



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

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2	17	07/1535/FL/E1 1	FORMER WARRENERS ARMS PUBLIC HOUSE, HIGH STREET/OGLEY ROAD, BROWNHILLS, WALSALL	Demolition of former Public House and construction of 58 Flats.	Grant Subject to conditions, subject to the District Valuer's advice on viability and subject to a S106 Agreement if viable.
3	34	12/0045/FL	10 HATHERTON ROAD AND CAR PARK TO THE REAR, WALSALL	Change of use of former Co-operative Office Building (Use Class B1(a)) to Funeral Directors (Use Class A1), with the erection of extensions and alterations to the rear of the office building and the erection of a new 32 bay storage garage for ceremonial	Grant conditional planning permission subject to satisfactory resolution of the Environment Agency's concerns.

				vehicles and amenity block on car park to the rear (between Ford Brook and Railway) with associated landscaping, car parking and pedestrian access on to Albert Street.	
4	52	12/0142/FL	UNIT 2, BULL LANE, WEDNESBURY, WALSALL, WS10 8RR	Change of use from Waste Recycling Centre (Sui Generis) to General Industrial/Storage Distribution (B2/B8).	Grant Permission Subject to Conditions
5	59	12/0020/FL	SHIRE OAK SCHOOL, LICHFIELD ROAD, WALSALL WOOD, WALSALL, WS9 9PA	Single storey rear/side extension to existing school to form 6 new classrooms	Grant Permission Subject to Conditions
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7	76	12/0145/OL	FARMER JOHNS TENNIS CLUB, ALDRIDGE ROAD, STREETLY, WEST MIDLANDS, B74 2SX	Outline Planning Application (all matters reserved for later approval). New single storey Scout Group Headquarters building, with two outdoor playing pitches, associated car parking and circulation with new vehicle access to	To be confirmed

				Aldridge Road.	
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Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

Reason for bringing to committee: Major application

Application Number: 11/0242/FL

Case Officer: Alison Ives

Application Type: Full application

Telephone Number: 01922 652492

Email: planningservices@walsall.gov.uk

Applicant: Mr Mohammad Luqman

Agent: Reade Buray Associates

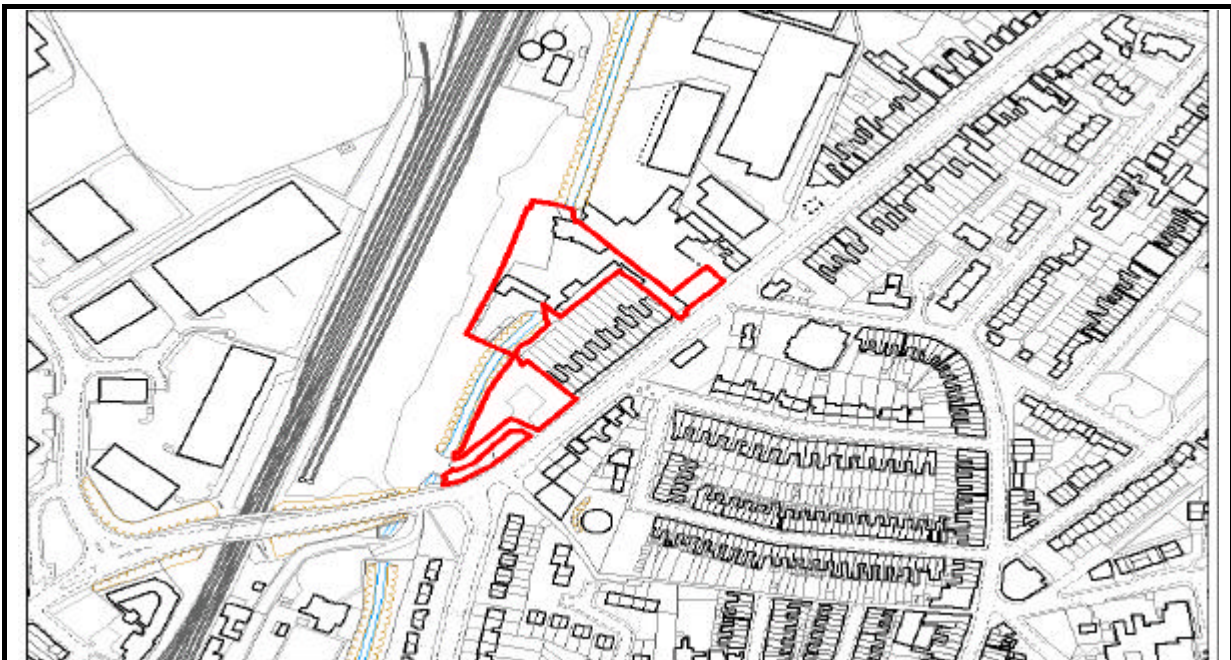
Proposal: Retrospective change of use to school and retention of mobile classrooms, prayer hall/recreation room and building lobbies with shared car park for mosque and school.

Location: 138-166 WEDNESBURY ROAD, WALSALL, WS1 4JJ

Ward: Palfrey

Expired Date: 09/09/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Background

In September 2010 the Committee resolved to take enforcement action against unauthorised change of use to a school if an application was not made within a set timescale. In February 2012 the Committee resolved to postpone enforcement action until June 2012 to enable consideration of this planning application.

Application and Site Details

The proposal seeks retrospective permission for change of use to a school and retention of mobile classrooms, prayer hall/recreation room and building lobbies plus shared car park for mosque and school.

The school is accommodated within former industrial buildings and temporary buildings located at the rear of terraced housing on the northern side of Wednesbury Road. The school also occupy the former offices at 138-140 Wednesbury Road. There are industrial premises to the north of the site, the school car park to the south and a railway line to the west. The Ford Brook crosses the site and is culverted beneath part of the playground.

The Abu Bakr Trust owns 7 of the 15 terraced houses fronting Wednesbury Road and the Mosque and associated activities have a series of permissions within some of the former terraced houses. Permission was granted for four of the existing mobile classrooms at the rear only. The supporting documentation states the school presently accommodates 311 pupils (including 24 primary school pupils and 8 sixth form pupils) and has 39 staff.

The proposals include demolition of some buildings along the northern access between 142 and 138 Wednesbury Road, removal of two mobile classroom buildings in the northern part of the site and repositioning the remaining four mobile classroom buildings in this area. Five of the six mobile classroom buildings to the south of the prayer hall are also to be repositioned within this area.

An automatic water depth alarm will be installed in the bed of the Ford Brook linked by SMS to the Headteacher. This forms part of the Flood Evacuation Plan.

The car park is to be rearranged to provide 49 parking spaces for the school, plus six mini bus parking spaces and 3 disabled spaces. A further 11 parking spaces are allowed for the Mosque. The vehicle access gates are to be widened and fence repositioned to provide a visibility splay. Cycle parking is also included.

The Head Teacher has provided a supporting statement that identifies that physical education activities for the school currently take place at the following venues:

- Abu Bakr Boys School, Kent Street, Walsall, WS2 7AN
- Arena Park, Camden Street, Palfrey
- Palfrey Park
- Palfrey Junior School, Milton Street
- Joseph Leckie, Walstead Road, Walsall

The applicant has also indicated that ultimately the longer term proposals are to erect new replacement school buildings, including two storey buildings for teaching, administration and staff, a single storey sports hall/amenity building, two sports grounds, a coach/car park,

waste recycling area and a footbridge over Ford Brook. An illustrative drawing of this is provided.

The application states the use for school purposes commenced in September 1999.

The Design & Access Statement – Describes the historical background to development of the school, the present buildings and access arrangements, proposals for landscaping the car park, a summary of flood risk, contamination and noise assessments and transport links.

The Transport Assessment – Explains the proposed changes to the car park and access to accommodate the proposed parking plus improvements to the pedestrian paths throughout the site. It states a large proportion of pupils live within 1 mile of the school so walk to school whilst others arrive by minibus. It concludes that on the basis of the trip generation of the school the likely impact on the local highway network is expected to be minimal.

The Travel Plan – Identifies sustainable travel initiatives including encouraging walking, park and stride scheme for pupils who live further away, walking buses, school minibuses, encouraging use of public transport, vehicle lift sharing, cycling and travel awareness initiatives. It targets a modal shift and measures to publicise this.

The Flood Risk Assessment – Concludes that with the exception of fluvial flood events with a return period higher than 1 in 100 years with climate change, pupils and staff are considered to be safe from all sources of flooding. Extreme events will be closely monitored by applying procedures listed in the Flood Evacuation Plan. To support this, access to the site alongside 142 Wednesbury Road will be improved by providing a 5m width for emergency services access. From a flood risk perspective, the site does not represent a significant threat to surrounding properties.

The Contamination Desk Study – Identifies that much of the site has been subject to a potentially contaminative end-use and an intrusive investigation is recommended.

The Coal Mining Risk Assessment – States that a Mealy Grey Coal has been identified at a shallow depth below the site but it is not recorded as having been worked by the Coal Authority. Accordingly there is no requirement for further investigation of inclusion of any specific mitigation measures.

The Acoustic Report – Identifies that acoustic tests have been undertaken in a sample of rooms in the school. The results of the airborne sound insulation tests between the sampled rooms show some meet the requirements of BB93 and some do not. Where the requirements have not been achieved, the likely causes have been considered and remedial measures can be provided to achieve the criteria.

Relevant Planning History

BC54342P – Change of use to classroom for religious studies - extension to Mosque at 156 Wednesbury Road (154 Wednesbury Road) – granted 3 year temporary permission in June 1999.

02/0902/FL/W4 – Extension to existing car park - Land adjacent 170 Wednesbury Road -

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02/0903/FL/W4 – Change of use to religious education (Class D1) associated with Mosque at 154/156 Wednesbury Road (158-160 Wednesbury Road) – granted subject to conditions – August 2002.

02/1472/FL/W4 – Conversion of temporary permission to permanent planning permission for use of classroom for religious studies (154 Wednesbury Road) – granted subject to conditions October 2002.

02/1854/FL/W3 – 4 temporary classrooms (140a Wednesbury Road) – granted subject to conditions January 2003.

03/0168/FL/W4 – Prayer Hall extension to rear – 154-160 Wednesbury Road – granted subject to conditions – January 2004.

05/2235/FL/W7 – Proposed rebuilding of central staircase area and extension to previously approved prayer hall and creation of first floor extension to provide 2 classrooms and male ablutions – granted subject to conditions – August 2006.

07/0511/FL/W7 – Change of use of workshop A & B to classroom teaching areas and extensions – Refused June 2007 for four reasons broadly relating to (1) failure to address Flood Risk (2) failure to demonstrate no adverse impact on the highway network (3) failure to plan for a comprehensive approach to design and layout of the proposals to ensure adequate functioning of the local facility (4) Adverse impact on residential amenities due to intensification of the use.

09/1282/FL – Two storey extension to Women's Centre/Sixth Form Girls School (138-140 Wednesbury Road) – Refused December 2009 as the Sixth Form School and Women's Centre was unauthorised and there was a lack of information to determine whether the proposals were suitable.

10/0516/FL – Construction of main prayer hall on ground floor and women's prayer hall on first floor as an annexe to the rear of existing buildings at 154-160 Wednesbury Road – Refused in August 2010 for two reasons broadly relating to (1) the bulk and mass of the extension would be unduly dominant in relation to neighbouring houses and would reduce privacy to the detriment of occupiers (2) poor design out of proportion with existing buildings on site.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.” The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote and safeguard employment land.

CSP1: A network of Regeneration Corridors linking the Strategic Centres will provide high quality employment land and other uses.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

EMP3: Seeks to provide for a portfolio of local quality employment land.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN5: Seeks to manage demand for road space and car parking, together with influencing travel choices fundamental to achieving the vision for sustainable communities, environmental transformation and economic prosperity.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

ENV5: Seeks to minimise the probability and consequences of flood risk.

WM5: Where a proposal includes uses likely to generate significant amounts of waste, these should be managed either on-site or as close as possible to the source of the waste.

The Council's Employment Land Review is also of relevance as a background evidence document to the BCCS.

Saved Policies of Walsall's Unitary Development Plan (2005)

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.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

3.116 & ENV32: seeks high quality design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

JP7: Safeguards land for employment uses, except where it is more appropriate to consider other uses e.g. where the site is not well located to meet the needs of modern industry or where the proposed alternative use is better related to existing land uses than industry.

Alternative uses should not constrain the operation of a neighbouring industry.

S6: Out of centre development may be appropriate to meet local needs provided it satisfies the criteria listed.

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T7 – Car Parking

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

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Designing Walsall (SPD) (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Conserving Walsall's Natural Environment SPD

N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012. It sets out the Government's position on the role of the planning system. The document should be read in conjunction with Planning for Travellers (Pft) published on 25th March 2012. In the NPPF, the Government sets out its consideration of Sustainable Development as meeting economic, environmental and social needs. In considering this the Government's Core Planning Principles are a plan-led system based on up-to-date plans which should meet all of the following criteria and empower the local community. Development that does not meet the following aims should be judged unsustainable.

- Enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Other Legislation

Equalities Act 2010 - Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Human Rights Act 1998 - Article 8 of the European Convention on Human Rights provides that everybody has the right to respect for his private and family life and his home, and there should be no interference by a public authority with the exercise of this right, except where that interference is (amongst other considerations) in accordance with the law and is necessary in a democratic society for the protection of rights and freedoms of others.

Consultations

Transportation – No objections. A satisfactory Transport Assessment and Travel Plan have been provided that demonstrates there are no highway implications. A condition is recommended to secure the proposed improvement to the existing vehicular access.

Pollution Control (Scientific Team) – No objections. Acoustic mitigation measures identified in the Acoustic Report prepared by Alan Saunders Associates (Report: AS6550.110713.R1) should be undertaken to ensure teaching and learning activities are not put at a disadvantage. A condition is recommended to secure this.

Pollution Control (Contaminated Land) – No objections subject to a ground contamination survey and site investigation being carried out to identify risk to future occupants or structures on the site as recommended in the Contamination Desk Study reference J11017/01. Conditions to address these concerns have been provided.

Environmental Health – No objections.

Ecology – No objections but a further landscape scheme should be provided prior to determination of the application to enhance the boundary alongside Ford Brook Site of Local Importance for Nature Conservation. A wider strip of at least 2.5 metres should be provided along the full length of Ford Brook to allow ample growing space (some reorganisation of the car park areas may be required). Alternative native plant species are recommended.

Landscape – No objections. The gable end of the building adjacent to the car park should be improved by painting (possibly a mural) or climbing plants such as Virginia Creeper.

Building Control – Amendments are recommended to comply with fire regulations including additional fire exits in some of the buildings.

Environment Agency – No objections subject to measures to mitigate flood risk to the site being implemented as soon as possible. The proposals include a Pressure Transducer linked to an alarm system in the school to address potential flooding from Ford Brook. Given that a temporary permission is being considered a full SuDS scheme at this stage is not necessary. Conditions are recommended to secure the flood risk measures.

