



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major application and called in

Application Number: 07/2348/FL/W6
Application Type: Full application
Applicant: Matrix Housing
Partnership & Caldmore Housing Ass.
Proposal: ERECTION OF 22no NEW
BUILD DWELLINGS.

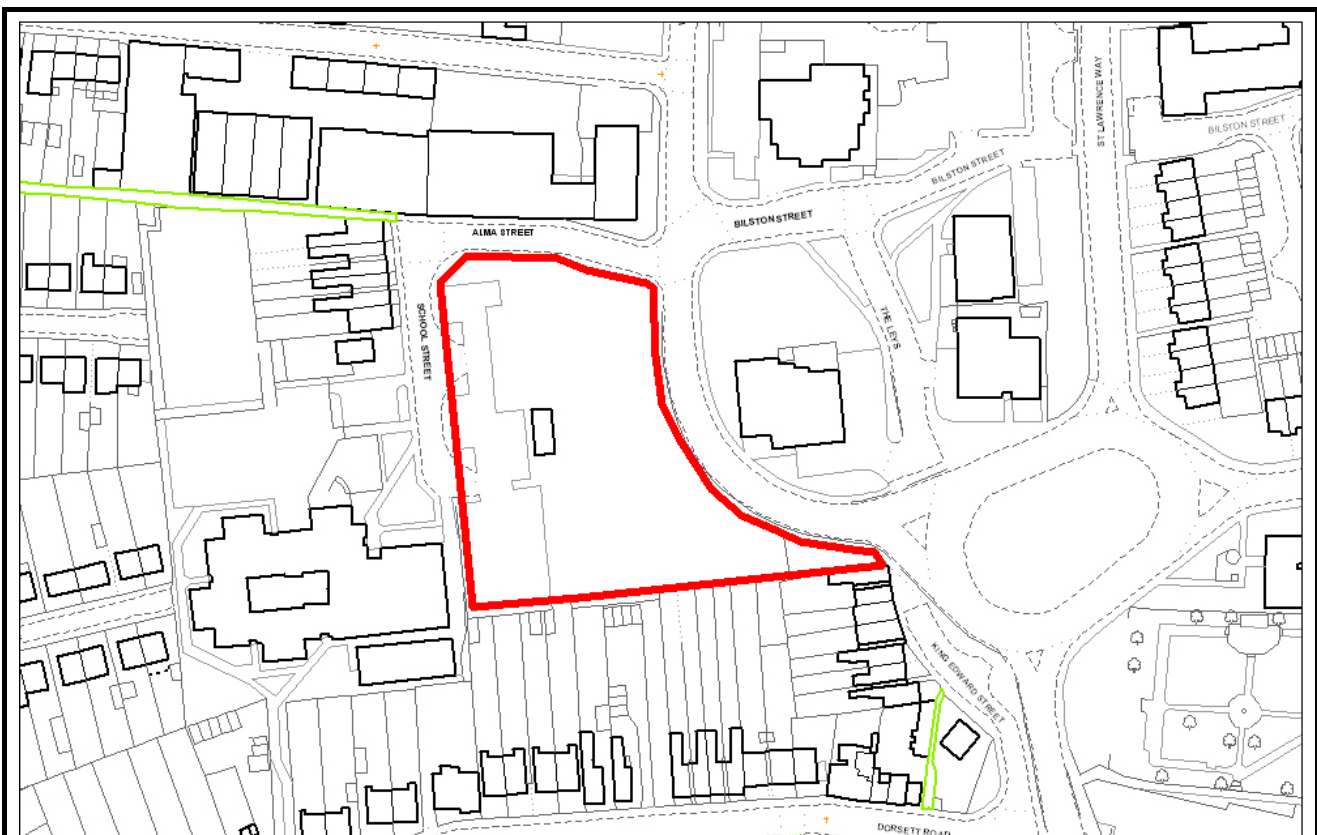
Case Officer: Val Osborn
Telephone Number: 01922 652436
Agent: Walker Troup Architects

Location: LAND
BETWEEN,SCHOOL STREET/
ALMA STREET/ WILLENHALL
STREET,WALSALL,WS10 8DL

Ward: Darlaston South

Expired: 31/01/2008

Recommendation Summary: Grant Subject to conditions



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Status

The application has been called in by Councillor G Wilkes for the following reasons;

Traffic capacity
Character of the area
Overdevelopment

Application and Site Details

The site, between School Street, Alma Street and Willenhall Street, is to the north-west of Darlaston Town Centre and was occupied by two 1960's block of flats and the associated car park. The area is a mix of commercial, residential and school uses, with access to the rear of some properties on Dorsett Road forming the southern boundary.

The proposal is for 5 - 2 bed houses, 6 – 3 bed houses, 5 – 4 bed houses and 6 -2 bed flats, arranged to front the streets surrounding the site. A large group of trees in the south west corner of the site are retained in an exclusively dedicated area, together with a distinct landscaped frontage to Willenhall Street.

The overall design theme is contemporary, with the pitched roof of the two and three storey houses and apartments contrasting with accent corner mono-pitch roofs. The house designs are paired and relate to site circumstances, with a corner house type at plots 11 and 15 designed for the predominant south-east and south-westerly aspects. All of the proposed houses have entrances fronting the street and the block of flats has a secure rear courtyard as well as an entrance onto Willenhall Street.

Parking provision for the majority of the houses is on plot and a minimum of 2 spaces, with the exception of plots 7-11, which have 2 parking spaces each within the rear, secured driveway. Bin stores are located behind screening walls to back gardens and close to side-access gates.

Parking for the flats is within a separate drive/access road, secured by gates, at 150% level. The layout provides for the existing rights of way to properties fronting Dorsett Street, so that access to the rear of numbers 29 to 35 is maintained.

Private garden spaces surround the internal courtyard parking, all meeting Residential development standards of 68 sq. m with the exception of plots 14, 15, and 11, which are south facing plots and 1.05 m² deficient as a maximum. The 6 flats have a walled private garden area, as well as landscaped areas to the rear separating the block from the driveway and each flats has a recessed balcony.

The site is 0.5358 ha, providing 41 dwellings per hectare.

The Design and Access Statement explains the design ethos, incorporating modern proportions for the windows and house types specifically designed for

this site. The materials respond to the adjacent context and will be a mixture of red brickwork, cream/white render and grey roof tiles”.

The layout has been designed to meet Secure by Design requirements throughout to ensure a safe and secure place to live.

Relevant Planning History

None at this site.

Old Church Primary School;
BC52412P- erection of detached building for 3 classrooms, granted 19 August 1998.

BC47588P – New 1.8m fence and four pedestrian gates, granted 6 January 1996.

BD11042 – erection of 280 place Primary School with 20 place nursery, approved 28 December 1978.

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

Unitary Development Plan

2.2: Lists six key strategic themes to evaluate development proposals including a high standard of design.

GP1: Relates to sustainable development and minimise the need to travel.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment..

GP3: Planning obligations will be used to secure off-site mitigating measures

GP7: Proposals to have regard for the objective of designing out crime.

3.6: Development schemes should help to improve the environment.

3.16 and 3.113-5: Development should relate to its setting, and character and provide a high quality of built and landscape design..

ENV32: Development to take account of context and surroundings

ENV33: Development to be fully supported by details of layout and landscape

ENV40: Adequate foul and surface water drainage infrastructure to be provided.

6.3: Housing to have good accessibility and well related to local facilities;

H3: Provision of additional housing through the re-use of windfall sites;

H9: Housing densities in the range of 30 -50 dwellings per hectare recommended

H10: Design to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design.

7.1: Seeks to promote an efficient highway network;

8.8: Developments only where adequate school capacity exists or can be provided. Council will require a financial contribution to costs of provision.

T7: All development should satisfy the car parking standards set out, be well designed and sensitively integrated into the townscape

T13: Advises on parking requirements.

LC1: financial or other contributions will be required for urban open spaces.

Residential Design Standards

Guidelines relating to design and space around dwellings.

Regional Policy

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

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Education

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

National Policy

PPS1 Delivering Sustainable Development, PPS3Housing, PPG13 Transport, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation- No Objection, subject to conditions relating to the applicant demonstrating that the refuse and recycling facilities and storage areas are of sufficient size for the purpose and how the refuse vehicle will access the refuse store for plot 7 and the apartments and the widening of the path to the rear of plots 9 and 10.

- 1.The applicant has not demonstrated how the refuse collection vehicle will access the bin store area for plot 7 and the apartments, plots 1-6. This should be required by condition.
2. The applicant will need to demonstrate that all refuse and re-cycling storage facilities and collection areas are of sufficient size to accommodate the bins that will be provided.
- 3.If the parking spaces 8 through 11 are occupied, then the occupants of plots 9 and 10 will need to use the path to the rear of the parking spaces to take their bins to the storage are. This path is too narrow and needs to be widened to 750mm.

Pollution Control, Contaminated Land Team - No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the residential/ commercial properties and electrical substation previously located on the site. Conditions to address this are recommended.

Pollution Control, Scientific Team - No objection. In order to minimise the impact from noise on adjacent residential accommodation conditions are recommended.

Education Walsall - The level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore a contribution of £42 005.12, towards secondary school provision is necessary.

Education Walsall , Asset Management - This site is located on a cul-de-sac immediately opposite a Primary School with 299 pupils and 47 nursery pupils. Our initial comment on this proposal (prior to preparation of plans) was that the scheme needed to be designed so as to minimise problems in relation to the loss of the drop off and pick up space for the School. Having assessed the plans and discussed the issue with the School we are concerned that the development will exacerbate existing problems at the beginning and end of the School day. We would fully support the School in their thoughts that this area could become a serious health and safety concern. We would request that with our concerns in mind, the Highways department could consider how the impact of this proposed development on the School Community can be minimised.

Fire Service – satisfactory for fire service access.

National Grid – negligible risk.

West Midlands Police, Schools Liaison Officer – There are major concerns about congestion that may be caused in both these streets and also neighbouring Willenhall St. The current situation is manageable but at times tempers can flare between parents and residents due to the layout of both streets. Presently many cars park along the entrance to School Street which at times is a blind spot for drivers turning into Alma Street on their exit. There is currently a small piece of land which is used by parents for sensible parking, allowing Alma Street to flow peacefully. The proposed plans will take away that piece of land and in effect will cause major congestion along both streets and may push waiting traffic over the junction of Willenhall Street onto the car park of the Frying Pan Public House. This concerns me further as the children will then have to walk along both School Street and Alma Street and then cross over a busy road to the Frying Pan. The knock on effect will be to increase and decrease the safety of the children, as Willenhall Street will undoubtedly become more congested due to the flow of children and parents crossing the road. The landlord of the Frying Pan also may not be amicable to letting parents park their vehicles on his car park. From a public assurance point of view it may raise tensions between parents and residents, which could result in slight public disorder incidents at times with parents parking in resident only bays within the new development. (An alternative layout is then suggested).

Public Participation Responses

8 letters have been received, objecting on the following grounds:-

- the proposal seems to take no account of the current practise of parents and visitors parking. The developer should demonstrate that the redevelopment of the site should not worsen the congestion of Alma and School Street at the start and end of the school day and that

the safety of children will not be compromised as a consequence of the development in this way.

- A resident of Dorsett Road would wish to purchase land to give access to the rear of their property, as their street frontage is subject to 'no parking' restrictions.
- The new houses will overlook gardens and houses reducing privacy, block out light.
- Since the flats have been demolished there has been a drop in anti-social behaviour occurrences in School Street;
- Children can currently play safely in the street
- Rental properties will bring the wrong element to our door step, the value of houses will fall.

The letter from the Governing Body of Old Church Primary School is accompanied by photographs which illustrate parking patterns at particular times of the day.

Determining Issues

- Design
- Car Parking
- Other Matters
- Obligations

Observations

Design

The scheme places houses around the edge of the site, with all of the proposed houses and flats having direct pedestrian access from the street. It is considered a satisfactory design solution for the site, given the constraints that being surrounded by three roads represents.

The proposed houses on Willenhall Street establish a strong street presence set behind a robust landscaping frontage that provides a substantial visual link to the trees to be retained within a set-aside area.

Houses on Alma Street and School Street form another street frontage with corner landscaping adding to the street scene opposite numbers 8, 9 and 10 School Street.

In terms of scale, the proposed development relates to the existing two storey houses with massing accented on corner units with flat roofs as three storey elements. The block of three storey flats are set 11.6m away from the site's boundary to the south, with numbers 15-21 Dorsett Road, the nearest houses with rear gardens in excess of 35m length. The flats would have a bathroom window on the side elevation facing south, towards Dorsett Road properties, with the retained trees as intervening landscaping.

The gardens to plots 11, 14 and 15 are up to 1.05 sq m below the standard as set out in the Residential Development Guidelines. These particular plots have an open south facing aspect that is not overlooked. As garden spaces,

they present areas with maximum opportunity for use, with early mornings being the most likely to experience shade. The house type at plot 10 provides a second bedroom window on the rear elevation that would overlook the garden space at plot 11 marginally. This relationship is considered acceptable.

The layout provides for entrances on to streets which relates well to the established pattern of development and which increases aspects of safety. The scheme has been designed to meet 'Secure by design' principles.

The scheme has therefore been designed with specific regard to site considerations and on that basis is considered suitable.

Car Parking

Old Church Primary School is now a 310 place, one and a half form entry primary school, with 52 part-time children attending nursery aged 3-4. The school has made significant progress with its Travel Plan, which is expected to be completed by the end of this year and which will provide a range of strategies to encourage parents to travel to and from school by means other than the car.

Application BC47588P increased pedestrian accessibility by providing new gated access to Marston Avenue as well as providing two pedestrian access points off School Street. Pupils and parents arriving at the school therefore have alternative walking routes available and pedestrian access is not limited entirely to School Street.

A School Crossing Patrol operates on Willenhall Street, between the junctions of Alma Street and Stafford Road, opposite the Frying Pan PH.

Parents also make significant use of on-street parking on Bilston Street, The Leys and the car park of Darlaston Working Men's Club.

Existing accesses for houses fronting Dorsett Road have been safeguarded.

It is considered that the Travel Plan adopted by the school is the appropriate mechanism for addressing the peak parking demands of parents and existing accesses remain in place for pedestrians to use, with a school crossing patrol at the Alma Street/ Willenhall Street junction.

Whilst it is important to reconcile development proposals with the parking needs of the school, the concerns expressed relate to problems of parents parking as near to the school as possible. Following the demolition of the flats, parents have had the opportunity to use part of the remaining vacant site for parking because it has remained unfenced. Respondents have suggested that the proposal should take account of the parking requirements of visitors and parents wishing to park with the implication that the application site should satisfy this parking demand to some degree. It is considered that the parking wishes of parents of children at the school are exponential and more suitably addressed through the School Travel Plan partnership of the Council,

School, parents association and School Governors. It is also important to develop this vacant site.

Other matters

The matter of ownership and disposal of this site is to be reported to Cabinet on 19 December 2007. Issues of land ownership are a separate matter outside of the remit of material considerations of this application.

The scheme, at 41 dph, is reflective of the mix of house types in the locality, proposing detached and semi-detached properties on plots fronting the street and of a design that specifically relates to site circumstances. The scheme sets aside from development a large copse area for trees that make a significant contribution to the locality.

Obligations

Contributions to Urban Open Space (£41 580.00) and Education (£42 005.12) have been identified as necessary and appropriate and the applicant has agreed to implement them through a section 106 agreement.

Recommendation: Grant Subject to conditions

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

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

2. This development shall not be carried out other than in conformity with the - Design and access statement dated October 2007 and the following plans;

Site Location Plan 0731 -1410E, dated 23.10.07
Site layout 0731 -03, dated 5.10.2007
Street Elevations 0731-13 , dated 5.10.2007
3B5P House Plans, 0731-05, dated 3 Oct 2007
2B4P Wide frontage, 0731-04, dated 5.10.2007
4B7P House Plans, 0731-09, dated 3 Oct 2007
2B3P Flat plans, 0731 – 10, dated 8 Oct 2007
Corner House 0731 -06, dated 5 Oct 2007
Corner House 0731 -07, dated 5 Oct 2007
Corner House 0731 -08, dated 5 Oct 2007
2B3P Flats elevations, 0731 -11, dated 18 Oct 2007
2B3P Flats elevations, 0731 -12, dated 19 Oct 2007
House elevations, 0731 -12 ,dated 19 Oct 2007

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

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

Reason: To ensure the 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 submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall provide for the planting of extra heavy standard trees, trees to be retained, include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of hard landscaping. 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. Written notice shall be given to the Local Planning Authority upon completion of the landscape scheme.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

6. No development shall be commence until details of the tree protection measures, including root protection fencing, in accordance with BS 5837:2005, has been submitted to and approved by the Local Planning Authority. The protection measures shall remain in place until the completion of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development and protection of trees during the site's development.

7. No development shall commence on site until details of the disposal of both surface and foul water drainage, to include a scheme for the provision and implementation of a surface water run-off limitation, have been submitted to and approved in writing by the Local Planning Authority. The development

shall be completed in accordance with the approved details and retained as such.

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

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

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

9. No built development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises and shall be retained as such.

Reason: In the interests of securing the development.

10. No development shall commence on site until details of the refuse collection systems and related storage for the proposed apartments, together with associated landscaping, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the premises and shall be retained as such.

Reason: In the interests of securing the development.

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

Note for applicant

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

Reason; In the interests of the amenity of nearby occupiers

12. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of

this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Reason; in the interests of the amenity of the future occupiers of the development.

13. Before development commences a scheme for the allocation of the car parking spaces to individual dwellings at plots numbered 1 to 11 inclusive and numbers 17, 21 and 22, within the shared courtyards, shall be submitted to an approved by the Local Planning Authority. The allocation of the spaces shall be marked out and suitably labeled on site before occupation of the first dwelling, and retained as such.

Reason; in the interests of the provision of parking for occupiers and visitors at the site.

14. The parking areas shown on the approved plans to serve the occupiers of the site shall be hard-surfaced and marked out in a material to be approved by the local planning authority and available for use before the related residential unit is brought into use. The parking and access areas shall be retained as such and available for such use.

Reason; In the interests of amenity and safety.

15. Unless otherwise agreed in writing by the Local Planning Authority, development shall not begin until parking for site operatives has been provided within the application site or at an alternative location approved by the local planning authority, in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development.

Reason; To prevent indiscriminate parking in the interest of highway safety.

16. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Agreed remedial measures shall be implemented to the

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

Reason; to ensure the development does not cause pollution.

17. The proposed gates provided at the main vehicular accesses and shall open inwards only and retained as such.

Reason; In the interest of highway safety.

18. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to a 3 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason To ensure the satisfactory development of the site.

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, ENV 32 and H10 of Walsall Unitary Development Plan 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Notes for applicant

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 35 dB together with a maximum instantaneous level of 45 dB) LAFmax, between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hours), of 40 dB between the hours 07.00 to 23.00.

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level

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

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988 Calculation of Railway Noise, 1995. This is not an exhaustive list.

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

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

With regard to land Contamination;

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

of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major application, Called -In

Application Number: 07/2232/FL/W6
Application Type: Full application

Case Officer: Val Osborn
Telephone Number: 01922
652436

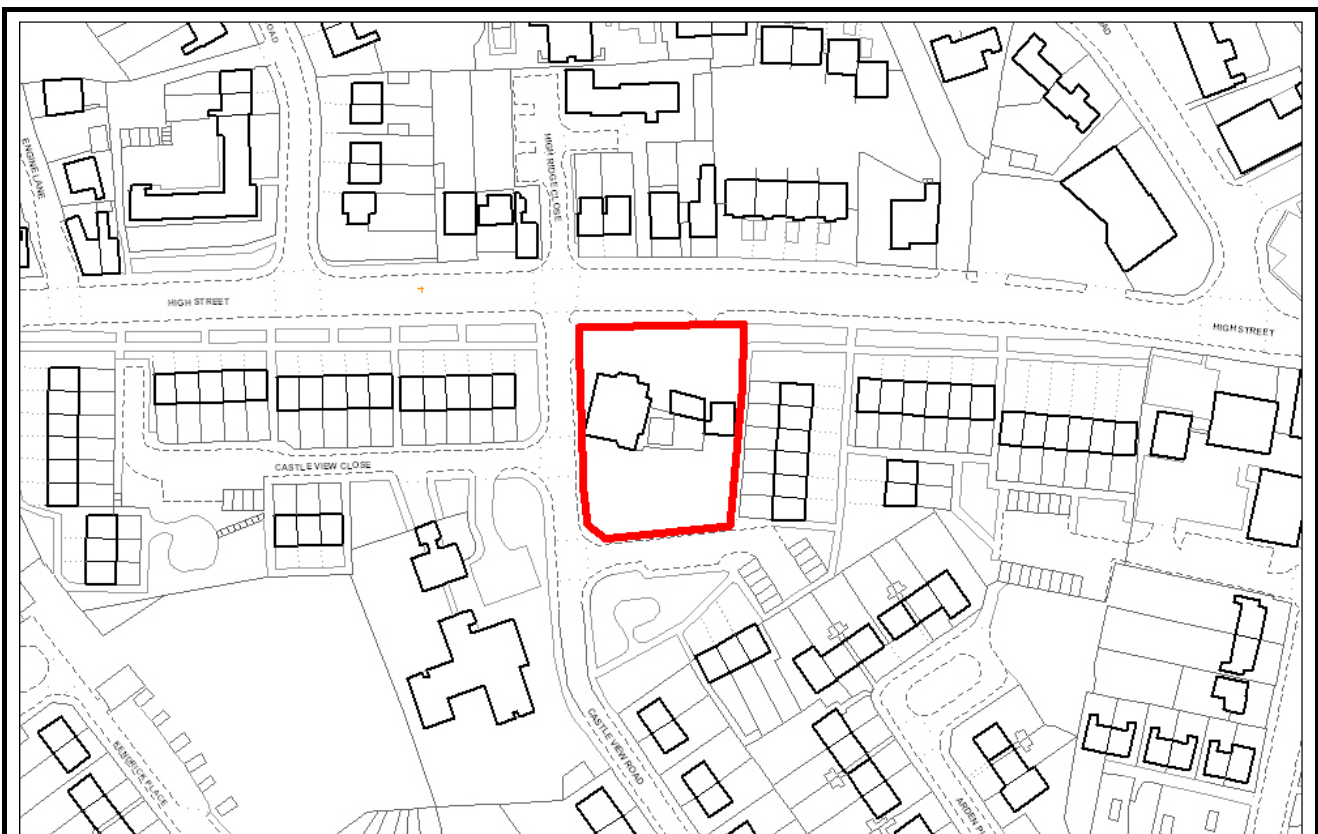
Applicant: Cherryform Developments
Proposal: Demolition of public house
and construction of 6 houses and 9
apartments

Agent: Kevin Fielding
Location: MOXLEY ARMS, HIGH
STREET, MOXLEY

Ward: Darlaston South

Expired: 29/01/2008

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



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Status

The application has been called in by Councillor G Wilkes for the following reasons;

Impact on character of the area
Impact on the surrounding area
Overdevelopment

Application and Site Details

The site is the former Moxley Arms Public House, with road frontages to High Street, Castle View Road and Foundry Street on the north, west and south respectively. The eastern boundary is formed by a passageway to the rear numbers 53-63 High Street, a terrace of 6 houses the rear elevations of which overlook the site.

The immediate locality is characterised by two storey residential development of a variety of architectural styles and periods, with modern infill of bungalows on the opposite side of the road. Castle View Residential Care Home is to the south-west and a landscaped area fronts 2-6 Castleview Road to the south-east. Moxley Neighbourhood Centre, surgery, church and Aldi retail store are approximately 200m to the east of the site.

The application proposes 6 houses (as 2 - 6 bed, 3 - 4bed, and 1- 2bed) and 9 -2 bed flats. A terrace of three houses would face High Street, sited some 5m forward of the gable of 53 High Street. A three storey block of three flats, with a shallow pitch pyramid roof, is proposed for the corner High Street and Castle View Road, set between 2.1m and 3m from back of footpath of each of the streets , respectively.

Boundary walls and access to a car park would front Castle View Road, with a three storey block of 6 flats proposed for the corner of Castle View Road and Foundry Street. Linking to this corner block would be a terrace of three 3-storey houses fronting Foundry Street.

The overall design theme is traditional with rendered panels simulating projecting gable features on houses where there are dormer windows in roofs and constructed in the majority in brick and tile with ridge roofs.

For Plot 1, it is proposed to site the dwelling 12.15m from the rear elevation of the existing house at 53 High Street. For plot 15, the gable elevation would be 12.3m away from the rear elevation of 63 High Street.

Houses between the corner blocks of flats are four and six bed units at 10m to ridge with a three storey dormer as a rendered panel, to simulate a gable on the front elevation at 8.6m to peak.

A recessed garage provides one of the two allocated parking spaces for each unit, with the exception of plot 3, which has parking for one car at the end of the access road and an adjacent parking space. Garages are generally 2.2 – 2.3m wide. Parking is therefore at a ratio of 200% for houses and 133% for the flats.

Private garden spaces meet Residential Development Standards of 68 sq. m., with the exception of plots 3 and 13 which are 58 sq m (for the 6 bed unit at plot 3) and 63.6 sq m for plot 13, a 4bed house type. The site area is 0.2ha, providing 75 dwellings per hectare.

Relevant Planning History

06/2137/FL/W5 - refused on 19 June 2007, for the following reasons;

1. The development proposed which is a mix of housing types and scales, two and three storey would be out of character with the adjacent and surrounding housing due to its siting, design and visual impact, particularly in an area which predominantly consists of two storey semi detached and terraced housing. In addition, it would not reflect the character of properties in this area, not be well integrated into the existing pattern of settlement and surrounding land uses, would add confusion to the street scene due to the variety of architecture and housing type and scale within such a small area and generally would lack a coherent design, as such it consequently fails to take the opportunity to improve the character of the site and the surrounding area. The development would therefore be contrary to policies 3.6, 3.7, 3.16, ENV 32 and GP2 of the Unitary Development Plan and Planning Policy Statement 1.

2. The siting of plots 1 and 15 of the development will not provide satisfactory separation distances with the existing properties of nos. 53, 61 and 63 High Street. The council seek to ensure a minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height, to safeguard the visual amenities of residents. The side gable walls of the proposed plots 1 and 15 do not achieve this and will therefore have a detrimental impact on the amenities of existing occupiers by virtue of the closeness which will result in an overbearing and dominant impact. As such the proposed siting will be contrary to policies GP2, ENV32 and H10 of the Unitary Development Plan and the adopted Residential Development Standards supplementary planning guidance.

3. The proposed density of 75 dph does not provide a satisfactory level of private amenity space (sitting out, meeting, play and drying areas etc) to meet the needs of its future occupiers and which would reasonably be expected in developments of this type. The council recognises that where a scheme is of a high quality there can be flexibility in the application of the standards however in this case the high density results in an overdeveloped and cramped site with minimal amounts of private amenity space contrary to policies 3.6, 3.16, ENV32, ENV33, GP2, H10 of the Walsall Unitary Development Plan and the adopted Residential Development Standards supplementary planning guidance.

4. The development makes no provision for a financial contribution to education or for the provision of urban open space as required by policies GP3 of the Unitary Development Plan and adopted supplementary planning guidance for education and open space. This has not been pursued and therefore the development is contrary to those policies.

(Note For Applicant : The council recognises that this could be achieved on the site and has adopted a policy to secure this provision through a Section 106 Agreement)

05/1849/FL/W5 – refused on 6 December 2005, for the following reasons;

1. The development proposed would be out of character with the adjacent and surrounding housing due to its density and the visual impact of the proposed car park, particularly in an area which predominantly consists of two storey semi detached and terraced housing. Furthermore the development, at the density proposed, i.e. 120 dwellings per hectare, consisting of three storey apartments, would constitute overdevelopment of the site, contrary to policies 3.6, 3.7, 3.16, ENV 32 and GP2 of the Unitary Development Plan.

2. The design of the development does not reflect the character of properties in this area and would not be well integrated into the existing pattern of settlement and surrounding land uses. As such the development would be contrary to policies 3.6 and 3.16 of the Unitary Development Plan.

3. The proposed car park is very stark and does not contribute to the environment, its lack of design features within its layout results in a mass of hardsurfaced area which is featureless and dominant. As such this would create an unacceptable residential environment for its future occupiers as well as existing nearby residents who have views over the car park. Contrary to policies 3.6, 3.7 and 3.16 of the Unitary Development Plan

4. The proposed access / egress to the car park involves the provision of two access points onto the local highway network. The access point closest to Foundry Street, which is just 10 metres from the junction, would result in vehicular manoeuvres in close proximity to the junction to the detriment of the safety and free flow of other road users contrary to policies 7.36, T7 and T13 of the Unitary Development Plan which aim to promote and secure road safety.

5. The development makes no provision for affordable housing within the site (a mix of shared ownership tenure and rented accommodation), as required by Policy H4 of the Walsall M.B.C. Unitary Development Plan. This has not been pursued. The development is therefore contrary to policy H4 of the Unitary Development Plan.

6. The development makes no provision for a financial contribution to secondary school education facilities in the area, as required by Policy GP3 of the Walsall M.B.C. Unitary Development Plan. This has not been pursued. The development is therefore contrary to policy GP3 of the Unitary Development Plan.

(Note For Applicant : The Council recognises that conditions 5 and 6 could be achieved on the site and has adopted a policy to secure this provision through a Section 106 Agreement.)

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

Unitary Development Plan

2.2: Lists six key strategic themes to evaluate development proposals including a high standard of design.

GP1: Relates to sustainable development and minimise the need to travel.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment..

GP3: Planning obligations will be used to secure off-site mitigating measures

GP7: Proposals to have regard for the objective of designing out crime.

3.6: Development schemes should help to improve the environment.

3.16 and 3.113-5: Development should relate to its setting, and character and provide a high quality of built and landscape design..

ENV32: Development to take account of context and surroundings

ENV33: Development to be fully supported by details of layout and landscape

ENV40: Adequate foul and surface water drainage infrastructure to be provided.

6.3: Housing to have good accessibility and well related to local facilities;

H3: Provision of additional housing through the re-use of windfall sites;

H9: Housing densities in the range of 30 -50 dwellings per hectare recommended

H10: Design to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design.

8.8: Developments only where adequate school capacity exists or can be provided. Council will require a financial contribution to costs of provision.

LC8: Loss of local community facilities including public houses should demonstrate there are other facilities in equally convenient location or no longer a need for the facility.

7.1: Seeks to promote an efficient highway network;

T7: All development should satisfy the car parking standards set out, be well designed and sensitively integrated into the townscape

T13: Advises on parking requirements.

LC1: financial or other contributions will be required for urban open spaces.

Residential Design Standards

Guidelines relating to design and space around dwellings.

