



Development Control Committee

27th May 2010

Report of Head of Planning and Building Control, Regeneration

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	10/0038/FL	1 WOODSIDE CLOSE, WALSALL, WS5 3LU	Demolition of existing building and erection of 14 apartments	Refuse
2	21	10/0242/FL	FORMER MASON'S WOODYARD, LAND BETWEEN RAILWAY LANE AND ROSE HILL, WILLENHALL	Change of use to materials reclamation facility with refurbishment of existing fire damaged buildings including new cladding and one metre high block construction dwarf walls.	Grant Permission Subject to Conditions
3	32	10/0274/RM	FORMER SHIRE OAK RESERVOIR, LICHFIELD ROAD/CHESTER ROAD, BROWNHILLS, WALSALL, WS9 9PD	Reserved Matters Application for 35 Residential Units and Associated Infrastructure including appearance, landscaping, layout and scale.	Grant Permission Subject to Conditions and a Deed of Variation of the Section 106 Agreement
4	51	10/0395/FL	Plots 81-87 & 89-92, on land between Caledon Street, Rochford Close and Old Pleck Road, Walsall	Amendments to house type approved under planning permission reference 06/1818/FL/W7 principally by the revision to the roof style.	Grant Permission Subject to Conditions
5	57	09/1730/MI	Sandown Quarry, 175 Stubbers Green Road, Aldridge, WS9 8BJ	Extraction of clay from beneath section of former railway line with importation of limited quantities of inert fill materials (clay and overburden)	Grant Permission Subject to Conditions

6	76	10/0404/FL	13 CHURCH ROAD,BROWNHILL S,WALSALL,WS8 6AA	Change of use from A1 Shop to Sui Generis Laundrette. 1st floor flat above with independent access. Dryer ducting to rear. Roller shutter and sign to front and side	Grant Permission Subject to Conditions
7	82	10/0088/FL	71 SUTTON ROAD,WALSALL,W S1 2PQ	Construction of detached building in rear garden to provide ancillary residential accommodation for person with disabilities	Grant Permission Subject to Conditions
8	89	10/0431/FL	3 CEDAR DRIVE,STREETLY, WALSALL,B74 3RJ	Two storey side extension and single storey rear extension to dwelling	Grant Permission Subject to Conditions
9	96	09/1664/FL	34 WOODLANDS AVENUE,WALSALL, WS5 3LN	Enclosure of verandah and conservatory approved under 08/0288/FL to be deleted	Grant Permission Subject to Conditions and a Planning Obligation
10	101	10/0154/FL	80 VALLEY ROAD,STREETLY,B IRMINGHAM,B74 2JF	Conservatory to rear	Grant Permission Subject to Conditions
11	106	10/0136/FL	111 HUNDRED ACRE ROAD,STREETLY,S UTTON COLDFIELD,B74 2BJ	Two storey rear extension, access ramp with handrail and planting in front of house only.	Grant Permission Subject to Conditions