Sport England – Acknowledges that whilst there are arrangements in place to facilitate sporting opportunities for students at alternative off-site locations until future plans for on-site provision can be delivered the lack of appropriate sporting provision to support the school and its students is unsatisfactory. These views are given on an advisory non-statutory basis.

Network Rail – No objections subject to preservation of Network Rail access across the land. The access should remain unblocked and open for access and egress to Network Rail
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at all times including during construction and after completion of works on site. A note to applicant regarding access over Network Rail land is recommended.

Centro – No existing Centro infrastructure is adversely affected by the proposals. The development is within the minimum standards for accessibility for public transport. The school should actively encourage walking and cycling.

Fire Service – No objections.

Police Architectural Liaison Officer – No objections but would encourage and support a permanent purpose built facility to replace all existing buildings.

Walsall Children's Services – Serco – To be updated at Committee.

Severn Trent Water – No objections subject to provision of drainage details.

Public Participation Response

Two representations have been received which are summarised as follows: -

- Abu Bakr Trust do not own any of the land edged blue on their application
- Part of the land in the application site is on a long lease from Network Rail
- The application doesn't take account of the right of access over the property and the concern is that this will be closed as a result of the application

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

Determining Issues

- Principle of retaining a school use on the site
- Layout and Design
- Access and Parking
- Relationship to adjoining properties
- Flood Risk
- Sports Pitch provision
-

Observations

Principle of retaining a school use on the site

The BCCS identifies the site within Regeneration Corridor 7 where local employment land should be retained. Policy JP7 of the UDP states none employment uses such as schools (Class D1) are not permitted in employment areas except where a purely local need is demonstrated under the terms of policy S6 relating to local need. The key issues for this proposal are the effect on the employment land supply and whether there is a local need that could not be better met at another site. The quality of the buildings on site is considered poor and would be unlikely to serve the needs of modern industry. In addition, the reintroduction of an unrestricted industrial use in this location is likely to cause more disturbances to adjoining neighbours than the present school use. On balance it is considered that provided the school use does not constrain the industry and housing adjacent, and subject to traffic issues being acceptable, the proposals to retain the school are acceptable. The school is also located within the community which is considered beneficial.

Layout and Design

The school occupies temporary classrooms and former industrial buildings at the rear of premises on Wednesbury Road. The majority of these are not visible within the street and have little impact on the visual amenities of the wider area. The school buildings are visible from the rear elevation of the terraced properties on Wednesbury Road but these buildings were formerly occupied by unrestricted industrial occupiers that could have a greater impact on residential amenities than the proposed continuation of the school use in terms of noise and disturbance. The proposed amendments to the layout of the temporary buildings to address flood risk issues are considered to have minimal impact on the functioning of the site.

Although some of the buildings, particularly the temporary classrooms, are in poor condition and do not provide adequate noise attenuation or fire exits, improvement measures are recommended to be secured by conditions. The additional fire precautions will be considered by building regulations. As the school has identified their long term plans to redevelop a new school building to replace these existing buildings, a temporary permission is considered appropriate and will allow sufficient time for the school to prepare an application for a new permanent school building.

Presently landscaping is only proposed on the car park area. Officers consider this inadequate and that improvements ought to be made to increase the width of the landscaping buffer, to extend it along the length of the Ford Brook Site of Local Importance for Nature Conservation, and to consider alternative plant species to enhance its value for wildlife. Whilst there is scope to improve the proposed planting at this stage and a condition is recommended to secure this, there would be greater opportunities to develop improved landscaping in the future as part of the proposed school redevelopment plans. There are minimal changes proposed in this area and on balance the limited landscaping is considered acceptable for a temporary basis until any new school is developed.

The site is likely to have been contaminated by former industrial uses and Pollution Control officers recommend an intrusive site investigation. As most of the site is hard surfaced and the proposals do not involve any ground works it is considered that the risk is further reduced by a temporary permission.

With regard to the objectors concern that the site includes land that is not owned by Abu Bakr Trust this issue has been resolved with the landowner Network Rail who is satisfied that the proposals do not affect access to their land. A right of access is maintained across the car park to the Network Rail land leased to a third party.

Access and Parking

There is an existing car park to the south of the terraced properties on Wednesbury Road. The proposal is to demarcate this to provide 49 parking spaces, minibus parking, disabled parking and parking for the Mosque and to provide a segregated pedestrian access. The vehicle access point is also to be widened to improve access and the fencing repositioned to provide improved visibility.

Some buildings are to be demolished along the emergency access between 142 and 138 Wednesbury Road to ensure that a minimum 5m wide access is maintained. New cycle

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stands are also to be located along this access. This is supported and the Fire Service raises no objections.

The Transport Assessment is considered satisfactory and demonstrates that the proposals will not have any significant impact on the local highway network. The majority of pupils live within a one mile radius of the school and already walk to school but further opportunities for sustainable travel are promoted in the Travel Plan.

On balance the means of access and parking provision is considered adequate and will not have any adverse impact on highway safety.

Relationship to adjoining properties

The Abu Bakr Trust owns 7 of the 15 terraced properties fronting Wednesbury Road used as part of the Mosque and school premises. Whilst the remainder are occupied for residential purposes the distance between the buildings is no different to when the site was occupied for industrial purposes. Although the temporary classrooms and prayer hall are additions on the site they are a significant distance away from the houses and are considered to not have any adverse impact on outlook or privacy for surrounding occupiers.

There are industrial premises to the north of the site but the school premises have no direct impact on the operation of these. The former offices at 138-140 Wednesbury Road are occupied as classrooms for the school and have separate pedestrian access from the street so does not affect the access to adjoining industrial works.

Flood Risk

Ford Brook passes through a culvert beneath the playground at the site. A Flood Risk Assessment has been provided and the Environment Agency confirms that, with the exception of fluvial flood events, pupils and staff are considered to be safe from all sources of flooding and there is no risk to adjacent housing.

Two of the temporary classrooms near to the culvert at the northern part of the site are to be removed and others repositioned to address the Environment Agency concerns regarding flood risk. A Flood Evacuation Plan has also been approved which lists procedures for monitoring extreme events and the applicant intends to install equipment in the bed of Ford Brook to monitor water levels which sends a message to the Headteacher when water levels rise and become dangerous so that evacuation procedures can be set in motion. On this basis the risk from flooding has been addressed.

Sports Pitch provision

Sport England are concerned that the school has inadequate on site facilities for sport. The applicant has explained that they have arrangements in place to share sporting facilities with two nearby schools plus the Abu Bakr Boys School. They have also indicated there are longer term plans to redevelop the site for a new school building that includes provision of two sports pitches. Taking this into account it is considered that despite the current lack of on site provision, opportunities for sport continue to be available to the school and any temporary permission would allow this arrangement to continue until such time as a new school is developed.

Recommendation

Grant temporary 3 year permission subject to conditions.

Summary of Reasons for Granting Planning Permission

The retention of a school on this employment land is considered acceptable as it does not significantly affect employment land supply and the quality of the buildings on site is considered poor and would be unlikely to serve the needs of modern industry. On balance it is considered that the school use does not constrain the industry and housing adjacent and is appropriate as it is located within the community.

The school use has no significantly greater impact on the amenities of surrounding occupiers than the former unrestricted industrial occupiers and the relationship between the residential properties and nearest school buildings is no different than when they were occupied for industrial purposes. Although more temporary classrooms have been installed these are sufficient distance to not cause harm to outlook or privacy.

Although some of the buildings are poorly constructed and do not provide adequate noise attenuation or fire exits, improvements are to be sought and given long term aspirations of the school to develop a new building a temporary permission is considered appropriate. Landscaping can also be improved as a temporary measure pending redevelopment of the school which would offer opportunities to enhance the boundary to the Site of Local Importance for Nature Conservation.

In order to address objectors concerns the applicant has provided revised plans and confirmed that access to land owned by Network Rail will still be accessible.

The existing car park will be demarcated to provide ample parking and improvements to the vehicle and pedestrian access. Emergency access will also be improved. On balance there will be no significant impact on the local highway network.

There is a significant distance between the terraced housing and the school buildings so it will have no significant impact on the outlook or privacy for surrounding occupiers. The industrial premises to the north are unaffected by the proposals.

The Environment Agency is satisfied that the risk from flooding has been satisfactorily addressed and there is no risk to staff, pupils or adjacent housing.

Although there is currently no on-site provision for sports other than the playground between the buildings, the school have access to off-site provision at other sites. This is considered acceptable as a temporary measure until such time a new school is redeveloped.

In light of the above the proposals are considered to accord with the aims of policies CSP1, CSP4, DEL1, EMP3, TRAN1, TRAN2, TRAN5, ENV3, ENV5 and WM5 of The Black Country Core Strategy and saved policies 3.6, 3.7, GP2, ENV14, ENV18, ENV23, ENV32, ENV33, 3.116, 3.117, JP7, S6, T7, T8, T10 and T13 of Walsall Unitary Development Plan and

Recommendation: Grant Permission Subject to Conditions

1. The use hereby permitted shall cease on or before the expiration of 3 years from the date of this permission.

Reason: The buildings are not suitable for permanent retention for a school use, there is an inadequacy of sports provision and flood risk measures to accommodate long term use of the buildings as a school.

2a. The development hereby permitted shall not be continued after 3 months from the date of this permission except in accordance with an approved scheme to ensure safe evacuation of the site in the event of a flood. The scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include: -

- i. The provision and installation of a suitable pressure transducer sensor, logger and communications device;
- ii. Installation of a flood marker board;
- iii. Assurances that those devices provided at points (i) and (ii) above meet the needs of the Flood Evacuation Plan (Final Plan v3, March 2012, JBA).

2b. The scheme shall be fully implemented within 3 months of the date of the permission.

2c. The scheme shall provide a maintenance and management schedule for the pressure transducer, sensor, logger and communication device which shall be submitted in writing to the Local Planning Authority.

2d. The scheme of maintenance shall be submitted to the Local Planning Authority within 3 months of the date of this permission or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To give adequate means of informing the school of a potential flood event; to provide reference to flood levels, inform the school of a potential flood and potentially calibrate any flow/depth gauging system; and to provide a robust flood evacuation plan, in the interests of the safety of occupants and users of the premises.

3. The removal of obstructing buildings from the emergency access, realignment of temporary classrooms and removal of storage next to the culvert entrance shown on the block plan drawing 8107/02Q shall be carried out within 3 months of the date of this permission or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure a safe flood evacuation route and access to the culvert.

4. In order to address potential impact from land contamination the following matters shall be addressed:

- I. A site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

- II. 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. (see Note for Applicant CL2)
- III. Following the site investigation a “Remediation Statement” setting out 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 by the Local Planning Authority. (see Note for Applicant CL2)
- IV. The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- V. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- VI. 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. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment.

5. The acoustic mitigation measures identified in the Acoustic Report prepared by Alan Saunders Associates (Report AS6550.110713.R1) shall be implemented within three months of the date of this permission and maintained thereafter.

Reason To protect the amenities of occupiers of the site.

6. The improvements to the vehicular access shown on the block plan drawing 8107/02Q shall be carried out within three months of the date of this permission in accordance with a specification to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Full details of the proposed cycle stands shown on drawing 8107/02 shall be submitted for approval by the Local Planning Authority within three months of the date of this permission and installed and maintained thereafter in accordance with the approved details.

Reason: To encourage alternative means of travel.

8. A revised landscaping scheme shall be submitted to the local planning authority for approval to include widening the landscape strip along the boundary with Ford Brook and alternative plant species to be agreed. The approved landscaping scheme shall be implemented within 12 months of the date of this permission. All planting shall be maintained throughout the lifetime of the development. Within this period any trees, shrubs or plants 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 of the area.

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

- Site Location Plan (8107/01D) received 1/3/12
- Block Plan (8107/02Q) received 1/3/12
- Site Survey (8107/03) received 4/4/11
- Existing Plans & Elevations – 1 (8107/04) received 4/4/11
- Existing Plans & Elevations – 2 (8107/05A) received 19/4/11
- Existing Plans & Elevations – 3 (8107/06A) received 19/4/11
- Existing Plans & Elevations – 4 (8107/07A) received 19/4/11
- Existing Plans & Elevations – 5 (8107/08A) received 19/4/11
- Existing Plans & Elevations – 6 (8107/09) received 4/4/11
- Design & Access Statement prepared by Reade Buray Associates (ATR.TH.8107.111 Rev A) received 4/4/11
- Transport Assessment prepared by JMP (MID3196/001) received 2/3/12
- Travel Plan prepared by JMP (MID3196/001) received 2/3/12
- Flood Risk Assessment prepared by JBA Consulting (February 2012) received 13/3/12
- Contamination Desk Study prepared by Spilman Associates (J11017/01) received 10/10/11
- Coal Mining Risk Assessment prepared by Spilman Associates (J11017/02) received 4/4/11
- Acoustic Report prepared by Alan Saunders Associates (AS6550.110713.R1)

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

Note for Applicant – Severn Trent Water

Severn Trent Water advises that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Notes for Applicant – Contaminated Land

CL1: 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.

CL2: When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” 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.

CL3: Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports.

This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Note for applicant – Acoustic Design

Approved Document E “Resistance to the Passage of Sound” 2003 (as amended) Building Bulletin 93, Acoustic Design of Schools – A Design Guide – Department for Education and Skills.

Note for applicant – Network Rail

Any application to access Network Rail land should be made via the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site and all costs covered by the applicant.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

Reason for bringing to committee: Major application

Application Number: 07/1535/FL/E11

Case Officer: Alison Ives

Application Type: Full application

Telephone Number: 01922 652492

Email: planningservices@walsall.gov.uk

Applicant: Ian Cox

Agent: Louise Brooke Smith or Keir Price

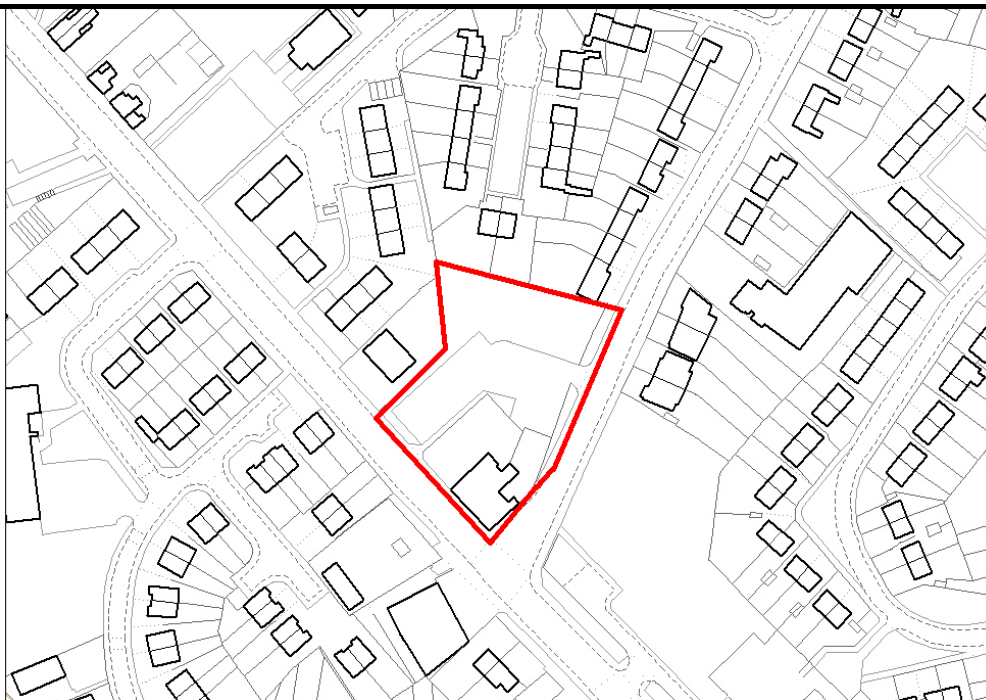
Proposal: Demolition of former Public House and construction of 58 Flats.

