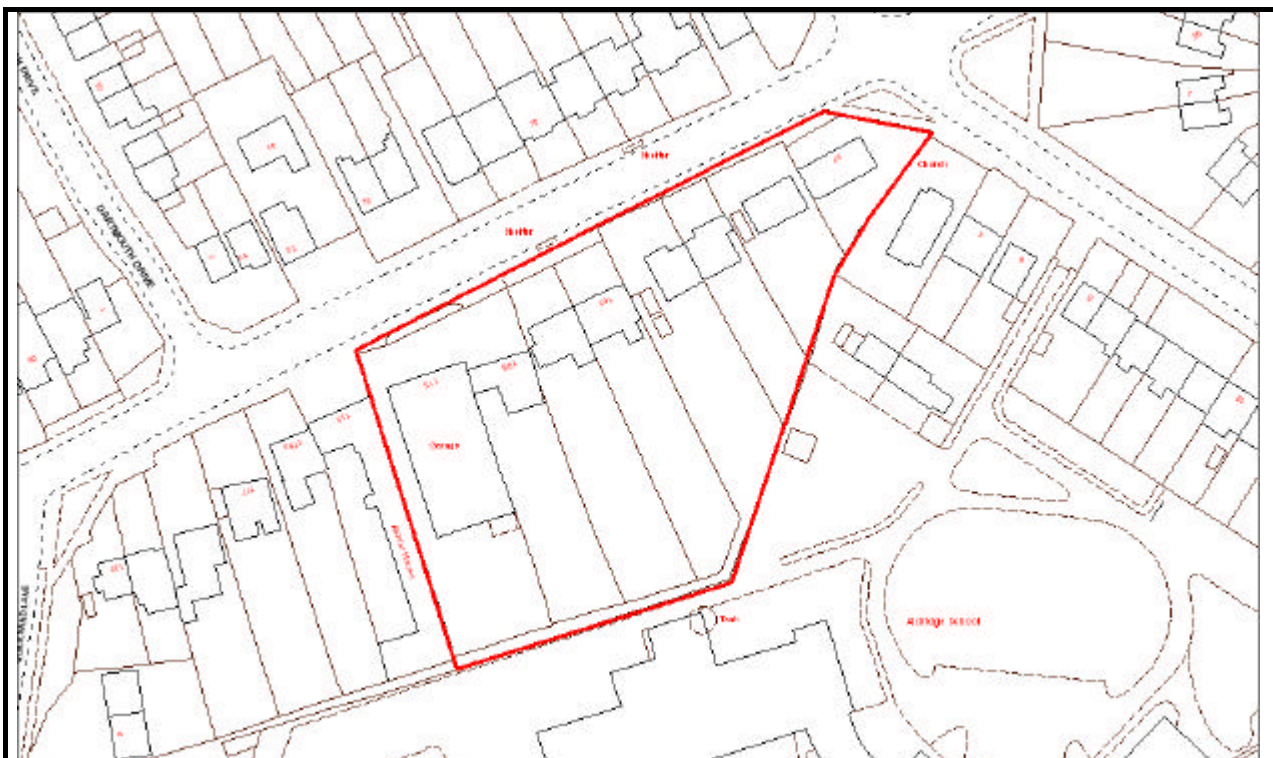
Proposal: Proposed landscaping details
(outstanding Reserved Matter to outline
permission 04/0526/OL/E3)

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

Ward: Aldridge/Central & South

Expired: 29 June 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application is for the Reserved Matter of Landscaping for a site at which planning permission has been granted for the erection of 41 apartments and 12 houses, reference 04/0526/FL/E3. This development was granted outline planning permission on 25 February 2005.

The submitted scheme, as amended proposes tree planting throughout the site, (some 25 trees of extra heavy standard type), with suitable species shrub planting at the corner of Twynings Lane, the Walsall Road frontage to the site and surrounding the flat development at the rear.

A condition of the outline consent requires replacement planting of any trees or shrubs that are failures within five years of planting, to be replaced and it repeated in this recommendation.

The application site was part commercial and part residential, being occupied by a vehicle repair operation and 6 bungalows. These buildings have been demolished. All previous design and layout matters were dealt with in the outline application and this scheme is an application for the sole Reserved Matter of Landscaping.

Relevant Planning History

Application 04/0526/OL/E3 was granted approval for residential development on 25 February 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 on the submitted scheme have been considered, plans amended, and the scheme as now presented in the application is acceptable.

Representations

Aldridge School had expressed concern that some parts of the proposed planting would interfere with a deeded easement right enjoyed by the school.

Determining Issues

- the acceptability of the landscape scheme
- the impact of the proposal on the character and amenity of the area

Observations

The proposed planting scheme has been the subject of negotiations and now features sufficient planting of tree and shrub species so as to provide a satisfactory enhancement of the local environment.

The applicant has amended the scheme to take account of the deeded provisions for Aldridge School, so that there is no tree or shrub planting in the area of concern.

The outline consent imposed a condition requiring replacement of any planting which fails in a five year period from the planting. This condition is repeated in the recommendation.

A condition was not imposed at Outline, in respect of the existing trees identified as to be retained, so as to safeguard their survival and/or replacement in the event that they become damaged or diseased during construction work or the following 5 year period is also included. Annotations on the submitted drawings indicate that the existing trees will be protected by chestnut pailing fencing, in accordance with BS 5837.

Recommendation: Grant Permission subject to conditions

1. The development must be begun not later than 25 February 2010.

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

2. 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.

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 policy ENV33, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Note to applicant

This decision does not over-ride the requirements of conditions of Planning permission reference 04/0526/OL/E3, in particular in respect of boundary treatment, and further details shall be submitted.

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 policy ENV33, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Note to applicant

This decision does not over-ride the requirements of conditions of Planning permission reference 04/0526/OL/E3, in particular in respect of boundary treatment, and further details shall be submitted.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 28 June 2005**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/0453/FL/H1

Case Officer: Neville Ball

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Bellway Homes West Midlands

Agent: Stephen Lowe Associates

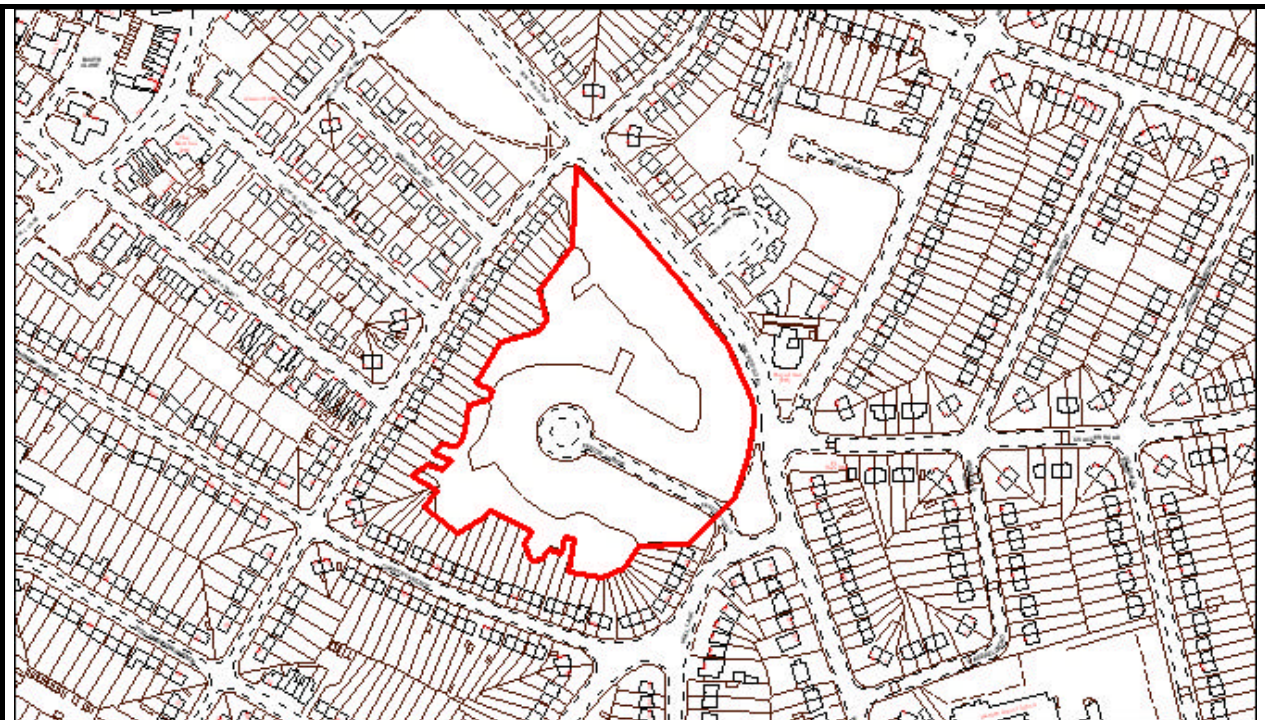
Proposal: 134 Residential Dwellings and
Associated Site Works.

Location: LAND ADJ,WALKER ROAD
AND TAYLOR AVENUE,WALSALL

Ward: Blakenall

Expired: 30 June 2005

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



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Application and Site Details

This application is for the redevelopment of the cleared site of Taylor Avenue and houses that formerly fronted Walker Road and Chantry Avenue for a mixture of houses and apartments. The total of 134 units is to comprise 2 x 1 bedroom apartments, 66 x 2 bedroom apartments, 41 x 3 bedroom houses and 25 x 4 bedroom houses. The apartments are to front Walker Road and Well Lane, whilst the houses are to lie to the rear within the site.

Most of the apartments and some of the houses are to be 3-storey. The site density would be 55 dwellings per hectare.

The application is accompanied by a planning statement, transport assessment, design statement and geoenvironmental assessment. The application is the first and largest of a series of residential development proposals that form part of the regeneration of the Blakenall area.

The planning statement sets out the planning policy background to the site. The transport assessment confirms that the site enjoys good access by public transport, but that the road network in the area has adequate capacity to deal with traffic generated by the development.

The design statement explains the concepts behind the proposed layout. The perimeter blocks are intended to respect existing street frontages and provide visual policing of the public realm whilst allowing for the creation of defensible space.

The geoenvironmental assessment examines ground conditions.

Relevant Planning History

03/2040/PD/E3 Prior Notification of Demolition. Approved January 2004

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

2.1 The aims of sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion underlie all of the Plan's aims.

GP2 Environmental Protection.

The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

GP3 Planning Obligations.

These will be used, as appropriate, to secure the provision of any on or off-site infrastructure made necessary by the development.

GP4 Local Area Regeneration.

The Council will promote and encourage comprehensive local area regeneration initiatives.

GP7 Community Safety.

Development proposals will be expected to have regard for the objective of 'designing out crime.'

ENV32: Design and Development Proposals.

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

6.5 Meeting Housing Needs

In considering proposals for housing development, the Council will take into account the needs and characteristics of the Borough's population, including the need for affordable housing and the particular requirements of groups.

H4 Affordable Housing

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

8.7 to 8.9 Education, Health and Community Facilities

Residential developments will only be permitted where adequate school capacity exists or can be provided. Where needed, the Council will require developers to make a financial contribution to the costs.

LC1 Urban Open Spaces

Residential developments will be required to make financial or other contributions to urban open spaces.

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.

National Planning Policy

Planning Policy Guidance Note 3 states that local planning authorities should:

- providing wider housing opportunity and choice and a better mix in the type, size and location of housing than is currently available, and seek to create mixed communities;
- give priority to re-using previously developed land within urban areas;
- build in ways which exploit and deliver accessibility by public transport;
- make more efficient use of land;
- place the needs of people before ease of traffic movement in designing the layout of residential developments;
- promote good design in new housing developments in order to create attractive, high quality living environments in which people choose to live.

Consultation Replies

Environment Agency

No objection subject to the inclusion of a condition requiring the submission of a scheme for surface water run-off limitation.

Energis Communications

Installations are not affected by the proposed works.

Central Networks

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

West Midlands Fire Service

Access for fire appliances satisfactory

Primary Care Trust

No contribution to health facilities is required.

Education Walsall

There is a significant shortfall in surplus secondary school places in the area. A contribution of £135,000 is required.

Housing Services

It is critical to redress the tenure balance in the New Deal area. This approach is supported by local, regional housing strategy and New Deal's 'a Sustainability Housing Strategy' 2004-2011. This strategy aims to "Create a sustainable community with a balanced housing market and provide housing choice". The area has a disproportionately high number of rented properties and a limited supply of properties to own. The development of site D solely for owner occupation is a step to rebalancing this New Deal's housing market. In the context of Site A, B, & C which are also in New Deals 1st phase of housing developments, the innovative use of Homebuy to provide low cost home ownership, as part of these developments, will also add to "providing housing choice". Further, the owner of site D, is

Bloxwich Housing Trust, which is a 'not for profit' housing association, will use its capital receipt to provide high quality social rented schemes in other parts of the New Deal and Bloxwich areas.

Therefore we are happy to see site D developed for home ownership only.

WMBC Drainage

Raise no objection and highlight that there is a foul sewer running through the site.

WMBC Pollution Control

Recommend limitations on the hours of building works.

WMBC Transportation

No objections subject to the imposition of conditions relating to visibility splays and parking. The number of parking spaces proposed is acceptable.

Representations

None.

Determining Issues

The determining issues are whether the proposed layout complies with planning policy, including the adopted Residential Development Standards, will provide a satisfactory environment for future residents, in particular in respect of community safety, and the need for contributions to off-site infrastructure improvements.

Observations

Planning Policy

The development of the site will make a major contribution to the regeneration of Blakenall and is welcome.