Regional Policy

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

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Education

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

National Policy

PPS1 Delivering Sustainable Development, PPS3Housing, PPG13 Transport, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No Objections subject to conditions as in the recommendation. The UDP parking standard to serve the proposed development is 31 spaces. The applicant looks to provide 22 spaces. The site is located along a bus route, and cycling provision is to be incorporated within the site. The UDP standard for communal parking for apartments is 1.5 spaces per unit; based on the 9 apartment units proposed this would require 14 spaces. The applicant looks to provide 12 spaces. The UDP standard for 4, 5, and 6 bedroom houses is 3 spaces per unit, based on 6 units this is 18 spaces, the applicant looks to provide 12 spaces. The site is located along a bus route, and secure cycle storage provision is to be incorporated within the site.

Pollution Control – Contaminated Land Team; the site is in an area that has been utilised for a public house and a former garage. We have no information regarding ground conditions in the area and no information was supplied in support of the application regarding any contamination or ground gas issues on the site. A site investigation and assessment of site contamination and ground gas will be required prior to the development commencing.

Pollution Control – Pollution Control Scientific Team; no objections, subject to conditions to deal with issues of noise affecting the site and surrounding environs.

Arboricultural officer, Conservation – No objections, however a suitable, visible and significant street scene tree planting scheme would be appropriate.

Education Walsall – In this case, the level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore a contribution of £24 981.99, towards secondary school provision is necessary.

Fire Service – satisfactory fire access.

National Grid – no comments

Centro – No objection. The site is served by the number 79-bus service linking the site to Wolverhampton and Birmingham at a frequency of 10 minutes Monday-Saturday daytimes, 15 minutes Sundays and 20 minutes at evenings. The site is also served by the 339 bus service linking the site to Walsall and Bilston at a frequency of 30 minutes Monday-Saturday daytimes. There is a bus stop located near to the application site on High Street,

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which should be retained in its existing location.

Public Participation Responses

Comments are awaited in response to consultation on the submitted revised plans the subject of this report and will be reported in the Supplementary Paper.

A letter from consultants appointed by WMBC to produce the regeneration framework plan for Moxley, have commented that;

-The building line is very close to High Street (more than the existing line of buildings). The existing building line was being used to define the urban design principle for the 'green alley' proposal we were encouraging as part of the environmental enhancement and mixed use concept.

~ The proposed vehicular access off High Street to this site is unnecessary in our view as the site can be well accessed off Castle View Road. This goes against the approach we have been working towards to improve vehicular movements along High Street.

~ The planning application indicates railings around the property line which is against the pedestrian-friendly redevelopment of High Street that we are proposing.

Determining Issues

- principle of development
- design
- car parking provision
- obligations

Observations

Principle of development

The Unitary Development Plan recognises that windfall sites may arise and encourages the provision of housing provided a satisfactory residential environment can be met. The former public house is nearly derelict and the locality is residential in character.

It is therefore considered appropriate that the site should be redeveloped for housing purposes.

Loss of community facility

The site is currently occupied by a public house. Policy LC8 states that the loss of such facilities will only be permitted if it can be demonstrated that any range of criteria can be met. There are a number of public houses in the area that could accommodate the activities once undertaken at this now semi-derelict pub. It is also apparent that the use of this public house ceased some time ago and is now no longer required or such facilities have been provided elsewhere in a more convenient location. The loss of the Public House is therefore supported.

Design

The scheme is a perimeter block, which is considered the optimum design solution for the site, given the constraint that being surrounded by three roads

represents. The scheme provides a single driveway access point from High Street for three houses and parking is proposed on plot at 200%. All of the proposed houses have direct access from the street.

Entrances for the flats at the corner of Foundry Street and Castle View Road are from the street.

In terms of scale, the proposed development is predominantly three storey, with the block on the corner of High Street and Castle View Road as a full three storey. The open and flat High Street and proposed siting at approximately 2m from back of footpath will give the proposed building visual significance in a relatively bland street scene.

The layout provides for entrances on to streets which relates well to the established pattern of development and which increases aspects of safety. The scheme provides a comprehensive approach to the redevelopment of the site, creating a built presence along High Street and Foundry Street. Large windows behind juliette balconies could maximise solar gain from the aspect of the corner block at plots 7-12. However, as three storey development surrounding the corner, this will block a degree of sunshine to adjacent, north facing garden plots.

Car Parking

Transportations comments are supported.

Obligations

Contributions to Urban Open Space (£30 492.00) and Education (£24 981.99) have been identified as necessary and have been identified as necessary and appropriate. The applicant has not yet agreed to implement them.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. This development shall not be carried out other than in conformity with the following plans, received on 26 November 2007;

Drawing number HA/MOX/4 Rev A- Plans and elevations nos 7-12

Drawing number HA/MOX/9 Rev A- Second Floor Plan nos 7-12

Drawing number HA/MOX/5 Rev A- Plans and elevations, plot 15

Drawing number HA/MOX/6 Rev A- Floor Plans and elevations, house number 1

Drawing number HA/MOX/7 Plans and elevations, plots 2 and 3
Drawing number HA/MOX/3 Plans and elevations, nos 13 and 14
Drawing number HA/Boundary/MOX Boundary Treatment
Drawing number HA/MOX/SS, Rev A, Street Scenes.

Plans received on 29 November
Drawing number HA/MOX/SP Rev A. Site Plan and Landscaping scheme.
Drawing number HA/MOX/1 Rev A- Floor plans Block 4-6
Drawing number HA/MOX/2 Rev A- Elevations Block 4-6

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

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

Reason: To ensure the 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 submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall particularly provide for the landscaping of the High Street frontage of the site, private amenity areas, pathways linking access to adjacent buildings with the car park area for the flats at plots 4-6 and 7-12, the planting of extra heavy standards for tree planting, include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of hard landscaping including fencing and wall boundaries. 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. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years months from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

6. Notwithstanding the submitted plans, no development shall commence unless and until a scheme providing tree protection measures, in accordance with British Standard BS 5837, has been submitted to and approved by the Local Planning Authority, in respect of the trees identified on the submitted plans as to remain.

Reason; In order to ensure the satisfactory protection of trees identified as to remain and to ensure the satisfactory appearance of the development.

7. A revised plan shall be submitted showing the required visibility splays to; the proposed access onto High Street adjacent to plots 1 and 2, of 2.4m x 90m (SSD) Stopping Sight Distance, and the proposed access from the communal parking court onto Castle View Road with a (SSD) of 2.4m x 27m, and 2.4m x 43m in a northerly and southerly direction respectively.

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

8. Nothing shall be planted, erected or allowed to grow within the splayed areas created by the Stopping Sight Distance above a height of 0.6m, in the interests of highway safety. Furthermore visibility splays from Foundry Street with its junction with Castle View Road, and Castle View Road with its Junction with High Street shall not have existing Stopping Sight Distance lines affected by the development, by obstructions or planting.

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

9. No development shall commence until details and specifications of the permanent closure of existing accesses onto High Street and Castle View Road have been submitted to and approved in writing by the local planning authority.

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

10. No further accesses shall be permitted onto High Street (A41) which is a classified road, and landscaping shall be incorporated into the design to prevent any access from the adopted highway onto the frontage of Plot 3.

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

11. Before development commences a scheme for the allocation of the car parking spaces to individual dwellings, providing 1 space per dwelling and spaces for visitors shall be submitted to an approved by the Local Planning Authority. The allocation of the spaces shall be marked out and suitably labeled on site before occupation of the first dwelling, and retained as such.

Reason; in the interests of the provision of parking for occupiers and visitors at the site.

12. No development shall commence until details of the parking areas shown on the approved plans to serve the occupiers of the site, providing for surfacing in tarmac or other materials, as fully consolidated, surfaced and drained, with all parking spaces in the parking court being demarcated on the ground, have been approved in writing by the local planning authority. The parking areas and access thereto shall be available for use before the related residential unit is brought into use and the parking and access areas shall be retained and available for such use.

Reason; In the interests of amenity and safety.

13. Unless otherwise agreed in writing by the Local Planning Authority, development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development.

Reason; To prevent indiscriminate parking in the interest of highway safety.

14. No development shall commence until details of the design, access and appearance of the bike stores have been submitted to and approved in writing by the Local planning authority. The storage facilities shall be covered and secure to encourage cycle use.

Reason; In order to provide appropriate secure provision for sustainable transport.

Reason; In order to ensure provision of appropriate refuse collection systems.

15. No development shall commence until a Waste Management Strategy, providing details of the design and appearance of the proposed bin stores, access and gating from the bin stores - providing sufficient width to accommodate easy transfer of bins to the highway for refuse collection, together with appropriate landscaping, and a bin hard standing areas located at the edge of adopted highway, has been submitted to and approved by the Local Planning Authority.

Reason; In order to ensure provision of appropriate refuse collection systems.

16. Any gates provided at the main vehicular access shall open inwards only or slide so as not to obstruct car parking spaces and the access and shall be retained as such.

Reason; In the interest of highway safety.

17. No development shall commence on site until details of the disposal of both surface and foul water drainage, to include a scheme for the provision and implementation of a surface water run-off limitation, have been submitted

to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such.

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

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

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

19. Notwithstanding the submitted drawings, no built development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises and shall be retained as such.

Reason: In the interests of securing the development.

20. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 08.00 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.

Note for applicant

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

Reason; In the interests of the amenity of nearby occupiers

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

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

Reason; to ensure the development does not cause pollution.

22. No development shall take place until details of a noise survey have been submitted to and approved in writing by the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Reason; to ensure the development does not cause pollution.

23. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to a 3 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason To ensure the satisfactory development of the site.

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, ENV 32, 7.1, 7, 7.8, LC8 and H10 of Walsall Unitary Development Plan 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Notes for applicant

1. Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard

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

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

3. Notes for applicant

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

a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 35 dB together with a maximum instantaneous level of 45 dB LAFmax, between the hours 23.00 to 07.00;

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(1 hour), of 45 dB between the hours 07.00 to 19.00; and Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 ' Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

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

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

4. Walsall Councils Street Lighting Partner Amey shall be contacted with regards to the resiting of the street lighting column located in front of Plot 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 web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/1784/FL/W2
Application Type: Full application
Applicant: KMS Properties

Case Officer: Marilyn Kowalski
Telephone Number: 01922 652492
Agent: Integrated Designs(
Midlands) Ltd

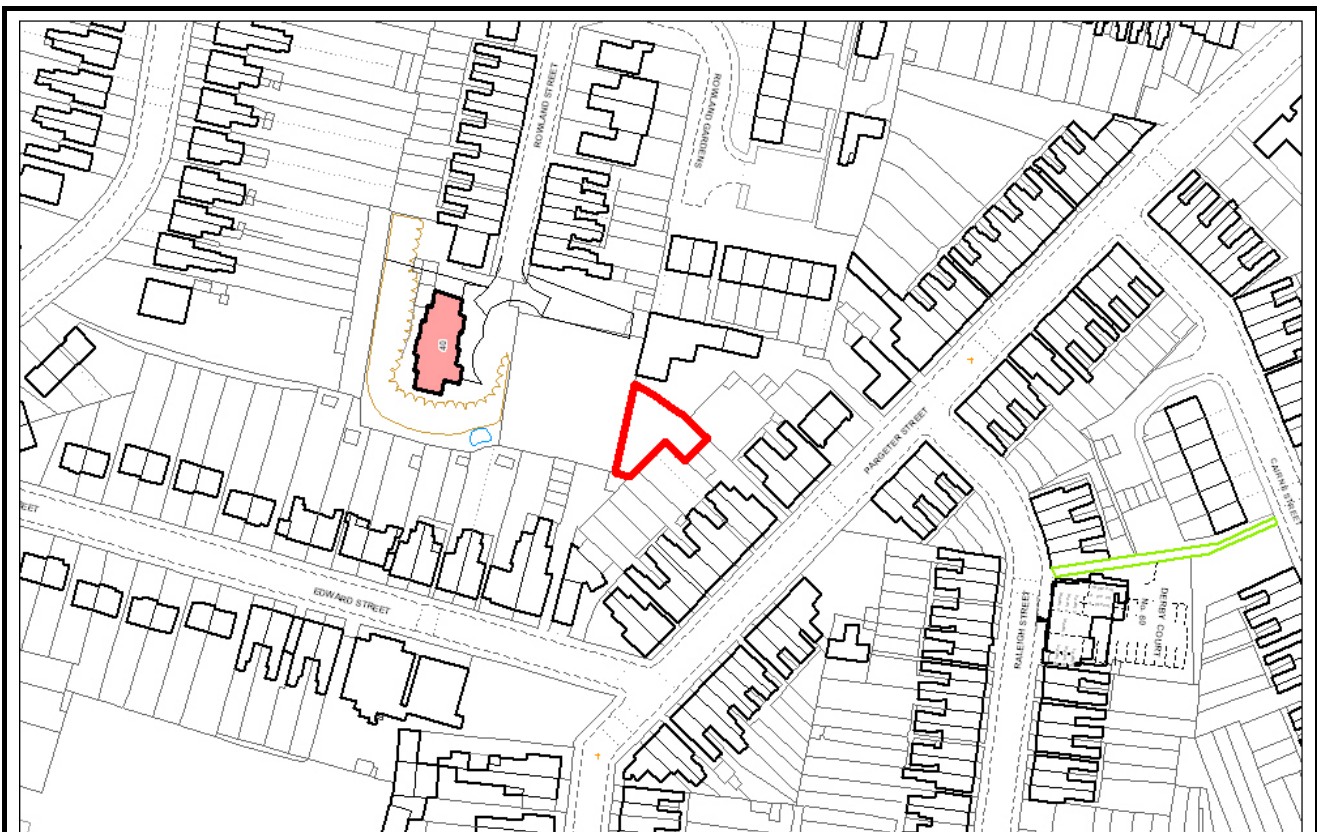
Proposal: Erection of Dormer
Bungalow

Location: LAND REAR OF
121, PARGETER
STREET, WALSALL, WS2 8QR

Ward: Pleck

Expired: 07/11/2007

Recommendation Summary: Grant Subject to conditions



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Status

The application was presented to the last Development Control Committee. Since then it has come to light that a nearby resident registered to speak but unfortunately, the registration was not picked up. In order for the resident to be given the opportunity to speak the application is being brought back to committee.

Application and Site Details

The application is for the erection of a 2 bedroom dormer bungalow on a triangular piece of land at the rear of houses which front on to Pargeter Street. The land is currently unused and has never been developed. It is overgrown and some tipping of builders materials has taken place on the site in the past.

The proposal gains access from an adjoining development off Rowland Street which has planning permission for 5 houses but which has not yet been built.

Two parking spaces are provided in the front of the property. A private amenity area is provided to the side of the proposed bungalow.

Relevant Planning History

Nothing relevant on the site.

Site adjoining (latest application):

07/1642/FL/W2 Adj. 35, Rowland Street, Walsall, Erection of 5, 2 and a half storey dwellings Grant Subject to Conditions 12th October 2007

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

Adopted Walsall UDP

SPS 2.1 and 2.2 define the overall strategy of the plan. The aims of sustainable development, urban regeneration, & environmental improvement are identified.

Policy GP2 deals with Environmental Protection. This requires all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment. The policy identifies several considerations to be taken into account including visual appearance, overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property, traffic impact, including the adequacy of the proposed access and adequacy of parking facilities, and the effect on woodland or individual trees on or near the site.

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.

Policy H3 is a housing policy about windfall sites. This sets out that the Council will encourage the provision of additional housing through the re-use of brownfield previously-developed windfall sites providing that:

- A satisfactory residential environment can be achieved,
- There is no overriding need for the land or buildings to be retained for employment or any other use
- 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,
- Residential development would not unacceptably constrain the development of any adjacent site for its allocated or identified use

Policy H10 is about layout, design and dwelling mix of housing, This states that the Council will expect the design of residential developments to create a high quality living environment, well-integrated with surrounding land uses and local character, and in accordance with the principles of good design, provide adequate open space, or improvements to existing open space, provide an appropriate mix of housing types, sizes, and tenures with a variety of design, facilitate the efficient provision of public transport services, and maximise pedestrian and cyclist access to local amenities. All proposals for residential development will also be considered against the more detailed standards and guidelines set out in the Council's Supplementary Planning Guidance for residential design.

Residential Development Standards:

Standards for Residential Developments (B) Space around Dwellings: this should provide adequate private amenity space and an acceptable level of privacy and daylight (i) generally garden lengths should be a minimum 12 m and 68 sq m. in area (ii) facing habitable rooms should be a minimum of 24m; a minimum of 13 m between habitable room windows and blank walls which exceed 3m in height(C) Boundary Treatments should provide an appropriate degree of privacy whilst protecting and enhancing the appearance of the development.

Regional Spatial Strategy for the West Midlands (RSS11)

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

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

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. The Draft Phase 1 Revision is currently subject to Examination in Public. The Draft Revision seeks to take

the approach in the current RSS further forward in the design and delivery of high quality environments.

National policy

PPS 3: Encourages reuse of previously-developed land for housing.

Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. Some of the specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

Consultations

Transportation – No objections subject to conditions relating to the right of access remaining open to the bungalow and the soft landscaping at the site frontage being kept to a maximum height of 600mm in order to maintain visibility of 2.0m x 33m.

Pollution Control - No specific contaminated land requirements. Measures should be put in place to address noise issues during construction

West Midlands Fire Service - Satisfactory for fire service access

Representations

I have received 10 letters objecting to the application on the following grounds:-

- Loss of conifer trees;
- Bats have been seen in the area;
- Loss of privacy and security;
- Overlooking;
- Disturbance due to traffic at bottom of garden;
- The building will be out of keeping with the area and will crowd the surrounding properties;
- This will destroy a haven of green;
- This is a moneymaking enterprise;
- Permission may as well be granted for all residents to build over their garden areas;

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

Determining Issues

- compliance with policy
- design
- impact on the character of the area/amenity issues
- transportation issues and loss of conifer trees.

Observations

Compliance with policy

The advice contained in PPS3 (Housing) supports the principle of making more effective use of urban land for housing, especially where such land is accessible by a range of means of transport and where there are necessary services and facilities in the area. However, such developments are expected to be properly integrated into the townscape. The Council's UDP policies are consistent with these aims. They support residential development of sites like this, providing that there is no overriding need for another use, and subject to the consideration of details (design, privacy, character etc).

Design

The building is a simple 1.5 storey bungalow in brick with a tiled roof, with dormer windows on the front . It is different to the surrounding Victorian properties and the new properties off Rowland Street. However, in this secluded location it is considered that this style will merge with the surrounding development in a discrete way.

Impact on the character of the area/amenity issues

There have been several objections to the development from the surrounding dwellings.

The bungalow is lower in height than surrounding buildings which mainly consist of two storey Victorian dwellings. There are side facing secondary kitchen windows in the elevation facing the properties on Pargeter Street, 17 metres away (a condition requiring these to be obscure glazed is recommended). This is satisfactory.

There are 2 side facing inglenook windows either side of the fire place in the elevation facing the proposed properties off Rowland Street. These are secondary windows. There is a minimum distance of 13m from the closest of these properties to the side of the proposed bungalow and this is across a roadway, it is therefore felt to be satisfactory.

The car parking to the bungalow is located 2m away from the rear boundary of 115 and 119 Pargeter Street (at its closest). The gardens of these properties are 17m long. It is therefore considered that there is adequate separation from any possible disturbance due to the proximity of the proposed parking.

The erection of this dwelling would improve the security of the neighbours.

The Residential Development Standards prescribe the provision of a rear garden space of 12 metres in length and a minimum area of 68 square metres. The application site is an unconventional shape which does not allow for standard garden dimensions. However, a private area measuring 53 sq m approx. has been provided. This equates to a back garden. This land backs up to the rear boundary of no. 121 Pargeter Street. There is also a smaller piece of land (a "front" garden) on the opposite side of the bungalow, adjoining the proposed Rowland Street development, which provides a further area of what is likely to be private amenity space with the retention of the existing 2m high fence and row of conifer trees which are located in the adjoining land.

The surrounding area comprises mainly Victorian terraced dwellings, some with longer than average gardens. The new dwellings off Rowland Street have a minimum garden length of 11m. Therefore, taking into account the character of the area it is considered that the proposed garden amenity area is satisfactory.

Transportation issues

The transportation officer has not raised any objections to the development. It is felt that adequate access is provided. It would be a civil matter to ensure that access should remain permanently open to the bungalow. A condition is suggested requiring that the soft landscaping be kept to a maximum height of 600mm in order to maintain visibility of 2.0m x 33m in order to maintain visibility at the entrance to the site. The Unitary Development Plan parking requirement of 2 spaces for 2 bed properties has been met. The transportation officer is satisfied with this. The fire officer has not raised any objections.

Loss of conifer trees

There is a row of mature leylandii (conifer) trees along the western boundary of the application site (the boundary with the new Rowland Street development) which are outside the application site. Some of these will need to be removed to form the access into the site. The trees are not in a preservation order. Such conifers are not normally considered to be worthy of preservation as they are easy to grow and certain types are extremely vigorous. The remainder are unaffected.

Recommendation: Grant Subject to conditions

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

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

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 details of works for the disposal of surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the construction of the development.

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

5. 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, if this includes the retention of existing boundaries the submitted details shall indicate where any necessary repairs are to be undertaken. 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 appearance and functioning of the development.

6. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, the proposed dwelling shall not be extended without the prior approval of a planning application.

Reason: In order to maintain an adequate amenity area .

8. 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: To ensure the satisfactory functioning of the development.

9. 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.

10. 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.

Reason: To ensure the satisfactory provision of off-street parking and to ensure the satisfactory functioning of the development.

11. The soft landscaping at the site frontage shall be maintained at a maximum height of 600mm in order for a visibility splay of 2.0m x 33m to be achieved.

Reason: In the interests of highway safety.

12. Before the development hereby permitted is brought into use, the side facing kitchen windows in the elevation which sides on to the properties on Pargeter Street, and any glazing in the side door on that elevation shall be glazed in obscure glass, and permanently fixed. Thereafter the windows/door shall be maintained in that condition.

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

13. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, Bank or public holiday* and otherwise such works shall only take place between the hours of 0700 and 1800 weekday, and 0800 to 1400 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 be operational on the site outside of these permitted hours.

(Bank or public holidays for this purpose shall be: Christmas Day; Boxing Day; New Years Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Reason: To safeguard the amenity of the area.

14. a) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be commenced until residential development of the adjoining site (land adjoining 35 Rowland Street) has been commenced.
b) The development hereby approved shall not be occupied until access is routinely and readily available through that adjoining site and its

development for future residents.

Reason: To ensure satisfactory access to the site.

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 2.1, 2.2, GP1, GP2, GP7, 3.1, 3.6, ENV19, ENV32, H3, H9, H10 of Walsall's Unitary Development Plan and Residential Development Standards within the Supplementary Planning Guidance, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2341/RM/W7
Application Type: Reserved Matters

Case Officer: Andrew Thompson
Telephone Number: 01922
652403

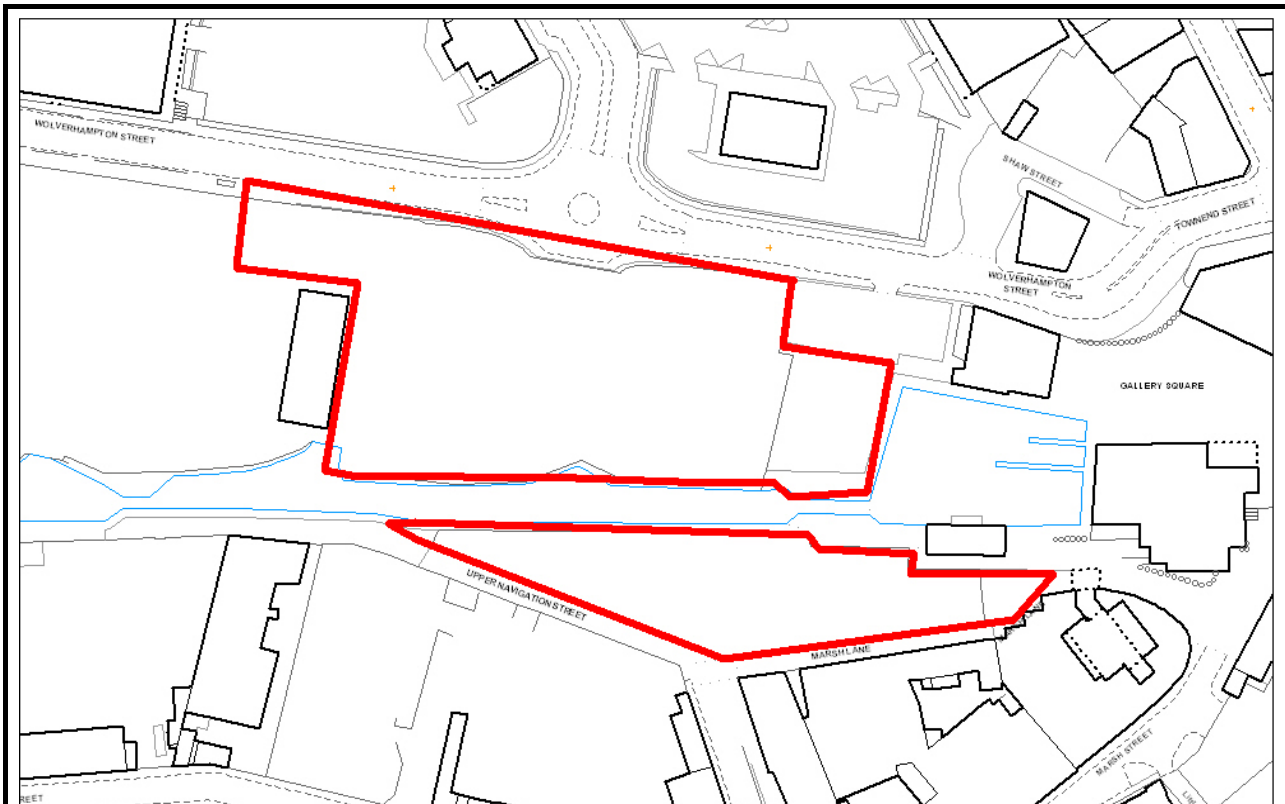
Applicant: Urban Splash
Proposal: Partial submission of
Reserved Matters relating to Condition
3a) of Planning Permission
06/1450/OL/W1 relating to landscape
works for the central portion (Phase 1)
of the development site.

Agent: ROB BESWICK
Location: WALSALL
WATERFRONT, LAND TO THE
SOUTH OF WOLVERHAMPTON
STREET, WALSALL

Ward: St. Matthews

Expired: 22/01/2008

Recommendation Summary: Approve Reserved Matters



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Application and Site Details

The application relates to the landscaping to the first phase of the Urban Splash development on the Walsall Waterfront comprising part of the application site for planning permission 06/1450/OL/W1 and excluding the area around the Wharf Bar and the pedestrian bridge over the basin. These details will be submitted at a later date although an indicative scheme for the bridge is shown on the plans submitted.

Initial proposals for landscaping and lighting were included as illustrations, at outline stage. The scheme has evolved and changed since that time, though a number of concepts are still recognisable.

The landscape proposals, in general terms, seek to create a distinctive and high quality public realm that combines with the buildings already approved in this area to create a focus for leisure activity for the town centre and for the work, retail and residential communities that will form the redeveloped Waterfront.

The design approach is a framework of elements that can evolve over time and be delivered over the phased construction and be incorporated into the surrounding areas, for example Gallery Square.

The applicants point to the existing situation that the landscape of the Waterfront is of overgrown scrub and industrial dereliction. There are no trees worthy of retention within the Phase 1 boundary.

The proposals will create new areas to encourage wildlife, creating various changes to topography and will create a canal wall on the northern edge to allow for improved habitat capability.

Relevant Planning History

On the site

06/1450/OL/W1 - Outline application for a mixed use scheme including leisure, offices, retail, apartments and associated multi storey parking (consisting of 12 buildings, 7 of which are submitted as reserved matters) (excluding landscape proposals). Granted 21/12/2006

Near the site

Jessups

07/0618/FL/W7 – Redevelopment for residential (357 dwellings) and commercial buildings (shops, offices, restaurants, leisure uses) and car park – Granted with Section 106 – 29/06/07

William House

06/1986/FL/W7 – Demolition of existing warehouse and erection of residential block of 44 flats with basement/ground floor for commercial premises (2 no. A3 uses) – Refused – 18/12/06

Crown Lofts and One Gallery Square

03/0381/FL/W4 - Demolition to existing buildings & construction of 6 storey apartment block containing 21 units. Granted – 13/08/2003

02/0835/FL/W6 - Amendments to the original application no BC58490P. 37 residential apartments and A3 use at ground floor – Granted 20/08/2002.

BC58490P - 37 Residential apartments, A3 (Bar/Restaurant) use at ground floor and proposed new open space area – Granted 21/01/2002

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

Adopted UDP

The proposals would be within the Waterfront Development boundary (Policy WA12) and is also within the Town Centre and therefore Policy WA3 with regard to other uses applies. Policies Env10 and Env32 of the UDP also apply in this instance in creating a suitable environment.

Policy ENV33 (Landscape Design) and the supporting text of this policy is particularly relevant in this instance.

(a) Good landscape design is an integral part of urban design and the Council will require, where appropriate, planning applications proposing development in the locations described in policy ENV32 to be supported by full details of external layout and landscape proposals.

(b) In addition, development proposals meeting any of the following criteria will also be required to be supported by full details of external layout and landscape proposals:-

- I. Land which the Council is expected to adopt.
- II. Development sites containing natural and built features the Council requires to be retained or enhanced.
- III. Residential/ nursing homes where residents would benefit from the sensory stimulation provided by a landscape scheme and who are not in a position to secure it for themselves.
- IV. Larger development proposals.

The supporting text to the policy states:

Landscape design is an integral part of good design and the Council will ensure that development proposals take account of opportunities to create and enhance environmental quality. It involves far more than the planting of trees, hedges, shrubs or grass: it also includes hard surfacing, walls, fencing, water and art features and the shaping of land through earthworks. Landscape design has a number of functions:-

- Enhancing the visual appearance of the urban and rural environment through a combination of creating new landscapes and retaining or reinforcing the existing visual character of a neighbourhood.
- Reducing the visual impact of development by blending it into its surroundings through tree and shrub planting.

- Providing attractive and functional environments for people. Planting often creates enclosure whilst providing sensory stimulation and links with the seasons.
- Other benefits include the conservation of wildlife through the creation of habitats and pollution reduction.

Policies ENV26 and ENV28 apply in relation to the neighbouring locally listed buildings and Industrial Archaeology. The application site is near the Walsall Locks Conservation Area and therefore policy Env29 applies.

Waterfront SPD

The proposals are located within the boundary of the SPD and should be considered as part of the overall masterplan for the area.

Public Urban Open Space SPD

Clarifies the contributions required for public open space. Monies could be used to create environmental improvements to the town centre and gallery square/Marsh Street as opposed to playing field provision.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies UR1, UR3, CF1, PA1, PA11, QE1, QE2, QE3, QE4 and QE5 of the Regional Spatial Strategy for the West Midlands (RSS11) seek regeneration, particularly in the town centres, and prosperity for all whilst ensuring that the quality of the environment is not harmed. Policy QE9 relates to Waterfront Development. Policies EN1 and EN2 seek to reduce energy consumption. Policy T2 seeks to reduce the need to travel.