Location: FORMER WARRENERS ARMS PUBLIC HOUSE, HIGH STREET/OGLEY ROAD, BROWNHILLS, WALSALL

Ward: Brownhills

Expired Date: 20/06/2012

Recommendation Summary: Grant Subject to Conditions, subject to the District Valuer's advice on viability and subject to a S106 Agreement if viable.



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Background

The proposals were first considered by Committee in November 2007 when it was intended to convert and substantially extend the former public house building and redevelop the site to create 58 flats. The Committee resolved to grant permission subject to conditions and a planning obligation to secure ten shared ownership units (equivalent to 17% affordable housing) and contributions towards provision for urban open space and education totalling £128,283.32.

The S106 Agreement has not yet been completed so the decision has not been issued.

The landowner has recently negotiated sale of the site to Thomas Vale Construction in conjunction with Trident Housing Association (a Registered Social Landlord), subject to planning permission, and has requested that the application is pursued through them and their agents.

The proposals have been amended as discussed below but the principal change is to demolish the former public house building rather than retain it. There are still 58 flats proposed.

Application and Site Details

The application seeks residential redevelopment of the former Warreners Arms public house site, located at the junction of the A452 High Street and the A461 Ogle Road. The proposal involves demolition of the public house building and erection of 58 flats with associated parking, servicing, amenity space and access. There are 40 x 2 bed flats and 18 x 1 bed flats proposed.

The existing building is two storeys in height and is located on the back of footway at the front corner of the site adjacent to the highway junction. The remainder of the site comprises the car parking areas and an overgrown garden. There is currently a temporary hand car wash operating from the premises. The site is bounded to the north and east by residential properties ranging from two to four storeys in height. There is also a single storey building to the west of the site which accommodates an accountants practice and on the opposite side of High Street is a Church and Motor garage. The character of the area is predominantly residential with commercial uses increasing to the west. The existing building was previously adapted by McDonald's Restaurant.

Other than the change to demolish the public house building nominal changes have been made to the layout, parking and landscaping. The proposed replacement building extends along both highways with parking and landscaping at the rear. The building facing Ogle Road has been relocated further back so as not to encroach on a strip of land outside their ownership (highway land). This has required some reconfiguration to the car park and landscaping at the rear of the building. The building is between 2 and 4 storeys high and is designed to match the design of the former public house.

There are 43 parking spaces located at the rear of the building including 3 disabled parking spaces with gated access. There are also 8 secure covered bicycle spaces and 1 motor cycle space. The vehicular access is off Ogle Road. Pedestrian access is available from High Street and Ogle Road.

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Textphone 0845 111 2910, Fax (01922) 623234

The public house has been vacant since 2004 and has since fallen into disrepair to such an extent that retention and conversion is no longer viable. Its demolition is therefore proposed.

The site area is 0.36 hectares which equates to a density of 161 dwellings per hectare.

The site will be promoted by a registered social landlord as open market rented properties which are in demand in the area. For this reason they request that the scheme is considered in the same light as a scheme for 100% affordable housing.

No contribution towards urban open space provision is offered. The applicant has provided details of the scheme viability that demonstrates the developer would make a loss if an open market sales scheme were considered but that a marginal profit (4.38%) is possible with the investment sales scheme proposed based on nil S106 contributions.

The Planning, Design & Access Statement – Describes the site and planning history, explains the proposed development, relevant planning policies and guidance, viability of the scheme, design, transport and noise issues. It concludes that the proposals represent minor alterations to the scheme already approved by Committee and will bring forward the opportunity to re-use the site and provide sustainable, appropriate development, which appropriately reflects other land uses in the neighbourhood.

The Desk Study Report – Concludes that the environmental setting is sensitive and the history of the site and adjacent areas indicates a low to moderate potential for contamination in relation to the nature of any imported material onto the site from contaminated sources and potential issues relating to the nature of building fabric present. The presence of a landfill site to the southwest of the site is considered to pose a low to moderate risk to the site.

The Noise Assessment – Considers the noise from traffic in High Street and Ogley Road. It highlights traffic noise measurements from High Street and Ogley Road and makes recommendations for noise mitigation, glazing and acoustic ventilation.

The Residential Travel Plan – Identifies the policy context, travel plan co-ordinator role and management, existing public transport services and infrastructure and proposes travel plan measures and monitoring. It summarises that the site is well located for access by sustainable modes of transport and sets out a long-term strategy to reduce dependence on travel by private car including provision of travel packs to residents on first occupation and secure covered cycle parking.

Relevant Planning History

11/1542/ND – Screening opinion for residential development of 58 apartments with access, car parking and landscaping – EA not required - January 2012.

06/0766/FL/E3 – Redevelopment and conversion of former Warreners Arms building to accommodate 38 flats with parking – Refused July 2006 for six reasons broadly relating to (1) dominance of the proposed buildings within the site (2) over-dominance of parking areas

detrimental to the outlook of occupiers and visual amenities of the area (3) incorporation of single aspect units detrimental to residential amenities (4) poorly defined public and private space and lack of surveillance to the street (5) unacceptable alterations to the existing building (6) unacceptable demand on education and public open space in the absence of contributions to address the shortfalls.

The original proposals for 07/1535/FL/E11 were considered to address these reasons for refusal.

Hand Car Wash

08/1604/FL – Temporary consent for a maximum of 3 years to change use of site to hand car wash – granted subject to conditions in December 2008 until 31 December 2011.

10/0892/FL – Temporary three year planning approval for hand car wash – granted subject to conditions in December 2010 until 31st December 2013.

12/0361/AD – Two revolving signs – No decision yet.

There was a temporary consent granted to use the site for car sales but this has not been implemented.

Approved development opposite in Ogley Rd/High Street

11/0852/FL – 33 new dwellings – granted subject to conditions – October 2011.

There have been two subsequent permissions to make minor changes to the layout and change the tenure of the approved dwellings granted in September 2011 and March 2012.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

CSP1: A network of Regeneration Corridors linking the Strategic Centres will provide: high quality employment land, new homes in sustainable communities built on redundant employment land and other brownfield sites close to existing public transport routes and canal networks and locations with the best access to residential services, at moderate densities that allow for a range of house types.

CSP2: Outside strategic centres and regeneration corridors will provide a mix of good quality residential areas where people choose to live.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context.

DEL1: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

HOU2: Density and type of new housing will be informed by:

- The need for a range of types and sizes of accommodation to meet sub regional and local needs
- The level of accessibility
- The need to achieve high quality design and minimise amenity impacts

All developments will aim to achieve a minimum density of 35 dph, except where higher densities would prejudice historic character and local distinctiveness

HOU3: Will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable.

ENV2: Development should preserve and enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

Saved Policies of Walsall's Unitary Development Plan (2005)

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

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

H3: 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.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

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

ENV23: Proposals must take account of opportunities for nature conservation.

3.116 & ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

8.8: 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 or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities

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.

T7 – Car Parking

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

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Flats with communal parking 1.5 spaces per flat

Designing Walsall (SPD)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings and garden/shared amenity space dimensions. 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.

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.

N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Urban Open Space (SPD)

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 Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012. It sets out the Government's position on the role of the planning system. The document should be read in conjunction with Planning for Travellers (Pft) published on 25th March 2012. In the NPPF, the Government sets out its consideration of Sustainable Development as meeting economic, environmental and social needs. In considering this the Government's Core Planning Principles are a plan-led system based on up-to-date plans which should meet all of the following criteria and empower the local community. Development that does not meet the following aims should be judged unsustainable.

- Enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Consultations

Transportation – No objections subject to conditions to secure parking and access improvements. The current proposal has 43 parking spaces, including 3 disabled bays, plus secure cycle storage for 8 bikes and 1 secure motorcycle space. The previously approved scheme had 47 parking spaces, four parking space more. The proposed level of parking is 74% which taking account that the site is in a relatively sustainable and accessible location together with the applicants commitment to the development of a residential travel plan to encourage modal shift to sustainable modes of transport, the level of parking is considered acceptable.

The level of predicted vehicle trips generated by the development in peak traffic periods has been considered within the submitted updated Transport Statement and is unlikely to have any significant detrimental impact on the local highway network. It has been demonstrated that extant public house use could in fact generate significantly more vehicle trips in the pm peak hour than the proposed development.

Pollution Control (Scientific Team) – No objections but recommend a condition to control working hours and to secure implementation of the recommendation in the noise report.

Pollution Control (Contaminated Land) – No objections.

Housing Strategy – The site is a strategically important gateway into Brownhills. The development is fully supported.

Landscape – Full landscaping plans showing planting details are required. This should give consideration to planted areas that are small and may be difficult to maintain and the compatibility between trees and some parking spaces. Boundary treatment details are required to prevent misuse of planted areas.

Fire Service – There are concerns that emergency vehicle access is not available to the rear car park and access to blocks B and C can not be achieved as access to the stair core for these two blocks is from the rear. The applicant has suggested that access will be available at all times through the bin store area between blocks B and C but they have yet to confirm how this can be managed. In principle this is acceptable provided suitable access arrangements are agreed. Further comments will be updated at Committee.

Police Architectural Liaison Officer – The area has historically been a hot spot for crime and anti-social behaviour. The rear parking court should have secure perimeter fencing 2.4m high and robust access control measures. Adequate lighting and access control measures for all pedestrian gates are also recommended. Design of doors and windows should be

secure. It is recommended that areas of defensible space are included at the rear of the building and appropriate planting to maintain surveillance and prevent unauthorised access.

District Valuer – Comments will be reported at Committee.

Public Participation Response

One letter of support and one letter of objection have been received. These are summarised as follows: -

Objection

- loss of daylight/sunlight and overshadowing by the buildings
- loss of privacy from overlooking houses opposite
- loss of outlook from adjoining gardens
- there are already ugly high rise flats nearby this proposal increases the density and is oppressive for adjoining houses
- Additional traffic will add to noise pollution
- A park or open space with trees would be a more favourable option for the site

Support

- The proposals would tidy up the area and improve security for adjoining neighbours who have suffered break ins whilst the site has remained vacant over the years
- The building is in a state of disrepair and would be better redeveloped

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

Determining Issues

- Principle of demolition of the public house building
- Layout and Design
- Relationship to adjoining properties
- Access and Parking
- Affordable Housing
- Provision for Urban Open Space
- Provision for Education/Healthcare/Public Art

Observations

Principle of demolition of the public house building

The principle of redevelopment of the site for 58 flats by converting the former public house building and constructing new building extensions along High Street and Ogle Road was approved by Committee previously. The key change is that the developer now wishes to demolish the public house building and construct an entirely new building. They have explained that the existing public house building is in such a state of disrepair that it is not economical to retain and would not provide a satisfactory internal layout to meet the requirements for a modern residential development. Although the building is a key gateway into Brownhills its continued deterioration detracts from the area, particularly as there are major regeneration developments taking place on behalf of Walsall Housing Group at adjacent sites along the High Street. The temporary hand car wash is also considered to detract from the area and redevelopment of this site is considered to offer major regenerative benefits.

A letter of support has been received that highlights the poor state of repair of the building and the benefits redevelopment would offer in terms of improved security for surrounding

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neighbours. These are considered further valid reasons for supporting the redevelopment involving loss of the public house building.

The elevations of the proposed replacement building at the junction are designed to match the former public house and are considered will provide a new gateway building.

On objector considers a park or open space would have been a more favourable use for the site. Nevertheless, given the current and former use and the fact that this is a developed site already there is no justification for resisting this proposal in order to retain it for open space.

On balance it is considered that the demolition of the public house and replacement with a new building of similar design is acceptable and will allow the developer to bring forward the development which has regenerative benefits for the area.

Layout and Design

The layout of the building is broadly the same as that previously approved by Committee with minimal set back from High Street and greater set back to Ogley Road to respect the adjacent housing. This also allows for maximisation of space at the rear of the building for parking and landscaping. The concerns raised by the Police regarding boundary treatment and security issues can be secured through appropriate conditions.

The scale and height of the building has been increased along High Street and Ogley Road taking the opportunity to reflect the greater height and scale of new flats in the vicinity. The design incorporates projecting gables, timber cladding to the gables and a mix of brick and render which helps break up the massing of the building and reflects the previously approved design. The design of the building at the junction seeks to replicate the design of the former public house. On balance, the design is considered appropriate at this important gateway site on the approach to Brownhills District Centre.

The applicant confirms that fire service access will be available at all times through the bin store area between blocks B and C. Subject to confirmation as to how this will be managed by the landlord the Fire Service confirm that this is acceptable in principle. Further confirmation will be reported at Committee.

There is very limited shared amenity space at the rear of the building but this does provide useable outdoor space for residents to sit outside and is similar to that already approved by Committee. It is considered that as the site is in close proximity to Brownhills District Centre there are alternative amenity benefits on offer for future residents. Although the design does not incorporate individual private space for each apartment, for example balconies, it is considered that in this location at a busy highway junction the introduction of balconies would not create a satisfactory outdoor space for the occupiers due to potential noise and pollution.

The proposed layout does create an intimate relationship between blocks B, C, D and E where the building turns the corner but the design attempts to position the buildings so that there are no directly facing habitable room windows. The majority of flats are dual aspect

offering the occupiers an alternative outlook. The incorporation of pedestrian access and shared lobbies directly from the street will also help create an active frontage.

The landscape officer is concerned that some of the landscaped areas may be difficult to maintain or may be overridden by vehicles. A condition is recommended to secure appropriate planting. There are timber arbours proposed above some parking spaces to break up the parking and allow further planting to grow up them. The layout is similar to that already approved by Committee.

The scheme is high density but given the sustainable location and the major regeneration opportunity the scheme offers, the high density is considered acceptable. Although one neighbour objects to the density as they consider it would be oppressive for adjoining houses the principle of a development of this scale and height has already been approved and is considered acceptable for this key site on the approach to Brownhills.

Relationship to adjoining properties

The position of the proposed building is almost identical to the layout considered previously with the building facing the road and parking at the rear.