The site lies close to the centre of Blakenall which enjoys good access to public transport, shops and other community facilities. Planning policy encourages high density developments in such areas.

The apartment blocks at the front of the site are intended to create an urban character to the area in place of the previous low density suburban nature of the site, and provide a clear barrier between the public area to the front and the semi-private area to the rear. Both the apartments and the houses will be for sale and they will provide a greater mix of housing types in the area, which is currently dominated by a disproportionately high number of rented properties.

Layout and Environment for Future Residents

The layout complies with UDP policy and in general with the Residential Development Standards. The exception is a small number of plots that face each other across the road. In three cases, the distances between facing windows are only between 14 and 18 metres.

These plots are intended to be 'pinch points' to create a sense of enclosure and defensible space within the development. It would in any case be reasonable to expect rooms that face the road to enjoy less privacy than rooms to the rear.

Minor amendments are needed to a small number of plots and boundary treatments to provide improved security to the rear of the dwellings.

Off-Site Infrastructure Improvements

The only improvements that have been identified is the need to provide additional school places at secondary level. Committee is recommended to authorised the making of a Section 106 agreement or the use of any other appropriate mechanism to secure the necessary contribution to education facilities in the area.

Subject to these issues being resolved, the application is acceptable.

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

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 a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

3. This development shall not be carried out until a schedule of facing materials to be used in external walls, roofs, windows, doors and hard -surfaced external areas of the site has been approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and shall thereafter be retained as such.

Reason: To ensure the satisfactory appearance of the development and to comply with policies ENV32 and H10 of Walsall's Unitary Development Plan.

4. No development shall be carried out until a detailed landscaping scheme, to include planting and boundary treatment, has been approved in writing by the Local Planning Authority. The approved scheme, other than the boundary treatment, shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority. The boundary treatment shall be completed before the

Reason: To ensure the satisfactory appearance of the development and to comply with policies ENV32 and 33 of the Unitary Development Plan.

5. 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 or similar species as that originally required to be planted; and
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development and to comply with policies GP2, ENV32 and ENV33 of the Unitary Development Plan.

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

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

7. No development shall commence until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid any undue light spillage onto adjacent residential properties and the development shall be carried out and retained in accordance with these approved details.

Reason: To ensure the safety of the occupants of the scheme and to protect the amenities of the occupiers of neighbouring residential properties, in accordance with policy ENV 11 of the Unitary Development Plan.

8. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

Reason: To ensure the satisfactory provision of off-street parking, and in accordance with policies T7 and T13 of the Unitary Development Plan.

9. This permission relates to the following drawings:

BLA-PLA-01 Site Layout received on 3 June 2005

B3-PLAN-01A deposited on 28 April 2005

B3-PLAN-02A deposited on 28 April 2005

B5-PLAN-02 deposited on 8 March 2005

B5-PLAN-01 deposited on 8 March 2005

B7-PLAN-02 deposited on 28 April 2005

B7-PLAN-01 deposited on 28 April 2005

B4-PLAN-01 deposited on 28 April 2005

B4-PLAN-02 deposited on 28 April 2005

B6-PLAN-01 deposited on 28 April 2005

L-PLAN-01A deposited on 28 April 2005

M-PLAN-01 deposited on 28 April 2005

N-PLAN-01 deposited on 31 March 2005
O-PLAN-01 deposited on 8 March 2005
O+-PLAN-01 deposited on 8 March 2005
R-PLAN-01 deposited on 8 March 2005
S-PLAN-01 deposited on 8 March 2005
U3B-PLA-1 deposited on 8 March 2005
QU6B-PLA-1 deposited on 8 March 2005

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 2.1, GP2, GP3, GP4, GP7, ENV11, ENV32, ENV33, 6.5, H4, H10, T7, T13, 8.7, 8.8, 8.9 and LC1 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. 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 28 June 2005**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 04/2351/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Streamline Construction Ltd

Agent: Streamline Construction Ltd

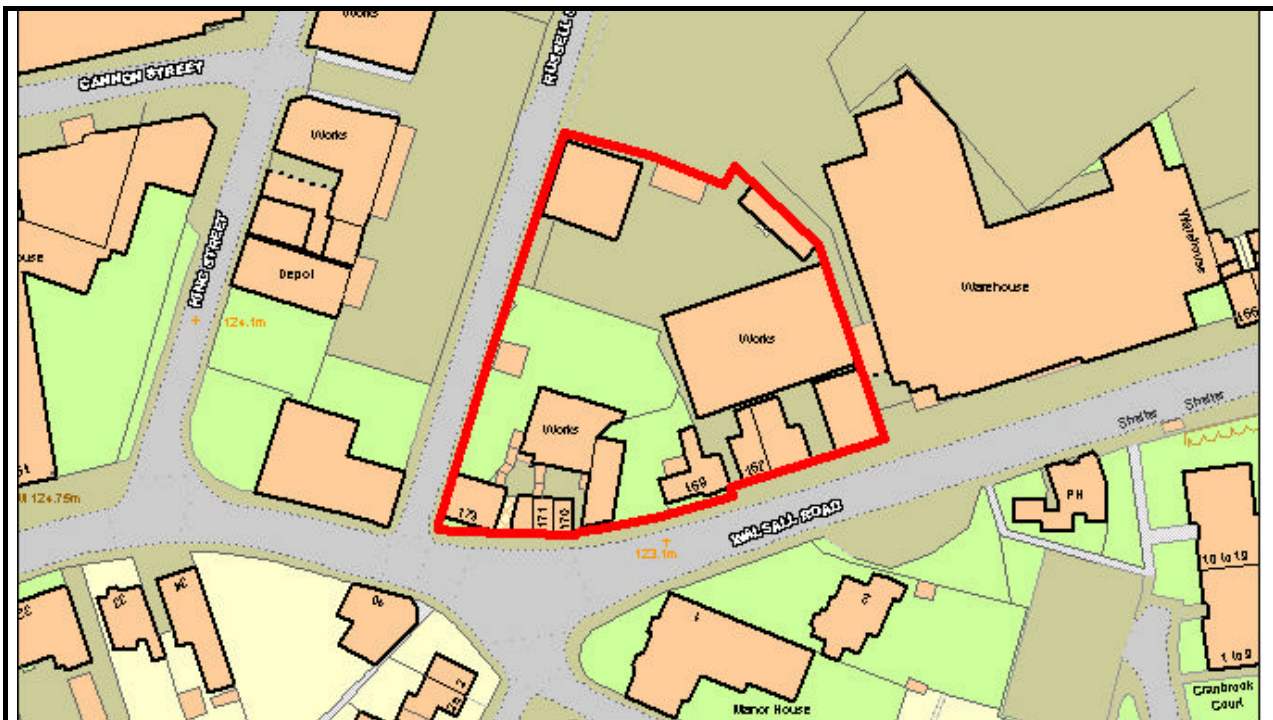
Proposal: Proposed residential development consisting of 35 dwellings and associated parking.

Location: LAND OFF WALSALL ROAD AND, RUSSELL STREET, WILLENHALL, WEST MIDLANDS

Ward: Willenhall South

Expired: 15 February 2005

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



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Application and site details

The application is for 35 units comprising a mix of 3 bedroom terraced houses and 1 and 2 bedroomed apartments.

Car parking is provided at 151% overall allowing for a dedicated space for the houses with the rest being communal (53 parking spaces have been provided for 35 units). The car parking requirement for houses up to 3 bedrooms is 2 spaces per unit and 3 spaces for 4 bedrooms and above (the scheme does not include any 4 bedroom properties or above). The car parking requirement for apartments is 2 spaces for apartments with individual parking and 1.5 spaces for flats with communal parking.

The density of the development is 101 dwellings per hectare approx.

The application involves the removal of buildings along the Walsall Road frontage which are on the Local List. A Supporting Statement in respect of the removal of the locally listed buildings has been submitted. This includes an assessment of the feasibility of restoration including condition of the buildings cost of restoration and whether the buildings could be included in the new development either in total or in part. It reaches the view that it is not economically or practically viable to restore or incorporate the local list buildings into the development.

Outline planning permission for residential development has been granted for the land bounding the rear of the site and overlapping the eastern corner of the site. The current application covers the land on the corner which will extend residential development into a larger more comprehensive scheme.

The application was on the agenda for the last Committee meeting on 7th June 2005 but was withdrawn from the agenda at the request of the applicant in order to further discuss the requirement for affordable housing on the site.

Relevant Planning History

02/0280/OL/W5 Outline: residential development on land adjacent to Comet (covering part of the application site) Grant Subject to Conditions 5/3/03

Relevant History of Site Opposite

04/1487/OL/W1 Demolition of existing office building and construction of new build residential consisting of 9 x 1 bedroom apartments

Refused as demolition of the distinctively designed building, on a main road, would significantly detract from the local environment, and remove a historically valuable building and the information submitted to justify that demolition was not sufficient to demonstrate that the requirement to demolish should over-ride that environmental damage.

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

Unitary Development Plan Policies

Policy H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises, provided that:-

- I. A satisfactory residential environment can be achieved, taking into account the considerations set out in Policy ENV11.
- II. There is no overriding need for the land or buildings to be retained for employment or any other use.
- III. The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities.
- IV. Residential development would not unacceptably constrain the development of any adjacent site for its allocated or identified use.
- V. The proposal is acceptable in terms of other policies of the Plan.

Paragraph 3.6 requires re-development schemes to contribute in terms of their layout, design and landscaping towards the environmental improvement of the area.

H4 Affordable housing requirement. An appropriate element of affordable housing shall be included in all private housing developments of at least 1 hectare or 25 dwellings.

ENV28 Permission should not be granted for the demolition of local list buildings. If it is demonstrated that it is impractical to retain such a building either in part, or in total, the developer should provide for the appropriate recording of the property to a recognised standard, prior to demolition taking place.

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.

Paragraph 6.3 advocates a sequential approach maximising the reuse of previously developed sites with good accessibility utilise physical and social infrastructure and take account of physical and environmental constraints where a satisfactory residential environment can be provided.

Paragraph 6.5 addresses meeting housing needs including the need for affordable housing.

Policy 7.8 aims to encourage walking.

Policy T13 sets out Council car parking standards.

Planning Policy Guidance 3 : Housing

PPG3 (Housing) sets out the Government's objectives for new housing development and is material to the determination of applications and appeals. Those objectives include :

- ~ planning to meet the housing requirements of the whole community, and provision of wider housing opportunity and choice in terms of house types and location;
- ~ giving priority to the re-use of previously developed land;
- ~ creation of more sustainable patterns of development;
- ~ the more efficient use of land through review of planning standards;

- ~ place the needs of people before ease of traffic movement and reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity.
- ~ promotion of good design.
- ~ a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking'.
- ~ can accept higher density in Town Centre or transportation corridors

Planning Policy Guidance 24 : Planning and Noise

Gives guidance on suitability of sites for a number of uses.

Consultations

Transportation - There are no transportation objections to the proposal subject to the imposition of conditions relating to visibility splays and parking.

Pollution Control - Has no objection but highlighted the following issues:-

- 1 Vehicle movements to/from the commercial and industrial premises.
- 2 Loading and unloading of vehicles
- 3 Use of vehicle horns and reversing alarms.
- 4 Behavioural matters (such as employees/customers voices, radios etc.).
- 5 Operating hours. (For information, Comet is open to the general public from 09.00 to 22.00 Monday to Friday, 09.00 to 20.00 on Saturday and 10.00 to 16.00 Sundays. Mercia Lifting Gear Ltd has the potential to carry out emergency repair work at any time 24 hours a day, 365 days a year).

With these issues in mind I would consider residential development is not best suited in these circumstances. I am aware however that the site has outline planning permission for residential use and I would bring your attention to the comments from this Division dated 27th March 2002, in respect of the outline application. In brief these comments were:- The application is close to noisy unrestricted industrial premises. Whilst the site is not best suited to residential development conditions were recommended. Similar conditions have been suggested for the current application these relate to construction and demolition hours; contamination; noise; soil gas and details of plant required for and crushing etc.

Environmental Health - Nothing to add to the Pollution Control comments.

Drainage Section - Satisfactory but River Tame in a large brick culvert (3 m span) runs under the footpath in front of nos. 169 - 167 Walsall Road.

Environmental Regeneration Services (Landscape and Conservation) - The development is close to street trees which could result in pressure to remove the trees when residents move in. The Lombardy Poplars at the rear of the site are not part of the scheme but concerned that they will be very close to the proposed development and cause problems in the near future. Trees in the car park appear to divide the car parking area, this should be part of a more detailed planting plan. The parking opposite the bin store looks very tight.

Urban Regeneration - The area is being promoted for residential purposes. It is not identified as a core employment area. Many properties in the block are in poor condition and could be considered to be non-conforming uses. Residential development is seen as the main

opportunity to effect change. Assistance has been given to the applicant in assembling the site. He is also in the process of acquiring the adjoining site (Comet). The buildings on the local list are in very poor condition and it would not be viable to repair them. Justification for their removal is required. Parking at 100% is supported in view of location. The scheme would provide small units which would be marketed at an affordable level. A courtyard scheme is supported in order to reduce the possible impact of noise on residential amenity. The design feature on the corner is supported. A central amenity area could be achieved by reducing the length of gardens for the houses.

Environmental Regeneration Services Built Heritage Urban Design - Satisfactory

National Grid - Not affected.

Energis Communications - Not affected.

Fire Service - In order to access some of the flats on this development the fire service will have to utilise the footpath from Walsall Road. The total travel distance from Walsall Road to the second floor flats is slightly in excess of the 45 m which fire service accept. Therefore before objection is raised information is required on the gate on the footpath i.e Height/type of fastening if any and suitable signage on completion. If these issues can be sorted out no objections would be raised. I have suggested a condition.