The Black Country Study (Review of RSS11)

The Regional Spatial Strategy is under review. Phase 1 (Black Country) has completed its Examination in Public and the Secretary of State has made her proposed changes. The revised study will be published in early 2008. The Draft Revision seeks to take the approach in the current RSS further forward in the design and delivery of high quality environments.

National Planning Policy

PPS1, PPS3 and PPS6 all apply as does PPG13 and PPG15. High quality design is progressed within national guidance and is amplified by the Urban Design Compendium 2.

Consultations

Pollution Control – No objection

Representations

City Living Ltd – Representing owners of Crown Lofts

The objection is on the ground that the proposed works are unimplementable, since this company has the benefit of a covenant over part of the land which will prevent the proposed development. The objection is also on the ground that the proposed works would prejudice the use of the company's premises

at the ground floor of Crown Lofts, in accordance with the planning consent granted to the company.

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

Determining Issues

- Overall landscape strategy and masterplan
- Relationship to Crown Lofts and William House (Marsh Lane)
- Relationship to the Jessups scheme (Waterfront South)
- The “Event Square”
- Transportation and Servicing
- Future bridge and canal basin works.

Observations

Overall landscape strategy and masterplan

The overall strategy is to maximise and enhance the key vistas along the canal and to create areas of public realm that create a leisure and communal area and improve linkages to the town centre and Walsall Hospital as well as creating a single approach to the public realm.

The approach includes an Event Square, a Soft Square (creating planted areas), and using the water environment as a focus. In addition the paving would be a mix of colours and textures which would add interest to the space and hard surfacing.

The Soft Square encompasses a series of grass plinths on both sides of the canal, facing south so that the plinths maximise use the sun. The angles of the plinths are designed in a manner to reflect the design of traditional locks (the sloping areas alongside the gates, where levels changes are also absorbed). These spaces would be useable as a place for sitting and relaxing. There is also an opportunity for tree planting.

Linkages to the water environment have been at the heart of the development proposals. The layout encourages use of the canalside for walking and movement whilst compartmentalising the remaining areas to create areas for formal and informal recreation.

Lighting schemes will be developed in conjunction with the Council to develop an attractive and safe environment. The initial proposals shown in the outline planning permission and continued within this application will deliver a high quality 24 hour environment. Further details will be submitted and Conditions 18 and 19 of the outline planning permission require full details to be submitted and for the proposals to ensure that this complies with Secured by Design principles.

Seating opportunities will be widespread through the development with the significant opportunity to relax within the spaces and on the grass plinths. In addition more formal seating for restaurants and cafes (particularly at the Crown Lofts development, Gallery Square and Wharfingers Cottage) will be

available for outdoor seating. This will add activity and interest to the area and ensure that the areas are used positively.

Relationship to Crown Lofts and William House (Marsh Lane)

The scheme runs in front of Crown Lofts and William House. The permission for Crown Lofts includes an area of outdoor seating for a ground floor restaurant which has remained unoccupied since construction of the premises.

With regard to the outdoor seating area the proposals will include a Grass Plinth in near proximity to the proposed outdoor seating area. The outdoor seating area will however be capable of being implemented in accordance with the permission under reference 02/0835/FL/W7.

The owners of Crown Lofts have objected to the scheme based on the deliverability of the application through a restrictive covenant and the relationship to an approved outdoor space for the restaurant and café on the ground floor of the development.

The existence of the covenant has been known for some time and whilst a matter of property law and not planning, it is understood that proceedings are in place to remove and/or vary this covenant to which City Living have been engaged. It is therefore considered that the proposals will be entirely deliverable in this respect.

Relationship to the Jessups scheme (Waterfront South)

The proposals have been brought forward in a joint manner with the developers of Waterfront South (planning permission reference 07/0618/FL/W7). The landscape and canal towpath treatments for both developments will be complementary and be a cohesive and strong area of public realm.

The “Event Square”

This will be the hub of the landscaping scheme on the northern side of the canal. The area falls primarily under the already approved raised office building. It will be enclosed by grass plinths and the “Parking Hedge” building. Paving within the square will be using a warmer terracotta and earthen colour scheme than the surrounding development.

The Event Square will be a meeting point for users of the Waterfront and will include a number of seating locations in a variety of conventional and contemporary designs.

In order to promote a 24 hour environment there will be lights in the soffits of the raised office building and a detailed lighting strategy will be included to ensure that the Waterfront as a whole continues to be attractive during the evening. It is proposed to use a grid of marker Light Emitting Diodes (LED's) set into the floor of the event square with which the applicant aims to create a “two plane ‘milky way’ effect”.

Access and Servicing

The proposals have been designed so that the agreed service routes and parking arrangements can be implemented over the phased construction period and continue without disruption to essential services and operations.

Future Bridge and Canal Basin works

Whilst not included within this reserved matters application, Urban Splash are working with British Waterways and other partners to deliver a successful and attractive bridge crossing and consider options for the basin and livening the space.

The initial pedestrian bridge design has received a positive response in terms of design, however technical and maintenance issues are being discussed with British Waterways.

In addition the applicant is exploring options for including “floating petals” within the canal basin. These will be colourful and add potential interest to the basin, defining the water environment further. These could also potentially be lit and add interest in the evening. Technical requirements and locations are being discussed.

Both these issues can be dealt with through existing conditions once satisfactory agreement has been reached with British Waterways.

Recommendation: Approve Reserved Matters

In relation to the area outlined in red on drawing number 236-WAL-GA-003-ROO (hereafter called ‘Waterfront North Phase 1’)

Condition 3a) is complied with; and

Conditions 22 Part a) subsection a), g) and h) and Part b) subsections i), ii), iii), iv) and vi) are complied with subject to the works being carried out in accordance with the approved plans.

The remaining conditions under planning permission reference 06/1450/OL/W1 remain valid and unless otherwise previously agreed in writing by the Local Planning Authority, remain unaffected by the content of this permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV29, ENV32, ENV33, JP7(d), S1, S2, S8, H3 and H10 and Policies QE3, QE4 QE5 and QE9 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application and called in

Application Number: 07/2059/FL/E9

Application Type: Full application

Applicant: Housing 21

Proposal: Erection of 59 Extra Care Apartments, communal facilities, Day care centre, parking and associated landscaping

Ward: Bloxwich West

Recommendation Summary: Grant Subject to conditions

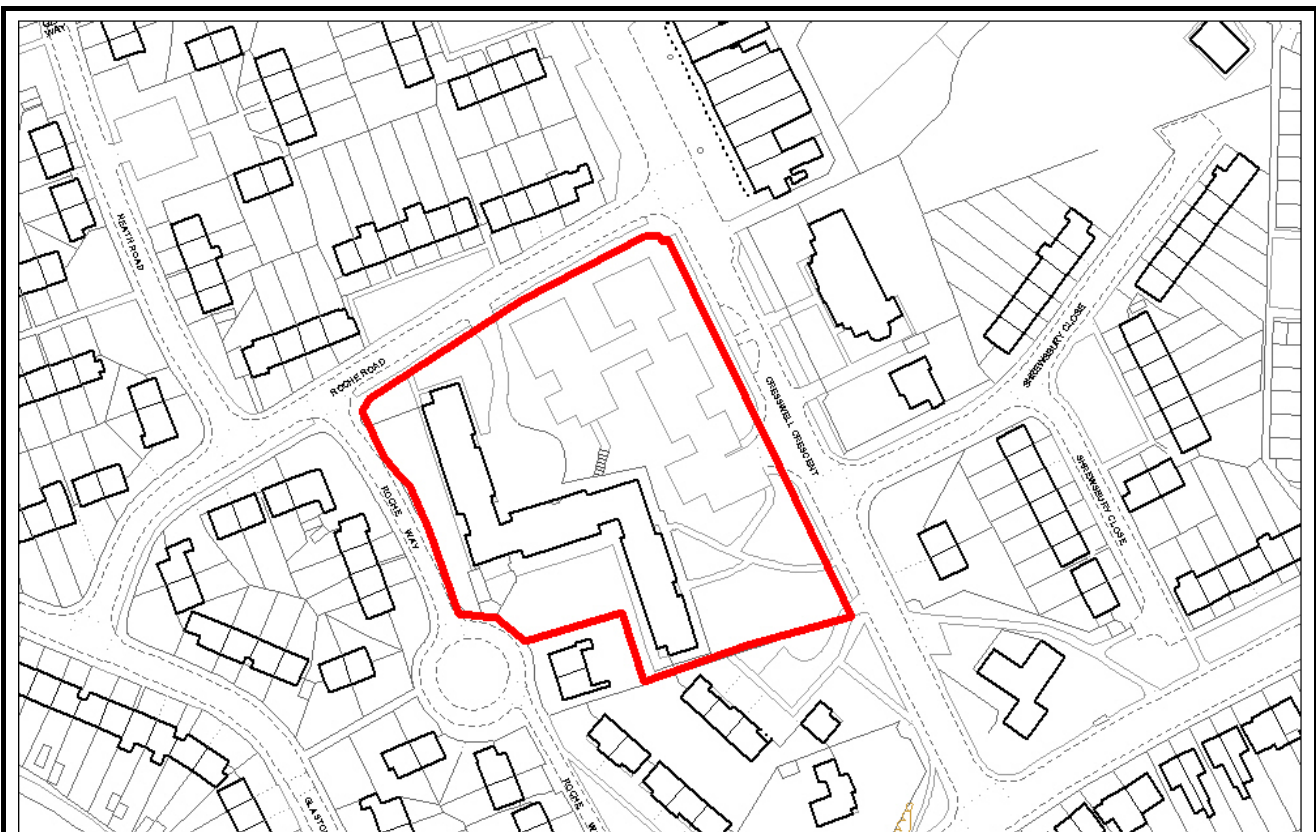
Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: Calfordseaden LLP

Location: MOSSLEY CENTRE, 1 ROCHE ROAD, WALSALL, WS3 2QT

Expired: 26/12/2007



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Application and Site Details

The application proposes the redevelopment of the site with 59 extra care apartments with associated facilities and day centre.

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

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

The site is situated on the western side of Cresswell Crescent and is bounded to the north by Roche Road and to the west by Roche Way. The site is situated just to the south west of Mossley local centre and approx 1500m from Bloxwich district centre.

The site was formerly occupied by the Mossley Centre, Social Care and Inclusion offices and prior to that it was used as a residential care home. The building has now been demolished as it was condemned as unsafe. The buildings were set to the west of the site with open parking to the Cresswell Crescent frontage.

The site is surrounded predominantly by residential properties in Roche Road, Roche Way and Cresswell Crescent, with St Thomas church and vicarage directly opposite in Cresswell Crescent and local shops (shops on ground floor with two storey residential above) situated to the north east of the site. Roche Way and Roche Road comprise of two storey terraced houses directly facing the site, with a pair of semi detached houses situated in the south western corner of the site in Roche Way. To the south are bungalows in Roche Way and Cresswell Crescent.

The site fall from east to west, Cresswell Crescent to Roche Way.

The proposals include 27 x 1 bed and 32 x 2 bed apartments (to be split between affordable rent and shared ownership) for independent living, communal restaurant and lounge facilities, day care centre, hobby room, well being, hairdressers, shop and a staff zone incorporating welfare and meeting rooms, as well as night staff accommodation and a visitors suite.

The facilities would be accommodated within a three storey 'L' shaped building set to the northern and western boundaries of the site (along Roche Road and Roche Way). The existing vehicle access on Cresswell Crescent would be utilised and would provide access to 29 parking spaces (including 3 disabled spaces) and a mini bus drop off area. All communal facilities would

be provided on the ground floor just inside the main entrance door of the western wing of the building, with a progressive privacy scheme provided from the 'public' area to the private apartment area, to ensure security for the residents. Staffing levels for the facility would be approx 15, including a manager, administrator, care staff and catering staff.

The existing group of trees in the south eastern corner of the site would be retained and landscaped amenity space would be provided around the building for residents and visitors.

Site area 0.81 hectares with a density of 72 dwellings per hectare.

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)

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection

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

GP3: Planning Obligations

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

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

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

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

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

H4: Affordable Housing

25% of total dwellings shall be affordable homes.

H5: Housing for People with Special Needs

The Council will promote and encourage the provision of housing for people with special needs, including single people, the elderly etc.

H9: Minimum Densities

Densities exceeding 50 dwellings per hectare will be encouraged within or close to local centers with good means of transport and for provision of small units for single people or the elderly.

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.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV18: Existing Woodlands, Trees and Hedgerows

The Council will ensure the protection and enhancement of existing woodlands, trees and hedgerows. Where any loss is necessary appropriate planting of commensurate planting will be required.

ENV32: Design and Development Proposals.

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

T7 – Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Care homes 1 space per 3 beds

Nursing Homes 1 space per 2 beds

Policy 7.63 of the UDP does indicate that id housing schemes are to be occupied by a greater proportion of non-car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision my be appropriate.

Residential Development Standards, (April 2005)

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

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

National Policy

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

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

The objective of the revised guidance is to:

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

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

Consultations

Transportation – no objections subject to conditions, regarding demarcation of parking spaces and mini bus area to be marked ‘loading only’.

Fire Officer – Satisfactory access for fire appliance.

Environmental Health – no adverse comments

Pollution Control – Scientific Team – no comments

Contamination Team – Site situated in an area of land previously mined and back filled with materials of an unknown nature. No adverse comments to the redevelopment of the site, but notice has been taken of the submitted geo investigation and its findings. It is evident that further work to ensure any potential hazards upon site to the final end users is adequately assessed and that remedial measures where appropriate be implemented, safeguarding conditions attached.

Housing – fully support the proposals that form part of the Council’s older person Extra Care Re-provision Programme.

West Midlands Police – some concerns raised re corner features in Roche Road, as the area is subject to anti social behavior, it is suggested that the feature be removed or turned and included within the site boundary. Other issues raised regarding minor amendments to ensure compliance with Secure by Design.

All comments raised by the Police have been taken on board and the scheme amended to comply.

Landscape Officer – No objections in principle, although no specific planting details shown. Clarification of boundary treatment required and suggest enclosure of corner features within the site to ensure longevity. The bin store at the main entrance is disappointing.

All comments raised have been taken on board and the scheme amended to comply.

Tree Officer – No objections in principle providing the group of trees in the south eastern corner of the site are retained, safeguarding conditions required to ensure appropriate tree protection measures and replacement tree planting.

Drainage – no adverse comments.

Public Participation Responses

One letter received, expressing some concern regarding the location of the existing sewage pipes and access to them and regarding the removal of some of the trees on the site and the impact on the pipes. No objections in principle.

Determining Issues

The determining issues are:

- The principle of residential development.
- The design and layout of the proposals
- Impact on the surrounding occupiers and the street scene
- Access and parking
- Trees and Landscaping
- Contributions

Observations

Principle of residential development

The application site comprises of previously developed now vacant and would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which encourage the reclamation and development of derelict and previously developed land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and PPS 3 – Housing, encourages development of brownfield sites for residential purposes.

The site is situated in a predominantly residential area, just outside Mossley local centre and in close proximity to Bloxwich district centre, and is therefore considered a sustainable location with good public transport and local facilities in close proximity. The principle of residential development on the site is therefore considered appropriate.

Policy H9 encourages densities in excess of 50 dwellings per hectare within or close to local centres, with good means of transport and where it would provide small units for single people or the elderly. PPS 3 encourages a mix of housing types, both market and affordable and development in suitable locations which offer a good range of community facilities, key services, jobs and infrastructure. The proposals would provide small self contained units for the elderly just outside a local centre with good public transport, therefore the proposed density of 72 dwellings per hectare is considered acceptable and appropriate and would comply with policy.

Design and Layout.

The proposed use would be accommodated in a 3 storey 'L' shaped building appropriately sited along the northern and western boundaries of the site along Roche Road and Roche Way, in keeping with the general character of the street scene. The building would be set in from the boundaries with the

provision of semi private landscaping/amenity space inside the boundary, to provide a quality setting. All the boundaries would comprise a dwarf wall and hoop top railings to secure the site, but still allow views into and out of the site. A private landscaped garden would be provided between the northern wing and the access drive, screened by planting to ensure it is private and useable.

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

A security system would be provided to enter the private residential element of the building with 2 lifts to give access to the upper floors. The scheme is designed with a central corridor with flats either side, whilst not ideal, providing only single aspect units, the requirements for level, internal secure access to all units is a priority for the residents so they can use the restaurant, shop, hairdressers etc without leaving the building or using any steps.

Each flat would be independent with its own front door and be fully accessible for people with restricted mobility. A double bedroom (and a single in 2 bed units), shower room, kitchen/living room would be provided, all with alarm call system fitted. A bay window would be provided to each living room with low window cills to allow views out from a sitting position and provide interest to each elevation.

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

Whilst it is recognised that the building is large, it is split into two connected wings with some stepping and staggering of the building lie in each elevation, together with bay windows at each level to assist in breaking up the elevation. Brickwork, render and timber cladding are proposed to further break up and add interest to each elevation. The roof would be split up by gable features which would reduce the overall impact.

Impact on the surrounding occupiers.

The proposed building would address both Roche Road and Roche Way, whilst providing landscaping and trees around the boundary to help soften the visual impact of the building and improve the visual amenity of the general street scene.

The proposals comply with the RDS in terms of 24m distance separation to the existing properties.

The proposals have been stepped down in height in the south western corner adjacent to 12 and 14 Roche Way, which comprise a pair of semi detached two storey houses, to ensure no adverse impact to the occupiers and reduce the overall visual impact within the street scene.

The retention of the group of trees in the south eastern corner of the site would maintain the existing environmental quality within the general street scene and to the surrounding occupiers.

It is therefore considered that the proposals would have no adverse impact on the amenities of the surrounding residential occupiers and would maintain and enhance the general street scene through landscaping and environmental contributions.

Access and Parking Arrangements

The scheme would utilise the existing main vehicle access onto Cresswell Crescent as the only vehicle access into the site, ensuring all vehicle comings and goings are maintained within the busier and more major roadway in the area.

29 parking spaces would be provided. Policy T13 of the UDP does not provide any guidance on parking provision for the proposed use. Whilst flats with communal parking would require 1.5 spaces per unit, residential care homes require 1 space per 3 beds and nursing homes require 1 space per 2 beds. The proposed use is seen as a hybrid of the above uses providing residential care to the elderly within independent living units. Transportation have confirmed that the proposed 29 spaces are considered appropriate and satisfactory for the use. Paragraph 7.63 of the UDP does indicate that if housing schemes are to be occupied by a greater proportion of non-car users than average (eg affordable housing or elderly accommodation) then a lower level of parking provision may be appropriate.

Housing 21 have provided some data on their experiences elsewhere regarding car ownership. In general only 5% of rented residents own vehicles and approx 40% of shared ownership schemes own vehicles. Using these percentages the proposals for 45 rented and 14 shared ownership units would require only 9 parking spaces. This would allow more than adequate additional parking for staff and visitors as well as users of the day care centre.

Users of the day care facility would usually arrive by minibus/community transport hence the provision of a mini bus drop off area adjacent to the front door.

Pedestrian access from the street to the main entrance door would be provided to the northern side of the access road, whilst parking spaces would be provided to the southern side adjacent to the existing group of trees which are to be retained.

Landscaping and Trees

The group of existing trees in the south eastern corner of the site would be retained and protected during construction. The proposals would result in the loss of 19 other trees within the site, but in mitigation proposes the provision of 24 replacement trees around the boundary of the site, enhancing the natural environment of the site and the surrounding area, therefore the loss of existing trees is considered appropriate.

Two outdoor seating areas would be provided within the amenity space to the west of the western wing, with direct access from the communal lounge area and restaurant.

Semi private amenity/landscaped areas would be provided to the boundary around the building with a private formally laid out garden with gazebo seating area provided between the northern wing and the access drive, but screened by planting from the driveway to ensure privacy and security.

Contributions

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

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

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

The scheme would however provide 100% affordable housing (27 x 1 bed and 18 x 2 bed rented and 14 x 2 bed shared ownership), and more than adequate amenity space for residents within the site as well as retaining an important group of trees that provide amenity value to the local vicinity and would therefore not require any further contributions towards open space. The scheme would provide accommodation for the elderly only and therefore a contribution towards local education facilities would not be appropriate. The scheme would provide its own care provision for residents and would therefore have no additional impact on local facilities.

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

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

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

5. External lighting shall be installed on the site prior to the first occupation of the premises, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

6. No development shall commence on site until details of a landscaping scheme to include the species and size of replacement tree planting are submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

7. No development shall be carried out until full details of all existing and proposed underground services and sewers have been approved in writing by the Local Planning Authority.

Reason: To safeguard the trees and or hedges on the site.

8 Prior to commencement of any work on site details of the tree protection fencing in accordance with BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected in accordance with the root protection areas detailed within the Arboricultural Survey by Middlemarch Environment Ltd, dated September 2007, prior to any work commencing on site and shall be retained until all works completed.

Reason: In order to ensure satisfactory protection and retention of the existing trees on the site.

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

Reason: In order to safeguard the existing trees on the site.

10. Prior to commencement of any work on site a methodology for the construction of the parking spaces to be situated within the root protection area identified within the Arboricultural Survey by Middlemarch Environment Ltd, dated September 2007, shall be submitted to and approved in writing by the Local Planning Authority, only the approved details shall be implemented.

Reason: In order to safeguard the existing trees on the site.

11. No dwelling shall be occupied by any person under the age of 60 years old.

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

12. This permission relates to the following plans: B/07/0004 99, B/07/0004 102 Rev D, B/07/0004 103 Rev B, B/07/0004 104 Rev B, B/07/0004 110 Rev D and Landscape Master plan LA/WS/-/L/90/01 submitted on 20th September 2007 and B/07/0004 100 Rev E, B/07/0004 111 Rev E and B/07/0004 101 Rev F submitted on 13th November 2007 together with Design and Access Statement and Arboricultural Report submitted on 20th September 2007 and Drawing No B/07/0004/100 Rev F submitted on 26th November 2007.

Reason: In order to define the permission.

Notes to Applicant

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, GP3, ENV14, ENV18, ENV32, H3, H4, H5, H9, H10, 7.63 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Disposal of Council Land

Application Number: 07/2323/FL/E12
Application Type: Full application

Case Officer: Devinder Matharu
Telephone Number: 01922
652429

Applicant:

Agent: MISS D. WARNER

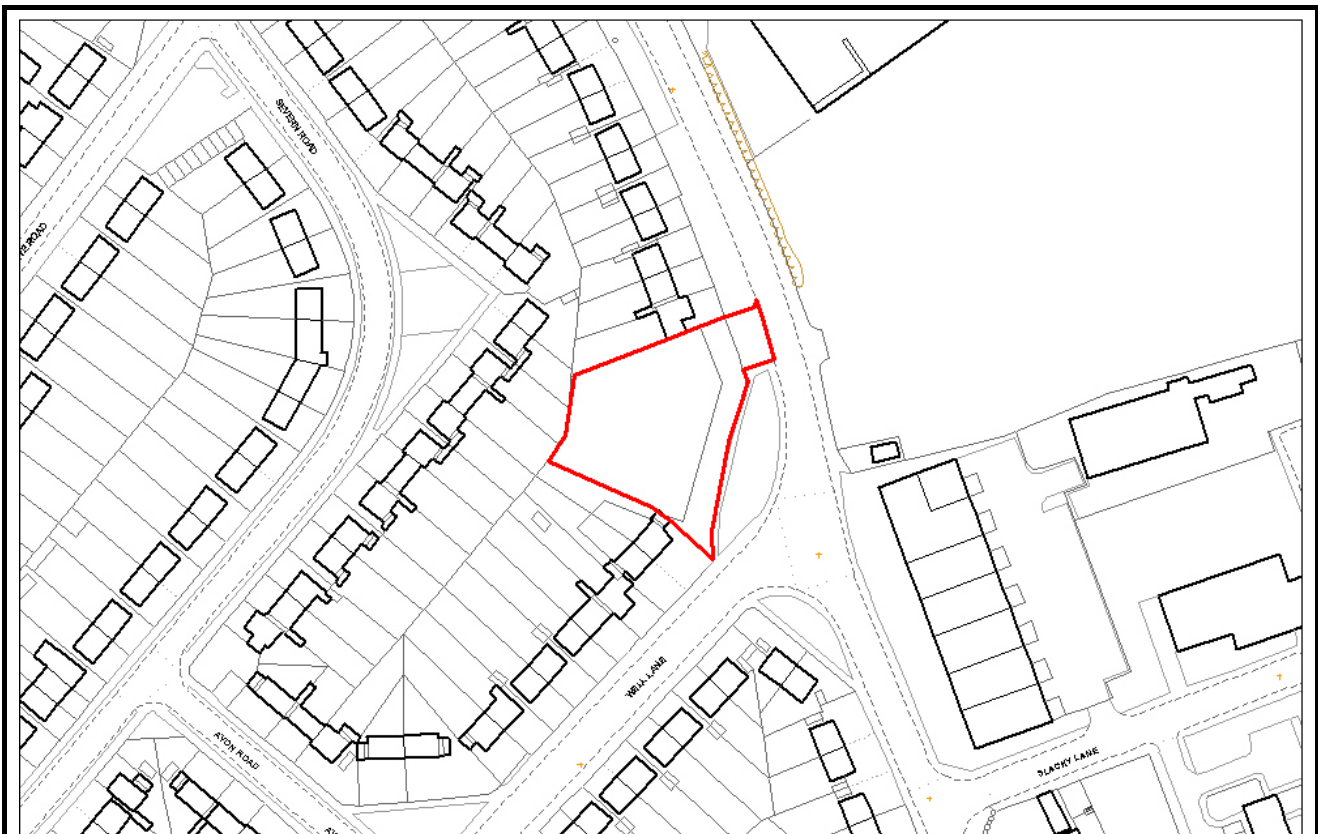
Proposal: Proposed Construction of 10
Two Bedroom Dwellings with Associated
Parking

Location: LAND ON THE
CORNER OF GOSCOTE LANE
AND WELL LANE, WALSALL,

Ward: Bloxwich East

Expired: 31/01/2008

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application proposes the erection of 10 two bedroom flats within a two and three storey block fronting Goscote Lane and Well Lane.

All would be affordable units for social rent. A total of 15 parking spaces would be provided to the rear of the flats. Access to the rear parking area would be provided between the flats and number 7 Goscote Lane with a bin store situated at the adjacent the access road.

Pedestrian access would be provided to both the front and rear of the flats, from the street and to the rear amenity space and parking area. Landscaping will be provided within the site; however the submitted landscape scheme needs to be revised to accommodate the amendments requested.

The site is situated on the corner of Goscote Lane and Well Lane and comprises vacant land formerly occupied by two pairs of semi detached properties, both fronting Goscote Lane, one pair fronting Goscote Lane at an angle.

The surrounding area is predominantly residential in scale and character. Immediately to the west of the site are the rear gardens of semi detached houses in Severn Road, to the south semi detached houses in Well Lane and to the north semi detached houses in Goscote Lane and on the opposite side of the site to the west industrial use.

The site area is 0.164 hectares with a density of 61 dwellings per hectare.

The applicant has indicated a willingness to enter into a planning obligation to provide for a financial contribution to be secured, in order to meet an identified shortfall in educational capacity which would arise in the locality, as a result of the development and towards public open space contribution and healthcare.

The agent has submitted a Design and Access Statement together with a Phase 1 Eco Habitat Survey and an Arboricultural survey.

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)

Walsall Unitary Development Plan March 2005

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

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

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

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

Policy GP7 seeks to design out crime by maximising the amount of defensible space, maximising the surveillance of public areas, care in the design and layout of buildings, a high standard of external lighting and pedestrian areas to be clear of hiding places.

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

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

Policy H10: Layout, Design and Dwelling Mix. Requires a high quality living environment to be created, well integrated with surrounding land uses and local character.

Policy ENV11 Development should propose minimum amount of lighting to minimise glare and light spillage.

Policy ENV14: Development of Derelict and Previously-Developed Land and Policy 3.9 The Council will encourage the reclamation and development of derelict and previously developed land.

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

Policies 3.16, 3.116 and ENV32: Design and Development Proposals. Considers development in relation to its setting with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

Policies 3.117 and ENV33 states that landscape design is an important part of urban design and opportunities to create and enhance environmental quality should be sought.

Policies 3.17, 3.18 and ENV39 states proposals for the development of renewable energy sources and for the efficient use of energy will be

encouraged provided that they would not have a detrimental effect on the character, quality and amenity of the surrounding area. Appropriate measures might include the siting, orientation, design, the recycling of waste heat, the use of landscaping and building layout to reduce energy loss.

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

Policy 8.9 states where demand for new or enhanced health facilities are created by development contributions will be required to contribute towards the cost of such provision through Planning obligations.

Policy LC1 residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing, urban open spaces.

Policy T7 – Car Parking. All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

Flats with individual parking	2 spaces per unit
Flats with communal parking	1.5 spaces per unit

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and area of 68 sq.m. However the main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

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

Urban Open Space (April 2006)

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

Education SPD (February 2007)

Residential developments exceeding ten dwellings will be required to contribute towards the provision of education facilities.

Healthcare SPD (January 2007)

Financial contributions required to support the needs of new development; either to provide new facilities in larger schemes or to contribute towards improving existing facilities that are needed to meet the additional demand arising from the development.

Regional Policy

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

National Policy

Planning Policy Statement 1: Delivering Sustainable Development, emphasis is given to the need to reject poor design and the need for sustainable development.

Planning Policy Statement 3: Housing The objective of the revised guidance is to:

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

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

Consultations

Transportation – No objection subject to revisions to the parking layout, and cycle store and subject to planning conditions imposed relating to the access, surfacing and drainage of the site. **(Awaiting revised comments on amended plans to be reported via supplementary papers)**

Pollution Control – Contaminated Land Team – No observations.

Environmental Health – No comments

Arboricultural Officer - No objections to the proposed development. There will be the loss of some trees onsite and a suitable, visible and significant street scene tree planting scheme would be acceptable for this.

Police Architectural Liaison Officer – All parking should be in curtilage gated areas, but where communal car parking is necessary they should be in small groups, close and adjacent to homes. Although I would discourage this type of court yard parking layout, in these circumstances where it is to be utilised access then also becomes an issue,

There will be gated access to the car parking area, to both vehicles and pedestrians, which will afford anonymity to offenders entering the site. Any access control measures should be self closing as a gate left open implies open access and can be used by offenders to gain entry.

The car parking areas should be well light and comply with BS5489.

Concerns regarding the bin store. Care must be taken to ensure that access to the court yard area can not be gained via the bin store. All doors should incorporate some form of access control so that unauthorised persons cannot gain entry to either the bin stall or the court yard again these should be self closing.