The objector's concerns regarding potential loss of daylight/sunlight, overshadowing and loss of privacy to their homes opposite (Lindon Drive) and loss of outlook from adjoining gardens due to the height and scale of the buildings have been taken into consideration. The nearest properties in Lindon Drive have back gardens facing High Street that are 14m away from the proposed flats. The flats are north east of these gardens so should not significantly adversely affect daylight or overshadowing. In terms of outlook and potential loss of privacy the proposed flats are over 28m away from the nearest houses in Lindon Drive and at least 15m away from the houses in Lindon Drive which face sideways on to High Street and do not directly face the proposed flats. These distances are adequate and are considered to have no significant impact on the outlook or privacy of neighbouring properties.

The nearest property on High Street is an accountants firm but the proposed building is positioned so as not to adversely affect the outlook from these premises. Similarly the proposed flats are positioned so they do not appear obtrusive to the outlook or affect the privacy of the nearest house in Ogle Road as the buildings are continued broadly in line. There are bungalows at the rear in Warren Place but these are over 25m away from the proposed flats. Although the parking areas are nearest these are separated by close board fencing (2.1m high) and some landscaping. The proposals will not have any significant impact on the occupiers of new properties soon to be erected on the opposite the site in Ogle Road/High Street as these are set back behind a service road and there is adequate distance between the dwellings. In the circumstances the proposals have no significant impact on residential amenities in terms of outlook or loss of privacy or daylighting.

The objector is concerned that additional traffic will add to noise pollution in the area but considering that the premises were formerly occupied as a public house, then a fast food restaurant and more recently a hand car wash the potential for increased traffic to create noise pollution is not significantly different. A condition to restrict construction times is recommended to protect neighbours amenities from noise and measures are also to be secured to protect future occupiers from traffic noise.

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Access and Parking

The proposed vehicular access is off Ogleby Road leading to a gated secure parking area at the rear of the buildings. Visibility splays of 4.5m X 25m are achievable in both directions from this access which provides adequate visibility. Separate vehicular and pedestrian gates are located across the access providing added security and clearly defined public and private space. The design of the access also allows two vehicles to pass to aid highway safety.

There are 46 parking spaces, including 3 disabled spaces, plus 8 cycle stands and 1 motorcycle parking stand. Although this is one space fewer than previously approved and offers only 80% car parking account has been taken of the sustainable location of the site within walking distance of the District Centre, on a well served bus route. The developer has also made a commitment to encourage residents to use sustainable modes of transport in their Travel Plan and in the circumstances the level of parking is considered acceptable.

The Transportation officer has requested that the developer enter into an agreement under S278 of the Highways Act to secure improvements to the access design, inclusion of tactile paving, improvements to the crossing point in High Street and removal of the redundant footway crossings in High Street. These are matter for the highway authority to consider. The Transportation officer has also requested the developer funds a Traffic Regulation Order along the length of the visibility splay on Ogleby Road. Nevertheless, the Transportation officer has no objections to the access visibility and these measures are matters for the highway authority to consider and are not material planning issues. A note to applicant is recommended to draw attention to these highway requirements.

The level of predicted vehicle trips generated by the development in peak traffic periods is unlikely to have any significant detrimental impact on the local highway network. It has also been demonstrated that extant public house use could generate significantly more vehicle trips than the proposed development.

On balance the means of access and parking provision is considered adequate and will not have any adverse impact on highway safety.

Affordable Housing

Policies DEL1 and HOU3 of the BCCS and the Affordable Housing SPD seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. The developer proposes nil provision of affordable housing at this site as they consider such provision would make the development unviable. Although the developer is working on behalf of Trident Housing, a Registered Social Landlord, the proposal is for all 58 units to be open market rent.

The developer has provided a financial assessment to demonstrate the scheme viability. This is being reviewed by the District Valuer. Subject to the District Valuer agreement that the viability of the scheme would be in jeopardy if the affordable housing provision were included it is recommended that planning permission is granted on the basis of nil affordable housing provision.

Provision for Urban Open Space

Policy DEL1 of the BCCS, policy LC1 of the UDP and the Urban Open Space SPD seek to secure provision of new, or the improvement of existing urban open spaces where residential developments would place increased demands on existing provision. On the basis of the SPD advice the proposed development would attract the need for a contribution of £82,124 towards open space provision in the vicinity. The developer is proposing nil contribution towards open space provision in light of the viability of the scheme as referred to previously in this report. Again, it is recommended that subject to the District Valuer agreement that the viability of the scheme would be in jeopardy if the urban open space contribution were included it is recommended that planning permission is granted on the basis of nil contributions towards provision of urban open space.

Provision for education/healthcare/public art

Since the proposals were first considered by Committee the SPD's for Education and Healthcare and Appendix D of Designing Walsall SPD (relating to public art) have been revoked because they are no longer consistent with the legal requirements for planning obligations, and cannot be applied in their current form.

The Council could still seek planning obligations towards education or healthcare infrastructure pending the introduction of CIL, where it was justified. Nevertheless the Committee previously resolved not to collect the healthcare contribution in order to bring the site forward for development.

Recommendation

Grant conditional planning permission subject to receipt of the District Valuer's advice and also enter into a S106 Agreement, unless the District Valuer confirms that the viability of the scheme is such that provision for affordable housing and urban open space would render the scheme unviable.

Summary of Reasons for Granting Planning Permission

The principle of redevelopment of the site for 58 flats was supported by Committee previously. The key change to demolish the public house building and construct an entirely new building is considered acceptable as the existing building is in a state of disrepair that is not economical to retain and detracts from the area. The proposals also offer the opportunity to develop this key gateway site into Brownhills and assist the regeneration of the Borough.

Objections stating a preferred option would be to develop a park or open space are not justified given that this is an existing developed site.

The layout of the building allows for maximisation of space at the rear of the building for parking and landscaping. The Police concerns regarding boundary treatment and security issues can be secured through appropriate conditions. The design is considered acceptable and reflects the height and scale of new flats in the vicinity. Appropriate fire service access can be secured. Despite very limited shared amenity space at the rear of the building this is a useable space for residents and there are alternative amenity benefits from being close to

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Brownhills. Appropriate landscaping can also be secured by conditions bearing in mind the layout is not dissimilar to that supported previously. Despite neighbour concerns regarding density it is considered acceptable for this key site on the approach to Brownhills.

The proposal maintains adequate distance between existing and proposed dwellings to address concerns raised by the objector in relation to potential loss of daylight/sunlight, overshadowing and loss of privacy. In the circumstances the proposals will not have any significant impact on adjoining occupiers. In response to the objection additional traffic noise will not be significantly different to the existing and previous uses of the site and are not sufficient to warrant refusal. A condition is recommended to secure a Traffic Regulation Order along the length of the visibility splay on Ogley Road.

The proposed vehicular access off Ogley Road is adequate and has no adverse impact on highway safety. Although parking provision is below that recommended in policy T13 it is considered sufficient bearing in mind the sustainable location and developer's commitment to a Travel Plan to encourage alternative means of travel. In the circumstances the level of parking is considered acceptable. The level of predicted vehicle trips is unlikely to have any significant detrimental impact on the local highway network. The measures required under S278 of the Highways Act are not material to consideration of this planning application.

The proposed units are all for open market rent. Although nil affordable housing is proposed the developer is a Registered Social Landlord. Similarly the developer proposes nil contributions towards urban open space. If the District Valuer agrees the viability of the scheme would be in jeopardy if these provisions were included it is recommended that this is acceptable in order to bring forward the development to regenerate this vacant site. There are no requirements for provision of Education, Healthcare or Public Art given the previous resolution and lack of justification in this case.

In light of the above the proposals are considered to accord with the aims of policies CSP1, CSP2, CSP4, DEL1, TRAN1, TRAN2, ENV2, ENV3, HOU2 and HOU3 of The Black Country Core Strategy and saved policies 3.6, 3.7, GP2, GP3, ENV14, ENV18, ENV23, ENV32, ENV33, 3.116, 3.117, H3, T7, T8, T10, T13, 8.8 and LC1 of Walsall Unitary Development Plan and Supplementary Planning Documents: Designing Walsall, Conserving Walsall's Natural Environment, Urban Open Space and the National Planning Policy Framework.

Recommendation: Grant Subject to Conditions, subject to the District Valuer's advice on viability and subject to a S106 Agreement if viable.

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

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

2. No development shall be carried out until 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 areas), has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3a. 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.

3b. The development shall be carried out and retained in accordance with the approved details.

Reason: In the interests of the amenity.

4. 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.

5. Prior to the commencement of the development full planting plans and hard landscaping details shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and all planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants 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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the visual amenity of the area.

6a. Prior to the development first coming into use, all car parking, access ways and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained and the parking bays shall be clearly demarcated on the ground.

6b. These areas shall thereafter be retained and used for no other purpose.

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

7. Visibility splays on driveways and access roads must be kept clear of landscaping over 600mm in height from carriageway level.

Reason: To maintain highway safety.

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.

9. Prior to the occupation of the building, the location of a communal satellite dish to serve the apartments units shall be submitted to and agreed by the Local Planning Authority.

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

10. The noise mitigation measures recommended in the noise assessment report by Acoustic Associates Leicestershire, Report No. AAL/BS12002, dated 18 January 2012, shall be implemented prior to occupancy of the development and shall be maintained thereafter.

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

11. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and deliveries to the site, shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 on 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.

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

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

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

- Site Location Plan/Site Survey (2178-01 Rev A) received 21/3/12
- Proposed Site Layout (2178-21 Rev D) received 18/04/12
- Proposed Ground Floor Plans (2178-05 Rev F) received 21/3/12
- Proposed First Floor Plans (2178-06 Rev F) received 21/3/12
- Proposed Second/Third Floor Plans (2178-07 Rev F) received 21/3/12
- Proposed Elevations Sheet 1 of 2 (2178-08 Rev B) received 21/3/12
- Proposed Elevations Sheet 2 of 2 (2178-09 Rev A) received 21/3/12
- Sketch View of re-built Warreners Arms PH (2178:03 Rev A) received 21/3/12
- Planning, Design & Access Statement prepared by Brooke Smith Planning March 2012 (BSA.1544.5078) received 21/3/12
- Desk Study Report prepared by RAW Consulting October 2005 (05rm295) received 21/3/12
- Noise Assessment prepared by Acoustics Associates January 2012 (AAL/BC12002) received 21/3/12
- Residential Travel Plan prepared by Royal Haskoning February 2012 (9X1554) received 21/3/12

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

Note for applicant - Highways

If the developer wishes to consider future maintenance and enhancements (subject to limitations and restrictions) to the highway grassed verges fronting the development either side of the access point in Ogleby Road, the Highway Authority may consider entering into a licence with the developer under Section 142 of the Highways Act 1980. For further information the applicant should contact the Traffic Management Section in this respect 01922 652558.

An agreement under S278 of the Highways Act 1980 will be required to include the following:

- i. Improvements and realignment of the existing bellmouth access point in Ogleby Road to include tactile paving and pedestrian access to the site on the northern side of the access,
- ii. Improvements to the existing pedestrian crossing point across High Street outside the site to include tactile paving,
- iii. The removal and reinstatement of the existing redundant vehicle footway crossing to the site in High Street back to full kerb height.

A revised Traffic Regulation Order (TRO) to extend the existing parking restrictions in Ogleby Road from the junction of High Street to the northern site boundary on both side of the road will be required.

Note for applicant –Sound Mitigation

It should be noted that Pollution Control Officers cannot verify that the proposed sound mitigation measures will be or have been implemented; this should be verified by an independent suitably qualified third party with appropriate qualifications, such as a Building Control Inspector and/or a person or organisation certified for the purposes of sound insulation testing by either by the Association of Noise Consultant (ANC) or the United Kingdom Accreditation Service (UKAS).



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

Reason for bringing to committee: Major Application

Application Number: 12/0045/FL

Application Type: Full application

Applicant: The Midcounties Co-operative Limited

Proposal: Change of use of former Co-operative Office Building (Use Class B1(a)) to Funeral Directors (Use Class A1), with the erection of extensions and alterations to the rear of the office building and the erection of a new 32 bay storage garage for ceremonial vehicles and amenity block on car park to the rear (between Ford Brook and Railway) with associated landscaping, car parking and pedestrian access on to Albert Street.

Ward: St. Matthews

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

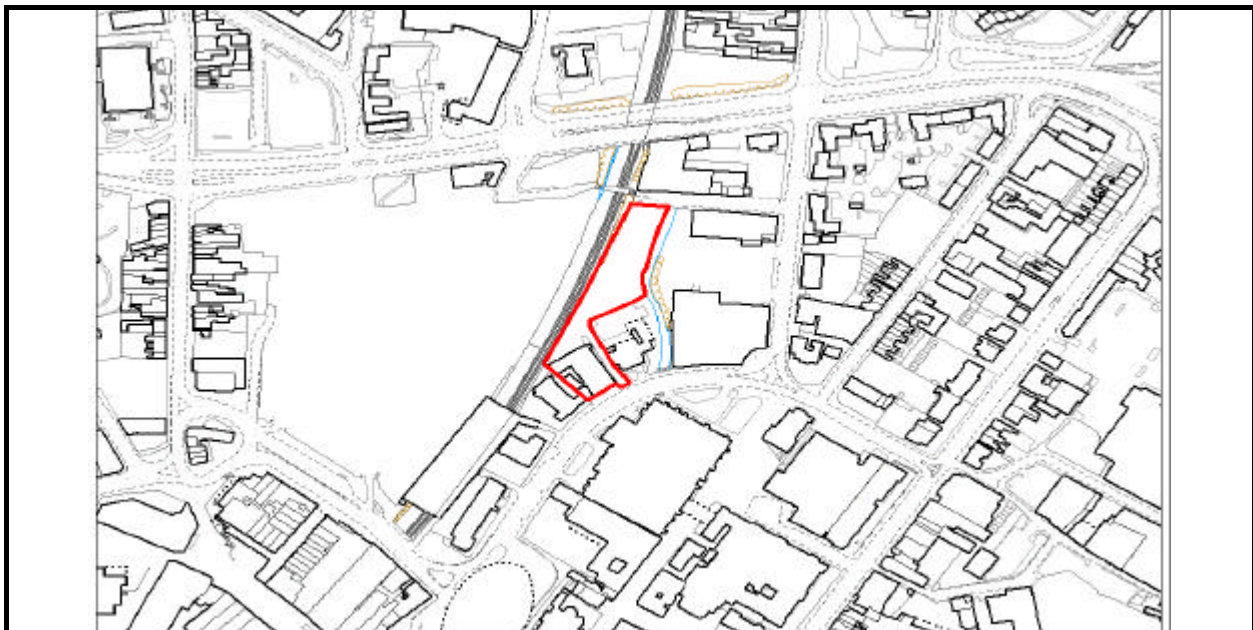
Email: planningservices@walsall.gov.uk

Agent: Gould Singleton Architects

Location: 10 HATHERTON ROAD AND CAR PARK TO THE REAR, WALSALL

Expired Date: 30/04/2012

Recommendation Summary: Grant conditional planning permission subject to satisfactory resolution of the Environment Agency's concerns.