Education - No need for developer contributions.

Lifelong Learning & Community - Any S106 monies should be identified as being used to improve facilities in Harthill Street play area. (There will be no contributions due to the change in policy.)

Black Country Archaeologist - The proposed development includes the sites of 170 - 173 Walsall Road which are included in Walsall M.B.C's Local List. These buildings also include the offices of a lock manufacturer. These buildings should be retained and restored in order to maintain and enhance the local character and identity of the area. The building should be recorded ahead of development, if not. A brief can be provided for the work and a list of archaeological contractors.

British Waterways Board - No objection given the distance from the canal.

Centro - No objection.

Environment Agency - No objections in principle. Conditions are suggested regarding investigation and recording of contamination and remediation The site is in flooding zone 3 but no records of flooding in this zone since early 80's when culverts were installed. Surface water drainage should be controlled

Urban Regeneration Services (Excellence in Design) - The scheme has achieved an acceptable design.

Representations

I have received 1 letter of support for the application as it will improve an area which has been left to deteriorate over the last few years.

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

Determining Issues

- Policy
- Parking/transportation
- Design
- Environmental issues
- Drainage
- affordable housing

Observations

Policy

PPG3 (Housing) advocates the efficient use of land and a greater intensity of development at places with good public transport or around major nodes along good quality public transport corridors. The scheme is in such a location and can therefore be supported in terms of density.

Parking/Transportation

The development generates the need for 57 parking spaces based on 1.5 spaces per unit in the apartments and 2 per house. Parking has been provided at 151% overall allowing for a dedicated space for the houses with the rest being communal (53 parking spaces have been provided for 35 units). Transportation are satisfied with this provision.

All parking areas are overlooked, to provide natural surveillance. I have received revised plans which address the previous concerns of Transportation in relation to visibility splays and width of access roads. I have also suggested an informative for the applicant regarding cycle storage facilities.

Design

The development involves the removal of Local List buildings. As such it is important that a full justification is given for the removal and that the development which replaces them is as good as if not better in design, to compensate for the loss. This has now been provided and the Built Heritage Officer has, on balance accepted the removal of the buildings.

Planning permission was refused for the demolition of a distinctively designed historical building on the opposite side of the road as it was felt that it would detract from the local environment and insufficient justification was provided to over ride the environmental damage which the removal of the building would cause. In that case the building was in much better condition than the 'local list' properties involved with the current proposal and it was felt that the building was capable of being refurbished and brought back into a useful purpose as opposed to the current case.

The Excellence in Design Officer is satisfied with the design of the scheme, his suggestions made in earlier discussions have been incorporated into revised plans. These regard properties facing the road, with doors on the road elevations; vertical divisions (suggested rather than actual) to give the impression of a row of individual properties; eliminate blank

areas of gable wall; be no more than two storeys in height as this is the prevailing height in the immediate locality and the height of the existing buildings and more variation of roof heights.

Environmental Issues

An amenity area enclosed by hoop top metal railings with an access gate has been included in the scheme. Benches and planting are also included in the area.

Pollution control have concerns, but these did not prevent the grant of outline planning permission for residential use. The mitigation measures suggested in the conditions along with a comprehensive sensitive landscaping scheme, would assist in providing a suitable residential environment.

Drainage

The drainage officer has commented that a large culvert carrying the River Tame runs under the footpath in front of the development site. I have suggested an informative for the applicant.

Affordable Housing

Policy H4 of the Unitary Development Plan requires the developer to provide a percentage (usually 25%) of affordable housing within a development of 1 hectare or 25 dwellings. This will require to be governed by a S106 agreement.

Conclusion

Residential development has already been supported in principle in the granting of the outline application on some of the land to which this application relates. The scheme is seen as being satisfactory in design and built heritage terms and would be in keeping with the character of the area. The environmental issues can be resolved through conditions.

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

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

Reason : Pursuant to the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The submitted details shall provide that any garden and landscaped areas are covered with at least 600mm clean sub/ top soil and any pit planting of shrubs and trees receive a depth of 1m clean top soil. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development, and that soils are safe for future occupiers.

5. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, 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 satisfactory appearance of the development and to safeguard the visual amenity of the area.

6. No development shall be carried out until details of a noise assessment scheme incorporating noise mitigation measures, designed to ensure the criteria in BS8233 1999: 'Sound insulation and noise reduction for buildings - Code of practice' and the criteria contained in 'Guidelines for Community Noise', World Health Organisation, 2000 are achieved, shall be submitted to, and approved in writing by, the local planning authority. In addition the scheme should incorporate a BS 4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas' assessment of the industrial/commercial noise affecting the site and mitigation measures shall ensure that any sensitive aspect of the development (including openable windows and private external amenity space) is not exposed to noise greater than 'marginal significance' as determined in accordance with that standard. The approved scheme shall be completed prior to occupation of any dwelling. The approved scheme shall be implemented prior to the occupancy of the first dwelling, and thereafter retained.

Reason: To safeguard the amenities of the occupants.

Notes to applicant:

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

Current guidance and procedures for the completion of a suitable noise and vibration survey can be found in Planning Policy Guidance Note 24 (PPG 24), 'Planning and Noise' and British Standard BS 7445:1991 'Description and Measurement of Environmental Noise' which can assist the developer.

'Habitable room' shall be taken as to include any living room (including dining areas), but excluding any kitchen, bathroom, toilet, hallway, stairway or utility.

7. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

8. Before the development hereby permitted is occupied, a scheme for external lighting shall be submitted to and approved in writing by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

Reason : To safeguard the amenities of the occupiers of adjoining premises and highway safety.

9. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 4. Within this period:

- (a) grassed areas will be maintained in a tidy condition by regular cutting and any areas that fail to establish will be reinstated;
- (b) planted areas will be maintained in a tidy condition by regular weeding;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed will 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 will be made good.

Reason : To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

10. Prior to any 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.

11. Prior to remediation works commencing, details of the plant required for any crushing and/or grading of brick/concrete shall be submitted to the Local Planning Authority for written approval

Reason: To ensure the satisfactory functioning of the development.

12. The Reserved Matters submission shall include a protocol to ensure that the immediately surrounding highways are not adversely affect by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase. (this may involve the use of a wheel wash, road sweepers, etc.)

Reason : To prevent mud being deposited on the public highway and in the interests of highway safety.

NOTES FOR APPLICANT

- A. Council records indicate the presence of a large culvert carrying the River Tame runs under the footpath in front of the development site, which calls for appropriate care in implementing the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies H3, 3.6, H4, ENV28, ENV32, 6.3, 6.5, 7.8 & T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. 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 28 June 2005

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 04/1642/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Broxwood

Agent: Paul Wilkes - Chartered
Architect

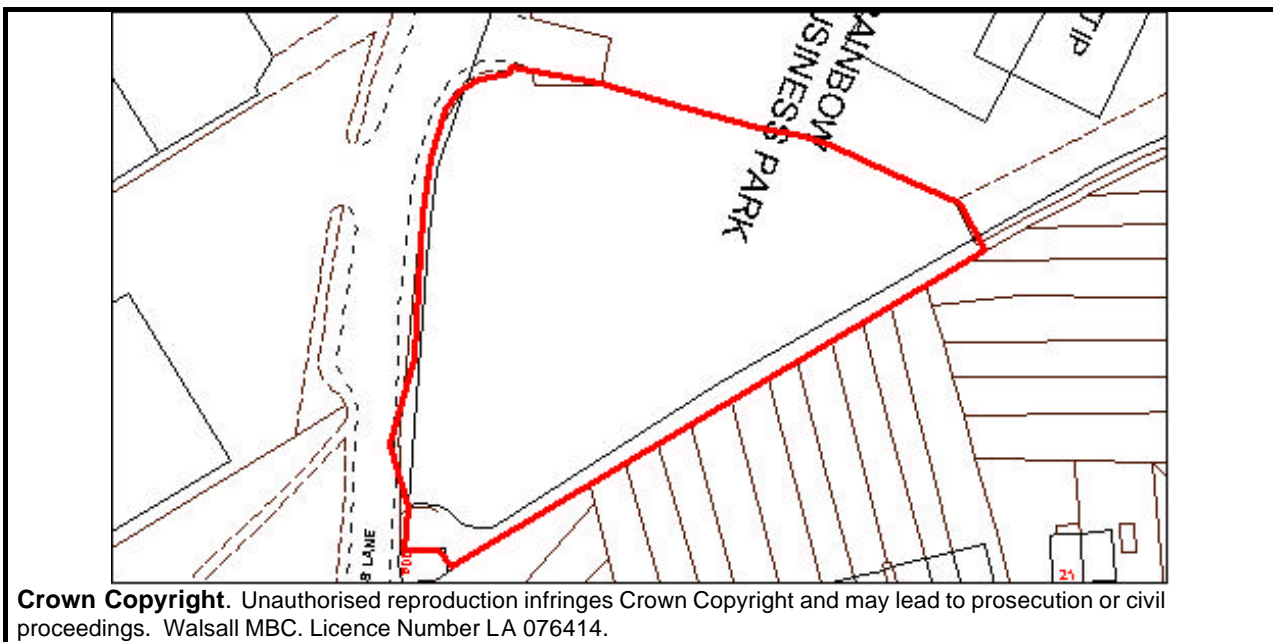
Proposal: Passenger Vehicle Repair and
Maintenance Centre

Location: LAND AT STRINGES
LANE, WILLENHALL, WEST MIDLANDS

Ward: Willenhall South

Expired: 24 September 2004

Recommendation Summary: Grant Permission subject to conditions



Application and Site Details

The application is for a coach repair and maintenance centre. This is a triangular piece of land. The site borders Linktip to the north of the site, and the rear gardens of dwellings on Slater Street to the south east.

Access is via a single access point off Stringes Lane through a set of double gates and a barrier which would be set 10.5m away from the edge of the carriageway. A single building is proposed along the northern boundary with Linktip, consisting of 6 workshop bays and a general reception/office and canteen.

The application has been significantly amended since it was originally submitted.

Relevant Planning History

BC55600P Erection of 1 no Industrial Unit (for B2 - General Industrial Purposes) and 11 no Industrial Units for (B1 - Light Industrial/Office and B8 - Storage and distribution purposes), and ancillary Parking. Grant Subject to Conditions 26/4/2000

This application covered the application site and the adjoining site which has now been developed (Linktip). There have been several applications relating solely to the 'Linktip' site since.

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

Unitary Development Plan

The site was originally designated as E3, Core Employment Area, in the Unitary Development Plan Review. In these areas industry and distribution uses are encouraged and they will be safeguarded for core employment uses. As the site was originally one large site and planning permission was granted for employment uses for the whole site, it was taken out of the Review Plan. Only part of the site was developed for employment purposes (*see history section*). The remaining site therefore has no site specific designation in the now adopted UDP.

Policy ENV32 (b) When assessing the quality of design of any development proposal the Council will consider (inter alia), the appearance, materials, integration and co-ordination of buildings.

Policy 4.2 In order to promote investment in, and diversification of, manufacturing industry and distribution, a supply of employment land and buildings will be maintained that will meet the needs of both inward investors and existing firms. The emphasis will be on the recycling and fullest use of urban land and buildings.

T3 (The rail and Metro Network) (a) land will be safeguarded for rail use and promote jointly with Centro and rail operators the improvement of existing, and the establishment of new, passenger Metro services as appropriate. (b) the council supports in principle the construction of a Metro link from Walsall to Wolverhampton on an alignment which is yet to be determined.

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

T13 Parking provision for garages and vehicle repair workshops, 5 car park spaces per service bay and 1 bike stand for every 10 car parking spaces with a minimum of 2 bike stands. Taxi facilities.

Consultations

Transportation - The revised plans sufficiently accommodate the proposed 5Ws Metro route and are acceptable in highway terms. The proposal generates the need for 30 car parking spaces and these are provided. The revised location of the building no longer impinges on the proposed 5Ws Metro Route. Some of the car parking spaces and the vehicle wash areas do impinge on the route but this is considered a suitable compromise. The visibility splays shown on the drawing are acceptable and a condition should be imposed to the effect that these are maintained free of structures over 1.05 metres in height and landscaping above 0.6 metres in height.

Pollution Control - No objection. Conditions are suggested relating to construction and demolition hours, contamination, operational hours, acoustic barrier; noise and general amenity.

Landscape and Conservation - This proposal has been radically revised since it was originally submitted. The building has been halved in size, and relocated 1.0m away from the northern boundary. The neighbouring building on the adjacent site is a large industrial 'shed', within an area dominated by similar industrial buildings. The effect on nearby residential properties has been significantly reduced. The rear boundary of these houses will now consist of a planting area that, although narrow at only 3.0 m wide would provide sufficient room for the planting and development of (eventually) tall trees. This planting area will need to be robustly fenced to permanently prevent any damage from any building to allow for the eventual growth of trees that will screen the building itself. Subject to the provision of details of the fence to protect planting and planting itself, (species, numbers and size supplied) - this scheme is now acceptable.

Drainage - Satisfactory.

Fire Officer - Satisfactory.

Centro - The amended plans relocate the workshop off the proposed limits of deviation (LoD) for the Metro route. This is welcomed as this aspect of the scheme should no longer prejudice the proposed alignment should it be implemented. However, parking is shown on the LoD, the applicant has indicated that less than 20 spaces are sufficient for their needs. PPG13 aims to limit parking. It is felt that it is unnecessary to require the applicant to include this level of parking and hence parking provision on the LoD could be deleted. In addition, the vehicle washing facility is proposed on the LoD. Could the applicant consider an alternative location? If these comments are taken on board the proposal would be supported as not being prejudicial to Metro.