The access points at the front of the property should be flush with the building line, this allows good natural surveillance to the access point and allows residents a clear unobstructed view of any persons hanging around the access point, recess's provide cover for offenders and blind spots for persons to sneak up on those legitimately gaining entry to the premises.

Landscape Officer – Landscape proposals are acceptable on drawing number Gosc-03-100.

Fire Officer – Satisfactory access.

Housing – fully support the proposals and agree the property type and tenure mix which meets the needs of the area.

Centro WMPTA – No objections. The site is served by the number 319 bus service, which links the site to Walsall at a frequency of 30 minutes Monday to Saturday and every hour Sundays and evenings.

National Grid – Negligible risk

Education Walsall – The level of surplus places in local secondary schools is below 10% and therefore a financial contribution is required towards secondary school provision.

New Deal – support the application. The accommodation is a welcome addition to the diversity of accommodation provided in the area.

Public Participation Response

None.

Determining Issues

- Principle of development
- Design and Layout
- Amenities of nearby residents
- Parking and access
- Landscape and trees

- Contributions

Observations

Principle of residential development

The application site comprises of previously developed, now vacant land and would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which encourage the reclamation and development of derelict and previously developed land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and PPG 3 – Housing, encourages development of brownfield sites for residential purposes.

The site is situated in a predominantly residential area and close to local bus routes and as such is considered a sustainable location. PPS3 considers residential development in locations easily accessible and well-connected to public transport and community facilities and services that the space is used efficiently. The principle of residential development on the site is therefore considered appropriate, as it reflects the general character of the area.

The proposals would provide a density of 61 dwellings per hectare which would comply with both UDP and National Policy guidance for development and would make efficient use of the land.

Design and Layout.

The site layout would reflect and enhance the existing pattern of development within the vicinity, and allows direct pedestrian links to the street. The proposed layout would sit in line with the properties on Well Lane and slightly project forward of the properties on Goscote Lane. However, the proposed building is set off boundary by 7 metres. It is considered that the proposal sits comfortably within the existing pattern of development along this section of Goscote Lane.

The gated access drive would provide a definition between public and private space. The front of the site would be secured by 900mm high to the back of pavement to define the public and private space.

Private amenity space which equates to 178 square metres to the rear of the site has been provided. This level of amenity space is considered to be acceptable for flats.

The two storey design of the flats would reflect the surrounding pattern of development and pick up on key characteristics of the surrounding area, including gable roofs and the use of a mix of materials. The three storey element on this main alignment of the development would create a focal feature within the development and enable the building to sit comfortably within the street scene as a key building on this prominent corner location along the main transport corridor. The Juliet balconies on the front elevation would add to the design and character of the building and as such they are supported.

The issues raised by the Police Architectural Liaison Officer regarding access control measures can be secured by condition. A lighting scheme for the car park can be conditioned on the site and the access points to the front of the building are flush, so as to prevent any blind spots being created by the development.

Impact on the surrounding occupiers.

Part of the site to the rear along the adjoining residential boundaries a 1.8m high fence will be erected. It is considered that the boundary wall along the boundary with the residential property on Well Lane is acceptable and would secure the site. There are concerns that the boundary with number 7 Goscote Lane should be a 2m high brick wall. This solid structure would provide a noise barrier against the number of vehicles coming and going into the site as well as protecting the level of amenity for the occupiers of this property. This boundary treatment can be secured by way of condition.

There are no windows in the side elevation of the proposed building overlooking the two neighbouring residential properties. There is a secondary kitchen window to number 7 Goscote Lane that faces the application site; it is considered that the proposal would not result in loss of light to this window, as this kitchen is served with a main window on the front elevation of the property. The proposal complies with the 45 degree code on light to the main kitchen window.

The proposals would fully comply with the separation distance guidance within the RDS and would therefore have no adverse impact on the amenities of the surrounding residential occupiers. The proposals would remove an open vacant site.

Access and Parking Arrangements

The proposals would provide 15 off street parking spaces for 10 flats which would provide 150% parking provision, which would fully comply with guidance within Policy T13 of the UDP. Transportation have raised no objections subject to safeguarding conditions.

Landscape and Trees

The proposal seeks to remove two trees within the site curtilage. These trees are not protected by Tree Preservation Orders. The original landscape plan illustrated replacement tree planting along the front and within the site. The Landscape Officer accepted the landscaping proposals. However with the scheme being revised a further amended landscape plan will need to be submitted and this can be secured by way of a planning condition.

Contributions

Education

The level of surplus places in local secondary schools is below 10% therefore a contribution of £11,053.98 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP. The developers have agreed the cost.

Urban Open Space

The application site is vacant and the proposed development represents an important housing opportunity given that previous schemes have failed to provide satisfactory residential development on this site. Ongoing negotiations have taken place with the developers in order to bring together a scheme that sits comfortably in this prominent site to secure an appropriate housing development.

An Urban Open Space contribution of - £13,700.00 would be payable in order to comply with the SPD policy.

Healthcare

A Health Contribution of £7,686.00 would be payable in order to comply with SPD Policy.

Recommendation: Grant Subject to conditions

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

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

2. The works hereby approved shall only be carried out as shown on drawing numbers GOSC-205 – site boundary, GOSC-03-081A, GOSC-205A, GOSC/277.4, GOSC-205 –site sections, GOSC/277.1/REV/A, GOSC/277.2/REV/A, GOSC/277.3/REV/A, GOSC/283 and GOSC/282/REV/A received on 27 November 2007 and Landscape proposals GOSC-03-100 Rev A and GOSC-03-101 Rev A received on 29th November 2007.

Reason: To define the permission.

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

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

4. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such. No water from the parking area shall be allowed to discharge onto the adopted highway, or into any highway drain.

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

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

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

6. No consent is given to the species selection and size of the tree replacement planting shown on the landscape proposals drawing GOSC-03-100 Rev A and GOSC-03-101 Rev A submitted on 29th November 2007. Prior to implementation of the landscaping scheme revised details of the replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

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

7. No development shall commence until a lighting scheme for the rear parking area has been submitted. Details shall include the type of lamps, intensity of the illumination and angle of the lamp on the horizontal. These details shall be approved in writing by the Local Planning Authority. The development shall be completed with the approved details and implemented prior to occupation and retained as such.

Reason: To safeguard the visual amenities of the area.

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

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

9. Prior to first occupation of the flats hereby approved the northerly existing access onto Goscote Lane shall be extended to serve the proposed development.

Reason: In the interests of highway safety and in order to define the permission.

10. Prior to the first occupation of the proposed development, the southerly access to Goscote Lane shall be permanently closed.

Reason: In the interests of highway safety and in order to define the permission.

11. Prior to the first occupation of the 10 flats hereby approved, the car parking courtyard shall be fully hard surfaced and drained, and all parking spaces shall be demarcated on the ground. One parking space shall be allocated for disabled parking.

Reason: In order to ensure satisfactory parking facilities for the development.

12. Prior to the first occupation of the flats hereby approved, the vehicle access and hard standing shall be constructed.

Reason: In order to ensure satisfactory access and parking for premises.

13. No development shall commence on site until details of boundary treatments around the rear of the site and adjacent 7 Goscote Lane and 173 Well Lane have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment adjacent 7 Goscote Lane shall be a 2m high solid brick wall. The development shall be completed with the approved details and retained at all times.

Reason: In order to protect the amenity of the adjoining residential occupiers.

14. No development shall commence on site until details of access control measures for the proposed gates to the vehicular entrance, the pedestrian access points and the bin and cycle store have been submitted to and approved in writing. The development shall be completed with the approved details and retained at all times.

Reason: In the interests of securing the site and to comply with Policy GP7 of the Unitary Development Plan.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2,

GP3a, GP7, ENV14, ENV18, ENV32, ENV33, ENV39, H3, H9, H10, 8.8, 8.9, LC1 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2228/FL/W7
Application Type: Full application

Applicant: Stanley Developments Ltd

Proposal: Erection of four and five storey building for a retirement village comprising 144 apartments and associated communal facilities together with associated car parking, landscaping and revised access arrangements

Ward: Bentley & Darlaston North

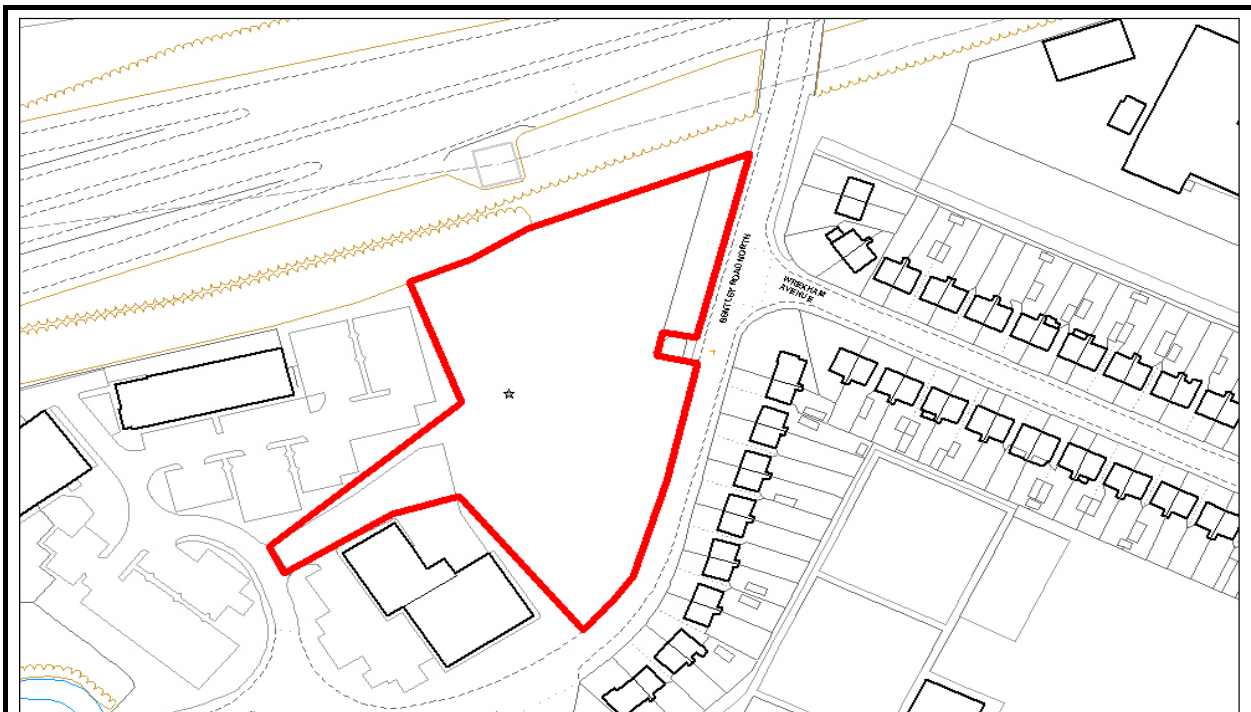
Recommendation Summary: Grant Permission Subject to Conditions and a Planning Obligation

Case Officer: Andrew Thompson
Telephone Number: 01922
652403

Agent: Stewart G Anderson Dip
Arch (Leics) RIBA

Location: LAND AT BENTLEY
ROAD NORTH, WALSALL,

Expired: 22/01/2008



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Application and Site Details

The application site is to the southern side of the Black Country Route and on the western boundary of Bentley Road North. The site is adjacent to the Travel Lodge and Bentley Green Public House and two medium sized industrial units. The site is also opposite Bentley Leisure Pavilion.

There are two storey houses on the opposite side of Bentley Road North and the Black Country Route.

The proposals are for a “retirement village”, which a purpose built residential facility is aimed at persons over the age of 55 wishing to downsize or move into smaller premises with management, security and communal facilities included.

The application proposes the equivalent of 144 units in a mix of 101 one-bedroom units and 43 two-bedroom units. There is also a large area of communal facilities (approx 1,400 square metres), aimed at providing on site health, dining, and social facilities. It is intended that these facilities will also be open to the wider community.

As part of the proposals there is a large communal garden and all units will have large balconies for their own private outdoor space.

The proposals are five storeys in height and are in a contemporary design to reflect the bulk and mass of the neighbouring industrial units, however due to site levels the proposals are lower from the street front, and houses.

There would be 48 car parking spaces proposed (33%) and the application site is 0.77ha. The proposed density is therefore the equivalent of 187dph.

The application is supported by a Design and Access Statement, Transport Assessment, a Travel Plan, and an assessment of the land quality. A summary of the issues surrounding the nearby substation has been submitted with the application. The application is also supported by a detailed landscape strategy.

In addition, prior to the submission of the application, the applicant presented the proposals to the local community with an event held at the nearby Leisure Pavilion and include the results are included with the submission.

Relevant Planning History

BC57250P - Outline: B1(b) and (c) (Light Industrial) and B8 (Storage and Distribution). Granted 27/02/2002

03/0411/FL/W1 – Erection of 9 Industrial/Business Units, parking & service area – Granted - 02/07/2003

04/2377/OL/W3 - Outline: Erection of Nursing/Care Home and Car Park – Granted 1/4/2005

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

Adopted Walsall UDP

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

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

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

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

Policy LC1 of the UDP is an important consideration in the provision of open space within the development.

Walsall Local Development Framework

The Urban Open Space SPD (April 2006), Education SPD (February 2007), Healthcare SPD (January 2007) and Residential Design Standards Document (April 2005) are all relevant.

Regional Spatial Strategy for the West Midlands (RSS11)

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

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

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

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

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

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. Phase 1 (Black Country) has completed its Examination in Public and the Secretary of State has made her proposed changes. The revised study will be published in early 2008. The Draft Revision seeks to take the approach in the current RSS further forward in the design and delivery of high quality environments.

National policy

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

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

Paragraph 10 of PPS3 indicates that new developments should be for high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This

is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment

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

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

Consultations

Transportation: No objection subject to conditions

Pollution Control:

Contaminated Land Team – Support the proposals subject to appropriate remedial measures being implemented to deal with identified and potential hazards of any land contamination and/or ground gas present on the site.

Scientific Team – No objection subject to conditions.

Education: As this development is specifically targeted at retired owners over the age of 55 and this would not create any additional school places, Education would not be seek a Section 106 contribution for this development

Centro: No objection. Centro welcomes the production of a Travel Plan and access for Ring and Ride services.

National Grid: No objection – risk is negligible

Fire Service: Satisfactory for fire access

Housing Strategy: Support the proposed provision of affordable units.

Urban Open Space: A contribution of £129,591 is sought in accordance with the Council's Adopted SPD.

Healthcare: A contribution of £71,864.10 is sought in accordance with the Council's Adopted SPD.

Seven Trent: No objection subject to a condition relating to the submission of drainage details

Representations

2 letters received from local residents, objecting on the grounds of:

- Increase in traffic and impact on highway safety.
- Impact of the development in terms of overlooking.
- Height of the building and impact on view.

- No landscaping at the front of the building.
- Impact on property prices.

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

Determining Issues

- Principle of the use
- Inclusive communal facilities
- Design and Layout
- Impact on street scene and neighbouring residents/business occupiers.
- Car parking and transportation issues
- Pre-application Public Consultation Exercise
- Proximity to an Electricity Substation
- S106 Agreement

Observations

Principle of the use

The site is allocated within the Unitary Development Plan as “Employment Land with Planning Permission” however the principle of alternative uses on the site, namely a care home, has been established by planning permission reference 04/2377/OL/W3 which was granted just after the adoption of the Unitary Development Plan.

The application site is not in an allocated Core Employment Area and therefore the proposals are not a Departure from the Development Plan and are acceptable in principle.

Inclusive communal facilities

The proposals include communal facilities, including a restaurant, village hall, bar, fitness suite, health centre and spa, hair and beauty area, IT facilities and a small convenience shop (measuring approximately 15sqm). All these facilities are accessed off a central market place and will be available to the surrounding community. The area is managed and overseen by a centralised reception area.

Entrances to the bedrooms and individual units will be secure from the main reception and communal facilities.

It is considered that the proposed communal facilities allow for a sense of community to develop within the development and to combine with the wider area. The proposed facilities for hair and beauty and small convenience shop are not of sufficient size to generate competition for nearby shops and facilities and therefore it is likely that these shops and facilities will benefit from the new residents. It is therefore considered that there is no policy objection to the communal facilities.

Design and Layout

The design is contemporary, bright and lively and is centred on the core communal facilities and the landscaped garden area. The proposals allow for

private and communal amenity space with balconies for each unit. The proposals create a sense of place and enclosure that will allow for a buffer from the Black Country Route and for satisfactory residential environment to develop.

The proposals will include corridors to create an internal buffer to the Black Country Route whilst being designed in an attractive manner to ensure that the proposals present an interesting façade treatment to the Black Country Route.

The landscape scheme employed also ensures that a high quality area of open space is created. The inclusion of this internal courtyard as a central feature will aid the development create a sense of place and ensure a high quality living environment.

Whilst the development density is high and the number of one bedroom units is also high, the proposed end user as a retirement village and the level of communal facilities (approx 1,400 square metres in total) proposed is noted. This would encourage the use of communal facilities and promote a sense of community whilst providing all the necessary facilities within each unit. Storage facilities for wheelchairs, etc. would be located in a variety of locations within the development.

There would be two types of one bedroom units each having a bedroom, bathroom, kitchen, living room and store. These would measure 50.01sqm or 57.21sqm. The two bedroom units would measure 60.16sqm or 70.01sqm with the extra space being used for the additional bedroom. It should be noted that the above measurements do not include the external balconies and that ground floor units will have their own patio.

Impact on street scene and neighbouring residents/business occupiers

As previously stated the design is contemporary, bright and lively. It is considered that a more muted palette of materials would lessen the quality of the development and emphasise the bulk and mass of the proposals. The use of colour aids the interpretation of the building and breaks up the bulk and mass of the building.

The comments of neighbouring residents are noted in relation to the landscaping to the street frontage however, the application proposes a 1.0m high landscape bund fronting the covered car park to soften the overall appearance and improve the street scene as viewed to residents opposite, particularly on the ground floor. In addition the proposed building is set back by approximately 4m from the street to create a landscaped area in front of the building and further improve the Bentley Road frontage. Therefore it is considered that the development will create a high quality development with a landscaped environment at the heart of the proposals that will add to the overall street scene and character of the development.

The scale of the building would be lessened by the change in levels of the building and the use of contemporary materials and colour and the proposals would be similar in scale to the neighbouring industrial buildings. In this

respect the proposals would be in keeping with the scale and mass of the area and be an improved aspect against the embankment of the Black Country Route to the North of the site.

Due to the separation distance across the road and the changes in levels would not result in a material loss of amenity to residents opposite.

Overall it is considered that the proposals would be a positive feature to the street scene and improve the outlook of the area.

Car parking and transportation issues

It is noted that Transportation Officers raise no objection to the proposals subject to safeguarding conditions.

Access is inward only from Bentley Road North and a separate two way service access would come from the communal entrance with the neighbouring industrial units, Bentley Green public house and travel lodge. There would be a dedicated drop off area by the main entrance to the development and an area that will capable of being used for parking of motorcycles.

The principle of the access from Bentley Road North was established as part of the previous planning permission - 04/2377/OL/W3.

The proposals include a secure cycle store capable of accommodating at least 10 cycles and separate refuse and recycling facilities.

There is no UDP parking standard for this type of facility and whilst 48 car parking spaces appears low at 33% provision, considering the on site facilities and that some of the residents the likelihood that not all persons within the facility will have a car the parking provision is considered appropriate in this instance.

It is noted that a similar facility on Chester Road, Streetly provides 36% provision without the benefit of the communal facilities proposed as part of these proposals (and was allowed on appeal). In addition the applicant has submitted evidence of similar facilities in the region which they are responsible for. The evidence clearly demonstrates that developments of this type generally require 25-35% in car parking provision.

In addition, outside the site is a bus stop linking the site to the town centre and there are nearby shops and services on Bentley Road North within walking distance. The implementation of the submitted Travel Plan will encourage staff and residents to use alternative modes of transport.

Pre-application Public Consultation Exercise

The applicant presented the proposals to the Council's Development Team and to the local community prior to the submission of the application. The applicant has submitted the comments from local residents with the application. From the information and responses submitted with the application, the proposals received a favourable response from local residents

with the storey heights and traffic impact being the main issues for comment (and this is reflected in the small number of objections to this application).

The applicant has made considerable effort to reduce the bulk and mass of the proposals using a low pitched roof and site levels to reduce the bulk and mass of the appearance of the building, in response.

Traffic impact has been considered by the Transport Assessment and the Travel Plan which have been submitted with the application. It is considered by Transportation Officers that the proposals will not have an adverse impact on the highway network.

Proximity to an Electricity Substation

The proposals have been designed to take account of the electricity substation which is located on Bentley Road North. The nearest parts of the development on the lower floor will be staff rooms, laundry and service facilities with other core staircases located by the substation. Therefore the proposals have been designed to take account of the proximity of this substation and should present no harm to the amenities of future occupiers of the Retirement Village.

S106 Agreement

The provision of tenure and type has been agreed with Housing Strategy and will provide a mix of shared equity and social rented accommodation. The provision proposed would equate to the provision of 25% shared equity housing and as such is in line with the Adopted SPD and is supported by Housing Strategy Officers.

Education Walsall confirm as this development is specifically targeted at retired owners over the age of 55 and that it would not be appropriate to seek a contribution for this development.

The applicant has submitted a financial viability assessment showing low levels of profitability for the development and requesting that healthcare and open space contributions be waived.

It is noted in this context that communal health and fitness facilities will be incorporated into the scheme and therefore it is considered that the proposals will provide an element of Healthcare.

On the basis of negotiations the applicant has agreed to contribute £72,000 towards Open Space and Healthcare. Divided equally (£36,000 to each) this equates to 50% of the Healthcare contribution and 28% of the Open Space requirement.

Considering the level of communal facilities provided, the provision of landscaped communal space and the level of viability demonstrated, it is considered that the seeking the agreed level of affordable housing and £72,000 towards Open Space and Healthcare would be an appropriate provision.

Conclusion

The proposals would add a high quality scheme in keeping with the area. The proposals would develop an awkward site to a high standard and not cause material harm to the amenities of nearby residents. The scheme is commended to Members by Officers.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. Unless otherwise agreed in writing by the Local Planning Authority, this development shall be carried out in accordance with the samples of facing materials submitted as part of the application and shown on the approved plans.

Reason: To ensure the satisfactory appearance of the development.

3. At all times residents shall be of an age 60 years old or over; in accordance with the planning submission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure satisfactory functioning of the development and to ensure that the development meets the housing need of the area.

4. Prior to the commencement of any works, confirmation shall be submitted to, and approved in writing by the Local Planning Authority to demonstrate the right of access in perpetuity across the land that forms the access and egress from the service road into the site, and all necessary turning areas.

Reason: In the interests of highway safety.

5. The proposed vehicle access from Bentley Road North shall be “entry only”. Prior to the commencement of development, details of measures to prevent egress from the site onto Bentley Road North shall be submitted to and approved in writing to the Local Planning Authority. The measures shall be implemented prior to the first occupation of the building and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. Prior to the first occupation of the building, all car parking areas shall be surfaced and drained, with all parking spaces being demarcated on

the ground with 10% of parking spaces designed for disabled users and marked accordingly. All spaces shall be thereafter maintained.

Reason: In order to ensure satisfactory appearance and functioning of the development and to ensure access for all.

7. Prior to the first occupation of the development motorcycle parking bays shall be demarcated accordingly with a bay size of 2.0m x 0.8m with a securing rail 0.6m high at the front of each bay. The scheme shall be implemented prior to the first occupation of the development in accordance with the approved details and thereafter maintained.

Reason: In order to ensure satisfactory appearance and functioning of the development and to ensure access for all.

8 Prior to the first occupation of development secure covered cycle storage should be provided for staff and residents.

Reason: In order to ensure satisfactory appearance of the development and to ensure access for all.

9. Before the development is brought into use, a parking strategy and management plan shall be provided, detailing the allocation of those units that will be provided with parking spaces, to minimise the risk of overspill of vehicles parking on the adopted highway; in the interest of highway safety.

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

10. A Residential and Staff Travel Plan, based on the draft Travel Plan submitted as part of the current application shall be submitted and approved in writing by the Local Planning Authority within six months of the proposed development being brought into use. The approved details shall be implemented and used by the occupiers of the premises.

Reason: In order to promote sustainable and alternative modes of transport.

11. Vehicular access for construction traffic to the development shall be from the industrial estate via Marshland Way only.

Reason: In the interests of highway safety.

12. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until parking for site operatives and visitors associated with construction works, has been provided within the site, in the form of a temporary car park, to prevent indiscriminate parking of site vehicles on the highway, or obstruct existing businesses or residents vehicle movement, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

13. The landscaping scheme shown on the approved plans 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.

14. The boundary treatment shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained.

Reason: To safeguard the amenities of the occupants.

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

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

16. Prior to the commencement of development, drainage details, incorporating sustainable development principles and an assessment of hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

17. No buildings shall be erected or trees planted within 5.0 (300 FWS, 600 SWS) metres public sewers which cross the site. The applicant may wish to apply to Seven Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.

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

18. Prior to the first occupation of the development, a management plan for the communal restaurant, bar and fitness facilities, hereby approved, to allow the local community to use the facilities shall be submitted to and approved in writing by the Local Planning Authority.

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

19. Prior to built development commencing additional investigation and assessment of ground contamination and ground gas shall be undertaken

with details agreed in writing by the Local Planning Authority. A copy of the findings of the ground contamination investigation and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority within 1 month of completion.

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

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

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

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

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

22. No occupancy shall take place until suitable noise mitigation measures have been implemented to the satisfaction of the local planning authority for all habitable rooms in close proximity to noise sources identified in condition 3. Such measures shall take into account the guidance and criteria contained in British Standard BS 8233:1999 '*Sound Insulation and Noise Reduction for Buildings - Code of Practice*' and World Health Organisation '*Guidelines for Community Noise 2000*' and shall be completed prior to the development coming into use.

Reason: To ensure the satisfactory condition of the site, for future occupation, and to protect the local environment.

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

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

24. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.30 to 18.30 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with

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

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

25. Prior to the commencement of development details shall be submitted to and approved in writing demonstrating that electromagnetic fields are in accordance with guidelines published by the International Commission on Non-Ionising Radiation Protection, (ICNIRP)."

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV18, ENV32, ENV33, JP7(d), S6, S7, H3, H4, H6 and H10 of the Walsall Unitary Development Plan 2005, Policies QE3, QE4 and QE5 of the Regional Spatial Strategy for the West Midlands (RSS11), and Walsall's Urban Open Space SPD (April 2006), Education SPD (February 2007), Healthcare SPD (January 2007) and Draft Design Guide (November 2007) on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

NOTES FOR APPLICANT:

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

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

for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

D) The site is adjacent to a bus shelter, which is shown to be retained in its existing location. If this is not possible and the bus shelter must be relocated the applicant and/or Council should liaise with Julie Smithers, Centro Bus Infrastructure Manager on telephone number (0121) 214 7123.

E) If the developer requires any advice on Travel Plans they should contact Louisa Stebbings, Walsall Metropolitan Borough Council's Business Travel Advisor, on 01922 652 561. Kerry Slater, Centro's TravelWise Officer, can also advise on public transport promotion initiatives and journey planning, and she can be contacted on (0121) 214 7409.

F) The Council consider the scheme should meet the terms of the Secured by Design concept, and will expect the submissions under Condition 23 to meet that concept, or provide compelling justification for not doing so.



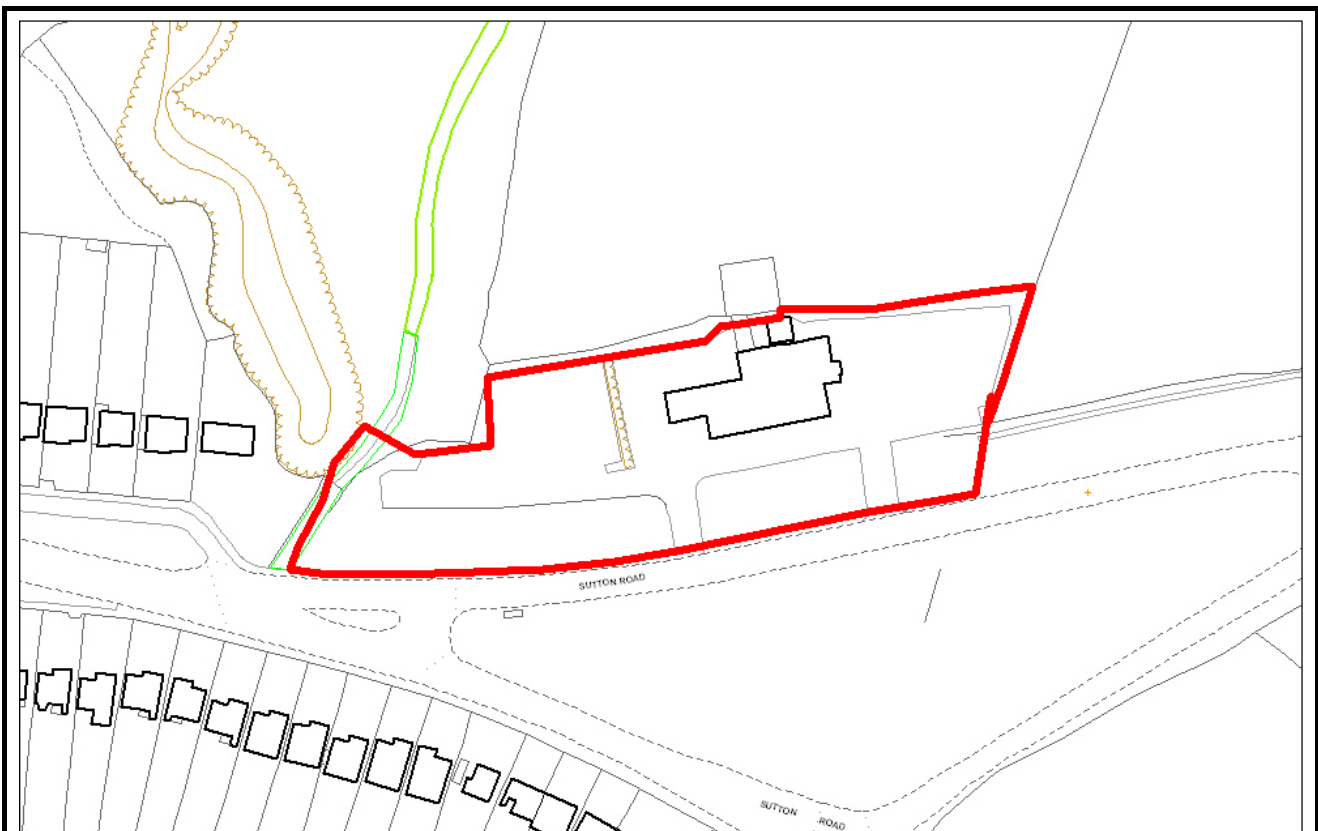
To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2167/FL/E6
Application Type: Full application
Applicant: Mitchells & Butlers
Proposal: Change of use including
minor extension to public house to form
12 residential apartments
Ward: Pheasey Park Farm
Recommendation Summary: Grant Permission Subject to Conditions and a
Planning Obligation

Case Officer: Paul Hinton
Telephone Number: 01922 652420
Agent: Armstrong Burton Group
Location: THREE CROWNS
P.H., SUTTON
ROAD, WALSALL, WS5 3AX
Expired: 08/01/2008



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Application and site details

This application is for the conversion of the existing Three Crowns Public House to 12 residential apartments including minor extensions.