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Application and Site Details

The application site is the former Co-op office building on Hatherton Road and the associated car park to the rear which runs alongside the railway. On the opposite side of the railway is the new Tesco development. Ford Brook runs to the eastern boundary of the site.

The application site is located in the Lichfield Street Conservation Area.

The rear car park is accessed by a shared drive which is also used by Fordbrook Court which are independent flats and also the offices of Walsall Society for the Blind. The levels slope down to the rear of the site from Hatherton Road by approximately 2.5m. The car park is managed through a barrier system.

The application proposes to relocate the Co-op funeral services from the existing premises on Hatherton Street to the former office building. The proposed funeral directors service would accommodate a chapel, 5 chapels of rest, a mortuary, ancillary funeral director facilities as well as staff accommodation. The proposals also include a new single storey extension for loading and unloading (under cover) at the car park level and a new 3 storey extension to the rear of the existing building to create a new internal fire escape and staircase whilst removing the existing external fire escape.

The proposals also include the erection of a new garage on underused parts of the existing car park. The present access route would be retained. The proposed building would measure approximately 55.8m by 18.6m with an additional small office, staff room and toilets (called an amenity block) measuring 55sqm on the Albert Street frontage. The garage would be used for the store of 16 limousines, 9 hearses, 4 saloons and capable of accommodating 3 ambulances.

The proposals would result in the reduction of car parking spaces from 95 to 19. The proposed use would employ approximately 20-25 people.

The application is supported by the following documents.

Design and Access Statement

Highlights that the proposals are for the reuse of the former Co-op office which, despite marketing has remained vacant since February 2011 when Midcounties Co-operative relocated to their new HQ in Warwick.

The Statement notes the presence of Fordbrook Court, the railway and Ford Brook and a number of trees on the boundary of the site which is proposed to be retained.

The proposed 'Funeral Home' will serve the following functions:

- a) A place for customers to go and make arrangements for funerals
- b) A location to go and view a deceased in the Chapel of Rest facilities
- c) A Chapel area for relations to meet prior to or following funeral services
- d) Centralised funeral administration
- e) Body storage and mortuary, together with preparation facilities
- f) Coffin store of pre-manufactured coffins made off-site.

The statement also highlights the bespoke design needs of the proposals.

The proposed garage facility is to relocate the complete fleet of ceremonial vehicles, hearses and ambulances to a centralised purpose built location for the Black Country Area. The design has considered the surrounding area and the proposed regeneration quality required for design. Account has also been taken of the 1:100 year storm event and Flood Zone requirements.

It is noted that the garage facility will not have any mechanical or servicing operations carried out on site. Vehicles servicing will take place off-site. The only activity carried out in this facility will be checking of oil and water levels and simple polishing of the external paintwork which will be manual not mechanical procedures.

Transport Statement

The applicant has submitted a Transport Statement which compares the level of parking and trip generation from offices and that anticipated from the proposed use. It is concluded that the traffic generation would be at a lower level than the proposed offices and activity would be spread throughout the day.

It notes that visitors to the funeral home would not be allocated parking spaces and that the site is well located for facilities with a number of public car parks in the near vicinity and the site is well served by public transport. There is good visibility to the site and the access road is 4.6m wide which is adequate to meet the needs of the proposals and two-way traffic.

Noise Assessment

States that consideration has been given to potential noise impacts associated with vehicles entering and leaving the site during both day-time and night-time periods. A comparison has been made against vehicle movements associated with the recent / existing site use and those expected to result from the proposed development. Where appropriate, noise level changes associated with changes in vehicle movement numbers have been calculated.

It has been concluded that, upon operation of the proposed development, noise levels generated by on-site vehicle movements during the daytime are expected to be lower than those associated with the existing/previous site use. At night, given the infrequency and limited number of movements associated with both existing and proposed site operations, no significant increase in existing ambient noise levels is expected.

Flood Risk Statement

Notes that the site is located in a Flood Zone 3 and that with adequate design the proposals will not have an impact on flooding levels.

Relevant Planning History

10 Hatherton Road (Co-op Building)

BC54274P – Two storey side extension and external alterations – Granted – 9th June 1999

Fordbrook Court

08/0719/FL – Change of use from residential flat to office space on ground floor – Granted – 26th August 2008

Walsall Gigaport

11/1541/TE and 08/0951/OL

Originally Approved – December 2008, Time Extension Approved 3rd February 2012.

127,000 sqm Offices (use class B1 (A)) including a Business Incubation Centre; 4,206 sqm Data Centre (sui generis – the centre would include the storage of data and computer servers which can be used by the business community); 4,300 sqm Hotel with Conference Facilities (use class C1); 23,195 sqm of Live/Work Space (use class sui generis); a 5,890 sqm Health and Sports Facility (use class D2); 621 sqm Retail and/or Restaurant (use class A1/A3)

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Black Country Core Strategy (BCCS)

The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote and safeguard town centres. The importance of protecting the environment, seeking high quality design and managing the impact on the historic environment are also considered alongside the management of transport and movement from the site.

The key planning policies include CSP1, CSP2, CSP4, ENV1, ENV2, ENV3, CEN1, CEN2, CEN3, CEN4, and TRAN4.

Saved policies of the Unitary Development Plan (UDP)

Adopted in March 2005, the saved policies seek to ensure that development makes a positive contribution to the environment whilst protecting people and ensuring adequate and safe access. Also supports regeneration and previously developed land, especially in Walsall Town Centre as the most sustainable location. The saved policies also support the appropriate provision of car parking whilst promoting the use of public transport, walking and alternative modes of transport.

Key planning policy references include saved policies GP2, GP4, S1,S2, S3, S4, ENV10, ENV14, ENV23, ENV29, ENV32, ENV33, ENV40, T7, and T13.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;
DW3 – Character -design to respect and enhance local identity;
DW4 - Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;
DW5 - Ease of movement- create places that are easily connected, safe to move through;
DW6 – Legibility - new development should contribute to creating a place that has a clear identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW 10 – new development should make a positive contribution to creating a sustainable environment.

Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees. Protection is proposed for protected animals, flora and fauna.

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

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

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

Key planning policies include UR1, UR1A, UR3, PA1, QE1, QE2, QE3, T2, T3 and T7

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

National Policy

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The National Planning Policy Framework was published on 27th March 2012. In the NPPF the Government sets out its consideration of Sustainable Development as meeting economic, environmental and social needs. In considering this the Government's Core Planning Principles are:

A plan-led system based on up-to-date plans which should meet all of the following criteria and empower the local community. Development that does not meet the following aims should be judged unsustainable.

- Enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

Consultations

Transportation – No objection

Pollution Control

Scientific Team – No objection but would recommend that construction hours are controlled by planning condition.

Contaminated Land Team – No objection subject to a desk study and site reconnaissance being carried out to identify the potential for contaminants and/or ground gases likely to be

present on the site. Should the potential presence of contamination and/or ground gases be identified on site a ground contamination survey and site investigation should be carried out to identify risk to future occupants or structure on the site. Conditions to address these concerns have been provided.

Environment Agency – Object - More detail is required relating to areas that could accommodate floodplain compensation, how the issue of blockage on the watercourse is dealt with (modelling of blockage scenario or agreed maintenance), and finished floor levels of the building.

Natural Environment (Ecology) – No objection

Built Environment Team (Conservation) – No objection subject to a condition requiring the approval of the final materials

Environmental Health – No objection

Network Rail – No objection subject to conditions regarding the safety of the railway.

Fire Service – No objection

Public Participation Responses

6 letters of objection from residents raising the following points:

- Don't want to live next to a funeral home and should not be in a residential area
- Overdevelopment of the site.
- The Co-op could sell the offices as they are and build a purpose built building away from residents.
- The pedestrian access to the rear would encourage loitering around Fordbrook Court and may increase crime, disturbance and noise around Fordbrook Court.
- The site will be a lot busier and generate a more traffic.
- The figures they talk about in their Transport Statement are not accurate
- The customers will use the adjacent car park for Fordbrook Court and the Walsall Society for the Blind or park on the adjacent ramp and pavement (people do this already by parking on the pavement next to the Walsall Society for the Blind) which reduces access and may cause danger to pedestrians, especially people with disabilities and impaired vision.
- If Caldmore Housing have to install a barrier on the carpark for Fordbrook Court the installation costs would be passed over to the residents.
- The proposed garage building is a huge, ugly, metal box and detracts from the area which is a Conservation Area
- The proposed development will likely reduce the value of the flats in Fordbrook Court and reduce the saleability of properties in the future *[this is not a material planning consideration]*
- This type of building should be located out of town on a public transport route so people don't have to live next door to it.
- Currently there is often a bottleneck of traffic at the entrance to Fordbrook. This will make the access more dangerous, more overused and potentially blocked.
- With Tesco and the bus station within a short distance there are issues of CO2 pollution.
- Fordbrook Court car park will be misused by customers of the business, leaving residents without parking.

- The parking structure also seems to be very high and will offer no visual value to the area.
- Will have an adverse effect on the small amount of vegetation that exists next to Fordbrook Court.
- There will be access issues during the construction phase of the project causing more problems with parking, pollution etc.
- Overall, addition of traffic to an already busy town centre location will cause more noise pollution, congestion and air pollution.
- The world should be reducing its Carbon footprint and not encouraging it by building and encouraging such garages.

The freeholders of Fordbrook Court (Caldmore Housing Association) have also written in objection to the proposals raising the following issues

- Intensity of the site – concern about the impact of this being a central hub for the Black Country.
- The Transport Assessment is misleading in terms of the number of visitors to the site.
- conflict between numbers of trips in the Transport Assessment and Noise Assessment.
- The level of car parking is below the UDP standards.
- The level of staffing has not been taken into account *The previous staffing levels have been noted in terms of office use.*
- The level of visitors to the site has been significantly underestimated. *Visitors would be through the main entrance and pedestrian only traffic – no visitor vehicular traffic forms part of the proposal.*
- No assessment has been made of the existing operations of the 28 residential units at Fordbrook Court. *This is noted as inaccurate.*
- The applicant's Noise Assessment has assumed that Fordbrook Court is a care home not flats and is therefore inaccurate and inadequate.
- It is not appropriate location for the use.
- The size of the building detracts from residential amenity of the area.
- There will be increased parking problems in the area.
- No benefits to the proposals.

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

Determining Issues

- Principle of the use
- Impact of the extensions and alterations on the character of the area
- Impact of the proposed garage building
- Relationship to Fordbrook Court – noise, disturbance and pollution
- Impact on the access ramp
- Car parking – loss of spaces and management
- Environment Agency objection
- Fear of Crime and anti-social behaviour
- Landscaping

Observations

Principle of the use

The application site is located in the town centre and the intention to relocate the existing facilities from the premises from Hatherton Street is noted. The use is an established town centre use and therefore the reuse of the former office building for a proposed funeral care facility is in a sustainable location.

Whilst the predominant use of the site would be funeral directors which falls under Use Class A1 (retail) the other facilities proposed fall within a range of uses. For example, a Chapel/Chapel of Rest are Use Class D1 (Non-residential institutions), Office elements are a combination of Use classes A2 and B1(a) (Financial and Professional Services and Business) and Mortuaries and Undertakers Chapels are in a use class on their own (sui generis).

The proposals, due to their nature and ancillary functions would not be appropriate on the high street and therefore the commercial core of the town centre is the most appropriate location.

The comments of the neighbouring residents are noted however the area is predominantly commercial in characteristic with Enoch Evans, the Council's own services, Tesco and the commercial plans for Walsall Gigaport all located in this area. Indeed the Walsall Society for the Blind on the ground floor of Fordbrook Court being a commercial operation.

The location and former use of the building alongside the bus and train interchanges, the primary shopping area and significant commercial activity lead to the conclusion that commercial activity is and remains the most appropriate in this location particularly in being the most accessible location for people to access the service.

Whilst the sensitivity of the type of commercial use is noted it must be recognised that the current location on Hatherton Street is also close to residential properties (Turret Close). It is not considered to be inappropriate in principle to locate such a facility in this mixed use area and in principle the use would be appropriate in this location.

Impact of the extensions and alterations on the character of the area

The proposed 3storey extension to house additional service, stairwells and loading bays are seen against the scale and mass of the existing building. The proposed loading bay would have a solid shutter and in this instance would be considered appropriate because of the limited visual impact from the rear of the building to the street scene and the operational requirements. The loss of the external staircase is considered to be positive when considered against more permanent and well designed features. Overall the impact of the proposed extensions and alterations are considered acceptable and would not have a detrimental impact on the quality of the area.

Impact of the proposed garage building

Local residents raise concern about the impact of the garage building on, their outlook and the amenity and character of the area.

The building is off-set to the rear of the site and close to the Albert Street frontage, and whilst relatively large in size, the building is designed to take advantage of the change in levels on the site and this together with the the undercroft car parking will reduce its impact

on adjacent properties. Properties of Fordbrook Court in particular would look over the building and its roof which although it lies at an oblique angle, would cause some loss of outlook.

From the opposite direction, the simple clean lines of the building would enable it to sit comfortably as a backdrop to the Tesco development. The contemporary design would be appropriate given the Littleton Street developments of Tesco and WHG Office building and the proposals to incorporate living walls are a welcome addition and would break up the bulk and mass. It is considered that the proposed development would not overdevelop or unduly intensify the site.

Conservation Officers also raise no objection to the proposals and therefore it is considered that the physical impact of the proposed garage building would be appropriate.

The proposed creation of an additional building, in terms of intensification of the site has also been considered. Whilst there has been development in the area, namely Tesco and further plans are envisaged through the Walsall Gigaport aims and objectives, the proposals would use an area of car parking positively.

Relationship to Fordbrook Court – noise, disturbance and pollution

The concerns of residents are noted, in particular with the inaccuracy of the noise assessment in referring to Fordbrook Court as a nursing home. Officers note and analyse the proposals mindful of the fact that Fordbrook Court are independent flats.

The difference, from a noise assessment perspective between a nursing home and flatted accommodation are not significant. Usually a modern flatted development has more active outdoor amenity space which needs to be factored into the assessment, however communal areas and other noise factors are similar in this regard. Pollution Control colleagues express no objection to the proposals based on their assessment of the site and the submitted assessment, noting the fact that Fordbrook Court comprises independent flats, with no outside amenity areas.

Noise and general activity levels would be no greater than that from the impact of the 75spaces removed by the development and not materially different from the previous use of the offices.

The previous use of the site as a car park would have generated some air pollution, The reduction in the number of car parking spaces now proposed with the increased opportunity to travel by alternative means would potentially reduce pollution as there would be less opportunity for car movement from the rear of the site.

The creation of a building to house vehicles, rather than an open courtyard, would also regulate movement and reduce the impact of car movement from the proposals. The transport statement discrepancies have been addressed by the Officers assessment and taking the previous larger level of traffic movement, it is not considered that the proposed impact on Fordbrook Court, would cause significant harm when considered against the existing use of the site and the traffic and disturbance that could be generated from the former car park.

Impact on the access ramp

It appears that some users are taking advantage of the reduced movements on the access ramp due to the closure of the Co-op office and unauthorised car parking has been taking place. This forms the concern of residents.