National Grid - Not affected.

Energis - Not affected.

Environment Agency - No objections in principle but in view of previous land uses and the possibility of contamination, conditions are suggested relating to a scheme for investigation

and recording of contamination; Quantitative Risk Assessment and remedial targets and method statement; oil interceptor requirement; impervious bases for storage.

Representations

I received 2 letters of objection based on the plans as originally submitted on the following grounds:

- a) Unclear how high the building will be; (*this was clarified by phone*)
- b) Do not wish to have sunlight blocked;
- c) Concern about noise;
- d) Height of building will affect amenities;
- e) Proximity of building to rear garden;
- f) Concern about hours of business;
- g) Will the embankment be flattened? (*This was clarified by phone*)

I received 1 letter of objection in relation to the amended plans:-

- a) Still object as no real changes have been made
- b) Why does the embankment have to come down?
- c) Why was no landscaping planted on the embankment on the site adjoining when this was required? (*I am pursuing this separately*)
- d) The access is at a dangerous point in the road.

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

Determining Issues

- principle of development
- transportation/metro issues
- design of the building
- amenity of surrounding residents.

Observations

Principle of development

The site would be designated for Employment purposes if the adjoining land had not been developed separately. The employment use is in line with the UDP and is to be supported.

Transportation/metro issues

The site includes part of the proposed 5 W's metro route. Original plans included a much larger building which was sited on the line of the Metro route, along the south eastern boundary of the site adjoining an embankment which bounds the rear gardens of houses on Slater Street. The applicant has now revised the plans by re-siting and scaling down the building. The access point has been re-sited and 30 car parking spaces have been provided, to comply with Unitary Development Plan standards. The building is not now sited on the Metro route.

Centro, although not formally objecting to the amended plans, have pointed out that there is parking proposed on the Limits of Deviation (LoD) for Metro. They have suggested that parking should be reduced to the original twenty five spaces which were originally provided (this was substandard). In addition a vehicle washing facility is proposed on the LoD. Centro have asked whether this can be relocated in order to leave sufficient land free for the Metro LoD.

I am of the opinion that the applicant has now achieved a scheme which will work operationally that can be supported in transportation terms and which meets parking standards. I am therefore not inclined to call for the parking provision to be reduced. Looking at the proposed layout, there will be space within the site, probably adjacent to the metro line, to re-locate the affected spaces should the Metro route require this at a future date. Again, the vehicle wash facility could be moved if and when the 5Ws is constructed. It does not appear to be a substantial structure but details are not provided with the application. I have suggested a condition asking for details to be submitted.

I am now of the opinion that a satisfactory scheme has been achieved. The applicant feels that the development will work operationally and has worked with us to reduce the significance of the impact on the metro.

Amenity Issues

The objectors are concerned that the development will block light from their properties and cause a noise nuisance. One objector does not wish the embankment to be removed.

The building was originally sited along the boundary with dwellings on Slater Street, however, it has now been relocated away from the houses to the boundary with Linktip. This will significantly reduce the effect of the development on these properties. Although the embankment will be removed as part of the proposal, I have proposed a condition which requires details of an acoustic barrier to this boundary. There will be a 3m wide planting area to the properties which will allow for the planting and development of tall trees. I feel that this would provide sufficient screening and acoustic protection to these dwellings.

Conclusion

A scheme has now been achieved which can be supported in transportation terms and accommodate the proposed metro route. An acoustic barrier will be as effective as the existing embankment in terms of noise attenuation and with the addition of the planting strip the employment use of this site should be supported.

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 construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment

associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

3. No development shall be carried out until details of the car wash facility have been submitted to and approved in writing by the Local Planning Authority.

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

4. Before this development is brought into use, a revised car parking layout shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall include 10 per cent of spaces for use by drivers with disabilities. Access ways, vehicle parking and manoeuvring areas shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall be clearly identified retained and used for no other purpose. The parking spaces shall have been clearly marked out.

Reason: To ensure the satisfactory functioning of the development, in the interests of highway safety and to ensure adequate provision for the ease of access for disabled persons.

5. No development approved by this permission shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency:-

- a) a detailed scheme for the investigation and recording of contamination of the site
- b) A Quantitative Risk Assessment has been undertaken and based on a conceptual understanding of the site conditions to derive Site Specific Remedial Targets for soils/groundwaters.
- c) a Remediation Method Statement if required

The remediation works shall be implemented in accordance with the approved scheme and a Validation Report shall be provided upon completion.

Reason: To prevent pollution of controlled waters.

6. No development shall be carried out until full details of the proposed boundary treatment of the site to include details of an acoustic barrier to be constructed at the rear of the site to separate dwellings located on Slater Street from the proposed development, have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

7. This development shall not be carried out until a schedule of facing materials (including brochure details as necessary) to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

8. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme 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.

9. 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.

10. The applicant shall demonstrate that any landscaped areas are covered with 300mm clean top soil and any pit planting of shrubs and trees receive a depth of 1m clean top soil.

Reason: To ensure the satisfactory development of the site.

11. Permitted operating hours (excluding collections, deliveries and despatches) shall be 0700 to 19:00 Monday to Friday and 08:00 to 14:00 on Saturday.

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

12. No external materials handling operations shall take place outside of permitted operating hours.

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

13. The visibility splays should be maintained free of structures over 1.05 metres in height and landscaping above 0.6 metres in height.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: To ensure the satisfactory functioning of the development.

16. No works, other than necessary building and plant maintenance, shall take place external to building structures located on the site.

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

17. No public address facility, tannoy, radio or similar device shall be installed internal or external to any building or structure that is audible at the boundary of the development site immediately adjacent to dwellings located on Slater Street.

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

18. No extraction or exhaust ventilation plant or equipment shall be installed unless details of ventilation and fume control equipment have been approved in writing by the Local Planning Authority.

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

19. 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 pollution of the water environment.

20. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, plus 10%. If there is a multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents gauges and sight gasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

21. Plant, machinery and equipment used in connection with liquid pumping, the provision of compressed air or electricity, heating, compacting, mechanical ventilation or air conditioning shall be located within the main building structure or otherwise at positions and within enclosures as submitted to and approved in writing by the local planning authority, and thereafter retained in accordance with any approval.

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

22. Installation of floodlights shall accord with current recommendations issued by the Institution of Lighting Engineers for the reduction of light pollution. No light shall be directed at, or illuminate any occupied dwelling located on Slater Street, nor shall any light beam reach or cross any occupied dwelling. Alternatively, no floodlight system of any type shall be installed without prior written approval of the local planning authority.

Reason: To safeguard the amenities of the area.

NOTES FOR APPLICANT:

- A. Should 0.5 tonnes or more of organic solvent be used in any vehicle coating or vehicle refinishing activity the person responsible may require a permit pursuant to the Pollution Prevention and Control (England and Wales) Regulations 2000. This person should contact the Pollution Control Division of the local authority to discuss the implications.
- B. Detergents entering oil interceptors may render them ineffective. All vehicle wash down waters are classed as trade effluent and as such should be disposed of to the main foul sewer with the prior consent of the local sewerage undertaker.
- C. You are advised that, with regard to Condition 2, the planting of native species which encourage wildlife is encouraged.

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 and proposals of the development plan, in particular policies ENV32, 4.2, T3, T7 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Transportation on 28 June 2005

REASON FOR BRINGING TO COMMITTEE: Non Major/Previous Refusal

Application Number: 05/0765/FL/E2

Case Officer: Ron Moss

Application Type: Full application

Telephone Number: 01922 652420

Applicant: Crash ! Bang ! Wallop !

Agent: Derek Saunders BSc MRICS
MaPS

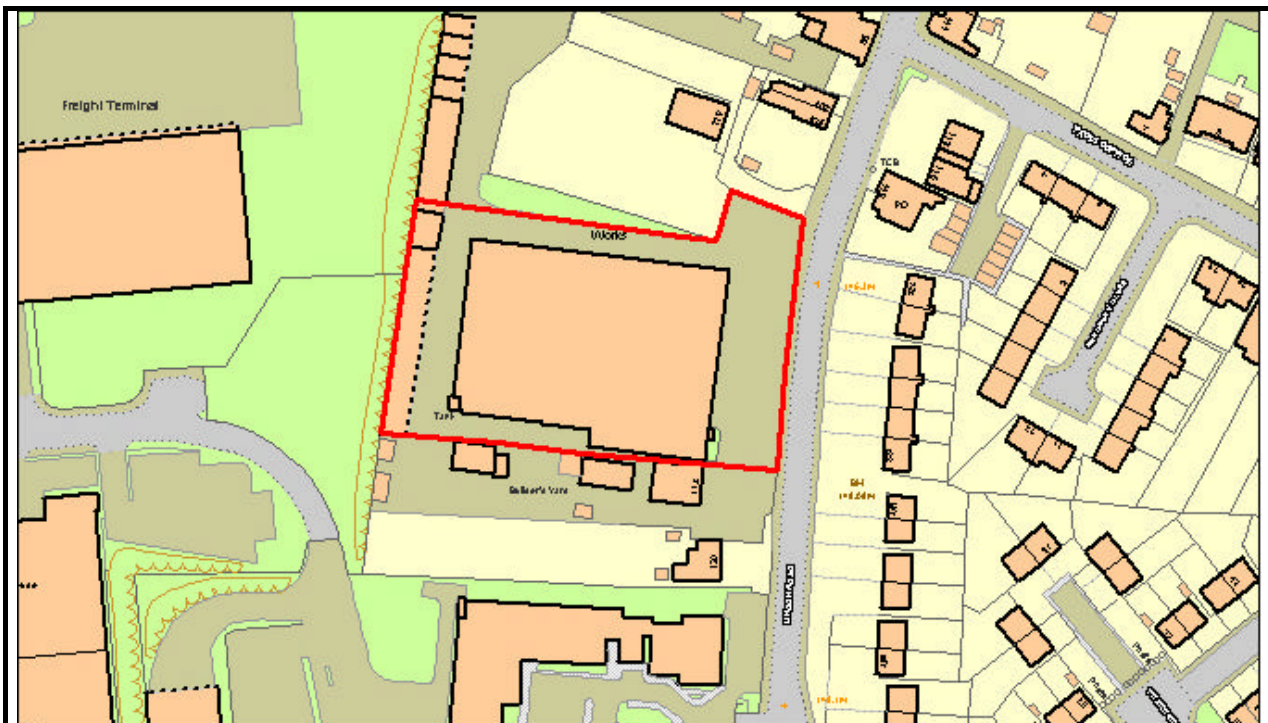
Proposal: Change of use of existing warehouse to Class D2- Indoor Recreation, for use as Activity and Play Area. (Resubmission to 04/2602/FL/E2).

Location: 114 - 116, LINDON ROAD, BROWNHILLS, WALSALL

Ward: Aldridge North and Walsall Wood

Expired: 15 July 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application proposes the change of use of an existing, currently vacant warehouse on Lindon Road to an indoor recreation, activity and play area. There are other industrial units on this side of Lindon Road, but the unit is not within a Core Employment Area. On the opposite side of the road are residential dwellings. The proposal would involve a new brick paved entrance feature as well as pavement around the building. Parking is shown for 80 vehicles to the front, side and rear of the site. The rear part of the site has been left vacant for future expansion. The applicants indicate that the business is aimed at 0-12 year olds and would operate 7 days a week from 10 am to 6pm. The activity area would offer soft adventure play equipment, while the building would also house a café for parents and carers. The maximum capacity would be 150 children and the applicants estimate that facility would attract about 100 children at its peak at the week ends. During the week days the facility would be able to offer local community mother and toddler/baby groups. In terms of parking provision, the application shows parking spaces for 73 cars including 35 extra width spaces for disabled or parent/toddlers and 6 cycle racks. The applicants have also submitted information to show that the application meets the sequential test. This is a requirement for applicants to submit information to demonstrate that this is a sustainable location in the absence of available sites in a centre or on the edge of centre.

Relevant Planning History

04/2602/FL/E2 - Change of Use of Existing Warehouse to Class D2 - Indoor Recreation, For Use as Activity and Play Area, with Ancillary Nursery Area

The application was refused planning permission on 7 February 2005 based on the lack of information regarding the sequential approach, accessibility, impact on the viability and vitality of existing centres nor that the site can be accessed satisfactorily by a choice of means of transport, other than the car and an inadequate parking layout being detrimental to highway safety.

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 GP1(c) aims to make the best use of urban land and buildings and *'not prejudice the beneficial use of adjoining land or buildings or other parts of a building'*.

Policy GP2 is concerned with Environmental Protection and seeks to avoid the creation of *'or susceptibility to'* pollution of any kind (this includes, noise, vibration, disturbance etc.).

Policy 4.3 contains criteria for stating whether land should be safeguarded for employment use.

Policy 4.5 states that other employment areas (i.e not core employment areas) should also retain overall industrial character and are subject to policy JP7.

Policy JP7b) states that D2 uses will not be permitted, except where a purely local need is demonstrated.

Policy JP7d) states that windfall employment sites will normally be safeguarded for employment use.

Part VI of Policy S1 includes community and health facilities in Class D1 (and which meet more than local needs) as being included among 'Town Centre Uses'.

Policy 5.2 states that the prime concern will be to sustain and enhance the vitality and the viability of the Town, District and Local Centres, and to assist these centres to meet the needs of residents, workers and visitors. Centres are therefore the preferred location for town centre uses.

Policy 5.4 of the plan then states: *'The Council will apply a sequential approach for the location of all retailing, leisure, other town uses, and public transport facilities in the following priority order:-*

- Within the Town, District and Local Centres; then
- On the edge of the Town, District and Local Centres; and only then
- Other places which have, or will have, good accessibility by a choice of means of transport.'