The application proposes four 1 bedroom apartments and eight 2 bedroom apartments. Twenty four car parking spaces have been put forward to the east of the site where there is an existing car park. There are currently two vehicular accesses serving the site. The application proposes to landscape the western car park and retain the second access as an emergency access point for fire appliances; this will be controlled by drop bollards. It is proposed that signage will be provided to prohibit parking in this area.

The proposal reduces parking from 48 to 24 spaces, providing 200% car parking for the residential use. Secure private amenity space is proposed to the rear of the site and introduces private patio areas to ground floor units and balconies to the first floor.

The application proposes that the front elevation of the building remains similar to the existing. The applicants propose works to be undertaken to replace existing windows that are not in keeping with the character of the original building and the flat roof to the left wing of the building is to be converted to a pitched roof. It is also proposed that the flat roof that is currently situated to the right hand side entrance of the pub will also be pitched.

The rear of the building is proposed to undergo more extensive works where there are extensions which do not complement the original building. The single storey extension that obscures the double gabled roof is proposed to be demolished so that the gable feature can be again exposed as it was originally. The single storey flat roof element at the opposite side of the rear elevation is proposed to be partly demolished, installing an arched doorway and three sets of windows matching in character to those used along the front elevation.

Dormer windows matching those on the existing front and rear elevations are proposed to the east and west elevations.

The western car park is proposed to be removed and turned into an open landscaped area that would be publicly accessible. The details of the landscaping are for indicative purposes only, however an area of 3195m² would be made available for use by future residents and the wider public with pathways and additional planting which would be maintained by a separate maintenance company. The existing play area to the rear of the public house falls outside the application boundary however it is proposed that this will be demolished and the land returned to purposes for agriculture.

The density of the proposal would be 15 dwellings per hectare.

The public house is located on the northern side of Sutton Road within an area of land designated as Green Belt. The Public House is set within its own grounds, with an open grassed area to its frontage. The building is flanked either side by car parking. Further to the west and south are residential properties. To the north and east is open grazing land with the Hay Head Quarry Site of Special Scientific Importance (SSSI) to the northwest and Three Crowns Pasture Site of Importance for Nature Conservation (SINC) to the north.

Relevant Planning history

07/0290/FL/E6 – Change of use including minor extension to public house to form 12 residential apartments. Refused 19/4/2006.

1. The application fails to demonstrate that the proposed development would not have an adverse impact on protected species. The lack of information submitted with the application fails to confirm or deny the presence of roosting bats within the existing building. The development is therefore contrary to Walsall's adopted Unitary Development Plan policies ENV22 and ENV23 and guidance given in PPS9 and Circular 06/2005.
2. The proposed development will lead to an unacceptable demand on limited education capacity and urban open space within the locality. The proposal is therefore contrary to policies GP3, LC1 and 8.8 of the Walsall Unitary Development Plan March 2005 and the Council's Education and Urban Open Space SPD's.

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

Unitary Development Plan

SPS 2.1 and 2.2 define the aims of sustainable development, urban regeneration, & environmental improvement are identified.

Policy GP1: sustainable location of development. This supports developments which maximise the re-use of vacant urban land.

Policy GP2 requires all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

Policy GP7 considers Community Safety implications of development proposals. Proposals should have regard for the objective of designing out crime.

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

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

Para 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: 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.

Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

Policy H10 is about layout, design and dwelling mix of housing. The Council will expect the design of residential developments to create a high quality living environment, well-integrated with surrounding land uses and local character, and in accordance with the principles of good design, provide adequate open space, or improvements to existing open space.

ENV2 b): The re-use of existing buildings within the Green Belt will be acceptable provided that:

- i. This would not have a materially greater impact than the present use on the openness and purposes of the Green Belt.
- ii. It does not involve any building extension or associated uses of land around the building which would conflict with the openness and purposes of the Green Belt.
- iii. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction.
- iv. The form, bulk and general design of the buildings are in keeping with their surroundings.

ENV2 e) states where development is consistent in principle with the purposes of the Green Belt, the Council will require that its siting, design, form, scale and appearance is compatible with the character of the surrounding area.

ENV3 states that where development is acceptable in principle in the Green Belt (under Policy ENV2) the Council will also assess proposals for their impact on the Green Belt in terms of the following factors:-

- I. The detailed layout of the site.
- II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.
- III. The colour and suitability of building materials, having regard for local styles and materials.
- iv. The opportunities to use redundant land and buildings for suitable alternative uses.

ENV14: Development of Derelict and Previously-Developed Land and 3.9
The Council will encourage the reclamation and development of derelict and previously developed land.

ENV18: The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV22: Protected Species – Development will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species.

ENV23: Nature Conservation and New Development – The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology.

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

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

ENV39 and ENV40 seek to encourage the efficient use of energy and the conservation, protection and use of water resources.

Paragraph 6.3 advocates a sequential approach maximising the reuse of previously developed sites.

Policy 7.8 aims to encourage walking.

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

LC8: Local Community Facilities (including Para 8.37) - Loss of local community facilities including public houses should demonstrate there are other facilities in equally convenient location or no longer a need for the facility.

T7: Car Parking

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

T13: Parking Provision

Flats with individual parking spaces 2 spaces per unit

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

Policy QE1 - Environment

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

National Policy

Planning Policy Statement 1: Delivering Sustainable Development, emphasises need to reject poor design and the need for sustainable development.

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt. The re-use of buildings should not prejudice the openness of Green Belts since the buildings are already there. It can help to secure the continuing stewardship of land. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

The re-use of buildings inside a Green Belt is not inappropriate development providing:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it
- b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of land in it
- c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes.

PPS9 on biodiversity and geological conservation says that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

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

Consultations

Transportation – no objections subject to all parking spaces be numbered and assigned to particular apartments and that safe and secure cycle storage is provided rather than cycle racks.

Pollution Control – no objection with the proviso that measures are put in place to address noise issues from vehicular traffic on Sutton Road. This can be achieved by condition.

Environmental Health – no objections.

Landscape – the layout of the open space, with paths, seating and lighting appears on the information provided, ornamental and inappropriate for this Green Belt location.

Arboricultural Officer – no objection. (There are no trees protected by a Tree Preservation Order on site and the proposed development will have no arboricultural implications, however the hedgerow on the boundary is part of the adjacent 'SINC' and its protection and retention would be desirable)

Urban Designer – no objections subject to a quality external landscaping scheme being secured by condition.

Natural Environment – no objection in principle, however the submitted bat survey is only valid for works undertaken before May 2008, should development take place after this time, a new full bat survey shall be undertaken as the current survey does not confirm that bats cannot enter the site during the next season.

It is considered that the proposal meets the criteria for development requiring habitat enhancement and that measures are incorporated into a landscape scheme which creates habitats complementing the adjacent designated sites. It is also recommended that the building is provided with artificial bat roosts.

Police – no objections, but the location of the cycle rack is vulnerable, and would be better located within the building. There are a number of access points located around the front, rear and side of the building. Due to the permeability of the site, access into the building must be well controlled. Therefore an access control system with audio verification should be incorporated within the development. The location of the car park is potentially vulnerable and as such needs to be afforded good lighting and CCTV.

Greenspaces – contribution towards public open space is required.

National Grid – no objections.

Centro – no objections.

Public Rights of Way – no objections.

Education – The level of surplus places in local primary and secondary schools are below 10%, therefore a contribution of £16,945.79 is required.

Environment Agency – no comments.

Fire Services – satisfactory for fire service access.

Public Participation Responses

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

- Would lead to further unsold apartments, which is the case further down Sutton Road
- Mitchell and Butlers should channel their efforts into bringing the public house back to life
- Will generate additional traffic

Determining Issues

- Principle of residential development
- Loss of community facility
- Design
- Access/Transport
- Amenity Space
- Ecology
- Planning obligations

Observations

Principle of residential development

The application complies with national (PPG2) and local Green Belt policies (ENV2). The re-use of this existing building within the Green Belt will not have a materially greater impact than the present use on the openness and purposes of the Green Belt. The minor extensions would not increase the footprint of the building, having minimal impact upon the openness of the Green Belt.

Approximately 1800m² of the site area is to be altered from hard standing to landscaping, increasing the openness of the Green Belt and the play area, although outside the application site is to be returned back to agriculture.

This landmark building is suitable for retention and would help secure the continuing stewardship of the land. The alternative to re-use could be that the building becomes vacant and prone to vandalism and dereliction.

The proposed use as 12 apartments would have no materially greater impact than the existing Public House by virtue of people and vehicle movements, having minimal impact upon the character of the Green Belt.

The principle of re-using brownfield sites for housing is generally supported by the Government and Council policies, provided a satisfactory residential environment for future occupiers can be secured, whilst protecting the operations of existing nearby users.

The broad principles of the proposed layout are acceptable as it aims to create an active frontage to the street, surveillance of the public realm and a scale of development that is appropriate to the surrounding context.

It is considered that the application should be supported as it will provide the regeneration of a key landmark building and retain its long-term future, without impacting upon the character and openness of the Green Belt.

Loss of community facility

There are five public houses within a two-kilometre radius of the application site, including The Longhorn, Lakeview, King Arthur, Whitehouse and The Dilke. There are also a range of other services and facilities within easy walking distance of the application site including, Post Office, St Martin's Church, Co-op Local Store, Cuckoo's Nook and the Dingle Local Nature reserve, a play area at Wood End Road, garden centre, furniture store and Park Hall Infants and Junior Schools. There is no pressure to retain this Public House and there are other existing facilities in a convenient location which means the loss of the Public House can be supported.

Design

Care has been taken to keep the scale of the minor additions to the building in keeping with the character of the surrounding area. Minor additions have been incorporated to ensure that the site can be re-used in a sensitive and sustainable way.

The front elevation of the proposal remains similar to the existing, and it is proposed that windows that are not in keeping with the character of the original building will be replaced.

The building has undergone some unsympathetic refurbishment and extension over the years with bracket galled bay and bottled glass windows to the front elevation, whilst poor quality single storey extensions clutter the rear elevation. The flat roof to the right hand side of the existing entrance to the public house is proposed to be replaced with a pitched roof; this will improve the appearance of the building.

Demolishing the single storey extension to the rear would expose the double gabled roof as it was originally. The pitched roofs that replace the flat roofs would upgrade the building's appearance, eliminating the imbalance and creating a clean uniform appearance.

The application maintains an active frontage with two units having direct access from the front elevation and three other accesses at the front for the rest of the proposed units.

Access/Transport

Transportation raise no objection to the application subject to assigning and numbering parking spaces and the provision of a safe and secure cycle store rather than cycle racks. The Police also raise concern about the use of cycle racks.

There is a bus stop located directly outside the pub and also on the opposite side of the road. Centro has no objection to the proposal. The site is in a sustainable location on a public transport route

The proposal would reduce the number of active vehicle access points from two to one. This allows for a well laid area of car parking to the east of the site with the west car park proposed to be landscaped.

One neighbour letter objects to the application on the grounds of increasing traffic. The proposal would reduce the amount of car parking spaces and by its nature would not have the same level of vehicle activity as the public house. The proposal would have less impact upon traffic levels.

Amenity Space

The application proposes to remove the western car park, converting to soft landscaping which would then become publicly accessible and maintained by a private management company. Secure private amenity space is proposed to the rear providing a positive environment for future residents, which is further enhanced by the use of private patio areas for the rear ground floor units, and two balconies at first floor. The area of the land immediately to the rear of the site is proposed to be secured by 1.2m railings to the east and west with the gap in the hedge to the northern boundary to be reinstated by the use of an appropriate condition. An appropriate level of private amenity space is provided.

Ecology

The applicant's ecological survey determines that the proposal is unlikely to have any significant impact upon any designated sites or notable or protected species highlighted during the desk study. The habitats in the survey area are considered to have extremely limited ecological importance. No evidence of roosting bats was found during the external or internal surveys. The application overcomes reason 1 of the previous refusal; however the bat survey is only appropriate for development commencing before May 2008, development after this date will require a new full survey, this can be achieved by condition.

Neighbour comments

The saleability of a property is not a material planning consideration.

The applicants have demonstrated that there are other public houses within the vicinity which would mitigate against the loss of the public house.

Planning Obligations - public open space and education

Development Plan policies state that residential development will only be permitted where adequate school capacity exists or can be provided and that residential development will also be required to make financial or other contributions towards the provision of new or enhanced urban open spaces.

GP3, LC1 and in line with the Council's Supplementary Planning Document (SPD) for Urban Open Space (April 2006) the amount of residential units supplied would normally warrant a contribution of £19,340.00 towards public open space. The applicants have confirmed that they will be willing to pay £10,637 towards public open space. Because of the level of publicly accessible space provided on site that will be maintained privately, it is considered that the proposal contributes to the local level of public open space, and therefore a reduction to 55% of the contribution, inline with the SPD is acceptable in these circumstances.

The applicant has agreed to the required Education contribution of £16,945.79 in accordance with policy GP3 and paragraphs 8.8 and 8.9 of the UDP.

The financial contributions must be secured by a S106 agreement. It is also recommended that the agreement ensures that the public open space is accessible in perpetuity.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. 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.

3. No development shall be carried out until a detailed hard and soft landscaping and habitat enhancement scheme including existing and proposed ground levels 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. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development and to encourage the habitat creation and conservation of Hay Head Quarry Site of

Significant Scientific Interest (SSSI) and the Three Crowns Pasture Site of Importance for Nature Conservation (SINC).

4. Prior to the commencement of the development, details for the reinstatement of the hedge to the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining and enhancing Three Crowns Pasture Site of Importance for Nature Conservation (SINC).

5. No development shall be carried out until a plan showing which trees and hedges are to be retained or removed and details of the design and location of protective guards or fencing to be used during construction, has been approved in writing by the Local Planning Authority. The approved guards or fencing shall be implemented prior to the commencement of construction and retained until the development is complete. The soil level shall not be altered within the approved guard or fencing and this area shall be kept clear of materials and machinery.

Reason: To safeguard the trees to be retained on the site in the interests of the amenity of the area.

6. No development shall commence until details of external lighting to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with recommendations issued by *The Institution of Lighting Engineers* for the reduction of light pollution. No light shall be directed at, illuminate, reach or cross any occupied dwelling.

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

7. Prior to the commencement of the development details of a brick constructed covered secure cycle store and bin store and the location and details of a bin hard standing shall be submitted to and agreed in writing by the Local Planning Authority. The cycle stores, bin stores and bin hard standing shall be completed in accordance with the approved plans prior to the completion of the development.

Reason: To ensure the satisfactory appearance of the development.

8. No development shall commence until details for the location and type of bollards used along the emergency vehicle access has been submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be installed prior to the development being brought into use and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

9. No development shall commence until details of crime prevention methods to ensure security to the car park and access points of the dwellings hereby permitted, including lighting, CCTV and access control points with audio verification have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of community safety.

10. No development shall take place until details of the materials to be used for the rear balconies has been submitted to and approved in writing by the Local Planning Authority. The walls and roof of the extensions hereby approved shall comprise of facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

11. Before the development is brought into use, details of the location and appearance of the proposed no parking signage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

12. If demolition or alteration to the building begins after May 2008, prior to the demolition or alteration of any part of the building which may contain roosting bats a full bat survey shall be undertaken at an appropriate time of the year by person(s) with appropriate qualifications and experience in surveying for bats to ensure that bats are not present during building works. The survey shall comprise an internal inspection of accessible roof voids and a dawn and dusk survey. No demolition shall take place until the survey has been submitted to and approved in writing by the Local Planning Authority. For works before this date the survey submitted with the planning application may be used. Any demolition or alteration works to the buildings shall take place under the direction of an appropriately experienced and qualified bat worker. All places where bats may reasonably be found shall be demolished with care using hand tools. If any bat is discovered work shall stop immediately and the advice of Natural England sought.

Reason: In the interests of protecting any bats on site.

13. No development shall commence or site clearance works take place until a scheme fully detailing the provision of artificial bat roosts upon the building and attached to existing trees has been submitted to and agreed in writing with the Local Planning Authority. Details shall include full construction details and the precise location of all such features.

Reason: In order to safeguard and enhance the habitat of protected species.

14. Prior to development commencing a noise survey shall be undertaken to the written satisfaction of the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 6 weeks of completion, and no development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the Local Planning Authority, and the development shall not be occupied until such measures have been fully implemented.

Reason: In order to protect the residential amenities of potential occupiers.

15. 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. Prior to the first occupation of the building the parking spaces shall have been clearly marked out, numbered and assigned to particular dwellings.

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

16. The visibility splays at the vehicle access point with Sutton Road shall be maintained clear of any structure or planting over 600mm in height.

Reason: In the interests of highway safety.

17. Prior to the occupation of the proposed apartments, the location of a communal satellite dish shall be submitted to and agreed in writing by the Local Planning Authority.

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

18. The area defined as publicly accessible space as shown on approved drawing number B4184/01E received by the Local Planning Authority on 1st October 2007 shall be retained as publicly accessible space and shall not be enclosed unless otherwise agreed by the Local Planning Authority. Before the development is brought into use a management plan for the long-term maintenance of the publicly accessible space shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To define the permission and in the interests of retention and long term maintenance of the publicly accessible space.

19. The development shall be constructed in accordance with the Code of Sustainable Homes '3 stars' or Eco Homes 'good' standard relating to energy efficiency / CO₂, water efficiency, surface water management, site waste

management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

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

20. This permission relates to the following plans B4184/01E, B4184-02A, B4184/04A, B4184/10, B4184/11, Topographical Survey Project Number 2507 and the Ecological Assessment and Bat Survey as prepared by Tim Outlaw received by the Local Planning Authority on 1st October 2007, B4184/06D received by the Local Planning Authority on 25th October 2007 and B4184-03C, B4184/05D, B4184/07A and B4184108 received by the Local Planning Authority on 22nd November 2007.

Reason: In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV2, ENV3, ENV14, ENV18, ENV32, H3, H10, LC8 and T13 of Walsall Unitary Development Plan and national guidance given in PPG2 and PPS3 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes to Applicant

You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.

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

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

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and

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

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

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

This is not an exhaustive list.

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

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

measurements incorporating air temperature, wind speeds and direction as a minimum.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number:
07/2029/FL/E11

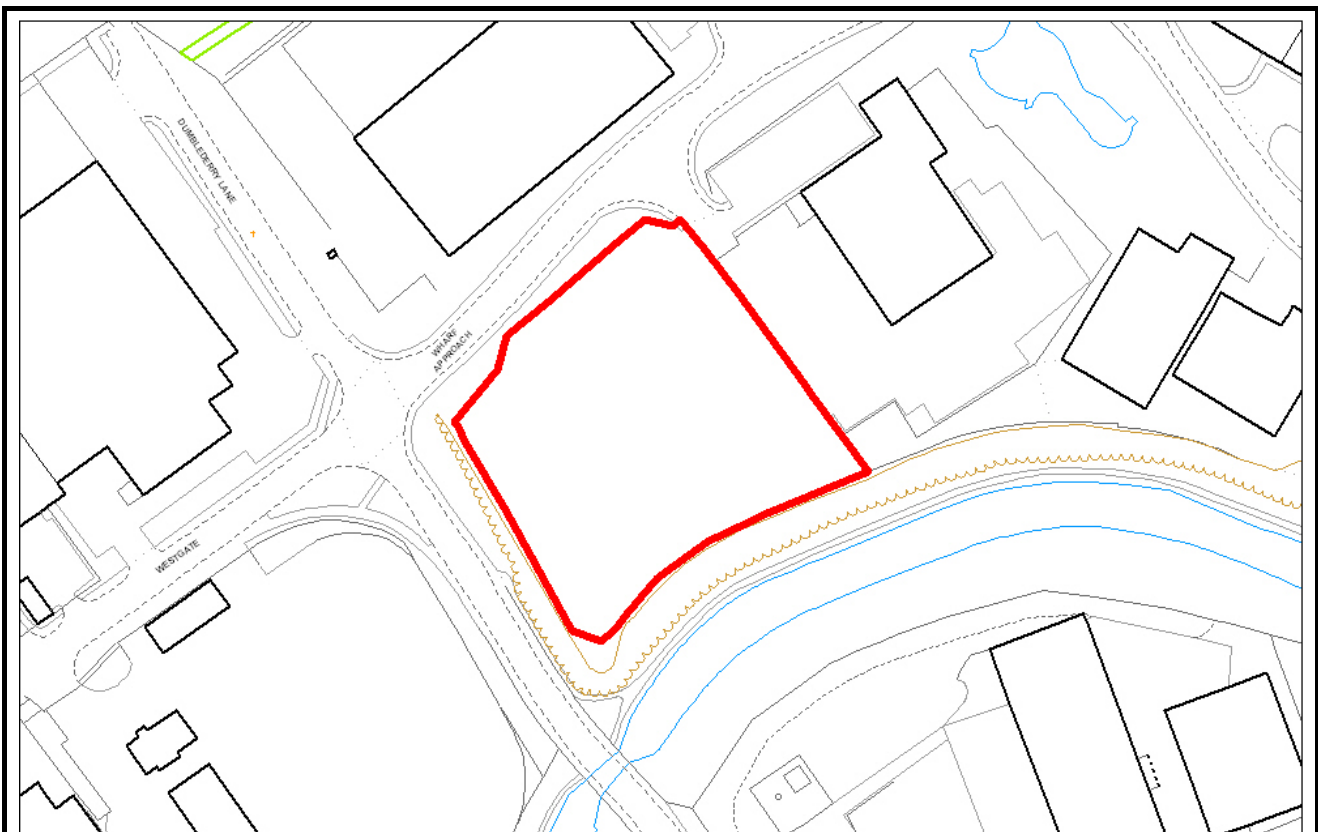
Application Type: Full application
Applicant: Rossway Dowd Ltd
Proposal: Erection of New
industrial unit class B1(C),B2 & B8
with ancillary offices.

Case Officer: Alison Deakin

Telephone Number: 01922 652487
Agent: Building Design Practice
Location: FLEETHOUSE
ANCHORBROOK BUSINESS
PARK,WHARF
APPROACH,ALDRIDGE,WALSALL
Expired: 14/12/2007

Ward: Rushall-Shelfield

Recommendation Summary: Grant Subject to conditions



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Application and site details

This application seeks planning permission to erect two new two storey light industrial, general industrial and warehouse units with office accommodation at Anchorbrook Business Park, Wharf Approach, Aldridge and follows a recent refusal for industrial/ warehouse units, dismissed on appeal due to poor quality design creating a poor visual appearance to the road.

The site is located at the junction of Wharf Approach and Dumblederry Lane and is presently used for parking vehicles for the adjacent warehouse premises "Fleet House".

There is a significant belt of trees and planting adjacent to the southern boundary of the site (rear) alongside the Daw End Branch Canal which is located at a higher ground level than the application site. There is a bridge over the canal on Dumblederry Lane beyond the southern corner of the site, and continued planting along the Dumblederry Lane frontage which screen the site from this direction. Landscaping was planted along the Wharf Approach frontage as part of planning permission 03/1736/FL/E3 to screen new fencing and parking of vehicles, although this is not yet well established.

There are predominantly industrial premises in the surrounding vicinity. The proposed development is speculative. The site area is 0.59ha and the total gross floor space proposed on the site is 2091m², with one unit 1162m² and the other 929m².

The proposed units sit either side of the service yard, with the eastern unit measuring 23m by 43.5m with a curved roof up to a maximum of 9m. This unit includes ancillary offices with a gross floor area of 465m² including the mezzanine floor. The unit would have high level roller shutter doors to the rear with an overhand canopy. The offices would be located at the front of the building (towards Wharf Approach) with architectural wall panels, rainscreen cladding and powder coated curtain wall. An angled canopy is proposed to the reception frontage.

The western unit building would be a double unit measuring 20m by 50.5m with a curved roof of 8.5m. Each unit has a high level roller shutter door and pedestrian entrance doors facing onto the shared service yard. The streetscene elevation is to be mainly uniform cladding with architectural wall panelling.

44 car parking spaces are proposed, including 4 disabled spaces, with parking to the front boundary, within the service yard and to the rear of the site. 2 lorry spaces and a cycle/motorcycle area are proposed.

Relevant Planning history

06/1334/FL/E11 – Erection of new industrial warehouse units including office accommodation. Refused 11/10/2006. Dismissed at appeal as proposal presented a poor quality visual appearance to the road and would not

enhance the appearance of the surrounding area, with a fussy design, compromising unnecessary detail which is inappropriate in its context.

05/0137/FL/E4 - Change of use from storage of vehicles to retail of vehicles - Refused 23/03/05

03/1736/FL/E3 - Extension to workshop, retention of front car park as existing, use of adjoining land for parking vehicles, re-siting of fences and alteration to access (Resubmission to 02/0073/FL/E6) - GSC 02/04/04

02/0073/FL/E6 - Extension to workshops, retention of front car park as existing, use of land for parking of vehicles, re-siting of fences & alteration to access - Refused 19/09/02

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

Unitary Development Plan

GP1: The Sustainable Location of Development - Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

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

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

ENV10: Pollution - Development of an industry or facility which may cause pollution will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV11: Light Pollution - New lighting should seek to minimise glare and light spillage from the site.

ENV32: Design & Development Proposals - Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

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

Para 3.113 New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

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

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

Para 3.16 'The Council will consider development in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design'.

ENV35: Appearance of Commercial Buildings - The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building.

Para 4.2 - A supply of employment land and buildings will be maintained that will meet the needs of both inward investors and existing firms.

Para 4.4 - Core employment uses are defined as B1b, B1c, B2 and B8 of the Use Classes Order.

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

JP7: Use of Land & Buildings in Other Employment Areas - Defines the type of uses acceptable in employment areas.

S1: Definition of Town Centre Uses - Town centre uses comprise the following: A1 retailing of all kinds, A2 financial, professional, B1(a) offices, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways, C1 hotels, D2 assembly and leisure, D1 non-residential institutions, C2 residential institutions and sui generic uses that include retail warehouses, night clubs, launderettes and dry cleaners.

S7: Out-of-Centre and Edge-of-Centre Developments - Proposals for the expansion of retailing or other town centre uses in edge of centre locations will only be permitted where it can be demonstrated that tests are fulfilled:- need, sequential approach, no adverse impact on any centre, accessibility by a choice of means of transport, support reducing the need to travel by car.

T7 - Car Parking - All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

Use Class B1- 1 car park space per 30m² of gross floor space. 1 bike locker for every 10 car parking spaces. Taxi facilities.

Use Class B2 1 car park space per 50m² up to 250m², then 1 space every additional 100m² of gross floor space. 1 bike locker for every 10 spaces. Taxi facilities.

Use Class B8 - 1 car park space per 50m² of gross floor space up to 250m²; then 1 space per 100m² up to 2500m²; then 1 space for every 500m² of gross floor space. 1 bike locker for every 10 parking spaces. Taxi Facilities.

National Policy (PPG/PPS) - PPS1 Delivering Sustainable Development, PPG4 Industrial and Commercial Development & Small Firms, PPS6 Planning for Town Centres and Retail Development, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPG24 Planning and Noise, PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

RSS11 - Regional Spatial Strategy for the West Midlands - The Regional Spatial Strategy for the West Midlands promotes the regeneration of the

metropolitan area and sustainable development in accordance with national government guidance.

Consultations

Transportation – no objections.

Pollution Control – no objections subject to the undertaking of a ground investigation. This can be achieved by condition.

Landscape – no objections, however the opportunity to restore the existing planting screen should be sought through this scheme. This can be achieved by condition.

Arboricultural Officer – no objection subject to appropriate tree protection measures implemented during construction. This can be achieved by condition.

Land drainage – no objections.

British Waterways – no objections in principle, however have requested further clarification with regards to the landscaping area along the boundary shared with the canal and treatment to the existing trees, section levels showing the relationship of the proposed development with the canal, details of the proposed building materials including their colour and details of external lighting throughout the site and buildings will also be required. It is also recommended that the applicant liaises with British Waterways prior to development to ensure that necessary consents are obtained.

Inland Waterways Association – no objections in principle, however would like to see some additional tree planting on the land between the canal towpath for visual and noise screening and suggests any consent be conditional on a planning obligation for a suitable sum to be paid to British Waterways to fund this and towpath improvements.

Fire Services – satisfactory fire service access.

Representations

None.

Determining Issues

- Opportunity to secure enhanced employment provision.
- Impact on the visual amenities of the area and on the canal corridor.
- Car parking, manoeuvring and access arrangements.

Observations

Opportunity to secure enhanced employment provision

There is a policy presumption in favour of the proposed development. The

site is within an established Core Employment Area where the proposed use would be accepted and the increase in investment and employment provision welcomed. B1a of the Use Classes Order is not a core employment use, this can be conditioned to ensure no offices, other than those ancillary to the B1c, B2 and B8 uses are used at this site.

Impact on the visual amenities of the area and on the canal corridor

Due to the mature landscape canal embankment to the south and the dense tree belt along Dumblederry Lane frontage to the west, the application site is well screened from those directions. However, notwithstanding the landscaping close to the sites northern boundary, the site is clearly open to view from Wharf Approach to the north and its junction with Dumblederry Lane. This is a prominent site in an important gateway location within this extensive industrial estate. The recent appeal was dismissed as the application presented a poor quality visual appearance. This application has overcome the reasons for refusal being designed to reflect the character and quality of the area, integrating into the existing built environment. The design is typical of a modern warehouse development, with clean lines and a simple form which would not appear out of place in this industrial context bringing a fresh modern appearance in this gateway location.

The site is clearly visible from the canal, although it lies at a lower level and the proposed buildings (only 2 storeys high) limits their overall visual impact on the canal. The building would be 22m at its closest point to the canal towpath, separated by mature landscape. Both British Waterways and Inland Waterways Association have commented on the need to enhance the landscape boundary between the site and the canal. This area of land falls outside the application boundary and it is unclear whether the applicant has control of this land. It is recommended that the applicant submit a landscape scheme for the whole of the site and during these discussions with the Local Planning Authority that the scheme would contribute towards enhancement of this and the boundary with Dumblederry Lane, this could be secured by condition. It is considered that the request by Inland Waterways for the applicant to provide a financial contribution for the improvement of the buffer area between the canal and towards towpath improvements is unreasonable. The proposal is of sufficient distance away to have a minimal impact upon the towpath and would therefore be unlikely to put additional maintenance costs upon its use.