The access ramp is approximately 4.4m wide at the narrowest point and widens to the entrance to be over 6m. There is an existing barrier at the bottom of the ramp which controls traffic movement in and out of the car park and this is proposed to be retained.

It is considered that there is ample space for two-way traffic and that the movement and that bringing 10 Hatherton Road back into use would remove the likelihood of indiscriminate parking that is currently taking place as the area would be self-policed and actively used and therefore use of the area would be discouraged.

Car parking – loss of spaces and management

The proposed garage would result in the loss of approximately 76 car parking spaces from the proposals. The car parking to Fordbrook Court would be unaffected by the proposals and the lost spaces from the allocated office provision would result in better use of previously developed land and underused car parking spaces.

The existing car parking would be managed and visitors would be able to use town centre car parking nearby or indeed public transport. The Council's car parking standards remain expressed as maximum standards and should not be exceeded. Appropriate car parking provision should take account of the location of the area and the opportunity for sustainable transport choices.

It is therefore considered that the proposals are in compliance with policies of the Development Plan as well as National Planning Policies.

Environment Agency objection

The applicant has been working with the Environment Agency to resolve their objections and ensure that more accurate information on the Ford Brook is applied by the Agency.

The EA require areas of floodplain compensation to be detailed. Whilst the submitted report does show estimated volumes, it should also consider where these volumes can be achieved with adequate floodplain compensation. In addition there is a culvert at the downstream site boundary, which should be analysed with respect to the blockage scenario and the effect modelled against the site to show the flood risk. Flooding here is likely to take place or to be exacerbated because the channel is overgrown, there are obstacles in the channel and the trash screen appears to be outdated with a large amount of rubbish presently against it. If a clearance of the watercourse together with a better trash screen and maintenance arrangement, this may prevent costs escalating with respect to flood analysis.

The Black Country Strategic Flood Risk Assessment requires finished floor levels to be set 600 mm above the 1 in 100 year plus climate change flood event. Storage volumes are also being assessed. It is noted that this information can be provided as part of a condition if planning permission is granted.

The applicant is continuing to work with the Environment Agency and officers are satisfied that much of the work has been carried out. It is the detail of the proposals that are required to satisfy the Environment Agency. Subject to the removal of their objection, officers consider that the proposals are acceptable.

Fear of Crime and Anti-social behaviour

The concerns with regard to loitering and anti-social behaviour from residents are noted. The current car park is unpatrolled and the open nature of the site could also result in loitering and anti-social behaviour on the site. Introducing a building in this area would increase surveillance and potential activity in the area and therefore could reduce the potential for loitering and antisocial behaviour. It is therefore considered that the proposals would not cause loss of amenity by reason of crime and anti-social behaviour.

Landscaping

The landscaping, in particular to the Ford Brook would be maintained and unaffected by the proposals. The Ford Brook is maintained by the Council and landscaping would be maintained and unaffected. The new areas of formal landscaping would be to the Albert Street frontage which is largely unkempt and additional green walling is to be proposed in the garage facility. The garage facility would be built on an existing hardsurfaced car park with no landscape value. It is considered that the proposed landscaping, albeit limited are considered to be acceptable.

Summary of Reasons for Granting Planning Permission

The comments and objections of neighbouring residents and landowners with regard to the principle of the use, intensity of the development, the impact of the development on amenity, traffic generation and the impact on access to Fordbrook Court, the impact on the Conservation Area, issues of pollution, parking management, and discrepancies in the information submitted have been considered.

The application proposals have been considered against the site's location in relation to the town centre, public transport, parking restrictions and pay and display car parks. In addition the site's previous use, the extant planning permissions and the impact on neighbouring commercial occupiers has been considered. The proposed use of the site, in a highly sustainable town centre location is supported. An out-of-centre location would not be supported due to the requirements for locating such uses in sustainable and easily accessible locations.

The development of the site would not be an over intensification of the site nor would it impact on the amenity of the residents of Fordbrook Court by reason of noise and disturbance. The loss of the car parking spaces is considered to be acceptable and the use of a building would mitigate against the impact of vehicle movement when compared to the existing use of the site.

It is considered that there would be no demonstrable harm to the surrounding uses or highway safety. The proposed ramp is of sufficient width to accommodate two-way traffic and misuse of the ramp would be reduced by the re-use of 10 Hatherton Street and active surveillance and more regular use of the area. Customer car parking would not be allowed on site with pay and display car parking within walking distance from the site.

The scale of the development proposed has been considered against the existing building, the neighbouring commercial and residential premises and the topography and layout of the area, and is considered to be of an appropriate scale, design and mass and the contemporary and innovative design solution would preserve the quality of the Conservation Area.

It is noted that the submitted information, in terms of the noise assessment and transport assessment have incorrectly identified Fordbrook Court as a nursing home and the level of traffic movements anticipated from the site also varies. The impact of the development has been considered against the former use of the site and the specific layout and flats of Fordbrook Court. Having considered this and the higher quantum of traffic movement it is not considered that the proposals would have an adverse impact on amenity.

The impact on the Ford Brook and the potential for flooding has been considered and appropriate conditions will be added in consultation with the Environment Agency.

Considering the increased level of surveillance, it is not considered that the proposals would cause harm in terms of crime and antisocial behaviour. The current open nature of the site has been considered in this regard.

The proposed development is considered to comply with the relevant policies of the Development Plan, in particular the Vision and Strategic Objectives of the Black Country Core Strategy supported by policies CSP1, CSP2, CSP4, ENV1, ENV2, ENV3, CEN1, CEN2, CEN3, CEN4, and TRAN4; saved policies GP2, GP4, S1, S2, S3, S4, ENV23, ENV10, ENV14, ENV29, ENV32, ENV33, ENV40, T7, and T13 of Walsall Unitary Development Plan (March 2005) and Policies UR1, UR1A, UR3, PA1, QE1, QE2, QE3, T2, T3 and T7 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, including the National Planning Policy Framework, the proposal is acceptable.

Recommendation: Grant conditional planning permission subject to satisfactory resolution of the Environment Agency's concerns.

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.

2a) This development shall not be carried out until a schedule of the facing materials to be used on the development has been approved in writing by the Local Planning Authority.

b) Development shall thereafter be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3a) Prior to the commencement of development the applicant shall provide details of the location of associated scaffold and access for working at height within the footprint of their property boundary.

b) The development shall be constructed in line with the approved details.

Reason: In order to safeguard the operation of the railway.

4. Prior to the first use of the development high kerbs to the boundary with the railway shall be installed.

Reason: To prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

5.i) A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to built development commencing. (see Note for Applicant CL 4)

ii) In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

iii) Prior to built development commencing 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. (see Note for Applicant CL2)

iv) Prior to built development commencing a "Remediation Statement" setting out 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 by the Local Planning Authority. (see Note for Applicant CL2)

v) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

vi) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

vii) 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. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment.

6a) Prior to the commencement of development, details (location, height, appearance and light spillage) of any external lighting sources shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be constructed in line with the approved details.

Reason: In order to safeguard the operation of the railway and amenity of residents.

7. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 on 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 order to safeguard the amenity of nearby residents.

8 a) Prior to the commencement of built development of development a revised landscaping scheme detailing hard and soft landscaping (including green walling to the garage facility, phasing and planting regimes and a timetable for implementation) and a tree protection scheme for trees shall be submitted to and approved in writing by the Local Planning Authority.

b) The tree protection measures approved under part (a) of this condition shall be implemented prior to the commencement of development of each phase and retained throughout construction of the development.

c) The landscape scheme approved under part (a) of this condition shall be implemented in accordance with the approved timetable, 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:

(i) grassed areas shall be maintained in a tidy condition;

(ii) planted areas shall be maintained in a tidy condition;

(iii) 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;

(iv) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

9. The proposed garage facility shall not be used for mechanical or bodywork repair of vehicles and shall only be used for storage or valeting of vehicles associated with the operations of 10 Hatherton Street.

Reason: In order to safeguard the amenities of neighbouring residents.

10a) Prior to the commencement of development details of secure staff cycle storage shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be constructed in line with the approved details.

Reason: In order to promote sustainable modes of transport.

11. This permission relates to the following plans and supporting documents:

Location Plan (Drawing Number 11-1279/L)

Topographical Survey (Drawing Number 11-1279/10)

Proposed Site Plan (Drawing Number 11-1279/12)

Proposed Garage Facility (Drawing Number 11-1279/14)

Proposed Elevations and Floor Plans (Drawing Number 11-1279/13)

Existing Elevations and Floor Plans (Drawing Number 11-1279/11)

Design and Access Statement – prepared by Gould Singleton

(Ref: GSAC/11-1279/Reports/Design and Access Statement Revision 1 sdc130112.jp1)

Transport Statement – prepared by Banners Gate (April 2012 – ref P812)

Flood Risk Assessment – prepared by Robert West (Ref 3122/001/R01 Rev A)

Noise Assessment – prepared by WSP – (reference 00027615)

Reason: To define the permission

Notes for Applicant

Contaminated Land

CL1) 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: 2011 “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.

CL2) When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure

Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” 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.

CL3) Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

CL4) The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23 : Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

A) Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant’s contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary.

B) No water or effluent should be discharged from the site or operations on the site into the railway undertaker’s culverts or drains, without Network Rail approval. Soakaways should not discharge towards and/or within 10m of railway infrastructure. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants’ expense.

C) The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the safety, operation or integrity of the railway and its infrastructure or undermine or damage or adversely affect any railway land and structures, nor over-sail or encroach upon the air-space of any Network Rail land or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future to be undertaken on Network Rail land and infrastructure. Any future maintenance must be conducted solely on the applicant’s land.

D) Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

Reason for bringing to committee: Major Application

Application Number: 12/0142/FL

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652487

Email: planningservices@walsall.gov.uk

Applicant: G C Rickards Investment Ltd

Agent: Delta Planning

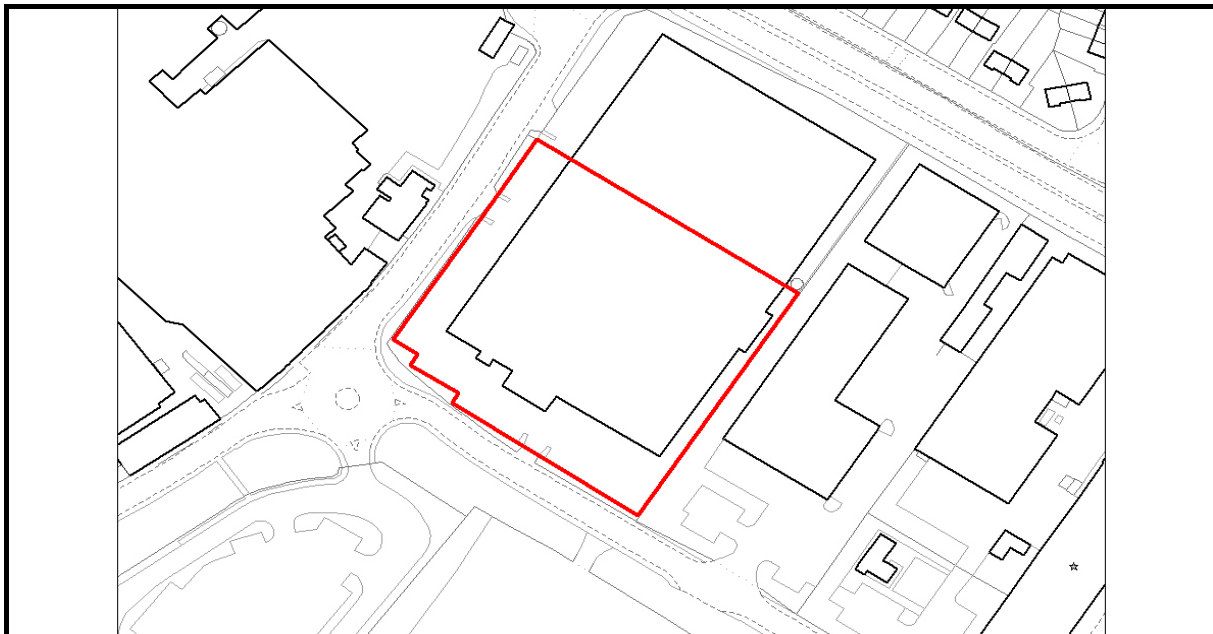
Proposal: Change of use from Waste Recycling Centre (Sui Generis) to General Industrial/Storage Distribution (B2/B8).

Location: UNIT 2, BULL LANE,
WEDNESBURY, WALSALL, WS10 8RR

Ward: Darlaston South

Expired Date: 10/05/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application seeks consent to change the use of a former waste recycling centre to General Industrial Use/ Storage or Distribution at Unit 2, Bull Lane, Darlaston. It also seeks unrestricted hours of operation.

The unit occupies the corner position at the junction of Bull Lane and Western Way, close to the Black Country New Road (A41). It is a 1980's single storey building of steel portal frame construction with part brick / part profile steel clad elevations with a slight pitched roof and several bays. There is a concrete loading and parking area, a single storey office at the front of the building providing offices, reception, toilet and kitchen facilities. The site is entirely secured by fencing.

There are two vehicular access points one off Bull Lane the other off western way.

The application is accompanied by a transport statement which supports the view that a B2/B8 use would be appropriate and acceptable in highways and transportation terms

Relevant Planning History

06/1305/WA/W4 - Change Of Use To Recycling Centre For Receiving Dry Waste, The Baling, Sorting, Shredding And Stripping Down Of Non-Hazardous Waste For Recycling
27/9/06

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Black Country Core Strategy (BCCS)

The Vision and Strategic Objectives to regenerate the Borough and deliver development are supported by a suite of policies designed to promote public transport and safeguard protected species and deliver environmental enhancements.

The key planning policies include CSP1, CSP2, CSP4, EMP1, EMP3, TRAN2, TRAN4 and Regeneration Corridor 5: Loxdale - Moxley

Located in the heart of the Black Country and straddling the Black Country New Road with its fast, reliable access to the motorway network, both to north (M6) and south (M5), the Loxdale and Moxley employment areas will fulfil their potential to become major industrial and logistics hub serving the Black Country and the region. By 2026, through environmental and local access improvements, a new image will be created attracting new investment and

jobs. Housing renewal in adjacent areas will have improved housing for local people and attracted new residents, who will also have good access.

Saved policies of the Unitary Development Plan (UDP)

Adopted in March 2005, the saved policies seek to ensure that development makes a positive contribution to the environment whilst protecting people and ensuring adequate and safe access. The saved policies also support the appropriate provision of public transport, walking and alternative modes of transport.

Key planning policy references include saved policies GP2, ENV10, ENV14, ENV35, 4.4, JP5, 4.34, T7 and T13.

Supplementary Planning Documents

Designing Walsall SPD

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees. Protection is proposed for protected animals, flora and fauna.