Paragraphs 5.5 and 5.6 state respectively that the relevant centres in which to search for sites will depend on the catchment area intended to be served, and that whilst the Council will be realistic it will require flexibility on the part of applicants.

Policy S6 of this plan indicates that out of centre locations can be acceptable where the use meets a local need. Part c) states: *'There are some areas, away from established centres, which are poorly served in quantitative and /or qualitative terms by existing local provision for convenience shopping, local services, eating and drinking places, and health, community and local education facilities. Out of centre development may be appropriate to meet need such specific local needs. However, the policy requires a number of criteria to be met , including that:*

The proposal is of a scale and kind to meet a local need for improved facilities, the need cannot be better met in a centre, there would be no adverse impact on the vitality and viability of any neighbouring centre, the proposal will improve accessibility, the need to travel (particularly by car) would be reduced, there would be no loss of amenity to neighbouring occupiers, adequate safe servicing and parking could take place.

If a local need is not demonstrated, Policy S7 requires that proposals outside of existing centres should satisfy a number of key tests, including:

- Demonstrating there is a need for the proposed development;
- Demonstrating there are no more centrally (sequentially preferable) sites available;
- The likely impact on the vitality and viability of existing centres;
- Accessibility; and
- The likely impact on the need to travel, especially by car.

Lindon Road is a District Distributor Road, where street parking and direct frontage access will be *'strictly regulated'* (Policy T4).

Policy T7 requires that development should comply with the Council's parking standards.

Policies T8 and T9 require adequate provision to be made for pedestrians and cyclists. Policy T12 sets out requirements for access by public transport. For 'town centre uses, including health and educational facilities, it requires a bus stop to be within 400m of the

entrance to the premises and bus services directly to the facility from all parts of the catchment area.

Paragraph 7.3 makes provision for Green Travel Plans, where appropriate.

PPS 6 Planning for Town Centres is a material consideration and it says that the sequential approach and the other tests should apply to proposals for leisure uses in out of centre locations. The Guidance also requires that need is demonstrated and the effect on the need to travel is assessed.

Consultation Replies

Transportation - The previous concerns in relation to the parking layout have been addressed. This resubmitted application is supported by a statement, which gives the anticipated arrival by various modes as; 40% by car, 15% by foot, 30% by bus and 15% by other mode.

Based on the information provided and the proposed level of parking provision it is considered that the proposal is unlikely to have any significant impact on the operation of the surrounding highway network.

Pollution Control - No objection to the proposal.

Urban Regeneration Services - In terms of employment land policy in the UDP it may be acceptable to consider alternative uses, subject to other policies in the plan. Evidence has been provided regarding the sequential approach that there are no sequentially preferable alternative sites that are available, suitable and viable. The proposal does not quite meet the accessibility requirements of the UDP, but this is considered a minor issue. On balance the proposal is considered acceptable.

Fire Officer - Access for fire appliances would be satisfactory

Representations

None

Determining Issues

The determining issues are whether the previous concerns have been overcome and that the following would be met.

- The principle acceptability of the proposed development
- Impact on neighbouring residents
- The proposed access/ parking levels would be adequate

Observations

The principle acceptability of the proposed development

The applicant has supplied information to show that people need to travel to Wolverhampton or Kidderminster to find a similar facility of a Soft Play Family Entertainment Centre. However whilst it has always been accepted that there could potentially be a need for such a facility, the applicant had previously failed to demonstrate that this was the most appropriate location for it. The revised information provided by the applicant in the form of a sequential test now shows that there are no sequentially preferable alternative sites that are available, suitable and viable. The site is also

relatively well served by buses, with stops nearby and any permission would be subject to a condition that cycle racks would be provided. The proposal is acceptable in planning policy terms.

Impact on neighbouring residents

With respect to the impact of the proposal on the amenities of neighbouring residential occupiers, there are neighbouring dwellings fronting the proposal across Lindon Road and no.110 positioned to the north. Any approval would be subject to conditions to prevent noise, nuisance and disturbance from children shouting, amplified sound and to restrict hours of operation. Whilst the proximity of residential dwellings is accepted, it would be difficult to substantiate a reason for refusal on these grounds due to the noise from traffic along Lindon Road, and fact that in a mixed industrial/residential area there would have been likely noise from the previous operation of the site as a warehouse and from the other industrial uses in the area.

The proposed access/ parking levels

With respect to access and parking, although the previous application had sufficient parking spaces the parking layout would have resulted in excessive reversing/turning manoeuvres and have introduced conflicting movements which would have been likely to have an adverse impact on the adjoining highway, Lindon Road. The current proposal shows an alternative layout for 73 cars, including 35 extra width spaces for disabled or parent/toddlers and 6 cycle racks. This current layout meets both the Council's parking requirements and now shows sufficient passing and manoeuvring space to ensure that the proposal would have no detrimental impact on highway flow and safety along Lindon Road.

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. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3. No ventilation or odour control equipment such as extractor fans shall be installed until their details have been approved in writing by the Local Planning Authority. The systems shall be installed in accordance with the approved details before this development is brought into use, and thereafter retained in working order.

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

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

Reason: To ensure the satisfactory functioning of the development.

5. The premises shall not be open for business outside the hours of 0930 to 1830 Mondays to Fridays and from 0930 - 1930 on Saturdays and Sundays.

Reason: To safeguard the amenities of the occupiers of neighbouring residential premises.

6. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

7. No amplification equipment shall be installed in the premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

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

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

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

9. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be marked out. The areas shall thereafter be retained and used for no other purpose.

Reason: In the interests of highway safety.

10. 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 premises 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.

Reason: The site is not necessarily suitable for other uses.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, 2.2, 4.3, 4.5, JP7, 5.2, 5.3, 5.4, 5.5, 5.6, S1, S6, S7, T11, T12 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 website at www.walsall.gov.uk .



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Transportation on 28 June 2005

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 05/0780/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Guru Nanak Sikh Temple

Agent: Reade Buray Associates

Proposal: New Building to extend Temple (Amendments to 04/1091/FL/W5)

Location: GURU NANAK SIKH TEMPLE, WEST BROMWICH STREET, WALSALL, WEST MIDLANDS

Ward: St. Matthews

Expired: 18 July 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application seeks to amend a recent approval (ref. no. 04/1091/FL/W5) for the erection of a detached two storey building adjacent to the existing temple building at the Guru Nanak Sikh Temple, West Bromwich Street, Walsall. That previous scheme was similar to the one now being proposed although there would be an increase in the floor area from 1090 sq mt to 1244 sq metres (an increase of 154 sq mts), as a result of this the car parking scheme has been increased from 69 spaces to 80 spaces, this has been achieved by reconfiguring the previous parking scheme.

The design of the new building has also changed to take into account future remodelling of the site and in particular the existing building. The design is simple with the addition of small characteristics usually associated with a temple, the new building would be used for worship and a dining room.

The proposed 80 car parking spaces include a garage, minibus parking space, 4 disabled persons parking spaces and two blocks of cycle stands.

Other works include the erection of a refuse / waste re-cycling compound at the rear and external plant and equipment area also to the rear, widening of the main vehicular entrance and a new pedestrian only access in place of the existing vehicular access next to the pedestrian crossing on West Bromwich Street.

In addition to the above the application has been accompanied by a green travel plan which sets out ways in which access to the temple could be gained by various modes of travel. Of particular note is the statement regarding special functions usually held on Sunday where it is anticipated that arrangements will be made so members visiting the temple would be by coaches or mini buses thereby reducing the number of journeys by private car.

Relevant Planning History

There have been numerous applications on this site since the temple was created. On each occasion a general lack of car parking provision has been an issue in their determination.

The temple bought the adjoining land (Tunley House) and have created a car park which is not surfaced or marked out.

This is the fourth application of a similar nature culminating in planning reference number 04/1091/FL/W5, extension to Temple (proposed new floor area 1090 sq mts. total of 2260 sq.mt. with provision of 69 space car park), granted 7th January, 2005. That approval has not been implemented.

Previous information and advice on the above application included

- the new building being used for prayer and delivery of social and cultural programmes including youth programmes such as Gatka, Tabla and music lessons
- the existing buildings to be used for living and sleeping quarters by the priests, showers facilities for use by priest and a resource centre for Sikh religious and cultural material
- resident priest to open access gates between 4-4.30 am and close at 9-9.30 pm every day.

- weddings would be held on Sundays between 10.00 am and 12.30 pm every two to three months.
- coming of age gatherings would be held on Sundays between 10.00 am and 12.30 pm
- local bus service every four minutes
- local people walk to the temple.
- on week days there is only a handful of people
- if there is a wedding about 200 to 300 people will attend and many come by coach
- the distance from the temple to the bus station at Bradford Place is no more than eight tenths of a mile

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

Unitary Development Plan

3.6... new and redevelopment schemes will help improve the environment...relevant considerations are set out in Policy GP2.

3.7... proposals will protect nearby uses from excessive noise, pollution and other environmental nuisance.

5.11...promote functional, transport, environmental and community safety improvements to maintain and enhance the attractiveness and accessibility of established centres as focal points for shopping and other commercial, leisure and community activities.

8.7... enhancement of existing and new facilities for education, health and other community needs (including those of religious groups and other community organisations) will be encouraged....emphasis will be placed on locations which are accessible to all sections of the community by a choice of means of transport

GP1: Sustainable Location - facilities accessible to everyone and minimise travel particularly by the private car...

GP4:Local Area Regeneration

(a)...promote local area regeneration initiatives that:-

- vi) Improve the range of local facilities and amenities, and promote access to these by all members of the community.

(c)...local distinctiveness of communities will be respected, protected and fostered.

GP5: Equal Opportunities

(a)development proposals will ensure the needs of all sections of the community are taken into account ... no discrimination against any individual or group on the basis of race, gender, age, poor mobility, disability, poverty, or any other factor.

(b)...attention given to the needs of people who are in any way disadvantaged in order to maximise equality of opportunity and engender greater social inclusion.

(c)...The Council will seek to maximise the opportunities for all sections of the community to participate in the development process.

7.3... require, where appropriate, the submission of Green Travel Plans to demonstrate how access to developments by more sustainable forms of transport will be maximised.

T13A. (i) standards subject to thresholds / notes in PPG13 Annex D... developments will provide adequate on-site car parking to meet needs without adverse effect on highway safety and environment...parking standards for cycles / taxis are minimum and (v) Bike stands should be located near the entrance of buildings, or in other places where they are clearly visible from the building, in the interests of security. Any employment use which provides toilet facilities should also provide shower, changing and locker facilities for the use of cyclists

E...other community facilities : 1 car park space per 22m² of gross floor space. 1 bike stand for every car park space. Taxi facilities

National Policy

PPG13 - Annex D : Maximum Parking Standards for D2 use class (other than cinemas, conference facilities and stadia) :

National maximum parking standard = 1 space per 22m² (the threshold from and above which the standard applies = 1000m²)

Consultations

Transportation - there are no objections

Pollution Control Division - no objections

Environmental Health - no objections

Drainage - no objections

Fire Service - satisfactory

Central Networks - no objections

Representations

I have received 6 letters of representation objecting to the proposals on the following grounds :

- a) reduced car parking will result in parking in nearby streets which already occurs
- b) during events both sides of Redhouse Street are already affected
- c) no alternative solutions to compensate for reduced parking
- d) proposed parking restrictions on West Bromwich Road and Weston Street will also result in those occupiers having to park elsewhere such as Redhouse Street
- e) parking congestion on service road rear of Little London House and the church therefore rear access should be kept locked and used by emergency vehicles only
- f) boundary between the temple, Little London House and church needs to be addressed

- g) unsupported excavation causing subsidence of church car park and fence is leaning over
- h) limited availability of on-street parking in the area... does the amended proposal makes sufficient provision for parking
- i) parking problems with coaches parked on junction of Little London and Bath Road not allowing for visibility on egress from service road from flats and church
- j) lack of landscaping
- k) no drainage shown
- l) parking on West Bromwich Street (which is double yellow lines) on festival days.

Determining Issues

Whether the proposed parking scheme is satisfactory.

Observations

Previous reports regarding various extensions at this site have outlined concerns regarding potential on street parking. However, you considered the submitted details to be acceptable and approved the proposals.

This application now increases both the proposed floor area and the number of parking spaces to be provided on the site. The new detached two storey building would have a total floor area of 1244 sq. mts (2330sq mts. in total), the car parking scheme accommodates 80 spaces, this is an overall improvement on any of the previous applications which have been approved. Consequently, my concerns regarding parking on the local highways have been addressed and conclude that the scheme is satisfactory for the day to day operation of the temple. However, I still remain concerned regarding the holding of special events.

The applicants have submitted a document titled 'Green Travel Plan', this simply makes statements about the existing situation and forms of transport available in the vicinity i.e. the regularity of bus services which serve this site, the location of the railway station, walking distances and that on special occasions the temples committee members will arrange for visitors to be collected from local hotels and the railway station in mini buses and coaches. The purpose of a green travel plan is to be more specific than this and should provide a package of practical measures to encourage visitors to choose alternative methods of travel which will reduce the environmental impact of travel. I do not consider the details submitted in this document fulfil this purpose and therefore recommended that any approval should again be subject to a condition requiring further submission of details in respect of a green travel plan.

Conclusion

Given existing planning permission which has established a level of parking for the proposed use the proposed parking scheme is satisfactory for the day to day operation of the site. Therefore, the proposed scheme is recommended for approval subject to the submission of a Green Travel Plan to address occasions when special events are held.

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 details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained.

Reason : To ensure the satisfactory appearance of the development.

3. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

4. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. The approved new building shall not be brought into use until self closing doors have been fitted to the premises, and these shall thereafter be retained at all times. There shall be no provision in the design of the doors to lock or hold them open and they shall not be wedged or otherwise held open.

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

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

Reason : In the interests of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no use of the access which is shown on the boundary with Little London House, for either access or egress by motor vehicles with the exception of emergency vehicles, without the prior submission and approval of a planning application. The access shall be kept locked at all other times when not in use for emergency access.

Reason : In the interests of highway safety and to safeguard the amenities of the occupiers of adjoining premises.

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

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

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

Reason : To safeguard the amenities of the occupiers of adjoining premises and in the interests of highway safety.

10. No new amplification equipment shall be installed in the premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

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

11. No plant or equipment used in connection with heating, ventilation air conditioning, chilling or freezing systems shall be installed until the location of the machinery has been approved in writing by the Local Planning Authority.

Reason : To safeguard the amenity of the area.

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

Reason: To ensure the satisfactory appearance of the development.

13. Within three months of any part of this development having commenced a Green Travel Plan is required to be submitted in writing to the Local Planning Authority. The Plan shall be approved by the Local Planning Authority and shall identify a package of proposed measures consistent with the aim of reducing reliance on car travel to this site.

Reason : To ensure the satisfactory functioning of the development.

14. 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.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 28 June 2005**

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 05/0862/FL/E2

Case Officer: Ron Moss

Application Type: Full application

Telephone Number: 01922 652420

Applicant: R Rowan Esq

Agent: Derek Saunders

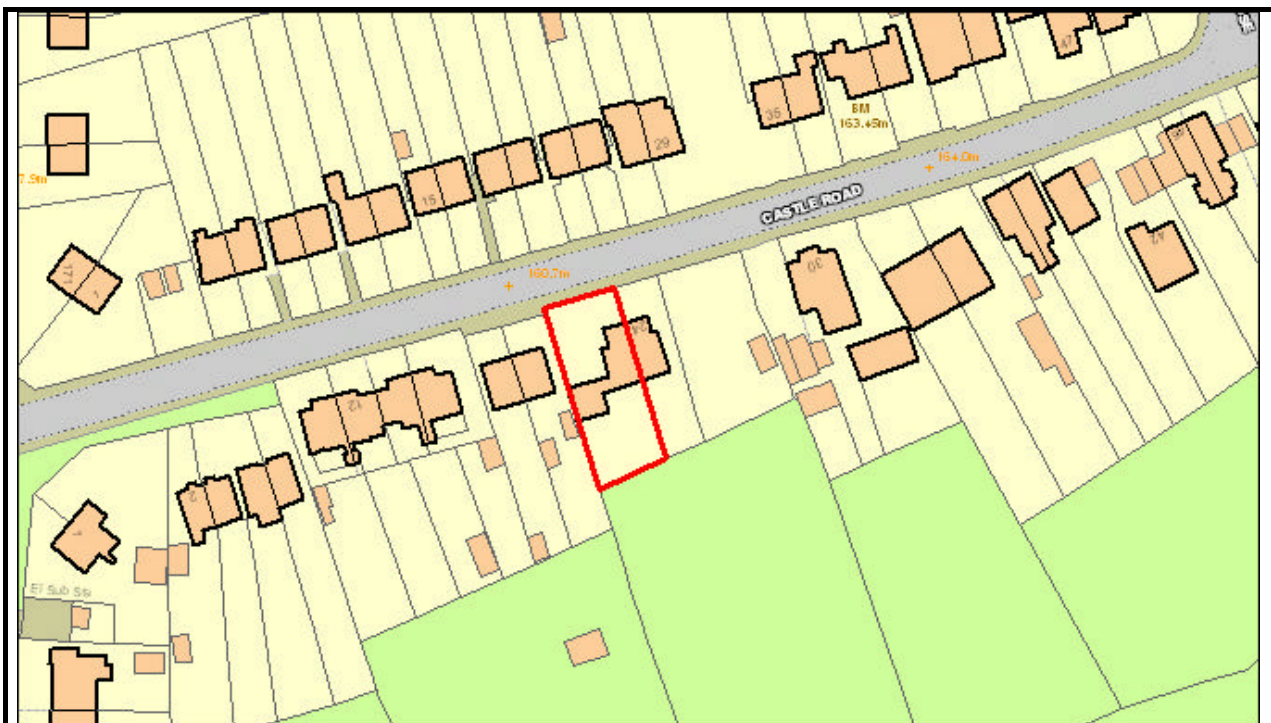
Proposal: Erection of single detached dwelling

Location: 22,CASTLE
ROAD,WALSALL,WEST
MIDLANDS,WS9 9BY

Ward: Aldridge North and Walsall Wood

Expired: 21 June 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application site contains a semi detached dwelling house and a double garage. The area is characterised by detached and semi detached dwelling houses.

The proposal is for the demolition of the double garage and the erection of a 3 bedrooed detached dwelling that would be positioned 2.2m behind the front elevations of the neighbouring properties 20 and 22 Castle Road, and with its rear elevation aligning with the rear elevation of no.22. Parking would be provided in the form of an integral garage and front parking space.

Relevant Planning History

No relevant planning history

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

Policy GP2 states that the Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations that will be taken into account in the assessment.

Policy 3.6 states that redevelopment schemes should improve the appearance of the Borough.

Policy ENV14 is for the encouragement of the reclamation and development of derelict and previously developed land.

ENV32 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

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

Policy H3 states that the Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

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

Policy H10 states that residential developments should create a high quality living environment, well - integrated with surrounding land uses and local character.

Policy T13 states that dwellings up to 3 bedrooms in size will require 2 parking spaces.

Residential Development Standards - A minimum distance of 24m will normally be required between facing windows of habitable rooms, 13m between habitable room windows and blank walls. Garden lengths to be 12m and areas to be 68 sq.m.

Any two storey proposal would need to respect a 45 degree line taken from the quarter point of the window sill at ground floor level of the neighbouring properties.

Government Policy

Planning Policy Statement 1 states that :

Para 33 ' Good design is indivisible from good planning '

Para 34 ' Good design should contribute positively to making places better for people '

Para 35 ' High - quality and inclusive design should be the aim of all those involved in the development process.'

Planning Policy Guidance Note 3: Housing, promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments. Aims to achieve more efficient use of land and to increase the density of development above that generally achieved to date, it is also stated in paragraph 56 that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

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

Consultation Replies

Transportation - No objection

Pollution Control - No objection subject to a condition on the hours of construction and demolition.

Drainage - No objection

West Midlands Fire Service - Satisfactory access for fire engines

Representations

6 letters received objecting to the development on the following grounds:-

- a) Would increase the traffic in the area to an unacceptable level. Already high levels along road, which is used as a 'cut through' by commuters
- b) Out of character with the street scene.
- c) Would lead to noise and disruption
- d) There has been a history of subsidence in the area- Proposed housing on land rear of Castle road refused due to mining fault, which runs through land where 26 and 28 once stood.
- e) Devaluation of house prices in area
- f) Would lead to overlooking and loss of light.
- g) Loss of privacy and security
- h) Plans misleading as kitchen extension is not shown.

Determining Issues

The determining issues are whether:-

- Impact on the character and appearance of the area
- Impact on the residential environment and the residential amenity of neighbouring occupiers
- Parking provision and access
- Other Material Considerations

Observations

Impact on the character and appearance of the area

The area is characterised by detached and semi detached dwellings set back at varying distances from the road. This proposed detached dwelling with small front gable feature and integral garage set back a couple of metres further from the road than the two adjacent dwellings is considered acceptable in the street scene.

Impact on the residential environment and the residential amenity of neighbouring occupiers

The proposed dwelling and the existing dwelling at no.22 are shown with adequate amenity space and rear garden depths to meet the Council's standards. The rear elevation of the proposal would extend no further rearwards than that of the existing dwelling at no. 22. The dwelling would extend 2.6m beyond the rear elevation of no.20, however there would be a gap of 2.4m between the dwellings that would ensure the development would not break a 45 degree line taken from the rear windows of no.20. The proposed development is considered acceptable

Parking provision and access

The development is shown with an integral garage and a parking space. This meets Council standards for a three bedroomed dwelling. The existing vehicular crossover would be utilised to provide access, while the existing dwelling no.22 is shown with 2 parking spaces accessed via the construction of a new pedestrian cross over. Your Transportation officer raises no objection to the proposal.

Other Material Considerations

The devaluation of property prices is not a material planning consideration. The issue of potential subsidence is also not a planning matter and would be dealt with under the Building Regulations application. The hours of construction and demolition are better controlled through Environmental Health legislation.

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 full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the local planning authority. The approved scheme

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

Reason: To ensure the satisfactory appearance of the development.

5. No development shall be carried out until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with these approved details.

Reason : To ensure the satisfactory drainage of the development

6. The car parking shown on the approved plans shall only be used for this purpose and in association with the residential use of no,22 Castle Road and the approved new dwelling, which is the subject of this planning permission.

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

The application is considered to accord with policies 3.6, GP2, ENV14, ENV32, 6.3, H3 ,H9 ,H10 and T13 of the adopted Unitary Development Plan as well as Planning Policy Statement 1 and Planning Policy Guidance Notes 3 and 13.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 28 June 2005**

REASON FOR BRINGING TO COMMITTEE: Significant community interest.

Application Number: 05/0673/FL/H1

Case Officer: Neville Ball

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Miss A Chaudary

Agent: Mr M Gay

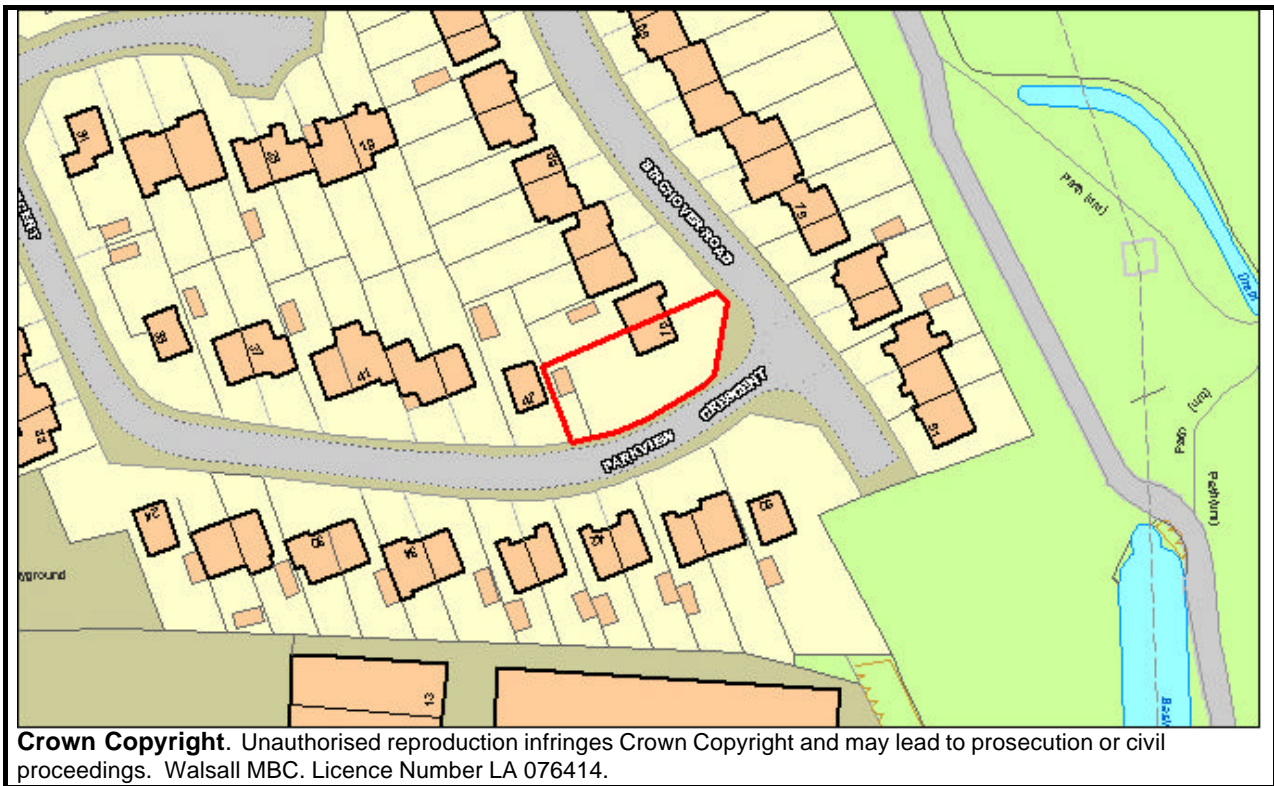
Proposal: Two-storey side extension

Location: 70, BIRCHOVER
ROAD, WALSALL, WEST
MIDLANDS, WS2 8TX

Ward: Birchills Leamore

Expired: 26 May 2005

Recommendation Summary: Grant Permission subject to conditions



Application and Site Details

This application is for an extension to a semi-detached house on the corner of Birchover Road and Parkview Crescent to provide a sitting room on the ground floor, and increase the total number of bedrooms on the first floor from 3 to 5. The extension is to be 5.2 metres wide, the same as the existing house.

The original submitted plans showed the front and rear of the extension to be in line with that of the existing house. Amended plans have now been received that show the front of the extension set back a metre from the front of the existing house at first floor level, but projecting a metre beyond the rear of the existing at ground and first floor level.

The extension is to have a gable roof to match that of the original house. The submitted plans indicate roof lights to be inserted in the existing roof to the front and rear.