Car parking, manoeuvring and access arrangements

The application proposed 44 car parking spaces, 2 lorry spaces and a cycle/motorcycle. Subject to the cycle/motorcycle area being covered and made secure, which can be achieved by condition the parking, manoeuvring and access arrangements are acceptable.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

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 thereafter be retained.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

- (a) grassed areas shall be maintained in a tidy condition and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree,

- shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

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

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

10. Prior to the commencement of the development details of a covered secure cycle/motorcycle area and bin storage area shall be submitted to and agreed in writing by the Local Planning Authority. The cycle/motorcycle area and bin store shall be completed in accordance with the approved plans prior to the completion of the development and retained throughout the life of the development.

Reason: To ensure the satisfactory appearance of the development.

11. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees within and adjacent to the site likely to be effected by the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved details, in accordance with BS: 5837 2005 shall be implemented before any site preparation, or construction work, is undertaken, and shall be retained until the development is finished and all other equipment and installations have been removed from the site.

Reason: To safeguard the trees on and adjacent to the site.

12. 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 parking spaces shall have been clearly marked out and used for no other purpose.

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

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

Reason: To prevent pollution of the water environment.

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

Reason: To ensure the satisfactory appearance of the development

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or subsequent amendments thereto, the development hereby approved shall not be used for Class B1a Office purposes without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the vitality and viability of existing town centres and enable the Local Planning Authority to retain effective control over the site.

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

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

Notes for applicant

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings(Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to

consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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, JP5, ENV32, ENV35, LC9 and T13 of Walsall Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2085/FL/E11
Application Type: Full application

Case Officer: Alison Deakin
Telephone Number: 01922
652487

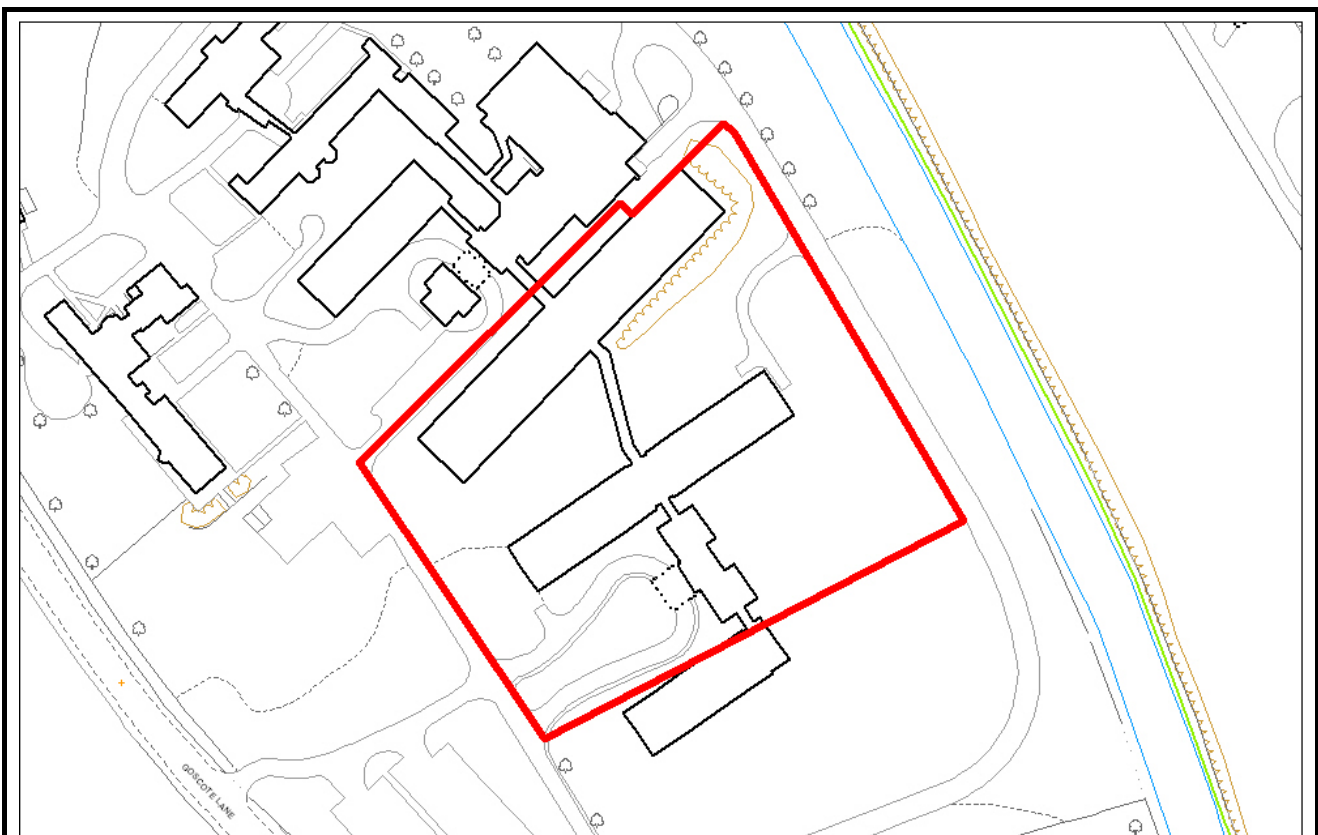
Applicant: Mr Tayo Bilewu
Proposal: 40no. Dementia Care
Apartments, Communal Facilities, Day
Treatment and Day Care Centres,
Parking and associated landscaping.

Agent: Mrs Joanne Ellson
Location: Goscote Hospital Site,
Goscote Lane, Walsall, WS3 1SJ.

Ward: Blakenall

Expired: 21/11/2007

Recommendation Summary: Grant Permission Subject to conditions,
unless additional information is received which raises material considerations



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Application and Site Details

The application seeks full planning approval for the erection of a single storey building to provide a 40 bed dementia care unit, day care centre, day treatment centre, associated facilities and 35 parking spaces. This forms Phase 1 of the redevelopment of the Goscote Hospital site to provide new health and social care buildings approved under a recent outline consent and master plan for the site.

The site is allocated as a Major Developed Site within the Green Belt. It is located on the eastern side of Goscote Lane and comprises a group of hospital buildings located within a mature landscaped setting enclosed by security fencing. The existing buildings occupy the central part of the site contained by the internal service road and comprise a mix of old and modern buildings, generally single storey structures, although there is a large 3 storey building facing Goscote Lane that was previously used as staff accommodation. There are two separate access and egress points along Goscote Lane plus one further unused access. There is a car park at the south west corner of the site facing Goscote Lane which is currently unused due to reduced operational activity on site.

The Wyrley & Essington Canal adjoins the eastern boundary of the site, an adult training centre adjoins the southern boundary, residential properties adjoin the northern boundary and there are open fields on the opposite side of Goscote Lane to the west. There is a Tree Preservation Order on an area of trees in the north-west corner of the site near the Goscote Lane frontage.

The site is owned by Walsall Teaching Primary Care Trust and only two buildings remain in operation, which are Waldoc out of hours medical services and the Catering Production Unit (CPU). Residential care is no longer provided on site, however, operations continue 24 hours per day.

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

The proposals would involve the demolition of the existing boiler house and five of the existing wards and related linkways and construction of a single storey building 2778sqm. The building would be constructed in the central part of the main site within the existing one way vehicle access roads within the site. The building would provide 20 respite ensuite rooms, 20 longer term ensuite rooms provided in 4 main cluster groups, a day care centre (including a restaurant & lounge), a day treatment centre (including therapy centre, health/treatment rooms, rehab gym etc), hobbies room and staff zone. A total of 35 parking spaces would be provided in two locations at either end of the building and extensive landscaped areas for residents and visitors within two

courtyard areas and around the building. Staffing levels for the facilities would be approx 26, including managers, administrative support, care staff, cleaners etc.

The site contains a number of mature trees which are not protected by any Tree Preservation Officer and the proposals would result in the removal of some to allow for the building to be constructed, this was however agreed at the outline stage.

Relevant Planning History

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

07/1694/OL/E11, Outline: Demolition of existing hospital buildings and redevelopment to provide new health and social care buildings to include Dementia and Palliative Care Units together with access, associated hard and soft landscaping, approved 01-11-07.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

GP1: Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

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

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

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

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

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

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

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

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

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

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

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows. Where developments are permitted which involve the loss of trees... developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

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

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

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

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

H5: Housing for People with Special Needs

The Council will promote and encourage the provision of housing for people with special needs, including single people, the elderly etc.

H6: Nursing Homes and Rest Homes for the Elderly

The provision of nursing homes or homes for the elderly in the Green Belt must be compatible with Green Belt policy.

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

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high

standards of design, and to be sensitively integrated with the canal and any associated features.

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

National Policy

PPS1 Delivering Sustainable Development – promotes sustainable and inclusive patterns of urban and rural development.

PPG2 Green Belts – Seeks to protect against inappropriate development that is harmful to the Green Belt. Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate development. Essentially development should have no greater impact than the existing development on the openness and purpose of the Green Belt, not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings.

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

Consultations

Transportation – no objections subject to conditions regarding refuse and recycling collections.

Fire Officer – to be updated in the supplementary paper.

Environmental Health – to be updated in the supplementary paper

Pollution Control – Scientific Team – no objections subject to mitigation to protect nearby dwellings from noise during construction, hours of working condition recommended.

Contamination Team – to be updated in the supplementary paper.

Housing – to be updated in the supplementary paper.

West Midlands Police – no adverse comments.

Inland Waterways – no objections were raised to the previous outline application for redevelopment. The details of the dementia unit show an acceptable modern design which with the proposed landscaping would provide an attractive environment fronting the canal.

Landscape Officer – to be updated in the supplementary paper.

Tree Officer – No objections to the development. The submitted tree survey is considered acceptable and the submitted landscape plan indicates replacement planting in mitigation for the trees to be removed. Further details of replacement trees required to be submitted.

Drainage – no adverse comments.

Public Participation

None

Determining Issues

- Principle of development
- Design and layout
- Impact on the Green Belt
- Access and parking arrangements
- Landscaping and trees

Observations

Principle of development

The principle of redevelopment of the whole of the former Goscote Hospital site for health and social care purposes was established through the outline consent granted on 2nd November 2007. The previous consent included the provision of a dementia (Phase 1) and palliative care unit (Phase 2), together with access and associated hard and soft landscaping. The hospital site is identified within policy ENV 4 of the UDP as a Major Developed Site in the Green Belt where redevelopment may be permitted provided it would have no greater impact on the purposes of the Green Belt than the existing development, the height of the existing buildings would not be exceeded and the area to be covered by buildings would not occupy a larger area of the site than the aggregate ground floor area of the existing buildings, unless this would achieve a reduction in height which would benefit visual amenity. It is therefore considered that the proposals would comply with policy ENV4 and the principle of development is considered appropriate.

Design and Layout

The proposed building would be situated within the existing loop access road within the main hospital site and would allow access and parking to be provided at each end of the building, allowing for a separation of the flow of visitors to the individual facilities.

The building would have a north/south axis with the day treatment centre forming the southern entrance to the building and the day centre creating the northern access, providing maximum daylight to the more public areas. The eastern and western arms of the building would provide the residential facilities, which allows for 2 central landscaped courtyard areas for use by the residents, which would also break up the massing of the building.

The residential element would provide 20 respite en-suite rooms and 20 longer term en-suite rooms, in four main cluster groups within each of the four corners of the building, each cluster would have its own associated open plan kitchen, lounge and dining area together with associated care facilities ie assisted bathrooms, sluice etc.

The building would be single storey and of a modern design. Interest would be brought into the design through the use of a mix of materials (contrasting brickwork, render and cedar boarding) and through the variation in the roof design, in particular at each entrance to the building. The single storey building would sit within existing extensive planting which will be enhanced following construction to provide both an attractive outlook for the residents and continue the rural setting within the Green Belt. The design of the building and use of materials is considered appropriate for the location.

Impact on the Green Belt.

Policy ENV4 of the UDP allocates the site as a Major Developed Site in the Green Belt. Redevelopment of the existing buildings is therefore acceptable in principle provided that the new buildings do not exceed the height or footprint of the existing buildings and have no greater impact on the openness and character of the Green Belt. A Visual Impact Assessment has been submitted with the application that demonstrates the short and long term effects of the development proposals from surrounding viewpoints. It concludes that the most negative effects of the development would occur during construction and impact on views from the canal towpath but that once development is complete views will be improved through the size and design of the building and use of existing and new landscaping.

Given the proposed location, orientation and proposed materials to be used, the replacement building would be considered more sympathetic to the appearance of the site and character of the Green Belt than the existing buildings. The new buildings would occupy a similar footprint to the existing (with a very slight decrease) and would not have any adverse impact on the character or openness of the Green Belt as it would be within an existing developed site, with a similar footprint to the existing with sensitive design and landscaping and would therefore be consistent with policy. It is considered that the proposed single storey modern design set in good landscaping would provide an attractive environment fronting the canal.

Access and Parking Arrangements

The scheme would utilise the existing vehicle access points off Goscote Lane in accordance with the existing outline approval and its conditions and use the existing internal one way circulatory access road within the site. The building would be provided within the loop of the existing access road which would allow for parking, vehicle as well as pedestrian access to either end of the building and a distribution of the flow of visitors to the building and the different facilities provided.

35 parking spaces would be provided. Guidance within policy T13 of the UDP suggests that 1 space per 2 beds should be provided for nursing homes, which would require 20 spaces for the residential element of the proposals. A further 15 spaces would be provided for use by visitors, staff and the day centre.

Users of the day care facility would usually arrive by minibus/community transport hence the provision of a mini bus drop off area adjacent to the front door.

New pedestrian footpaths would be provided through the site to allow access to all areas of the building and connecting the unit to the wider site and future developments.

The Transport Assessment submitted with the application that the proposals would have no material impact on the local highway network and Transportation agree with this conclusion.

Landscaping and Trees

There are a large number of mature trees within the site and the principle of removal of some to allow for the building now proposed was established and agreed under the previous outline consent, as the indicative footprint of the building was agreed. 32 existing trees would be removed, but a large number of trees would however be retained around the new building as well as significant replacement tree planting (approx 55 new trees of 20 – 25cm girth) to mitigate for the loss and additional landscaping, to contribute to the character of the site and assist in screening the proposed building from the remainder of the site and from the canal.

Landscaping would include the provision of sensory planting, horticultural therapy and seating areas for the residents and visitors.

Footpaths would be provided within the site and to link to other future uses within the overall former hospital site.

It is considered that the existing and proposed planting would enhance the character of the site and provide a safe and pleasant environment for residents and day patients alike.

The site would be bounded by 1.8m high hoop topped fencing to ensure the safety and security of patients, and this is considered appropriate in this location.

Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises material considerations

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

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

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

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

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

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

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

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

5. External lighting shall be provided on the site prior to first occupation of the building hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

6. No development shall commence on site until details of a landscaping scheme to include the species and size of replacement tree planting are submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

7. No development shall commence on site until details of trees protection zones and fencing to BS5837:2005 standards have been submitted to and approved by the Local Planning Authority. Once approved the protection measures shall be implemented prior to the commencement of any work on site, including any demolition or site preparation works.

Reason: In order to ensure protection of existing trees on the site.

8. No development shall be carried out until full details of all existing and proposed underground services and sewers have been approved in writing by the Local Planning Authority.

Reason: To safeguard the trees and or hedges on the site.

9. Prior to built development commencing details of ground gas ingress prevention measures to be incorporated into the proposed structures shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being first brought into use.

Reason: To ensure the satisfactory development of the site.

10. No development shall take place until details of a refuse management scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon the first occupation of any part of the development and maintained thereafter.

Reason: To ensure the satisfactory development and use of the application site.

11. Within six months of the completion of the development hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority that promotes sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan.

Reason: In the interests of highway safety and to promote sustainable travel alternatives.

12. The demolition of the buildings should be supervised by a person suitably licensed, qualified and experienced in bat ecology and legislation. The person shall instruct personnel involved in the demolition of the building and be available to supervise the demolition of those parts of the building most likely to contain bats. In the event that bats are discovered, a person suitably licensed, qualified and experienced in bat ecology and legislation shall be available immediately to liaise with English Nature and take steps to ensure the necessary remedial steps to comply with the law.

Reason: In the interests of protecting any bats on site.

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

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

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

14. This permission relates to the following plans: B/07/0005 001 Rev B and B/07/0005 002 and Landscape Master plan LA/WS/-/L/90/01 submitted on 14th September 2007 and B/07/0005 011 Rev D, B/07/0005 012 Rev C, B/07/0005.013 Rev C, B/07/0005.014 Rev B and B/07/0005 015 submitted on 12th October 2007 together with Design and Access Statement submitted on 20th September 2007 and B/07/0005/010 Rev C submitted on 26th November 2007.

Reason: In order to define the permission.

Notes to Applicant

In relation to Condition 9 - Construction specification drawings giving detail of the specification of the gas resistant membrane to be used, the method of installation, arrangements for sealing and treating any service entry points and method for treating cavity walls will be required.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, GP7, ENV2, ENV3, ENV4, ENV14, ENV18, ENV32, ENV33, ENV39, ENV40, H5, H6, H10, LC9 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2342/FL/E10

Application Type: Full application

Applicant: Hamlet New Homes Ltd

Proposal: Proposed Ground Floor
Retail Units with First and Second Floor
Offices

Ward: Pheasey Park Farm

Recommendation Summary: Grant Subject to conditions

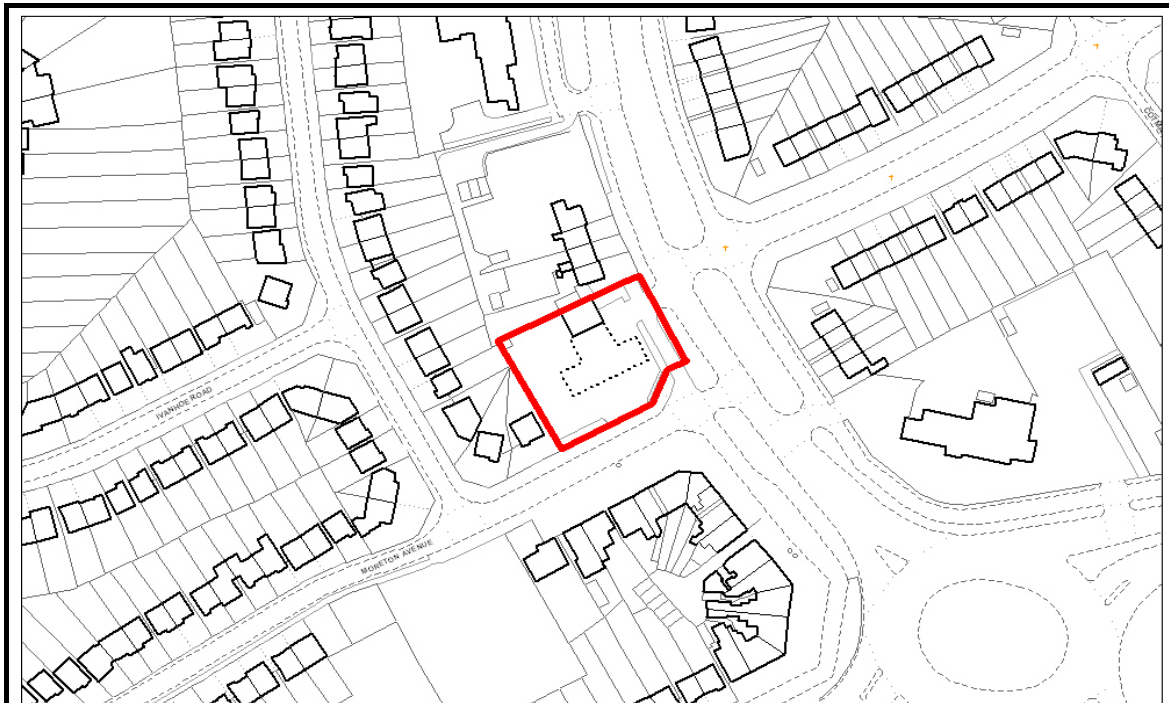
Case Officer: Andrew White
(E10)

Telephone Number: 01922
652487

Agent: Gino Lombardo
Associates Ltd

Location: REDUNDANT
PETROL FILLING STATION
CORNER OF MORETON
AVENUE AND BEACON ROAD,
GREAT BARR, B43

Expired: 31/01/2008



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Application and Site Details

The proposal is for a 2 and half storey high commercial development to provide two ground floor retail units of a total floorspace of 375.45 square metres and office accommodation at first (354.86 square metres) and second floor (243.14 square metres) respectively. The development is in a L-shaped building occupying the front of the site facing Moreton Avenue and the service road adjacent to Beacon Road. The proposed building is designed with a 1930's style and would be of traditional brick and tile construction with a render and glazed block feature turret at the junction of Moreton Avenue and Beacon Road providing pedestrian access to the upper floors of the building. Parking for the development is to be provided to the rear of the building, along with servicing. Access to the parking is from Moreton Avenue with egress via the service road adjacent to Beacon Road. The access/ egress points are proposed to be gated so that outside of operational hours the site can be secured. Boundaries to the adjacent residential will be enhanced with additional landscaping.

The site currently is a former petrol filling station occupying a corner position within the busy Moreton Avenue Local Centre that is currently being used for an unauthorised car wash. Beyond the northerly, easterly and westerly boundaries of the application site is predominately 1930's to 1950's style dwellings. South of the site, across Moreton Avenue is the main commercial core of Moreton Avenue Local Centre (fully let) and beyond this the strategic highway, Queslett Road and the boundary with Birmingham City Council, with a large and busy Asda Superstore occupying the opposite corner.

The agent has submitted a number of supporting documents including a design and access statement, and a noise assessment.

Relevant Planning History

Various applications related to the previous Petrol Filling Station.
05/2481/FL/E3- Residential development for apartments. Application Withdrawn as the applicant was unable to sign the S106 because the applicants were unable to secure indemnities because of problems with land ownership.

06/0006/FL/E3- Change of use to hand car wash refused July 2006 for the following reason:

- 1) The applicant has failed to demonstrate that sufficient off street parking is provided to meet the needs of the development.
- 2) The use of pressure washers, reduced the level of amenity available to the occupiers of 2 Moreton Avenue and 32 Beacon Road, to a level, which is unacceptable.

07/0041/FL/E12- Change of Use to hand car wash refused March 2007 for the following reason:

- 1) The proposal with the use of high pressure hoses results in over spray and general noise and disturbance from the site. This has reduced the level of amenity available to the occupiers of 2 Moreton Avenue and 32 Beacon Road, to a level, which is unacceptable.

Enforcement Notice issued 22nd March 2007, appeal submitted on behalf of the applicant and dismissed and enforcement notice upheld 16th November 2007.

Relevant Planning Policy Summary

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

Unitary Development Plan

Policy 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement.

GP1: Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

GP2: Environmental Protection and Policy 3.6

Requires new development to contribute to the improvement of the environment.

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

GP4: Local Area Regeneration

Council will promote and encourage local regeneration initiatives that revitalise the local economy, sustain centres, protect and enhance the natural and built environment.

GP7: Community Safety

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

ENV14: Development of Derelict and Previously-Developed Land and Policy 3.9

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

ENV32: Design and Development Proposals and Policy 3.16.

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

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

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

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

ENV35: Design of frontages to shops and commercial premises should be appropriate to their setting.

S2: Local centres to meet the day to day convenience shopping and local service needs of their communities.

S3: Integration of development into centres should be of scale and nature appropriate to the size and function of the centre concerned and sensitively integrated, in function and visual terms, with primary shopping area other land uses, pedestrian routes, car parking, public transport, servicing and local townscape.

S5: Local centre boundaries are drawn tightly to concentrate investment within these areas, the retention, enhancement and development of shops, services and other town centre uses will be encouraged.

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

T13: Parking Provision- Town and district centres the Council will negotiate an appropriate level of parking provision with developers.

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. The main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

Regional Policy

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

National Policy

PPS1: Delivering Sustainable Development, emphasis is give to the need to reject poor design and the need for sustainable development.

PPS6 Planning for Town Centres and retail development

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

Consultations

Transportation - No objections.

Strategic Planning- No objections

Fire Officer – No objections.

National Grid - No objections.

Severn Trent - No objections

Pollution Control (Contaminated Land/ Scientific Team) - No objections.

Public Participation Response

Five written representations have been received raising the following issues:-.

- Exacerbate parking issues and access to adjacent residential property
- loss of privacy
- Additional retail surplus to requirement
- Problems of youths hanging around retail units

Determining Issues

- Principle of development.
- Impact on surrounding occupiers
- Design and layout of the proposals
- Parking

Observations

Principle of retail & commercial development

The application site is currently occupied by a former petrol filling station currently being used as an unauthorised hand car wash. The immediate vicinity can be characterised as a predominately mixed residential and commercial area within Moreton Avenue Local Centre. Local Centre boundaries are drawn tightly on the UDP proposals map to concentrate investment and within these areas the retention, enhancement and further development of shops, services and other town centre uses are encouraged including offices. Moreton Avenue is a vibrant and busy local centre with full occupation of the current retail and office facilities. It is considered, the current proposal would further contribute to enhancing and reinforcing the vitality and viability of this busy local centre by providing new retail and office provision. It is considered the retail element of the proposal would be appropriate and in scale with the local centre.

The office element of the proposal can be considered appropriate to the local centre and could be used to accommodate local services including community facilities (subject to a further change of use) and for this reason, it is considered that the scale of the development is acceptable in this instance and accords with the aims and objectives of development plan.

Impact on surrounding occupiers

The building is sited on the corner from Moreton Avenue to the service road adjacent to Beacon Road. It is considered the development would have minimal impact from shadowing and overlooking on adjacent residential occupiers because the development allows for a window separation of 23.4 metres to the boundary with residential gardens in Beacon Road and 24.8 metres to the residential gardens in Moreton Avenue. Where the building does come closer to existing residential dwellings is the proposed gables of the buildings, reflects existing situations with houses along the street. The offices would generally be occupied during normal office hours of 9am to 5.30pm Mondays to Fridays to respect on residential amenity. The retail unit is likely to operate for longer periods of the day and is likely to have vehicles coming and going. The boundaries to the adjacent residential properties already include a brick wall which is considered to protect amenity from noise. The

site is an existing former petrol filling station with limited conditions controlling its hours of use. The Council can impose safeguarding conditions to better control the proposed use over the current situation. It is considered that the proposed retail/office use would provide a quality environment for the adjacent residential neighbours.

Design and Layout.

The design of the proposed building locates it at the front of the site adjacent to the footway in an L-shape arrangement with rotunda at the corner. This contributes to providing defensible space and reflects the existing pattern of development meeting the aims and objectives of the development plan.

Its shape, location, scale and quality of design is considered to act as an important 'marker' building for the locality adding legibility to assist people in navigating the area, meeting the aims and objectives of the development plan.

The appearance of the building has been designed with a 1930's style reflecting some of the local design references of the locality. The building is to be constructed of brick and tile with a render and glazed rotunda at the junction of Moreton Avenue and Beacon Road providing pedestrian access to the upper floors. The building further benefits from two display windows at ground floor facing Moreton Avenue and Beacon Road. The pedestrian entrances to the retail units also have a glazed and stainless steel canopy.

The three proposed pedestrian accesses to the building to add passive surveillance to the street increasing safety and security. A further 12 windows overlooking Moreton Avenue and Beacon Road increase surveillance of the public realm. Residents concern of youths hanging around retail units can be further reduced by ensuring, that the retail display windows are not blocked or obscured. This stops the development ending up with blank ground floor edges to the street reducing the attractiveness to youths to hang around shop fronts as there would be constant surveillance from within the premises.

Parking

The proposal provides 26 off street parking spaces for customers and staff of the proposed development. These are located at the rear of the building. UDP Policy T13 normally requires 44 spaces for a development of this size. However, given the location of the application site in a local centre with access to good public transport links, it is considered that people visiting the proposal are likely to make linked trips with other local facilities. Also, Moreton Avenue Local Centre benefits from being very close to a large residential estate allowing local residents to walk to the shops and facilities and people coming from further a field can arrive by public transport.

Recommendation: Grant Subject to conditions

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

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

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

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

3. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such. No water from the parking area shall be allowed to discharge onto the adopted highway, or into any highway drain.

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

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

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

5. No development shall commence on site until full details of a landscaping scheme are submitted to and approved by the Local Planning Authority. The scheme shall include paved areas, a detailed planting plan clearly identifying proposed planting areas, areas of turf, location of proposed trees, correct botanical names, sizes at planting and planting densities of all proposed planting, details of how trees would be staked and topsoil specifications. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

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

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

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

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

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

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

9. Prior to first occupation of the premises hereby approved external lighting shall be installed within the car parking area of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: To safeguard the visual amenities of the area.

10. Prior to the first occupation of the retail/offices hereby approved, the car park shall be fully consolidated, surfaced and drained, and all parking spaces shall be demarcated on the ground. One parking space shall be allocated for disabled parking and spaces 20 to 24 shall be allocated and marked out as 'Staff Only' spaces as detailed on plan 27433/X/02A dated 16/10/07.

Reason: In order to ensure satisfactory parking facilities for the development.

11. All windows and areas of glazing facing Moreton Avenue and Beacon Road shall be kept free of applied signage or other significant screening which

would hinder views into the ground floor retail facility and / or the passive surveillance of adjacent public areas, unless details have been previously submitted to and agreed in writing with the local planning authority.

Reason: To aid the security of users of the adjacent public realm and the site.

12. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

13. The works hereby approved shall only be carried out in accordance with details contained within Drawing Nos 27433/A/03 submitted on 24th October 2007, 27433/X/02A submitted on 24th October 2007, 27433/A/01A submitted on 2nd November 2007 and Design and Access Statement submitted on 24th October 2007.

Reason: In order to define the permission.