Regional Spatial Strategy for the West Midlands (RSS 11)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

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

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

Key planning policies include UR1, UR1A, UR3, PA1, QE1, QE2, QE3, T2, T3 and T7

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

National Policy

The National Planning Policy Framework was published on 27th March 2012. In the NPPF the Government sets out its consideration of Sustainable Development as meeting economic, environmental and social needs. In considering this the Government's Core Planning Principles are:

A plan-led system based on up-to-date plans which should meet all of the following criteria and empower the local community. Development that does not meet the following aims should be judged unsustainable.

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- Ensure that a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

Cancelled Documents - The NPPF and PFT cancel and replace all PPGs and PPSs, Mineral Policy Statements and Planning Guidance, a number of Circulars (including 05/2005 – Planning Obligations) and Letters to Chief Planning Officers.

Consultations

Transportation – no objections

Pollution Control (Scientific Team/Contaminated Land) – no objections

Fire Service – no objections

Public Rights of Way – no objections

Environmental Health – no objections

Public Participation Responses

None

Determining Issues

- Principle of development
- Car parking, manoeuvring and access arrangements
- Impact upon residential amenity

Observations

Principle of development

The use of this site for general industry / storage and distribution is supported on the basis that the Unitary Development Plan defines such uses as appropriate for core employment areas

The application only seeks to change the use of this vacant site in order to increase its potential for occupation. The site will provide increased investment and employment opportunities, deliver industrial units whilst encouraging the reuse of an existing resource by reusing previously developed (brownfield land) and is therefore welcomed.

Car parking, manoeuvring and access arrangements

There are no objections from Transportation. There is sufficient parking, manoeuvring and access into the site to accommodate future occupiers.

Impact upon residential amenity

The nearest residential properties are on Hollyhead Road (Black Country Route) which are over 100 metres away on the opposite side of the road and separated from the site by a large building. Those houses are more likely to be subjected to significant levels of road traffic noise from the Hollyhead Road (Black Country Route) than the application site.

This industrial estate is generally unrestricted in terms of working hours therefore it is not considered appropriate or necessary to introduce hours of operation conditions on this site particularly as it will have no impact on any residential amenity.

Summary of Reasons for Granting Planning Permission

The area is characterised by commercial / industrial development and the site is a core employment site within an industrial estate near to the Black Country Route. The increase in investment and employment provision is to be supported and welcomed.

There will be no impact from the use of the site for General industrial/Storage and Distribution on residential amenity in terms of its operations, appearance or any potential noise. Conditions which are to be imposed on the planning consent will continue to ensure that the nearest residential amenity along Hollyhead Road is continued to be protected whilst allowing this employment site to be brought into useful investment in the borough.

As such the use of the site for employment is in accordance with Black Country Core Strategy policies CSP1, CSP2, CSP4, EMP1, EMP3, TRAN2 and TRAN4, saved policies GP2, ENV10, ENV14, ENV35, 4.4, JP5, 4.34, T7 and T13 of the Unitary Development Plan, Designing Walsall Supplementary Planning Document, Regional Spatial Strategy policies UR1b, UR1b, PA1, PA5, PA6, T1, T2, T3, T4 and T5 and National Planning Policy Framework sections 1, 4, 5 and 7 and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions

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

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

2. No extraction systems for the purposes of industrial odour, fume, smoke, ash, girt or dust control shall be installed without the prior approval of the Local Planning Authority (NB – This does not include flues used for the heating of buildings).

Reason: To safeguard the amenities of the occupiers of adjoining premises and nearby neighbouring residents.

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

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

4. No manufacturing, fabrication, production, servicing or associated operation(s) other than essential building maintenance shall take place external to the building structure.

Reason: To ensure the satisfactory appearance of the development.

5. No materials shall be stored on the site to a greater height than the height of the existing boundary treatment or on any part which fronts either Bull Lane or Western Way.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development

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

- Existing Site Plan (1257-02) received 7th February, 2012
- Information submitted in letter from Delta Planning dated 7th February, 2012
- Transport Statement prepared by Wood Ferrer Ltd received 17th March, 2012

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

Reason for bringing to committee: Significant Community Interest

Application Number: 12/0020/FL

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652487

Email: planningservices@walsall.gov.uk

Applicant: Shire Oak School

Agent: Anthony Spruce Design

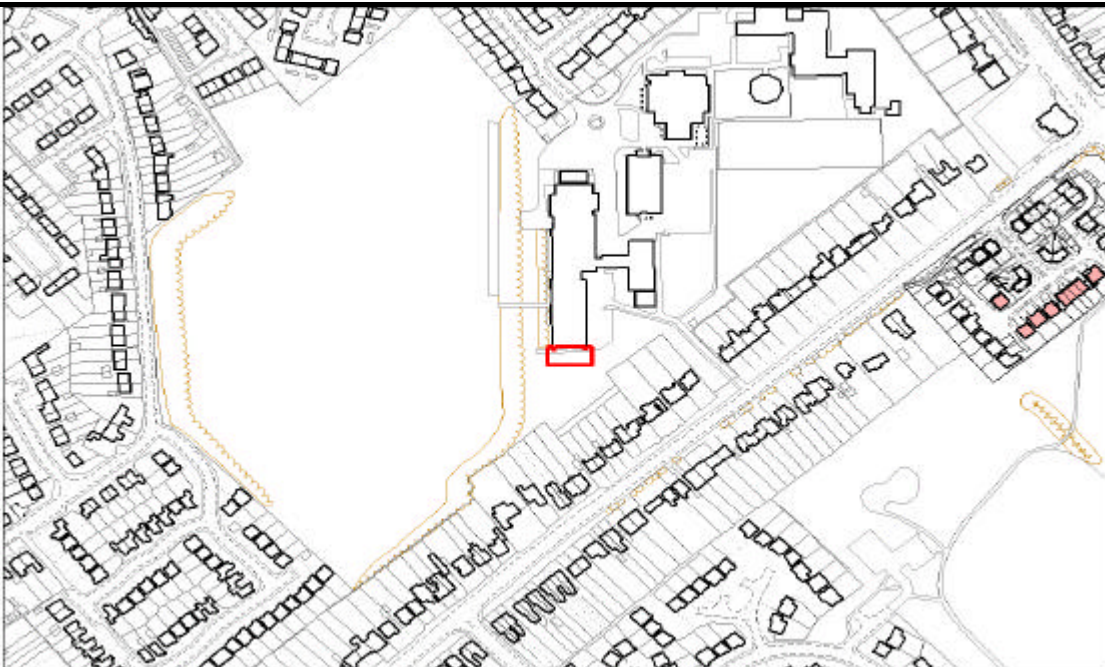
Proposal: Single storey rear/side extension to existing school to form 6 new classrooms

Location: SHIRE OAK SCHOOL, LICHFIELD ROAD, WALSALL WOOD, WALSALL, WS9 9PA

Ward: Aldridge North and Walsall Wood

Expired Date: 09/04/2012

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The Shire Oak School site is situated to the rear of 157- 249 Lichfield Road, 110-132 Chester Road, 1a – 21 Adams Road, 18-40 St Marks Close, 1-38 Marklew Close, 10-22 Lindon View, 109-125 Commonsides and rear of 35-41 and side of 31 and 43 Quantock Close. The main school buildings are located towards the properties of Chester Road, Adams Road and 191-249 Lichfield Road. Numbers 191 to 201 Lichfield Road are situated at an angle and do not directly face on the nearest school building, which is a two storey flat roof building and known as south block. There is an area of open space towards the rear of these properties which is planted with a number of silver birch trees and a boundary fence separates this area from the school grounds.

The school playing field is located to the west of the school buildings on lower ground than the school buildings. Access to the school is from St Marks Road with emergency access from Lichfield Road.

The application proposes to erect a single storey rear /side extension to the school building closest to numbers 191 to 203 Lichfield Road. The extension would measure 31.4m in length, 12.2m wide and 4.1m high and would accommodate 6 classrooms, increasing the number of classrooms to 88. The extension would be linked to the main school building, which is known as south block.

Supporting documentation has been submitted which states:

- extra space required is required to provide dedicated teaching spaces for English, Maths and Science.
- A survey carried out for building schools for the future identified the school were short of teaching space by 15%.
- No additional parking spaces are required, 182 existing spaces which includes disabled spaces.
- Purpose built cycle stores for 60 bikes
- 10 motor cycle stands
- 10 visitor spaces
- No increase in pupil numbers.

A coal report has been submitted which states there are no known mine entries within 20m of the boundary of the property.

Relevant Planning History

11/1165/FL - single storey rear/side extension to gym. Granted subject to conditions 9-12-11.

11/0071/FL - construction of a new music and dance studio. Granted subject to conditions 5-4-11.

10/0170/FL - erection of a gatehouse/reception area on island at st. marks road entrance and widening of footpath entrance and new double width pedestrian gates. Granted subject to conditions 23-4-10.

09/0317/FL Construction of a two storey sixth form block. Granted subject to conditions 2009.

08/0286/FL - Single storey extension to provide 2 new science classrooms to replace existing mobile unit. Granted subject to conditions. 29/4/2009.

Relevant Planning Policy Summary Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

The Black Country Core Strategy

The Black Country Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain "saved" policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

CSP4 design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage. ENV2 development should protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

ENV3 implement the principles of By Design to ensure the provision of a high quality network of streets, buildings and spaces and meeting the Code for Sustainable Homes to Level 3.

Unitary Development Plan

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.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

Policy T13 2 car parking spaces per classroom

8.7 The enhancement of existing, and the provision of new, facilities for education will be encouraged

Designing Walsall: Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. DW3 – Character: design to respect and enhance local identity.

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Planning Policy Framework

7. Requiring good design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. plan positively for the achievement of high quality and inclusive design for all development.

Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- respond to local character and history, and reflect the identity of local surroundings and materials.
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

8. Promoting Healthy Communities

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

Consultations

Transportation – No objection subject to submission of a travel plan

Fire Service – No objection

Sport England – No objection

Environmental Health – No objection

Police Architectural Liaison Officer – No objection

Public Participation Responses

Four letters have been received objecting to the proposal on the following grounds:

- School already extended towards properties on Lichfield Road
- Unauthorised access into rear of properties on Lichfield Road
- Loss of privacy
- Loss of outlook
- Overlooking
- Loss of light
- Plantation of dense silver birch trees
- Light pollution with lights left on overnight
- Devalue property – (*not a material planning consideration*)

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

Determining Issues

- Principle of development
- Design
- Impact on the amenities of neighbouring properties
- Parking and access

Observations

Principle of development

Policy 8.7 of the UDP supports the enhancement of existing, and the provision of new, facilities for education. In this case, the provision of 6 extra classrooms would provide dedicated teaching space for core subjects' mathematics, English and Science and as a result it is considered the proposal in principle is acceptable.

Paragraph 72 of the National Planning Policy Framework states that Local Planning Authorities should give great weight to the need to create, expand or alter schools to ensure a sufficient choice of school places is available to meet the needs of existing and new communities. This proposal would provide additional educational facilities and would be in accordance with Government advice.

Design

The design of the proposed extension which includes a flat roof reflects the design of the existing buildings on the school site and would be located against the existing school building; as a result the development would be acceptable in design terms.

Impact on the amenities of neighbouring properties

An area of open space would be retained between the rear boundaries of the properties on Lichfield Road, in particular numbers 191 to 203 and the south block. The existing boundary fence to separate the school buildings from the playing fields to the rear of the south block would be repositioned to accommodate the extension. The existing silver birch trees to the rear of 191 to 203 Lichfield Road would be retained and provides some screening of the extended school building from these properties. Whilst the school may have been previously extended towards Lichfield Road, there is a strip of open space which acts as a buffer between the school site and neighbouring residential properties on Lichfield Road

The proposed extension would be single storey and would face south, away from the properties on Lichfield Road, in particular numbers 191 to 203 and as a result would not result in any direct overlooking of these properties to warrant refusal of the application.

The nearest properties on Lichfield Road are situated at an angle to south block with a separation distance of approximately 50 metres from the proposed extension, and would have obscure views of this nearest building. The extension would be seen against the existing school building and it is considered the proposed single storey building would not unduly result in loss of outlook for the occupiers of these properties.

Any shading from the proposed extension will be within the school grounds and would not impact on the amenities of the occupiers of numbers 191 to 203 Lichfield Road.

Details of any lighting to be erected around the new school building can be required by condition and issues with existing lighting is an issue for the school caretaker to resolve which can be added as a note to applicant.

Parking and access

The school will require 176 parking spaces to comply with policy T13 of the UDP; the school currently has 182 spaces and it is considered that the proposal in parking terms would be acceptable. The school currently has bicycle and motor cycle stands that would be retained.

The Highway Officer has no objection to the proposal but has requested that a school travel plan is submitted prior to the development coming into use and this can be sought by condition.

The access arrangements to the school would not be affected.

Summary of Reasons for Granting Planning Permission

Policy 8.7 of the UDP supports the enhancement of existing, and the provision of new, facilities for education. The design of the proposed extension reflects the design of the existing buildings on the school site and would be located against the existing school building.

The existing planted area of silver birch trees to the rear of 191 to 203 Lichfield Road would be retained and would provide screening of the proposed school building. The repositioning of the boundary fence would prevent unauthorised access to the rear of the properties in Lichfield Road from the school site. A strip of open space provides a buffer between the school site and neighbouring residential properties on Lichfield Road.

The proposed extension would be single storey and face away from the properties on Lichfield Road, in particular numbers 191 to 203 and as a result would not result in any direct overlooking of these properties. As the nearest properties on Lichfield Road are situated at an angle to south block the proposal would not unduly result in loss of outlook for the occupiers of these properties as it would be seen against the existing building on site. Any shading from the proposed extension will be within the school grounds and would not impact on the amenities of the occupiers of numbers 191 to 203 Lichfield Road.

Any lighting to be erected around the new school building can be sought by condition and issues with existing lighting is an issue for the school caretaker to resolve and this can be added as a note to applicant.

The proposal complies with Policy T13 in terms of parking spaces on site and a school travel plan can be sought by condition

Recommendation: Grant Permission 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.

2a) Prior to the commencement of this permission the existing School Travel Plan shall be reviewed/rewritten and submitted for approval in writing by the Local Planning Authority in consultation with School Travel Advisor.

2b) The agreed measures shall thereafter be implemented in accordance with the approved Travel Plan.

Reason: The existing School Travel Plan produced in 2008 requires updating to meet present Government Travel Plan guidelines.

3) 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.

4) The development shall be completed in accordance with the site plan and plan titled "6 classrooms single storey extension submitted on 9 January 2012 and the drawing submitted on 2 February 2012.

Reason: To define the permission

5) No external lighting around the proposed extension hereby approved shall be installed without details first being submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbouring residential properties in Lichfield Road.