Relevant Planning History

04/2445/FL/H6. Two-storey side extension. Refused December 2004 on the grounds that the excessive size relative to the existing house and others in the area would be out of keeping. The extension was to be 7.8 metres wide.

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

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

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Walsall MBC Residential Design Standards

These include a requirement for a distance of at least 13 metres between habitable room windows and blank two-storey gables.

National Policy

Planning Policy Statement 1

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

Consultation Replies

Pollution Control - No evidence of landfill gas migration.

British Waterways - No comment.

Inland Waterways - No comments.

Representations

Representations have been received from the occupiers of 44, 46 and 48 Parkview Crescent, together with an anonymous letter, objecting on the grounds that the estate was designed with open plan corners and the extension would be unsightly and not in keeping, and parking would be a hazard. The neighbours claim that the applicant currently parks on the road instead of using the garage to the rear, and express concern about nuisance during building work, as well as property devaluation.

The occupier of number 46 also claims that the extension would block out light.

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

Determining Issues

- whether the design of the extension would be compatible with the existing dwelling and the character of the wider area
- the impact on the amenities of nearby residents
- parking.

Observations

Design / Character

The shape of the extension would be in keeping with the existing house but the extension would effectively double the size of the house in an area where most of the properties are semi-detached and detached houses of modest proportions.

The house lies on an unusually large plot however. A gap of between 4 and 5 metres would remain between the side of the extension and the back of pavement on Parkview Crescent. There is currently a 2 metre laurel hedge at the back of pavement, which could be retained if the extension was built. The extension will therefore have little impact on the openness or character of the wider area.

Setting back the front of the first floor of the extension as shown on the amended plans would make the extension subservient to the original house.

Impact on nearby residents

The extension would lie on the side of the houses away from the immediate neighbour at number 68 and would have little impact on this neighbour. The house to the rear, number 47 Parkview Crescent, is higher than number 70 and would be screened by the existing rear garage between the extension and the boundary.

The distance from the side of the extension to the front of 46 and 48 Parkview Crescent, which lie to the south on the opposite side of the road, would, at approximately 23.6 metres, be well in excess of the minimum separation of 13 metres to blank gable walls required by policy.

Parking

There would be room in the rear garden or to the front of the house to provide parking spaces in accordance with the council's parking standards.

With respect to the other concerns of the neighbours, disruption during building work and property devaluation are not material planning considerations.

Recommendation: Grant Permission subject to conditions

Conditions and Reasons for 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 external surfaces of the development hereby permitted shall match those used in the existing building before the development is brought into use, and shall thereafter be retained as such.

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

3: Before this development is brought into use, a total of at least 3 parking spaces, each hard-surfaced, measuring at least 2,4 x 4.8 metres and with access from the highway, shall be provided within the curtilage of the dwelling. The spaces shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off-street parking and in accordance with policies T7 and T 13 of Walsall's Unitary Development Plan.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than

as shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

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

5: This permission relates to the amended plans deposited on 1st June 2005.

Reason: To define the permission.

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

The proposed development is considered to comply with the policies of Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Application and Site Details

This application is an amendment to a previous application which was approved at your Committee on the 16th November 2004.

The property has the appearance of a pair of semi-detached houses. It was originally staff accommodation for Essington Lodge (at the rear) but is now used as a children's home. The proposal is a two storey side extension to improve and add one bedroom. The amendment made to the plans from the previous approval is to reduce the size of the proposed extension and only provide one extra bedroom instead of two.

It was stated in the previous application that the extension is required due to the new standards for child care that children's homes must fulfil. The activity room is a communal place for the children, which is a requirement. It is not sufficient to have one communal area, such as the existing lounge

Relevant Planning History

04/1863/FL/W1 - Extension to side of existing property 45a to include meeting room, general office, veg store, telephone area, food store, and manager's office, 2 no. bedrooms, shower room and activity room - Granted permission subject to conditions on 19/11/04

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

- Promote equality (2.4, GP5)
- Development should not adversely affect neighbours (GP2, 3.7)
- Design out crime (GP7)
- Schemes should be integrated in the environment (H7)
- Protect road safety (H7)

National Policy

Nothing specifically relevant, but there is a general recognition of the need to provide sensitively for such uses, to protect occupiers, and also to protect the amenity of residential areas.

Consultations

Transportation - No objections

Pollution Control - No objections

Environmental Health - No objections

Fire Officer - No objections

Representations

None.

Determining Issues

The determining issues are

- the size of the extension
- other impacts on neighbours
- parking

Observations

The size of the extension

There will be five bedrooms in the extended building (the existing building has four). This two storey extension effectively increases the width of the building from approximately 10 metres to 12.5 metres. The previous application saw the building width increased to 16 metres so the amendment sees a 3.5 metre reduction in the width.

The issues arising are effectively those that arise on any large domestic extension. The arrangement of the houses around means there is sufficient space for the extension even more so now as it has been reduced in width. The appearance of the building with the addition of the extension will not change dramatically therefore in my view it would be acceptable.

Other impacts on neighbours

The side wall of the extension faces a row of houses which are set at an angle to the road. However that angle is such that they look towards the rear garden of the site, and towards Essington Lodge, at the rear. The extension will not have a significant impact on their outlook.

Issues arising from the occupation (e.g. behaviour) are not likely to significantly change. The proposal is simply adding one bedroom to an existing home.

Parking

A condition was used in the previous application to address the concern of the parking, as it was considered that an extra 3 spaces were needed for a use such as this. The spaces could be provided on the forecourt or perhaps in the area of Essington Lodge. The same condition is proposed.

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. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of three additional car parking spaces have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before

this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

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

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

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

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, GP5, GP7 and H7 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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 28 June 2005

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor I. Shires

Application Number: 05/0795/RM/W3

Case Officer: Mrs J Scrivens

Application Type: Reserved Matters

Telephone Number: 01922 652436

Applicant: Mr J.L. Brookes

Agent: R.E. Griffiths

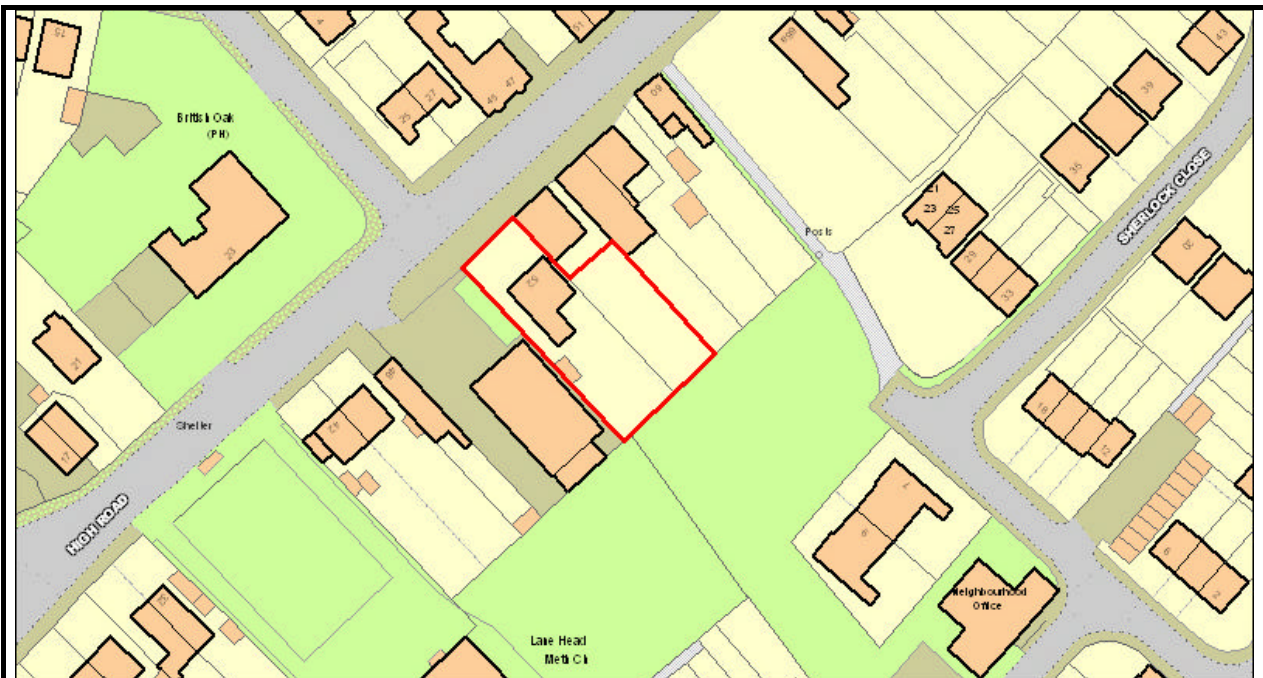
Proposal: Reserved Matters to
04/2624/OL/W3: Demolition of existing
bungalow and erection of 4 three-storey town
houses, 1 two-storey house and 1 flat

Location: 52 AND REAR OF 54 HIGH
ROAD, LANEHEAD, WILLENHALL,
WV12 4JQ

Ward: Short Heath

Expired: 15 June 2005

Recommendation Summary: Refuse Permission



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Application and Site Details

This application proposes the demolition of a bungalow and its replacement by five houses and a flat.

A block of four three storey houses would occupy the rear of the site. These would have rear gardens of 7 m length, would face the rear of the applicant's car spares shop and the rear of the fifth proposed house and flat at distances of 12.5m and 19.8 m respectively. The rear of the car spares shop consists of a single storey metal clad structure. Each dwelling would have one parking space. The dwellings are shown as three bedroomed but each would have a study of sufficient size and in an appropriate location to be used as a fourth bedroom

The frontage of the site would be occupied by one two storey, two bed dwelling with a flat above the access. The proposed house would have a 3m long garden and two parking spaces would be provided to the rear of it.

No open space is proposed as part of this application. The application makes no reference to a condition of the outline permission which requires open space to be provided.

The site adjoins vacant Council owned land to the rear and there are shops on either side, in addition to the applicant's shop. The carpet shop on the south west side of the site is a single storey building which adjoins approximately half of the application site boundary. The shop to the other side is further forward but has residential accommodation on its first and second floors with a first floor roof garden.

There are three poplar trees on or close to the rear boundary of the site. The site slopes slightly down from High Road.

Relevant Planning History

04/2624/OL/W3 Outline: Demolition of detached bungalow and residential development.
Granted subject to conditions 4.2.05

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 GP1 directs new development to sustainable locations such as local centres.

Policy GP2 and 3.6 require new development to make a positive contribution to the quality of the environment.

Policy ENV32 requires new development to take account of its surroundings and be of appropriate design.

Policy S8 encourages housing within local centres provided that a satisfactory residential environment can be achieved.

Policy H3 encourages the provision of additional housing through the re-use of previously developed sites.

Policy H10 requires the creation of high quality living environments which are well integrated into their surroundings.

Supplementary Planning Guidance relating to residential development standards sets out criteria for the assessment of residential development.

Policy T13 sets out car parking standards.

Policy LC1 requires new development to provide open space to meet its own requirements.

National Policy.

Planning Policy Guidance Note PPG3: Housing, supports the re-use of previously developed sites for housing.

Consultations

Transportation: Objects. The proposal generates the need for 11 parking spaces. 6 are proposed. High Road fronting the site is covered by a Traffic Regulation Order which prohibits parking at all times. The limited on street parking is heavily used. It is essential that adequate off street parking is provided to avoid exacerbating existing parking problems. The proposed access cannot achieve the 2.4mx3.4m pedestrian visibility splay.

Pollution Control: No objections but recommend a condition requiring a noise survey and/or remediation measures.

Environmental Health: The development is in a mixed commercial and residential environment. There is the potential for the occupiers of the properties to be affected by the activity at such businesses.

Environmental Regeneration (Arboricultural Officer): Expresses concern that the poplar tree at the rear of the site and just beyond would be affected by the development. If these trees were to be removed there would be insufficient space for any mitigating planting.

Fire service: No objections. Satisfactory access for fire appliances

Drainage: No objections.

Representations

The Minister of Lane Head Methodist Church makes the following observations:

- i) the church has been in discussion with the Council, who own the land to the rear of the site, about moving the church closer to High Road and carrying out a joint development on the land which this would release. The building of these houses might prejudice such a development and block a potentially bigger scheme.
- ii) three storey houses would be out of keeping with the surrounding buildings, particularly if the land to the rear is developed with bungalows (as has been proposed in the past) or with other low rise housing
- iii) the rear gardens of the proposed houses do not comply with Council standards in respect of their length, contrary to Policy H10 of the development plan. It would be inconsistent to apply different standards between developments.

The owners of no.56 High Road object to the proposal on the following grounds:

- i) too many properties on such a small plot of land
- ii) loss of privacy due to three storey development with windows to front, rear and side
- iii) loss of light to flat
- iv) exit onto busy main road and lack of off-street parking

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

Determining Issues

- whether a satisfactory residential environment can be achieved for the development
- the effect of the development on the amenity of neighbours
- the appropriateness of the development to the area.
- provision of open space
- car parking and highway safety

Observations

Residential environment.

The use of this site for residential purposes is appropriate in policy terms in this local centre and outline planning permission has been granted. Because the site is within a mixed commercial and residential area the effects of noise and disturbance need to be mitigated and a condition requiring noise insulation for any future dwellings was imposed on the outline permission. The proximity of the frontage dwellings to High Road would not help to reduce noise or disturbance to their future occupiers.

The proposed scheme is very cramped, the dwellings all having significantly less amenity space than Council standards require. This would also result in overlooking between the dwellings and an unsatisfactory outlook for those dwellings which would face the rear of the applicant's shop, which has an industrial style extension to the rear, all at less than development plan standards.