Note for applicant

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

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, 3.16, GP2, GP4, GP7, ENV14, ENV32, 3.114, 3.115, ENV33, ENV35, S2, S3, S5, T7 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2340/FL/E9
Application Type: Full application

Case Officer: Barbara Toy
Telephone Number: 01922
652429

Applicant: WALSALL HOUSING
GROUP

Agent: BOVIS HOMES LTD

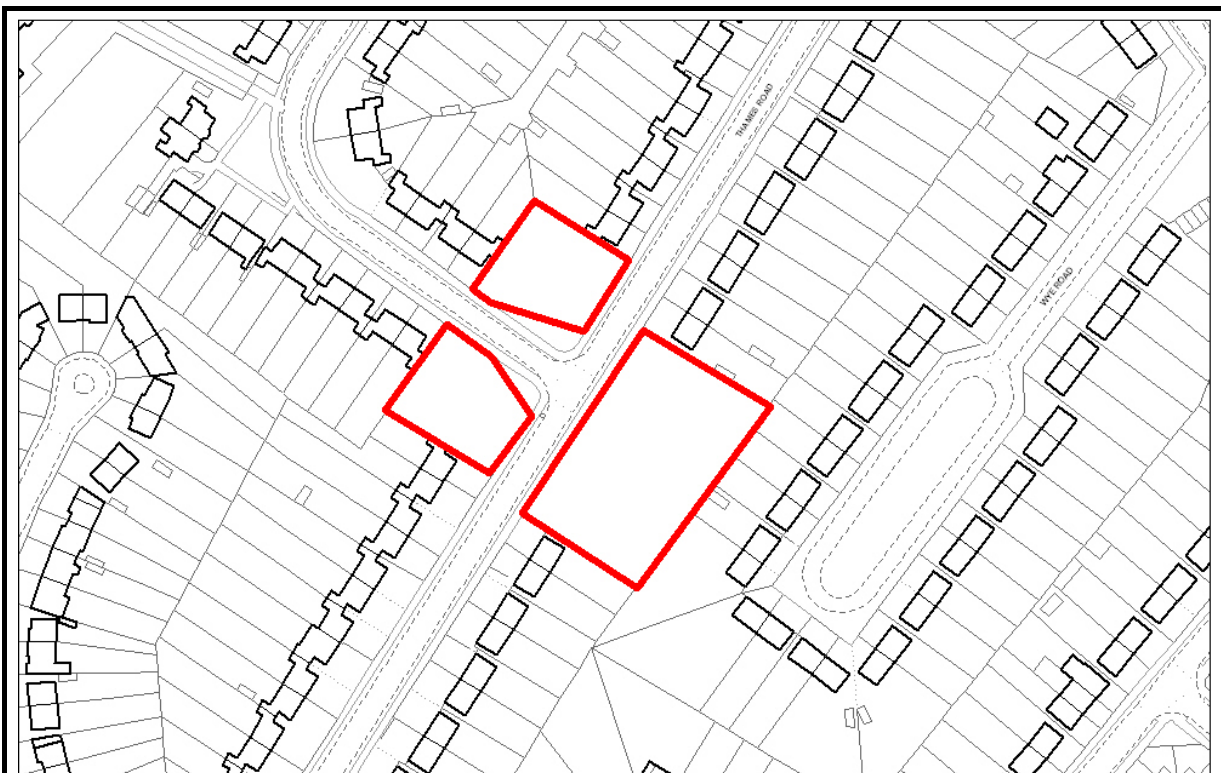
Proposal: PROPOSED
CONSTRUCTION OF 18 no. 2 AND 6
BEDROOM DWELLINGS AND
ASSOCIATED PARKING

Location: LAND OFF, THAMES
ROAD, BLAKENALL,
GOSCOTE, WALSALL.

Ward: Bloxwich East

Expired: 31/01/2008

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



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Application and Site Details

The application proposes the erection of 18 new dwellings with associated parking, comprising 10 x 2 bed two storey semi detached houses, 2 x 6 bed, three storey detached houses and 6 x 2 bed flats within a three storey block. Six of the 2 bed houses would be for shared ownership and the remainder of the units would be for affordable rent.

The site is split into three parts, situated on each corner of Dee Road on the western side of Thames Road and opposite the junction of Dee Road on the eastern side of Thames Road. Each part of the site comprises vacant land formerly occupied in total by 5 pairs of semi detached two storey residential premises.

The surrounding area comprises predominantly of two storey residential properties with a mix of brickwork, render and cladding with off street parking provided on front driveways. Each part of the site is adjoined by semi detached two storey houses in both Thames Road and Dee Road and the rear gardens of properties in Wye Road.

On each of the two sites on the corner of Dee Road it is proposed to provide a pair of semi detached two storey 2 bed houses and a detached three storey 6 bed house on each of the corners. Each house would have front driveway parking and rear private gardens. On the larger site on the opposite side of Thames Road 3 pairs of semi detached, two storey 2 bed houses would be provided with a three storey block of six 2 bed flats in the centre, directly opposite the junction of Dee Road. 9 parking spaces would be provided to the rear of the flats and front driveway parking would be provided to each of the houses. Gated access to the parking area to the rear of the flats would be provided to the south of the block with the bin and cycle store situated adjacent to the driveway.

The site area of 0.398 hec would provide a density for the proposed development of 45 dwellings per hectare.

Relevant Planning History

03/1698/PD/E6, demolition of 46-48a Thames Road, approved 24-10-03.

03/2292/PD/E5, demolition of properties including 41-47a Thames Road, approved 29-01-04.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

Policy 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement.

GP2: Environmental Protection and Policy 3.6

Requires new development to contribute to the improvement of the environment.

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

GP3: Planning Obligations

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

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved.

H9: Minimum Densities

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

H10: Layout, Design and Dwelling Mix

Requires a high quality living environment to be created, well integrated with surrounding land uses and local character.

ENV14: Development of Derelict and Previously-Developed Land and Policy 3.9

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

ENV18: Existing Woodlands, Trees and Hedgerows

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

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV39: Renewable Energy and Energy Efficiency

Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

LC1(d): Urban Open Space

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

Policy 8.8 indicates that residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

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
Flats with communal parking	1.5 spaces per unit

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. The main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

Urban Open Space (SPD) (April 2006)

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

Regional Policy

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

National Policy

PPS1: Delivering Sustainable Development, emphasis is given to the need to reject poor design and the need for sustainable development.

PPS 3: Housing, the objective of the revised guidance is to:

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

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

Consultations

Transportation – no objections subject to safeguarding conditions.

Pollution Control – Scientific Team – no objections subject to mitigation to protect nearby dwellings from noise during construction, hours of working condition recommended.

Contaminated Land Team – no specific contaminated land requirements.

Fire Officer – Satisfactory access for fire appliance.

Education Walsall – The level of surplus places in both local secondary schools is below 10%, therefore a contribution towards secondary school provision is required.

Landscape Officer – No objections. Full and detailed planting plans provided and considered acceptable.

West Midlands Police - no objections. The development is situated in a high crime area for both burglary and vehicle crime and therefore Secure By Design accreditation should be sought.

New Deal – support the application. This new accommodation would be a welcome addition to the diversity of accommodation provided in the area.

Environmental Health – no adverse comments.

Housing – fully supports the proposals and agree the property type and tenure mix which meets the needs of the area.

Environment Agency – no comments.

Public Participation Responses

None.

Determining Issues

- The principle of residential development.
- The design and layout of the proposals
- Impact on surrounding occupiers
- Access and parking arrangements
- Trees and Landscaping
- Education and Urban Open Space Contributions

Observations

Principle of residential development

The application site comprises of previously developed, now vacant land and would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which encourage the reclamation and development of derelict and previously developed land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and PPS 3 – Housing, encourages development of brownfield sites for residential purposes.

The site is situated in a predominantly residential area, close to local services, shops and bus routes and as such is considered a sustainable location. The principle of residential development on the site is therefore considered appropriate, as it reflects the general character of the area.

The proposals would provide a density of 45 dwellings per hectare which would comply with both UDP and National Policy guidance for development and would make efficient use of the land.

Design and Layout.

The site layout would reflect and enhance the existing pattern of development within the vicinity and the proposed design would pick up on key characteristics of the surrounding properties.

The larger site on the eastern side of the road would follow the existing well established building line of Thames Road and the western side would follow the existing staggered building line on this side of the road.

Three storey elements would be introduced to the street scene on each corner of Dee Road (the two 6 bed detached houses) and opposite the Dee Road junction (the block of flats), which would provide a sense of place and enclosure and is therefore considered appropriate in these locations.

The two storey 2 bed semi detached houses would be of a traditional design of brickwork, with front to back gable roofs and front door canopies to follow the design and characteristics of the existing semi detached houses in the immediate vicinity.

The three storey elements would have a traditional design base with a contemporary twist, using brickwork, render, timber cladding and glazing to provide interest to the design. The flats include a glazed entrance feature in the centre of the block and Juliet balconies to the living rooms, as well as additional windows to the side elevation, increasing both the light to these rooms and providing additional surveillance around the building.

All the rear private gardens to the houses would exceed the 12m in length and 68sqm area requirement of the RDS, and in some cases would more than double the length and area requirement. This would provide a very good amenity space and general environment for the occupiers of the houses. An approximate area of 28sqm per flat would be provided within a communal area immediately outside the rear of the building, providing an easily accessible, useable amenity space for the occupiers.

Pedestrian access would be provided to both the street and the rear amenity/parking area on the flats and the gated access drive would provide a good definition between public and private space.

Impact on surrounding occupiers

The proposals would follow the existing building line of Thames Road and would fully comply with the separation distance guidance within the RDS and would therefore have no adverse impact on the amenities of the surrounding residential occupiers. The proposals would remove an open vacant site.

Access and Parking Arrangements

The proposals would provide 9 off street parking spaces for the 6 flats which would equate to 150% parking provision, 2 off street spaces would be provided on front driveways for each of the 2 bed houses and 3 spaces for each of the 6 bed houses. The proposals would therefore fully comply with Policy T13 of the UDP and Transportation have raised no objections subject to safeguarding conditions.

Trees and Landscaping

There are currently only 2 trees existing on the site. One situated adjacent to 49 Thames Road on the southern boundary of the site, which would be removed and a Goat Willow tree situated adjacent to 2 Dee Road which would be retained and protected during construction. The tree would then be situated in the rear garden of one of the 6 bed houses upon completion of the scheme.

The landscaping proposals include the provision of 6 new standard trees to be planted at back of pavement to provide an amenity value to the general street scene as well as the new properties.

Education and Urban open Space Contributions

Education

The level of surplus places in local secondary schools is below 10% therefore a contribution of £29,624.67 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP. The contributions would be spent within a 3 mile radius in terms of secondary schools.

Urban Open Space

An Urban Open Space contribution of £30,140.00 is required to comply with the Urban Open Space SPD policy.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

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

3. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such. No water from the parking area shall be allowed to discharge onto the adopted highway, or into any highway drain.

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

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

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

5. Prior to first occupation of the premises hereby approved external lighting shall be installed within the car parking area of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: To safeguard the visual amenities of the area.

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

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

7. Prior to the first occupation of the flats and house hereby approved, the new vehicle access points shall be fully implemented and the car parking courtyard shall be surfaced, drained and all parking spaces shall be demarcated on the ground. One parking space shall be allocated for disabled parking, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure satisfactory access to the site, satisfactory parking facilities for the development and prevent a continuous extended dropped kerb, in the interest of pedestrian safety.

8. No consent is given to the species selection and size of the tree replacement planting shown on the landscape proposals drawing GOSC-03-100 Rev A and GOSC-03-101 Rev A submitted on 29th November 2007. Prior to implementation of the landscaping scheme revised details of the replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

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

Prior to the first occupation of the 6 flats hereby approved, the new vehicle access shall be constructed to a specification, to be submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure satisfactory access to the site.

9. Prior to the commencement of any work on site tree protection measures as detailed in drawing No Gosc-03-081 received on 23rd October 2007 shall be provided to T1 (Goat Willow tree) and once in place shall be retained until completion of all work on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure retention and protection of the existing tree on the site.

11. No wall or fencing shall be erected above 600mm in height on the frontage of the proposed dwellings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure adequate pedestrian visibility between the users of the vehicle access points and pedestrians on the adjacent footpath.

12. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

13. The works hereby approved shall only be carried out in accordance with details contained within Amended Drawing Nos GOSC/202 Rev B, GOSC/252.1 Rev A, GOSC/252.2 Rev A and GOSC/286 Rev A submitted on 20th November 2007, GOSC/100 Rev A (Landscape proposals) and GOSC-03-101 Rev A submitted on 29th November 2007, GOSC-03-081, GOSC-03-101, GOSC/220, GOSC/221, GOSC/250 and GOSC/251 submitted on 23rd October 2007 and Design and Access Statement and Tree Assessment Report submitted on 23rd October 2007.

Reason: In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, ENV14, ENV18, ENV32, ENV39, H3, H9, H10, LC1(d), 8.8 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

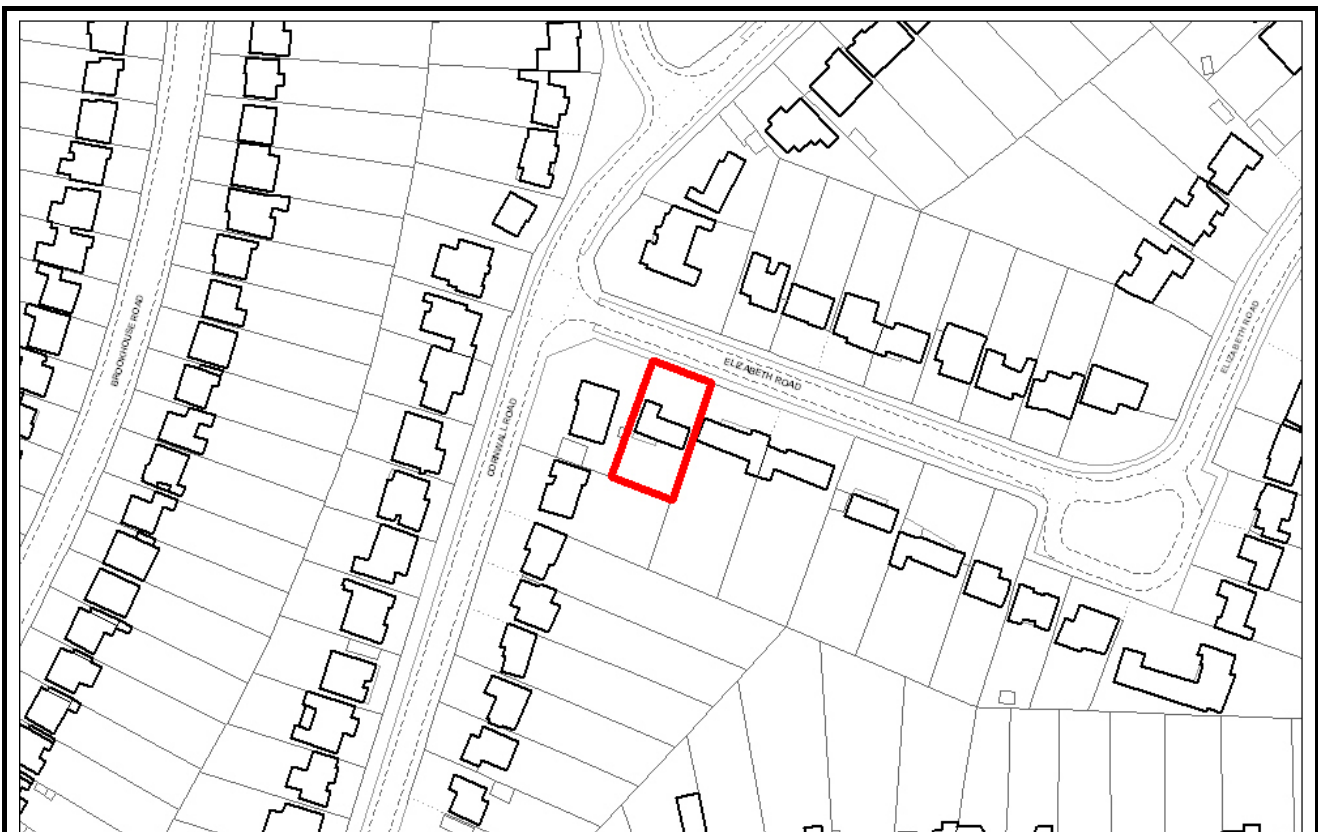
Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/2210/FL/H4
Application Type: Full application
Applicant: Mr M Shakeel
Proposal: Double-Storey Front, Side and Rear Extension, Single-Storey Rear Extension with Enlarged Roof Over Existing House
Ward: Paddock
Recommendation Summary: Grant Subject to conditions

Case Officer: Jenny Townsend
Telephone Number: 01922 652485
Agent: Anthony Spruce
Location: 2 ELIZABETH ROAD, WALSALL, WS5 3PF

Expired: 28/11/2007



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Application and Site Details

This application is for extensions to a detached house which would enlarge existing rooms and add a 4th bedroom. The roof over most of the existing house is to be reconstructed with an increase in ridge height of 0.5 metres.

The house is currently L-shaped with a flat roof garage on the left hand side next to the adjoining house number 4 Elizabeth Road and a two storey wing on the right hand side of the house next to the adjoining bungalow number 22 Cornwall Road. The two-storey wing projects 3 metres in front of the rest of the house and garage. On the front elevation, the rest of the house is to be extended 2 metres forward, so will remain set back 1 metre from this wing. The amended plans show the garage to be extended forward by a further 1 metre to be in line with the wing.

To the side, the first floor is to be extended over the existing garage. The rear of this extension is to be in line with the rear of the existing house and garage.

To the rear of the existing two-storey part of the house, the ground floor is to be extended by 3 metres and the first floor by 1 metre. The application originally proposed a ground floor extension to the rear of the garage but this extension has now been omitted. The corner of the rear extension is to be in line with the existing rear corner of the two-storey part of the house next to the garage. The opposite corner of the rear extension is to be set in from the existing rear corner of the house by 2.3 metres on the ground floor and 3.5 metres on the first floor.

The new roof over the existing house and the two-storey extensions is to be hipped to reflect the shape of the existing roof. The roofs over the single-storey sections to the front and rear are to be mono-pitches.

The application property lies further back than number 4 Elizabeth Road. The existing 3 metre gap between the garage to number 2 and the side of the two-storey part of number 4 is to be retained. The rear of the garage projects 3.5 metres beyond the rear of number 4.

22 Cornwall Road lies at right angles to the application property with the rear facing the side of the application house. Number 22 has a short rear garden with a separation distance of only 6.5 metres from the rear of the property to the side of number 2. Number 22 has several windows on the rear elevation that face towards the application house.

The end of the rear garden of the application property abuts the end of the rear of 20 Cornwall Road at right angles.

Relevant Planning History

06/0559/FL/H4. Double storey side, rear and front extension and increased roof height. Refused May 2006 on the grounds that the proposed extension would be out of keeping with the character of the existing house and the street, and would have an overbearing impact on the adjoining dwellings,

because of its design, scale and massing, the increased height of the new roof compared with the existing house, and the close proximity of the extension to the adjoining dwellings and their gardens.

The front of the extension was to be in line with the front of the existing front wing whilst the rear was to project 3 metres out across the full width of the house at both ground floor and first floor level. The ridge height was to be increased by 1.2 metres.

06/1760/FL/H4. Double storey side and front extension and single storey rear extension. Refused November 2006 on the grounds that the design of the extension would be out of keeping with the existing house, by losing the prominence of the existing projecting front bay and would, by closing the existing gap at first floor level between the application house and the adjoining house number 4, harm the character of the street, and the extension would have an overbearing impact on the adjoining dwellings because of its length and close proximity to the adjoining dwellings and their gardens.

The application was similar to the previous proposal except that a recess was to be retained at first floor level in the centre of the front elevation, and the rear of the house was only proposed to be extended on the ground floor.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the Civic Centre Reception and on the Council's web site)

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – 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

Residential Development Standards

These include guidelines concerning design, separation distance between habitable room windows and walls over 3 metres high and the length of extensions in relation to neighbouring houses.

The council will generally seek to ensure a minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height, to safeguard the visual amenities of residents. This height will be measured from the floor level of the room containing the affected window. The height will be measured to the ridge of a gable wall. The height of the eaves will normally be used in the case of a roof, which slopes towards the neighbouring property.

A 45 degree code will be used to assess the impact of extensions on adjoining dwellings. Single-storey extensions that breach the code will be allowed provided they do not project more than 3.5 metres beyond the neighbouring property.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None.

Public Participation Responses

Representations in respect of the original plans were received from the occupiers of 4 Elizabeth Road, and 20 and 22 Cornwall Road, on the following main grounds:

- new proposal fails to address any of the previous reasons for refusal;
- effect on the light and aspect to adjoining dwellings;
- the difference in size between the application house and the adjoining bungalows, and the position of the application house, means that the latter is already overpowering and claustrophobic;
- the small rear gardens to the properties are not really suitable for the size of the extensions being applied for;
- loss of privacy;
- if the considerable extensions to the front and side are not enough then a more suitable house/plot should be sought.

Following notification of the amended plans, representations have been received from the occupiers of 4 Elizabeth Road and 20 Cornwall Road, repeating the earlier concerns. A representation on behalf of the occupier of number 4 also comments as follows:

- bulk and mass of the extension is out of keeping with the character of the existing house and area, which is characterised by a relatively low density with significant open gaps between houses;
- proposed design is poor with an unattractive façade and will detract significantly from the existing building and locality;
- may set a precedent for terracing.

The representations may be viewed in full on the application file.

Determining Issues

whether the application has overcome the previous reasons for refusal and in particular;

- 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; and
- parking.

Observations

Design and Character

The design of the current proposal with the two-storey part of the extension set back from the existing front wing of the application house, and set back from the adjoining house number 4, would reflect the existing design of the application house.

Elizabeth Road comprises detached houses of a variety of designs. Numbers 4 and 6 are currently wider than the application house. A characteristic of the street is the space between houses. The 3 metre gap that would remain at first floor level between the application house and the side of number 4 would retain this characteristic. This gap and the position of number 2 stepped back would avoid any potential terracing effect.

No change is proposed to the front or side elevation next to the boundary with the bungalow at 22 Cornwall Road.

Amenity of Nearby Residents

The first floor side extension near the boundary with 4 Elizabeth Road is to project no further back than the existing garage or the existing two-storey part of the house. The amended plans omit the section of the single-storey rear extension that was to lie to the rear of the garage. This change and the gap that will remain between the two houses means that the impact on number 4 will be acceptable and the application will comply with the 45 degree code in relation to number 4.

The short rear garden of 22 Cornwall Road and the position of the bungalow facing the side of the application property means that number 22 already enjoys only a limited amount of amenity. However, the rear part of the extension will lie nearly 4 metres away from the boundary at ground floor level and 5 metres away at first floor level. This separation and the limited projection of the first floor rear part of the extension of only 1 metre means that the rear part of the extension will have little impact on number 22.

20 Cornwall Road lies to the south and will be separated from the extension by both its own rear garden and that of the application property.

No additional side-facing windows are proposed in the extensions or the existing house so there will be no loss of privacy to the adjoining dwellings.

With respect to the other concerns in the representations, the need for the extension is not a material planning consideration.

Parking

Much of the frontage of the application property is already hardsurfaced and, with the garage which is to be retained, there would be adequate parking in accordance with the UDP parking standards.

Recommendation: Grant Subject to conditions

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

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

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

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

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

4. There shall be no alterations that would prevent the use of the garage for parking unless the driveway has first been enlarged to provide a total of at least 3 parking spaces, each hardsurfaced and measuring at least 2.4 x 4.8 metres. 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 T13 of Walsall's Unitary Development Plan.

5: This permission relates to the amended drawings numbered 1163/3 deposited on 1 November 2007.

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 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. As the application was determined by the Development Control Committee, the report can also be viewed on the Council's web site at www.walsall.gov.uk/planning.



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Disposal of Council Owned Land

Application Number: 07/2475/FL/E11
Application Type: Full application

Case Officer: Alison Deakin
Telephone Number: 01922
652487

Applicant: Mr P Dhillon

Agent: Gurmukhi BUilding Design
Ltd

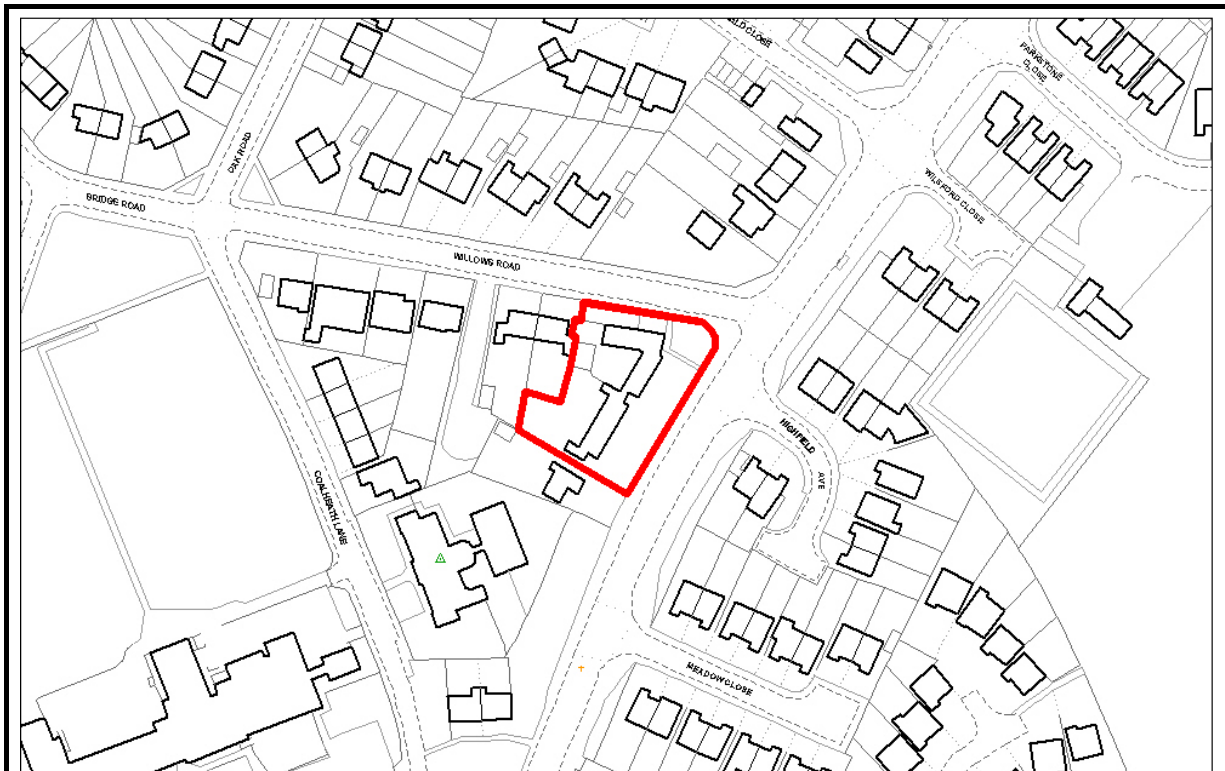
Proposal: Change of Use/Extensions
to Former Office Building to 8 no.
Residential units with Car Parking,
Landscaping.

Location: 158A, LICHFIELD
ROAD, WALSALL, WS4 1ED

Ward: Rushall-Sheffield

Expired: 03/01/2008

Recommendation Summary: Grant Permission Subject to conditions,
unless additional information is received which raises material considerations



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Application and Site Details

The application is for change of use and extension of the former Social Services offices at the junction of Lichfield Road and Willows Road, Shelfield. The proposal is to create 8 no. 2 bedroom flats comprising by converting and extending the two storey buildings facing Lichfield Road and addition of a first floor extension above the existing single storey buildings at the junction with Willows Road.

The application is a resubmission following withdrawal of application 07/2056/FL/E11, The proposals have been amended in order to remove direct vehicle access from Lichfield Road, provide 8 shared parking spaces at the rear, 4 parking spaces fronting Willows Road and shared amenity space for the proposed flats immediately to the rear of the buildings.

The existing two storey building fronting Lichfield Road looks like a pair of dwelling houses and will be converted to create 4 flats. The proposals include side and rear extensions to this building, increasing it by 2m at each end and increasing the depth from 6.2m to 8.6m with two large gable elevations at the rear. Shared private amenity space is shown at the rear of the building. Vehicular access is via a gated driveway off Willows Road and 4 parking spaces are shown at the rear of the amenity space adjacent the rear site boundaries. A first floor extension is proposed above the existing single storey building at the junction with Willows Road to accommodate 4 flats with shared private amenity space at the rear and shared parking court with 4 spaces accessed off Willows Road. A further 4 parking spaces are shown in front of the building on the Willows Road frontage with a landscape buffer between these and the front elevation of the building.

Direct pedestrian access from the street is included for all flats which will encourage surveillance of the street. Cycle storage is included at the rear of the site for the flats and a bin store just in front of the access gates.

The site is located within a predominantly residential area comprising a variety of detached and semi-detached housing. There is a clinic and Primary School in Coalheath Lane to the south west of the site. The present buildings are set back from the boundary with the highway and have an open frontage comprising grass areas facing Lichfield Road and a parking area facing Lichfield Road. There are gates between the building and the boundary to 10 Willows Road leading to an enclosed yard.

The site area is 0.15 hectares giving a proposed development density of 53 dwellings per hectare.

Relevant Planning History

07/2056/FL/E11 – Conversion and extension of offices to form 8 no. residential units – Withdrawn 9/11/07. The application proposed four houses with direct vehicular access from Lichfield Road and four flats with shared access and parking off Willows Road.

Relevant Planning Policy Summary

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

2.2: Lists six key strategic themes that will be used to evaluate development proposals. These include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design.

GP1: Relates to sustainable development- the location of facilities where they are accessible to everyone and minimise the need to travel.

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

GP7: Development proposals will be expected to have regard for the objective of designing out crime.

3.6: Development and redevelopment schemes should, as far as possible, help to improve the environment.

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

ENV14: The Council will encourage the reclamation and development of derelict and previously developed land.

ENV18: The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

3.113, 3.114 & 3.115 Encourages good design that creates high quality architectural and landscape design that responds positively and imaginatively to the context in which development takes place, discourages crime and increase safety and creates an environment which is distinctive and creates a sense of place.

ENV32: Development needs to take account of its context and surroundings and indicates the criteria to be taken into account in assessing proposals.

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

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.

H3: 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.

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

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

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: Advises on parking requirements.

Flats with communal parking 1.5 spaces per unit

Residential Development Standards (RDS)

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

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPG13 Transport, PPS23 Planning and Pollution Control, PPS24 Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places-The Planning System & Crime Prevention.

Consultations

Transportation – No objections as all parking is now accessed off Willows Road and 150% shared parking has been provided. Bin storage and cycle storage is also shown.

Pollution Control – No objections subject to conditions.

Environmental Health – No objections.

Tree Officer – No objections subject to replacement tree planting.

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

Police Architectural Liaison Officer – No objections in principle.

Public Participation Response

One letter of objection received. The consultation period expires on 7th December 2007 hence any further representations will be reported in Supplementary Papers. The objection is: -

- Object to incorporation of entirely 2 bedroom flats as the previous proposals provided a greater mix of dwelling types i.e. incorporation of 3 bedroom houses.
- Incorporation of parking at the rear adjacent to existing gardens would lead to additional noise and disturbance, vehicle fumes and loss of privacy.
- Why is there no vehicle access off Lichfield Road requiring parking at the rear – an alternative may be to create a potential service road with access off Willows Road.
- Object to removal of Silver Birch tree at rear.

- Incorporation of an access path adjacent the boundary with existing dwellings exposes private property which may create noise and disturbance and become vulnerable to crime.
- Concern over who would maintain the shared frontage areas.