Note to applicant

- 1) The existing lighting around the south block of the school should be reviewed as it may result in light pollution for neighbouring residential properties on Lichfield Road.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

Reason for bringing to committee: Contrary to policy

Application Number: 12/0163/FL

Case Officer: Jenny Townsend

Application Type: Full application

Telephone Number: 01922 652420

Email: planningservices@walsall.gov.uk

Applicant: Mr A Williams

Agent: Palmer & Williams Limited

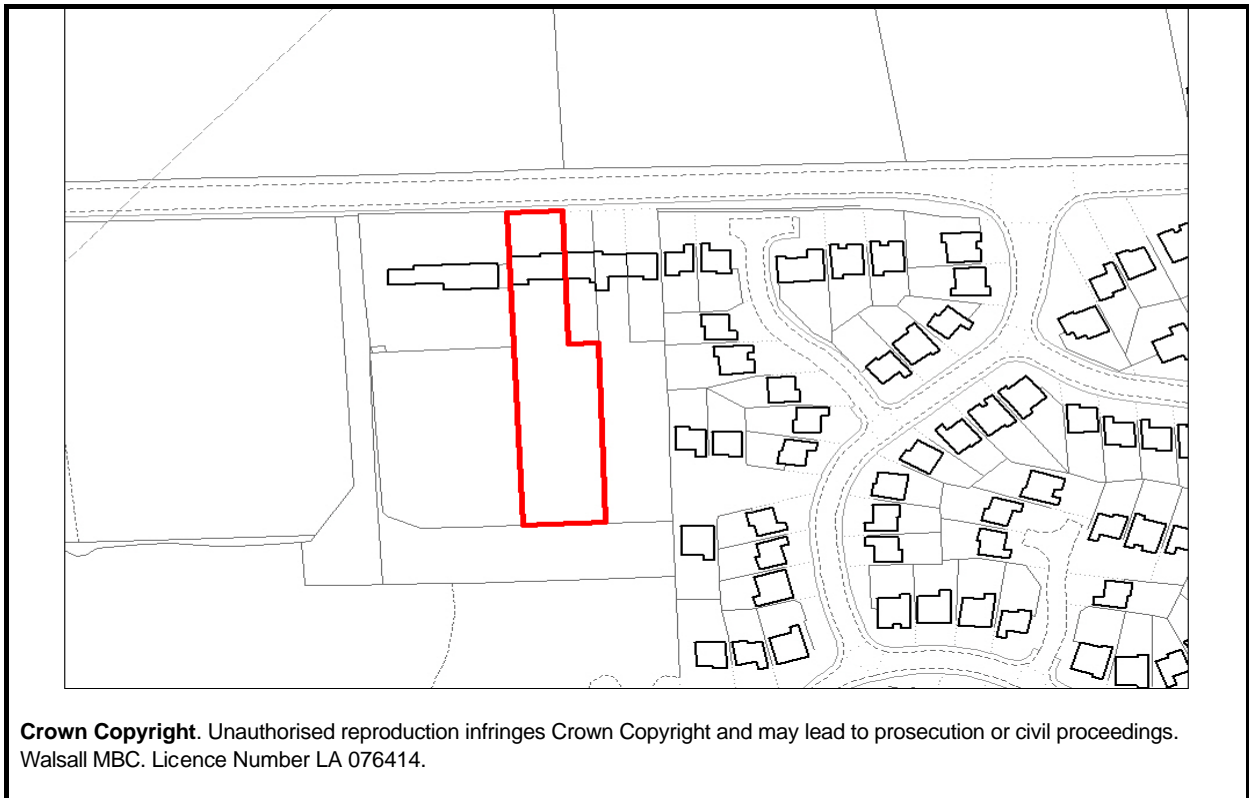
Proposal: First floor side and ground floor rear extension.

Location: 114 LITTLE HARDWICK ROAD, WALSALL, WS9 0SF

Ward: Aldridge Central & South

Expired Date: 05/04/2012

Recommendation Summary: Delegate to Head of Planning and Building Control



Application and Site Details

This application is for extensions to a semi detached house which would enlarge the existing kitchen and living rooms, add a dining room and add two bedrooms and an en-suite shower room at first floor level, increasing the number of bedrooms from 3 to 5.

The application house is half of one of two pairs of semi detached houses in a line of 7 properties in this part of Little Hardwick Road. The other 3 are a bungalow (118) and two modern detached houses. Only 3 of these properties (118, 114 and 112) are in the Green Belt as the edge of the Green Belt finishes at the side of number 112. A similar first floor extension has been added at number 110, half of the other pair of semi's.

The application house is a traditional design with a two storey gable to the front and a hipped roof. A large ground floor extension with a flat roof has been added in the past to the side and partway across the rear of the application house which has increased the footprint of the property by 56 m2.

The proposed first floor extension would be built above an existing ground floor bedroom and utility and would be in line with the existing two storey part of the house, but set back from the front gable. A square hanging bay is proposed to reflect the original double bays to the front of the house.

A first floor window is proposed in the side elevation facing 118 to serve the en-suite shower room.

The rear section of the first floor extension would project 2.5 metres beyond the existing two storey part of the house and would be built above the proposed dining room. The proposed rear ground floor would be 2.5 metres deep and 10 metres wide and built up to the side of the existing sun room adjacent the boundary with number 118.

A hipped roof to match the existing is proposed to the first floor extension with a sloping roof across the rear ground floor extension.

Number 112, the other half of the pair has a lounge bay window which projects 1.0 metre beyond the application house and a bedroom window at first floor at the rear.

Number 118 has a garage and carport adjacent the boundary which lies 1.0 metre forward of the rear of the sun room belonging to the application house.

A bat survey carried out in February 2012 has been submitted. The survey concludes that further bat activity survey work is recommended.

Relevant Planning History

None.

Relevant Planning Policy Summary

Black Country Core Strategy & UDP Policies

(Note the full text version of the BCCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

The current version of the Black Country Core Strategy and associated appendices can be accessed at;

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Black Country Core Strategy 2011-2026

The BCCS was adopted by the Council on 3 February 2011 and now forms part of the statutory development plan. It replaces certain 'saved' policies in the UDP.

ENV1 Nature Conservation

Adequate information must be submitted with planning applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. Without this there will be a presumption against granting permission.

CSP2: Green Belt boundaries will be maintained and protected from inappropriate development.

Saved Policies of Walsall's Unitary Development Plan 2005

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.

ENV2: Control of Development in the Green Belt

(a) In the Green Belt there will be a presumption against the construction of new buildings except for the following purposes:-

IV. Limited extension, alteration or replacement of an existing dwelling, provided that this will not result in disproportionate additions, or a new dwelling materially larger than the original dwelling.

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

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.

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

The Core Strategy states that the councils will create cohesive, healthy and prosperous communities with equal access to a mix of affordable and aspirational housing. Policy HOU2 states that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. Detailed guidance on the application of this policy in local areas is or will be provided through individual local authority Supplementary Planning Documents

Supplementary Planning Documents

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

The length of extensions in relation to the adjoining dwellings and a 45 degree code to assess the impact, in particular where new development impacts on existing (details of this code are available on request or can be downloaded on the web site).

Conserving Walsall's Natural Environment

Provides guidance on development which may adversely affect trees, important species and habitats.

Regional Strategy for the West Midlands

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Act and will take time) should be a material consideration in decisions. On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration. The Localism Act has now received Royal Assent and is moving towards Enactment. Further consultation has been undertaken

regarding the Strategic Environmental Assessment of the proposed abolition of the RSS. The Localism Act and the abolition of the RSS continue to be capable of legal challenge.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

National Policies

National Planning Policy Framework adopted in March 2012.

7. Requiring Good Design

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9. Protecting Green Belt land

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:

? minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Consultations

Pollution Control Scientific Team – No comments.

Pollution Control Contaminated Land Team – No specific contaminated land requirements.

Natural Environment Ecology Officer – The bat report received recommends further bat activity survey work. Therefore it is recommended that the recommendation to the Planning Committee is to delegate determination to officers subject to bat activity surveys being carried out in good weather from May onwards.

Public Participation Response

None.

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

Determining Issues

- Design of Extension and Impact on Character of Area
- Impact on Green Belt
- Impact on Amenity of Nearby Residents
- Impact on Bats
- Parking

Observations

Design of Extension and Impact on Character of Area

The design of the extension is considered would be compatible with the existing house and similar to the extension which has been added at number 110.

The space which would remain to the side of the extension, above the existing garage, would retain the 'step down' to the bungalow on the right. The proposal is considered would be in keeping with the character of the area.

Impact on Green Belt

The original footprint of the house, including a detached garage and store to the side was approximately 83m². The existing ground floor extension replaced the garage and store and increased the footprint by 56m², an increase of approximately 60% in relation to the original. The proposed extensions would add a further 25m² resulting in a footprint of 164m², almost double the original.

Whilst the combination of the extensions would clearly result in disproportionate additions in relation to the original house, most of the proposed extension would be built above the existing ground floor and would be seen against the existing two storey part of the house. The 5 metre wide gap that would remain above the existing garage between the side of the extension and the boundary with number 118 is considered means that the proposal would not result in any significant harm to the openness of the Green Belt.

The very special circumstances are that the house lies at the edge of the Green Belt and in this context, the proposal is considered would not result in harm to the openness of the Green Belt meeting the aims of both national and local policy.

These additions are considered would be at the limit of what would be able to be supported in this context, having regard to harm to the openness of the Green Belt. A condition is recommended that would remove permitted development rights for extensions to the property including any alterations or additions to the roof (eg. dormers) and also for detached buildings within the garden area. This would prevent further additions being made to the dwelling in the future that would be outside of the Council's control.

Impact on Amenity of Nearby Residents

The first floor extension would lie away from the boundary with both of the neighbouring properties. Although the extension would lie to the east of number 118, the 5 metre separation to the side and because 118 has a garage and carport nearest to the boundary, it is considered that there would be little shading to the rear of 118 from the extension.

The window proposed in the side of the extension facing 118 would serve a non habitable room. A condition for this to be obscurely glazed is to be added.

The extension would project 2.5 metres beyond the rear of 110 but would be 6.7 metres from the shared boundary. This separation is considered means that there would be little shading to the rear of 110 from this part of the proposal.

The rear ground floor extension would project approximately 1.5 metres beyond the bay window belonging to number 110 and would comply with the 45 degree code when measured from the mid point of the bay window. The extension would lie to the west of 110 and the short length and the proposed sloping roof are considered means that there would be little impact with regard to shading to the rear of 110 from the ground floor extension.

Impact on Bats

The bat report received recommends further bat activity survey work which would need to be carried out in good weather from May onwards.

Parking

There is sufficient space on the existing frontage of the house to provide 3 off-road parking spaces to meet Councils requirements for a house with 4 or more bedrooms.

Summary of Reasons for Granting Planning Permission

The design is in keeping with its surroundings. Most of the proposed extension would be built above the existing ground floor and would be seen against the existing two storey part of the house. The 5 metre wide gap that would remain above the existing garage between the side of the extension and the boundary with number 118 is considered means that the proposal would not result in any harm to the openness of the Green Belt.

The very special circumstances are that the house lies at the edge of the Green Belt and in this context, the proposal is considered would not result in harm to the openness of the Green Belt.

The proposal will not cause a significant increase in overlooking, loss of privacy or loss in the daylight or sunlight enjoyed by nearby properties.

Further bat activity survey work is required which would need to be carried out in good weather from May onwards.

There is sufficient space on the existing frontage of the house to provide 3 off-road parking spaces to meet Councils requirements for a house with 4 or more bedrooms.

The proposed development is considered to meet the aims and objectives of policy ENV1 and CSP2 of the BCCS, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV2, ENV23, ENV32, T7 and T13, and the Supplementary Planning Documents "Designing Walsall" and "Conserving Walsall's Natural Environment", other material planning considerations.

Recommendation: Delegate to Head of Planning and Building Control

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: Before the development is brought into use, the first floor window in the side elevation facing number 118 Little Hardwick Road is to be obscurely glazed to at least Pilkington Privacy level 4, and retained as such thereafter.

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

3: 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.

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

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

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

5: No development within Class A, B, C, D or E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 (extensions, alterations to the roof or existing dormers and detached buildings etc. in the garden) shall take place without the prior submission and approval of a planning application.

Reason: To protect the openness and character of the Green Belt and to comply with policy ENV2 of Walsall's Unitary Development Plan.

6: The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan, Block plan and existing elevations and floor layout plans drawing PW0683/01 Rev B deposited 9 March 2012;

Proposed elevations and floor layout plans and roof plan drawing PW0683/02 Rev B deposited 9 March 2012;
Phase 1 Bat Survey carried out in February 2012 by Dr Jackie Underhill.

Reason: For the avoidance of doubt and in the interests of proper planning.



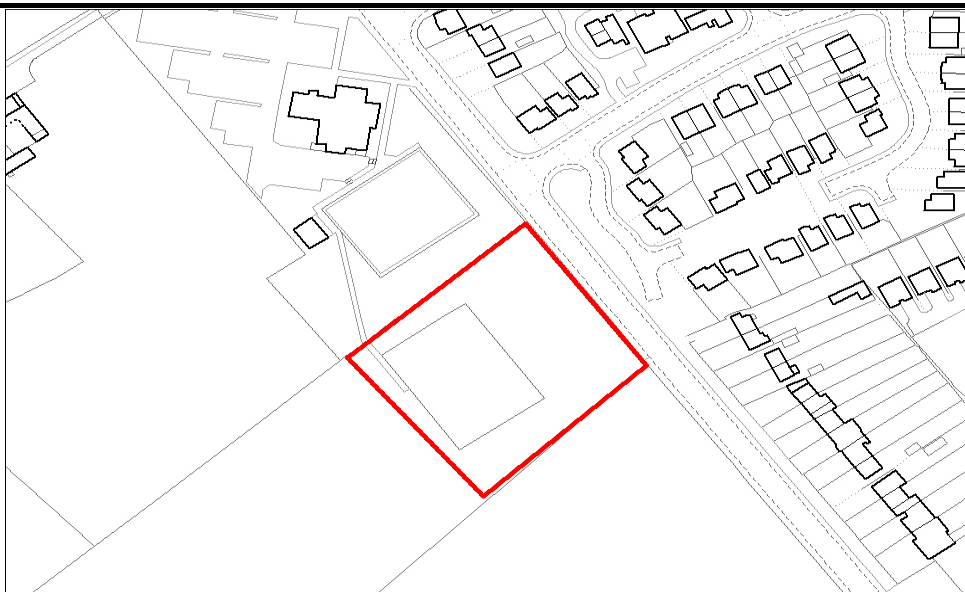
Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 26/04/2012

Reason for bringing to committee: Departure from the Unitary Development Plan and Significant Community Interest

Application Number: 12/0145/OL	Case Officer: Devinder Matharu
Application Type: Outline Application	Telephone Number: 01922 652487 Email: planningservices@walsall.gov.uk
Applicant: 3rd Streetly Scout Group	Agent: Richard Cobb Planning
Proposal: Outline Planning Application (all matters reserved for later approval). New single storey Scout Group Headquarters building, with two outdoor playing pitches, associated car parking and circulation with new vehicle access to Aldridge Road.	Location: FARMER JOHNS TENNIS CLUB, ALDRIDGE ROAD, STREETLY, WEST MIDLANDS, B74 2SX
Ward: Streetly	Expired Date: 03/04/2012

Recommendation Summary: To be confirmed



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Report to follow