The site layout is also unsatisfactory in terms of the relationship of the dwelling on plot 6 to the adjacent carpet shop which extends, single storey, alongside almost the entire length of the plot and which would have an overbearing effect on that dwelling.

Neighbouring amenity.

There is also a potential for the houses on plots 3 and 4 of the development to overlook a flat on the adjacent site, above no.56, to the detriment of the amenity of its occupiers.

The appropriateness of the development to the area.

The properties on either side of the site are single storey, those of the proposed development would be two and three storey, with three storey to the rear. Such proposals are not appropriate in this context.

The layout of the development, with very short gardens at the rear, would place the existing poplar trees at risk. No information has been received which would clarify the effect of the development upon them or on their effect on the development. The loss of these trees would be detrimental to the visual amenity of the area and given the proposed garden lengths no replacement tree planting could take place.

The development of this site for residential purposes would not, in principle, prejudice the development of the adjoining sites. The layout proposed in this application would however restrict the potential layout of the adjoining site through overlooking and the dominant height of the buildings.

Open space.

Condition 7 of 04/2624/OL/W3 requires the reserved matters submission to include the provision of open space, which this application does not do. The application also fails to apply to remove the condition from the outline permission.

Car parking and highway safety.

Transportation has assessed the car parking requirement of the site on the stated number of bedrooms. The houses on plots 3 to 6 inclusive do however have studies which are able to be used as bedrooms, which would increase the car parking requirement for the site to 16 spaces. The development proposes six spaces which is significantly less than Council standards require.

Car parking standards may be relaxed for development within local centres. However the proposed houses are substantial family dwellings; the site fronts a main road with a Traffic Regulation Order and there is limited parking available in the vicinity. The lack of parking on the site would therefore exacerbate existing parking problems in the area.

The proposed access would not provide an acceptable level of pedestrian visibility and would be detrimental to highway safety.

Recommendation: Refuse Permission

1. The proposed development constitutes an overdevelopment of the site and results in a cramped layout which fails to provide a satisfactory residential environment for its future occupiers by reason of:

- i) the areas of private amenity space, which are non-existent for the flat and inadequate (judged against Council standards) in the case of the houses
- ii) the distance between habitable room windows on the rear elevations of plots 1 and 2 and those on the front elevations of plots 5 and 6, which is less than Walsall M.B.C's Residential Development Standards require and which would result in a lack of privacy for occupiers
- iii) the proximity of and the relationship between the habitable room windows in the front elevations of the dwellings on plots 3 and 4 and the rear of the shop no.54 High Road which would create an unsatisfactory outlook for the occupiers of those dwellings
- iv) the relationship of the proposed dwelling on plot 6 with the adjoining building no.48/50 High Road which due to its length, height and position would have an overbearing effect on that dwelling.

The approval of this application would therefore be contrary to Walsall M.B.C's Residential Development Standards and policies GP2, 3.6, ENV32, S8, H3 and H10 of Walsall's Unitary Development Plan.

2. The proposed development would be detrimental to the amenity of adjacent residential occupiers through overlooking and loss of privacy. The approval of this application would be contrary to Walsall M.B.C's Residential Development Standards and to Policies GP2, 3.6 and ENV32 of Walsall's Unitary Development Plan.

3. The proposed development is inappropriate and detrimental to the area in that:

- i) two and three storey buildings would be out of keeping with the single storey buildings either side to the detriment of the visual amenity of the area.
- ii) the short rear gardens of the dwellings on plots 3 to 6 would be likely to prejudice the future health and retention of poplar trees to the rear of the site due to their proximity. The loss of these trees would be detrimental to the visual amenity of the area and the

short rear gardens to plots 3 to 6 would not provide sufficient space for any significant replacement landscaping.

- iii) the layout of the site and the proximity and height of dwellings to the rear boundary would restrict the development of the vacant site to the rear through overlooking and the dominance of the proposed buildings.

The approval of this application would be contrary to policies GP2, 3.6, ENV32, H3 and H10 of Walsall M.B.C's Unitary Development Plan.

4. The application fails to make any provision for open space within the site to meet the requirements of the development as required by 04/2624/OL/W3. Alternatively, the application makes no proposal to remove condition 7 of 04/2624/OL/W3. The approval of this application would therefore be contrary to policy LC1 of Walsall's Unitary Development Plan and inconsistent with the requirements of the outline planning permission for the site.

5. The proposed development would be detrimental to highway safety and would exacerbate existing parking problems in the area in that:

- i) it fails to provide parking in accordance with Council standards, and the site fronts a main road on which parking is controlled by a Traffic Regulation Order where road safety is of particular significance
- ii) the proposed access would not provide a satisfactory standard of pedestrian visibility on exit from the site.

The approval of this application would therefore be contrary to Policy T13 of Walsall's Unitary Development Plan.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 28 June 2005

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Chambers

Application Number: 05/1024/PT/W5

Case Officer: Karon Hulse

Application Type: Prior approval of siting &
Appearance of Telecommunications Apparatus
Applicant: T-Mobile

Telephone Number: 01922 652436

Agent: Caraspace

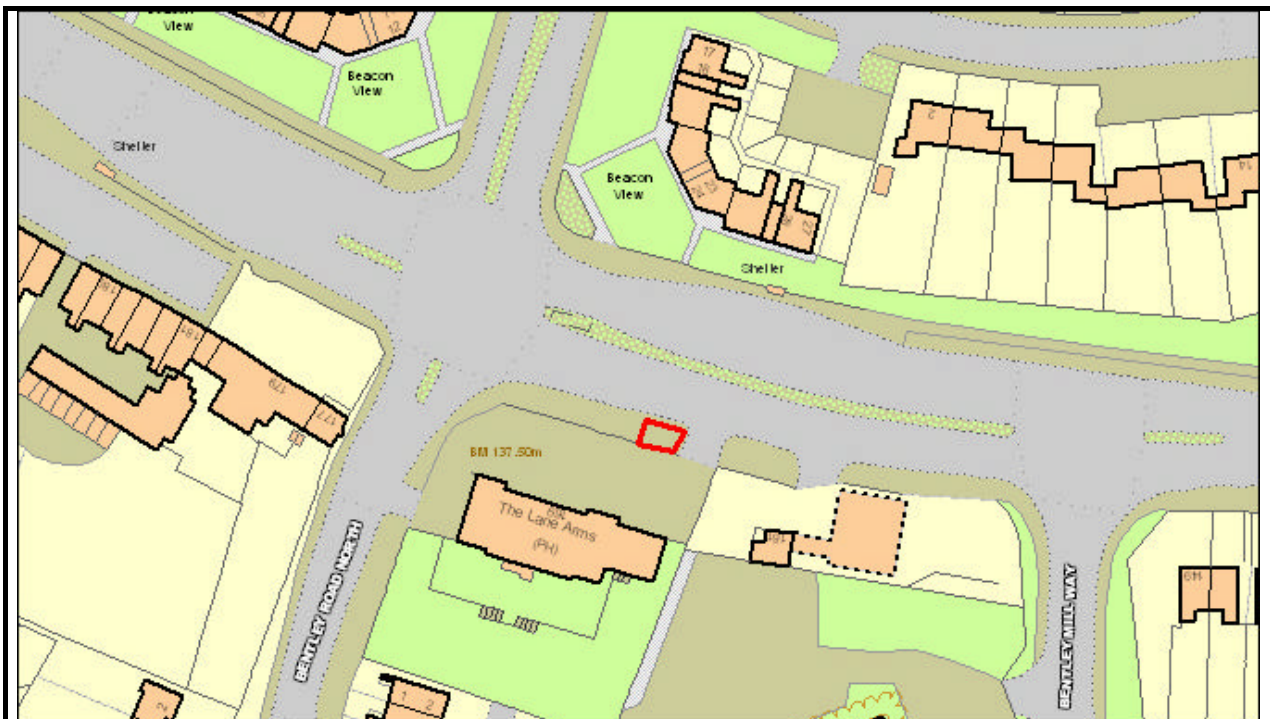
Proposal: Erection of 11.7 metre high
monopole and associated telecommunication
equipment.

Location: LAND OUTSIDE,LANE
ARMS PUBLIC
HOUSE,WOLVERHAMPTON ROAD
WEST,WILLENHALL,WALSALL,WEST
MIDLANDS,WV132RN

Ward: Bentley & Darlaston North

Expired: 12 July 2005

Recommendation Summary: Details Approved



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Application and Site Details

This is an application for the prior approval for the installation of an 11.7 metre street works style monopole and two small equipment cabinets to replace the previous equipment sited at Grange Court which is due to be demolished in the near future. The mast and cabinets are on the grass verge fronting the Lane Arms Public House.

The monopole is at a lower height than those existing lampposts nearby which are 12 metres the proposed monopole would be 11.7mts). The proposed antennae are enclosed within a shroud. The two equipment cabinets (approximately 0.6m x 0.5m x 1.26m high and 1.3m x 0.7m x 1.6m high) are sited either side of the monopole.

The proposed siting would be opposite flats known as Beacon View (45 metres away) on the corner of Wolverhampton Road West and Queen Elizabeth Avenue and other residential properties north and west.

The adjacent vacant site (east) was recently granted outline planning permission for residential development.

There are lampposts and telegraph poles with other pieces of street furniture in the vicinity such as traffic lights and bus stops.

In support of the application the applicant has provided:

- a) A document indicating alternative sites which have been considered but not chosen for specific reasons
- b) Details of Government advice set out in PPG8 with regard to health effects of telecommunications equipment; a summary of the estimation of radiofrequency electromagnetic energy levels on ground level emitted from the proposal
- c) A copy of the licence notice which advises that an application has been submitted
- d) A declaration that the equipment and installation complies with the requirements of the radio frequency public guidelines of the international Commission on Non - ionising Radiation (ICNIRP)

Relevant Planning History

None at 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)

Unitary Development Plan

3.6 Development and redevelopment schemes should, as far as possible, help to improve the environment of the Borough. Relevant considerations to be taken into account are set out in Policy GP2.

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV38 : Telecommunications

- a) equipment including cabinets can have significant visual impact and are unlikely to be acceptable in visually sensitive locations (including low-rise residential areas)
- b) Mast and site sharing and use of high buildings recommended
- c) measures to reduce the impact of the equipment
- d) all proposals should comply with ICNIRP requirements.

National Policy

Planning Policy Guidance PPG8.

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health.

In particular paragraphs 14 and 28 refer to effective landscaping for proposals and paragraphs 19 to 23 refer to mast and site sharing.

Consultations

Transportation - no objections

Pollution Control - no objections however Pollution Control takes a precautionary approach to applications of this nature and the proposed location of the mast should ensure that electro-magnetic radiation generated by the telecommunications equipment will be within the guidelines set by the International Committee on Non-Ionising Radiation Protection (ICNIRP) and will not pose a health hazard for people living and working locally. Therefore recommend when the equipment becomes fully operational post-installation tests to confirm the telecommunications equipment complies with the ICNIRP limits and future upgrades/equipment are tested to confirm continuation and compliance with ICNIRP guidance.

Fire Service - no access issues

Representations

I have received three letters of representation from local residents, they object on the grounds of health risks and devaluation of properties.

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

Determining Issues

The determining issues of this application are:

- i) The effect of the proposal on the visual amenity and character of the area
- ii) Potential health risks associated with telecommunications equipment

Observations

The effect of the proposal on the visual amenity and character of the area

The monopole design is plain and when painted in the proposed grey colour will reduce the visual impact and will also match other local street furniture in the vicinity.

The application site would be located on the grass verge in front of the Lane Arms Public House on the corner of Wolverhampton Road West and Bentley Road North which is a traffic light controlled junction. On the adjacent corner to the west is a small but busy local parade of shops.

The proposed mast would be seen against a back drop of existing street lights and other types of street furniture including the traffic lights and road signage. Its design, which has the appearance of a street light column, would make it less conspicuous to residential properties than other types of mast and would not be industrial in character. The two small cabinets would have the same appearance as junction boxes or BT cabinets which are commonly seen in the street. There are various other pieces of street furniture at this junction including lamp posts, traffic lights, flag poles and bus stops. All this furniture will help the pole blend into the street scene with minimal impact.

This siting would have no effect on highway safety.

Potential health risks associated with telecommunications equipment

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

The impact of the proposal on the value of property is not a material consideration.

Conclusion

The application is accompanied by the appropriate ICNIRP certificate and the applicant has demonstrated the lack of alternative available sites. I am of the opinion that the siting and appearance are satisfactory and therefore recommend approval.

Recommendation: Details Approved

1. The development hereby approved shall not be carried out until details of the

colours of the external surfaces of the mast and cabinets have been submitted to and approved in writing by the local planning authority. The agreed colours shall be applied within one month of the cabinets and mast being erected and shall not thereafter be changed without the written agreement of the local planning authority.

Reason; To ensure the satisfactory appearance of the proposal.

2. When the equipment becomes fully operational the company shall carry out post-installation tests to confirm that the telecommunications equipment complies with ICNIRP limits and supply written verification to the Local Planning Authority within 8 weeks of conducting the tests. .

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan, March 2005.

3. In the event of future up-grades or equipment be installed that will have an effect on the outputs of the telecommunications equipment then tests shall be conducted to confirm that the equipment continues to comply with the ICNIRP guidance (as amended).

Reason; In the interests of amenity and pursuant of ENV 38 of Walsall Unitary Development Plan, March 2005.

4. The equipment and/or telecommunications installation hereby approved shall maintained in compliance with ICNIRP and in the event that monitoring identifies non-compliance, the equipment shall immediately be removed.

Reason; In the interests of amenity and pursuant of PPG8 and ENV 38 of Walsall Unitary Development Plan March 2005.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6 and ENV38 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.