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

Determining Issues

- Principle of development
- Design & Layout
- Parking & Access
- Impact on Neighbour's Amenity

Observations

Principle of development

The proposal is for residential redevelopment of an existing developed site within a residential area and offers the opportunity to make more effective use of previously developed land by converting and extending the existing building. The surrounding area comprises a variety of residential properties. The principle of conversion and extension for a mix of houses and flats is therefore considered to be acceptable subject to detailed layout and design. The density at 53 dwellings per hectare is also considered acceptable in this location and seeks to make more effective use of this site which is located in a sustainable location, on a main bus route within 400m of Sheffield local centre.

Design & Layout

The proposal utilises and enlarges the existing buildings on site and is considered to be in keeping with the surrounding area. The changes to the elevations of the building are minimal and the design of the building is functional and respects the character of the original building. It is recommended that the false gables shown on the drawing are replaced with cladding in order to emphasise the entrances in a more characteristic way to add character and interest to the building. A condition is recommended to require revised plans.

The layout shows enclosure of the grassed areas fronting Lichfield Road by 1m high round top railings with a hedge behind located at the front perimeter of the site creating a clear definition between public and private space. The proposed access paths and vehicular access are to be securely gated thus preventing unauthorised access and maintaining security of adjacent and proposed dwellings. Additional tree planting is also shown within this area to enhance the appearance of the street scene. Although the proposal results in loss of one Silver Birch tree at the rear adequate replacement tree planting is shown on the Lichfield Road frontage to compensate for this loss. Pathways are included at the front of each building to ensure direct pedestrian access from the street and improve surveillance of the street.

The proposed flats on Lichfield Road are all dual aspect and the opportunity to create some dual aspect rooms for the flats fronting Willows Road maximises daylight for residents. Each unit also has direct access to the shared amenity areas which provide approximately 352m² of space, equating to approximately 44m² per flat. This is considered to provide more than adequate usable space for occupiers.

Parking & Access

All vehicular access is now provided onto Willows Road including 12 car parking spaces in total, plus cycle storage. The proposal therefore achieves 150% parking as required by policy T13 of the UDP and is satisfactory. The parking at the rear is secure as there is a gated access onto Willows Road and the four spaces on the frontage are immediately overlooked by the flats providing surveillance as security.

One objection has been received so far relating to the incorporation of the parking court at the rear next to the garden boundary of the adjacent dwelling. However, it is considered the retained garden area which lies along this boundary between the parking and adjacent garden allows a greater separation between the uses and given the limited number of spaces would not warrant refusal of the application on this basis. This revised application has also sought to overcome previous transportation concerns regarding incorporation of direct vehicular access off Lichfield Road by providing communal car parking at the rear.

The proposals are for 8 no. two bedroom flats. Parking provision has been provided at a rate of 150% in accordance with policy T13.

The change of use from social services offices to a residential use would reduce the amount of vehicular traffic visiting the site and that this planning fallback situation needs to be carefully weighed in the determination of this proposal.

Impact on Neighbour's Amenity

The proposed building is just over 8m distant at its closest point to the boundary with the garden of 10 Willows Road. However, there is a shared amenity space and car parking areas between the building and the boundary and it is considered that the separation will prevent overlooking the garden or loss of privacy. Existing boundary treatments will remain in position.

The proposed increase in the height of the building at the highway junction will not have any greater impact on neighbour's outlook or privacy as there is sufficient separation between the dwellings and there are no directly facing windows between the buildings.

Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises material considerations

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

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

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

- Site Location Plan received 08/11/07
- Proposed Site and Ground Floor Layout Plan (Rev C) received 08/11/07
- Proposed First Floor Plan (Rev D) received 08/11/07
- Proposed Elevation to Lichfield Road (Rev C) received 08/11/07
- Proposed Elevation to Willows Road (Rev C) received 08/11/07
- Proposed Rear Elevation (Rev A) received 08/11/07
- Proposed Side Elevations (Rev A) received 08/11/07
- Bow top fencing details received 08/11/07

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

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

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

4. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory development of the site.

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

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

11. Prior to commencement of the development full details of secure access gates to the pathways and vehicle access shall be submitted to and approved in writing by the local planning authority and then implemented in accordance with the agreed details and maintained throughout the life of the development.

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

12. Prior to the commencement of the development, notwithstanding the elevation details shown on the submitted drawings received on 8th November 2007, additional drawings showing revised elevational details to add character and interest to the building shall be submitted to and agreed in writing by the local planning authority and then implemented in accordance with the agreed details.

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

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, ENV14, ENV32, H3 and H10 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Note for applicant in relation to Condition 3 - Bank and Public Holidays for this purpose shall be: Christmas Day, Boxing Day, New Years Day, Easter Monday, May Day, Spring Bank Holiday Monday and August Bank Holiday Monday.

Notes for applicant in relation to conditions 4 & 5

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(5 minutes), of 35 dB together with a maximum instantaneous level of 45 dB LAFmax, between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(1 hour), of 45 dB between the hours 07.00 to 19.00; and
- c). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(1 hour), of 40 dB between the hours 19.00 to 23.00.

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

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for Rating industrial noise

affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

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

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: The application property is owned by a Member of the Council

Application Number:
07/2476/FL/H1

Case Officer: Neville Ball (H1)

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Mr and Mrs J Cassidy
and Mrs F Newman

Agent: Paul Clifton Associates

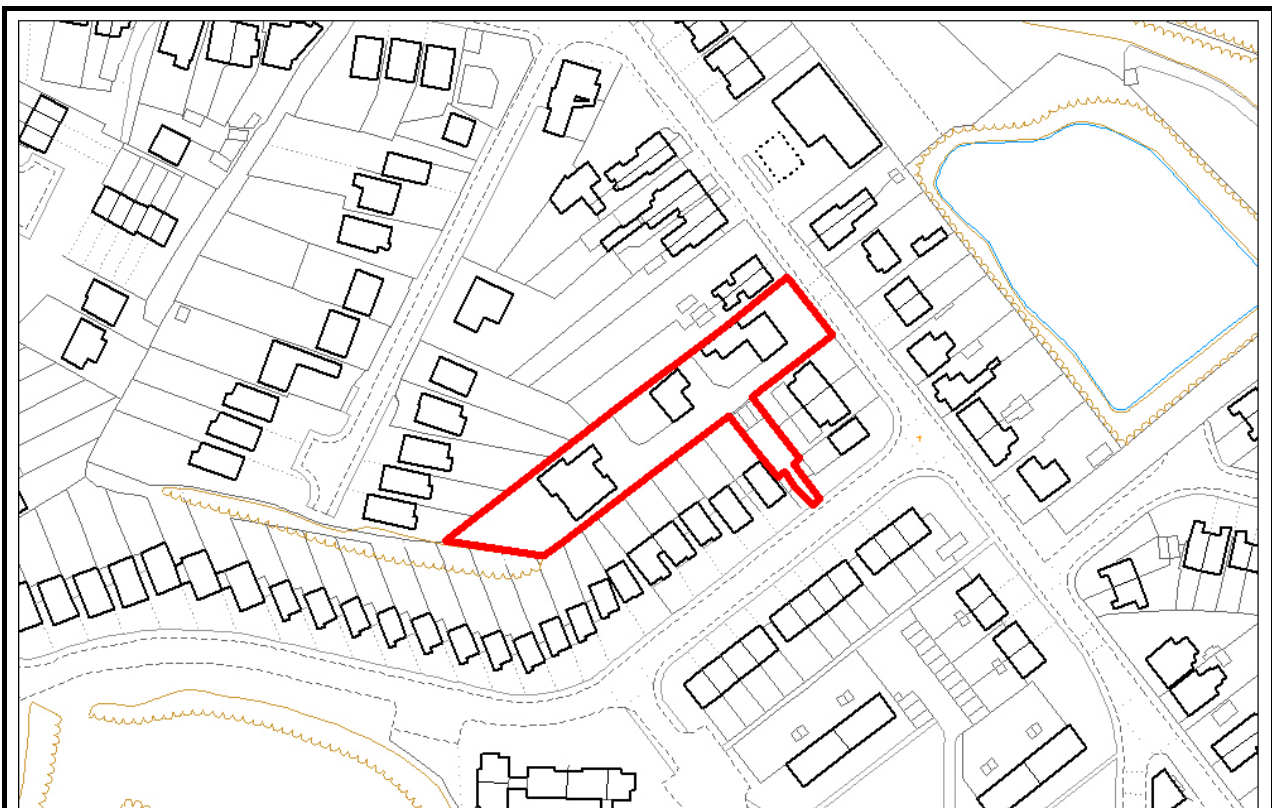
Proposal: Erection of Garages

Location: 99 HEDNESFORD
ROAD, BROWNHILLS, WALSALL, WS8
7LZ

Ward: Brownhills

Expired: 03/01/2008

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for a pair of detached garages to lie in tandem to the side and rear of a recently extended detached dormer bungalow. The garages are to occupy the current access drive to two bungalows that lie to the rear. A new access to these bungalows is to be formed by re-opening an existing driveway to Cherwell Drive that passes between a pair of lock-up garages on Cherwell Drive. The garages are to have a gable roof with a height of between 2.5 and 5.0 metres.

A two-storey apartment block, numbers 97 and 97a Hednesford Road, lies on the opposite side of the existing access. The rear one of the two garages will project approximately 8 metres beyond the rear of these apartments. The nearest window on the ground floor to the rear of the apartments will lie approximately 4 metres away from the side of the garage. There is a 1.8 metre fence along the boundary, and a garden shed and mature conifer in the rear garden of the apartments close to the boundary.

The plans have been amended to reposition the garages further forward, to reduce the impact on numbers 97 and 97a.

Relevant Planning History

The two bungalows to the rear, numbers 1 and 2 Wisteria Drive, were built in the rear garden of the application property.

06/1036/FL/H2. Bay windows and dormers to front, ground floor extension and dormers to rear. Granted subject to conditions August 2006.

Relevant Planning Policy Summary

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

Residential Development Standards

These include guidelines concerning design, including the length of extensions in relation to adjoining.

A 45 degree code will be used to assess the impact of extensions on adjoining dwellings. Single-storey extensions that breach the code will be allowed provided they do not project more than 3.5 metres beyond the adjoining dwelling.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None

Public Participation Responses

None

Determining Issues

- Design and Impact on Character of Area
- Impact on Amenity of Neighbouring Dwellings
- Access and Parking

Observations

Design and Impact on Character of Area

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The gable roof of the garages would be in keeping with the existing roof shape of the application property and the adjoining apartments. The area comprises a wide variety of dwelling types and there would be no impact on the character of the area.

Impact on Amenity of Neighbouring Dwellings

Numbers 97 and 97a lie to the south and would be partly screened from the rear garage by the existing boundary fence and conifer. The garage would be higher than the fence but its length in relation to the rear of numbers 97 and 97a as shown on the amended plans would comply with the 45 degree code.

Access and Parking

No planning permission is needed to re-open the access onto Cherwell Drive. Cherwell Drive is a more minor road than Hednesford Road, and the use of Cherwell Drive to provide access to 1 and 2 Wisteria Drive would therefore be preferable on highway grounds.

Most of the frontage of the application property is hardsurfaced, so plenty of parking and manoeuvring space would remain.

Recommendation: Grant Subject to conditions

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

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

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

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

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

4: This permission relates to the amended plans deposited on 28 November 2007.

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 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. As the application was determined by the Development Control Committee, the report can also be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Disposal of Council Land

Application Number: 07/2336/FL/E11
Application Type: Full application

Case Officer: Alison Deakin
Telephone Number: 01922
652487

Applicant: WALSALL HOUSING
GROUP

Agent: BOVIS HOMES LTD

Proposal: PROPOSED
CONSTRUCTION OF 8 no 2 BEDROOM
FLATS AND 1 no 4 BEDROOM
DWELLING WITH ASSOCIATED
PARKING

Location: Land on the corner of
Thames Road and Severn Road,
Blakenall.

Ward: Bloxwich East

Expired: 18/12/2007

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application proposes the erection of 8 two bedroom flats within a two storey block wrapping around the corner of the site and one detached 4 bedroom house fronting Severn Road. All would be affordable units for social rent. 12 parking spaces would be provided to the rear of the flats and 3 parking spaces would be provided on the front driveway of the detached house. Gated access to the rear parking area would be provided between the flats and the detached house with a bin/cycle store situated at either end of the block.

Pedestrian access would be provided to both the front and rear of the flats, from the street and to the rear amenity space and parking area. Further landscaping would be provided on the frontage around the corner.

The site is situated on the corner of Thames Road and Severn Road and comprises vacant land formerly occupied by three pairs of semi detached properties, 2 fronting Thames Road and 4 fronting Severn Road.

The surrounding area is predominantly residential in scale and character. Immediately to the east of the site are the rear gardens of terraced houses in Goscote Lane, to the south semi detached houses in Severn Road and to the north and west semi detached houses in Thames Road.

The site area is 0.2145 hectares with a density of 42 dwellings per hectare.

Relevant Planning History

03/1698/PD/E6, demolition of 126-132a Severn Road and 46-48a Thames Road, approved 24-10-03.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

Policy 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement.

GP2: Environmental Protection and Policy 3.6

Requires new development to contribute to the improvement of the environment.

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

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

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

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved.

H9: Minimum Densities

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

H10: Layout, Design and Dwelling Mix

Requires a high quality living environment to be created, well integrated with surrounding land uses and local character.

ENV14: Development of Derelict and Previously-Developed Land and Policy 3.9

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

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV39: Renewable Energy and Energy Efficiency

Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bed houses 2 spaces per unit

Residential Development Standards, (April 2005)

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

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and area of 68 sqm. However the main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

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

Regional Policy

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

National Policy

Planning Policy Statement 1: Delivering Sustainable Development, emphasis is given to the need to reject poor design and the need for sustainable development.

PPS 3: Housing The objective of the revised guidance is to:

- Support further increased housing needed across the country

- Bring additional brownfield land back into use
 - Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development
- PPG13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation – no objections, subject to safeguarding conditions.

Pollution Control – Scientific team, no objections but potential for noise from construction to adjoining residential occupiers, safeguarding condition required. No contaminated land requirements.

Police Architectural Liaison Officer – no objections. The development is situated in a high crime area for both burglary and vehicle crime and therefore Secure By Design accreditation should be sought.

Landscape Officer – no objections in principle to the proposed scheme although some revisions suggested regarding planting and additional footpaths.

Tree Officer – no objections to loss of the existing tree subject to appropriate replacement tree planting, details of species and size to be submitted for approval.

Fire Officer – satisfactory access for fire service.

New Deal – support the application. This new accommodation would be a welcome addition to the diversity of accommodation provided in the area.

Environmental Health – no adverse comments.

Housing – fully support the proposals and agree the property type and tenure mix which meets the needs of the area.

Public Participation Responses

None.

Determining Issues

- Principle of development
- Design and Layout
- Amenities of nearby residents
- Parking and access
- Trees and Landscaping

Observations

Principle of residential development

The application site comprises previously developed, now vacant land and would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which encourage the reclamation and development of derelict and previously developed land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and PPG 3 – Housing, encourages development of brownfield sites for residential purposes.

The site is situated in a predominantly residential area, close to local services, shops and bus routes and as such is considered a sustainable location. The principle of residential development on the site is therefore considered appropriate, as it reflects the general character of the area.

The proposals would provide a density of 42 dwellings per hectare which would comply with both UDP and National Policy guidance for development and would make efficient use of the land.

Design and Layout.

The site layout would reflect and enhance the existing pattern of development within the vicinity, and allows direct pedestrian links to the street. The proposed layout would follow the existing building line of both Thames Road and Severn Road, address the corner and fit comfortably with the existing properties within the immediate area.

The gated access drive would provide definition between public and private space, with a more than adequate private amenity space provided immediately to the rear of the flats. 900mm high railings would be provided to back of pavement.

The four bed house would have a private rear garden which would provide more than double the required 68sqm within the RDS.

The two storey design of the properties would reflect the surrounding pattern of development and pick up on key characteristics of the surrounding area, including gable roofs, entrance canopy features and the use of a mix of materials.

Impact on the surrounding occupiers.

The proposals would follow the existing building lines of both Thames Road and Severn Road and would fully comply with the separation distance guidance within the RDS and would therefore have no adverse impact on the amenities of the surrounding residential occupiers. The proposals would remove an open vacant site.

Access and Parking Arrangements

The proposals would provide 12 off street parking spaces for 8 flats which would provide 150% parking provision, and 3 off street parking spaces for the 4 bed house which would fully comply with guidance within Policy T13 of the UDP. Transportation have raised no objections subject to safeguarding conditions.

Trees and Landscaping

There is currently only 1 sycamore tree existing on the site, which would be removed. The landscaping proposals include the provision of 9 new standard trees, 7 to be planted at back of pavement to provide an amenity value to the general street scene as well as the new properties and 2 in the rear amenity space for the flats.

Recommendation: Grant Subject to conditions

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

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

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

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

3. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such. No water from the parking area shall be allowed to discharge onto the adopted highway, or into any highway drain.

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

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

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

5. Prior to first occupation of the premises hereby approved external lighting shall be installed within the car parking area of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: To safeguard the visual amenities of the area.

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

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

7. Prior to first occupation of the premises hereby approved the redundant footway crossing on Thames Road adjacent to the most northerly bin/cycle store shall be reinstated with full height kerbs at the expense of the developers in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in order to define the permission.

8. Prior to the first occupation of the flats and house hereby approved, the new vehicle access points shall be fully implemented and a full height kerb shall be provided between the vehicle access to the flats and the driveway to the house. The car parking courtyard shall be surfaced, drained and all parking spaces shall be demarcated on the ground. One parking space shall be allocated for disabled parking, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure satisfactory access to the site, satisfactory parking facilities for the development and prevent a continuous extended dropped kerb, in the interest of pedestrian safety.

9. No consent is given to the species selection and size of the tree replacement planting shown on the landscape proposals drawing GOSC-03-100 Rev A and GOSC-03-101 Rev A submitted on 23rd November 2007. Prior to implementation of the landscaping scheme revised details of the replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

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

10. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take

place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

11. The works hereby approved shall only be carried out in accordance with details contained within Amended Drawing Nos GOSC/203 Rev B submitted on 21st November 2007, GOSC/03/100 Rev A (Landscape proposals) and GOSC-03-101 Rev A submitted on 23rd November 2007, GOSC/03/081, GOSC/223, GOSC/254.1/Elevations, GOSC/245.2/Plans, GOSC/255, GOSC/284 and GOSC/285 submitted on 23rd October 2007 and Design and Access Statement submitted on 23rd October 2007.

Reason: In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, ENV14, ENV32, ENV39, H3, H9, H10, and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Disposal of Council Land

Application Number: 07/2326/FL/E10

Case Officer: Andrew White
(E10)

Application Type: Full application

Telephone Number: 01922
652487

Applicant: WALSALL HOUSING
GROUP

Agent: BOVIS HOMES LTD

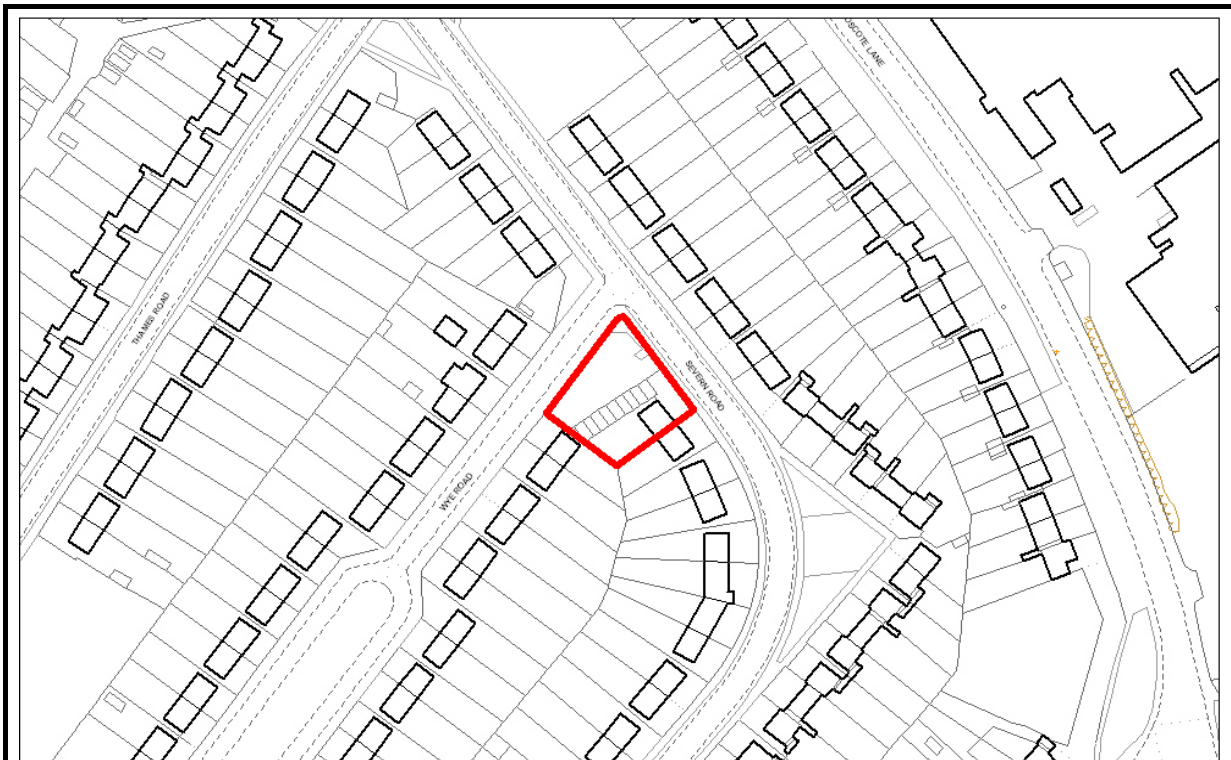
Proposal: Proposed Construction of 1
no 4 Bedroom Dwelling and 1 no 2
Bedroom Dwelling with Associated
Parking

Location: LAND ON THE
CORNER OF WYE ROAD &
SEVERN ROAD, WALSALL

Ward: Bloxwich East

Expired: 27/12/2007

Recommendation Summary: Grant Permission Subject to conditions,
unless additional information is received which raises material considerations



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Application and Site Details

The planning application seeks planning approval for the erection of two affordable dwellings for social rent, one 4 bedroom dwelling and one 2 bedroom dwelling with parking on a plot of land currently forming a vacant garage structure adjacent to number 87 Severn Road and 1 Wye Road. The site falls gently in a northerly direction and the building would be erected facing north east fronting Severn Road. The proposed driveways would be accessed from Severn Road.

The proposed dwellings would be a maximum ridge height of 8.1m for the four bedroom dwelling and 7.8m for the two bedroom dwelling. The two bedroom dwelling provides a shaped rear garden between 12.8m at its shortest and 14.2m at its longest length. This provides an area of 65.45 square metres. The layout plan illustrates two parking spaces at the front of the dwelling.

The four bedroom dwelling provides a shaped rear garden between 13m at its shortest and 15.2m at its longest length. This provides an area of 162.60 square metres. The layout plan illustrates three parking spaces, two at the front of the dwelling and one at the side.

The application site is within a predominately residential area that includes dwellings of mixed age and design including the following characteristics of chimneys, pitched roofs, traditional materials, traditional proportions, traditional detailing and properties fronting the street.

Relevant Planning History

None

Relevant Planning Policy Summary

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

Unitary Development Plan

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

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

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:

I. Visual appearance.

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

XII. The effect on woodland or individual trees on or near the site.

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

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, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

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

Residential Development Standards

The Council will generally seek to achieve the provision of rear gardens with a minimum length of 12 metres for the area of the garden outside the main windows of the rear of the house and a minimum area of 68 square metres.

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

Policy QE1 - Environment

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

National Policy

Planning Policy Statement 1: Creating Sustainable Communities, a key principle is that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Local planning authorities should not attempt to impose architectural styles or particular tastes.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes.

Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.

In considering high quality design, PPS3 (paragraph 16) guides that matters to consider for proposed development are:

- Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.
- Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

Consultations

Transportation – no objections.

Pollution Control – no objections.

Police Architectural Liaison Officer – no objections.

Fire Officer – no objections.

Environmental Health – no objections.

Housing Strategy – no objections.

New Deal – support the application. This new accommodation would be a welcome addition to the diversity of accommodation provided in the area.

Public Participation Response

None.

Determining Issues

- Principle of development
- Design and Layout
- Amenities of nearby residents
- Parking and access

Observations

Principle of development

The application site is currently a vacant former parking court. This is a predominately residential area. UDP policy H3, encourages the provision of additional housing through re-use of previous developed windfall sites. PPS 3: Housing further encourages the development of brownfield sites for residential purposes.

The site is considered an acceptable location, being close to local services, shops and near public transport facilities. PPS3 considers residential development in locations easily accessible and well-connected to public transport and community facilities and services that the space is used efficiently, is safe, accessible and user-friendly to be acceptable form of development. It is considered the proposal would provide surveillance of the public realm thereby improving the safety of the vicinity. Residential development on the site is considered appropriate as it reflects the character of the vicinity.

Design and Layout

The layout allows for direct pedestrian links to the street. The proposal follows the existing building line of Severn Road reflecting the surrounding pattern of development.

It is considered that the proposal defines the public and private realm and combined with some surveillance from the dwellings, would contribute towards improving the safety and security of the local environment.

Amenities of nearby residents

The residential development standards suggest that a minimum of 13 metres should be maintained between rear facing windows of proposed habitable rooms and the side of adjacent dwellings. The proposal meets this standard. The proposal is considered to have little impact on the amenities of the surrounding occupiers.

Parking and access

The applicant has provided two parking spaces for the two bedroom dwelling and three parking spaces for the four bedroom dwelling to comply with the

requirements of the UDP and intervisibility between the application site access and the public footpath is considered acceptable.

Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises material considerations

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

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

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

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

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

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

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

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

5. Prior to the first occupation of the development hereby approved, the landscaping scheme detailed on drawing number GOSC-03-100-rev A submitted on the 23rd November 2007 shall be fully implemented unless agreed in writing with the local planning authority.

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

6. The development shall be constructed in accordance with the Code of Sustainable Homes '3 stars' or Eco Homes 'good' standard relating to energy

efficiency / CO2, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

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

7. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

8. The works hereby approved shall only be carried out in accordance with details contained within Amended Drawing Nos GOSC-250-Rev A submitted on 22nd November 2007, GOSC-204-Rev A (Fence Key Plan) submitted on 22nd November 2007, GOSC-03-100-Rev A (Landscape Proposals) submitted on 23rd November 2007 GOSC-255 House type E and Design and Access Statement submitted on 23rd October 2007.

Reason: In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.16, GP2, GP7, ENV32, H10, T7 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL
COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 11 Dec 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/2306/FL/E12
Application Type: Full application

Case Officer: Devinder Matharu
Telephone Number: 01922
652429

Applicant: Mrs M Tsang
Proposal: Variation of condition 3 of
BC63061P to amend opening times
from 5.00 pm to 10.00 pm (open one
hour earlier)

Agent:
Location: 69 BLACKWOOD
ROAD, WALSALL,

Ward: Streetly

Expired: 13/12/2007

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application seeks to vary condition 3 of planning permission BC63061P to allow the premises to open one hour earlier at 17:00 hours.

At present the premises are open from 18:00 hours to 22:00 hours Mondays to Saturdays.

The site is located in the Blackwood Road shopping precinct opposite a library. There is a church to the rear of the site, which is accessed off Egerton Road. Including the application site there are two take-aways within the precinct. There are residential properties to the south west of the site on Broomlea Close and north west of the site on Egerton Road.

Relevant Planning History

BC63061P Change of use from an A1 to A3 hot food take-away refused 2001. Allowed on appeal 31 October 2001 subject to the following condition.

The premises shall not be open for customers outside the hours of 18:00 to 22:00 hours Mondays to Saturdays.

02/0201/FL/E3 for the variation of planning condition 3 of BC63061P to allow opening times between 5.30 and 11.00PM was refused in 2002. An appeal was lodged following the refusal of this application and was dismissed in 2003 because of the impact of the late opening on residential amenity.

07/1782/FL/E12. 69 Blackwood Road, Streetly. Variation of condition 3 of BC63061P amend opening times to 5pm to 11pm Monday to Saturday. Refused on 10 October 2007 for the following reasons;

The proposal to vary planning condition 3 of planning permission BC63061P to extend the hours of opening from 22:00 hours till 23:00 hours, when all other shops within the parade would be closed would result in an unacceptable increase in noise and disturbance to the detriment of the living conditions of nearby residents. As such, the proposal is contrary to Policies GP2, 3.6, 3.7 and S10 of the Walsall Unitary Development Plan.

Relevant Planning Policy Summary

Unitary Development Plan 2005

Policies 2.2, 3.7, 3.6, GP2 and ENV10 seek to protect residents from unacceptable noise and pollution, whilst ensuring development makes a positive contribution to the quality of the environment.

Policy 5.2 seeks to enhance the vitality and viability of local centres.

Policy S2 (c) defines local centres to meet the day to day convenience shopping and local service needs of their communities.

Policy S5 boundaries of local centres are drawn tightly to concentrate investment and within these areas the retention, enhancement and further development of shops will be encouraged.

Policy S10 advises that such uses will be appropriate in Town, District and Local Centres subject to the use proposed must not adversely affect the amenities of existing or proposed dwellings (including those on upper floors above commercial premises) and late night time limits are imposed.

Government Policy

Planning Policy Statement 6: Planning for Town Centre states that investment should be encouraged in centres to protect the vitality and viability of them and that local centres meet the day to day needs of local people.

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

Consultations

Transportation – No objections.

Environmental Health – Opening one hour earlier would be less of a potential nuisance than opening one hour later.

Fire Officer – Satisfactory access for fire service.

Public participation responses

Five letters from four objectors have been received objecting to the proposal on the following grounds:

- Any trade they do is between 7pm and 8pm.
- Told to improve the extraction system due to smells
- Householders, flats above and shops do not want this extra hour granted
- Traffic and noise increased
- Previously refused at appeal

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

Determining Issues

The determining issues are whether opening an hour earlier from 5pm rather than 6pm would have any adverse traffic implications and the impact on the amenities of nearby residents.

Observations

Traffic implications

The Highway Officer has no objection. The site lies in a parade of shops where parking facilities are available in front of the retail units. It is not considered that the opening of the premises an hour earlier would have any impact on highway safety.

Adverse impact on the amenities of nearby residents.

The earlier opening time would not have a detrimental impact on the amenities of the nearby residential occupiers, as there will be activity around the premises from other units that would be open at this time. There are a number of different shops within the parade and it is likely that the majority of these shops will be open at 5pm and during the day. The proposed variation would be in keeping with Policy S10.

Objectors also raised the issue raised about the extraction system. The functioning of the extraction system can be passed onto Environmental Health to pursue under Environmental Health Legislation.

Recommendation: Grant Subject to conditions

1) The premises shall not be open for customers outside the hours of 17:00 to 22:00hours Mondays to Saturdays.

Reason: To protect the amenity of the nearby residential occupiers.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, ENV10, S10 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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