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

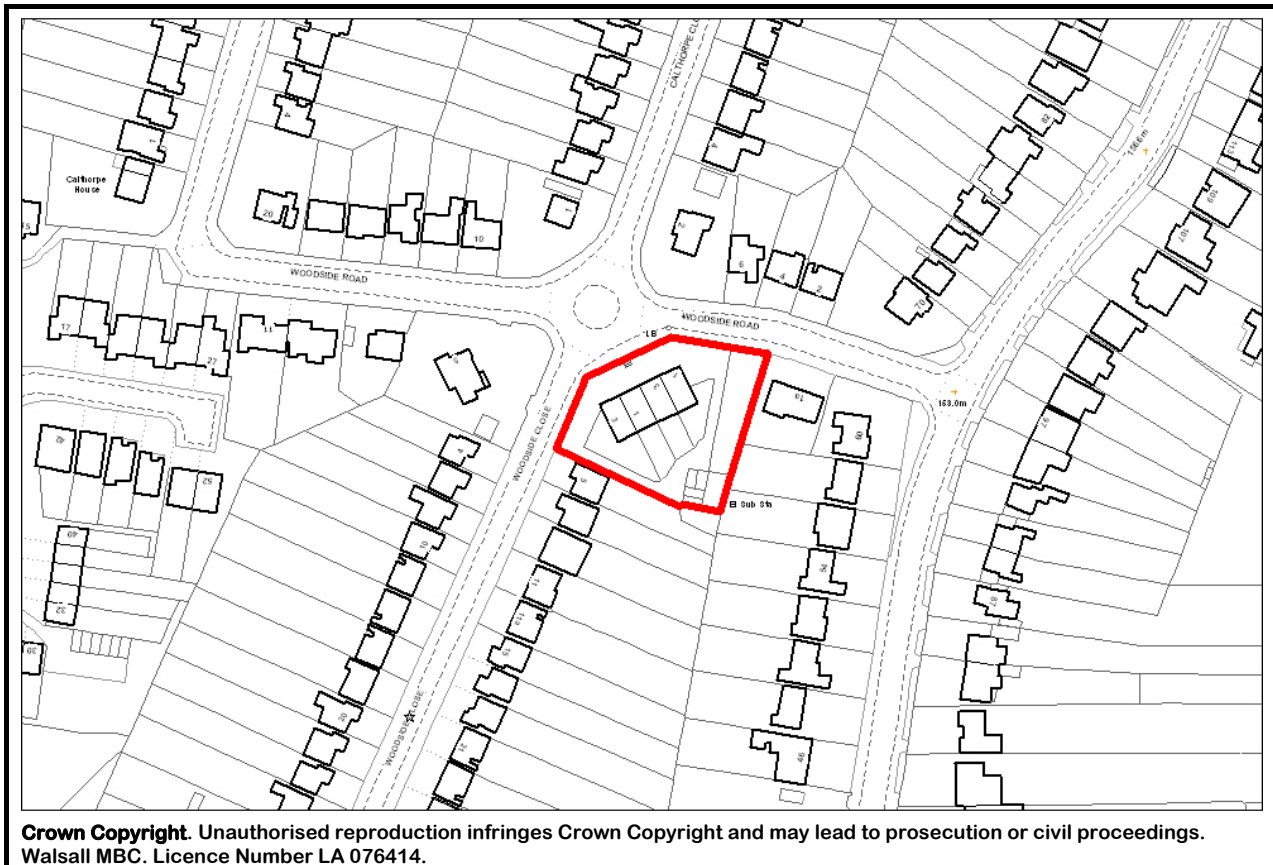
Reason for bringing to committee: To seek a resolution from Members as to the position the Local Planning Authority should take on the appeal against non determination of this Application lodged by the Applicants

Application Number: 10/0038/FL
Application Type: Full application

Applicant: Mr Stone
Proposal: Demolition of existing building and erection of 14 apartments
Ward: Paddock

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: Pegasus Planning Group
Location: 1 WOODSIDE CLOSE, WALSALL, WS5 3LU
Expired Date: 15/04/2010

Recommendation Summary: Refuse



Current Status

After the completion of the following report an appeal against non-determination of this application has been lodged with the Planning Inspectorate. Determination of this application is therefore now no longer in the hands of your Committee. Your Committee is required to consider this report and instruct officers on how they would have determined the application if they had had the opportunity. This will inform the case to be presented to the Planning Inspectorate by Officers

Application and Site Details

The site is situated on the southern side of Woodside Road on the corner of Woodside Close. The existing two storey building has a pitched roof and is set at an angle across the corner of the junction opposite a small traffic island. The building was originally constructed as four retail shops with living accommodation above but has subsequently been converted for entirely residential purposes. There are 6 x 1 bed flats and a two storey house in the block. The frontage of the site has an extensive tarmac surface used for parking. There is an MEB sub-station at the side of the site fronting Woodside Road and there is a vehicular access to a detached double garage at the rear of the application site alongside this. There is a large beech tree within the rear garden of 56 Skip Lane to the side and rear of the site which is protected by a Tree Preservation Order. An amenity area for the existing residential accommodation is set to the rear of the building. The site is located in a residential area surrounded by predominantly larger detached houses set within generous building plots.

This application is a resubmission following refusal of three previous applications for:

- Sixteen one and two bed apartments
- fifteen two bed apartments and
- more recently 13 two bed apartments plus 1 apartment which was specifically designed for disabled occupancy with ancillary carers accommodation.

The first two applications were taken to appeal and were both dismissed by a Planning Inspector. The third application is the subject of an on going appeal recently submitted to the Planning Inspectorate by the applicant.

This application proposes the demolition of the existing buildings and erection of 14 x 2 bed dual aspect apartments within three separate blocks, set around the corner. Blocks 1 and 2 would in effect be two and a half storey and have 5 apartments in each block. Block 3 would be two storey and have 4 apartments.

During the course of this planning application the scheme has been amended to revise the car parking arrangements and provide more details of, and the proposed relocation of the electricity sub station.

The three buildings would be set back between 4.6m and 7.6m from the back of the pavement. Each block would have a width of between 11m and 12m and a depth of approx 11.6m. The overall height would range from 7.4m to 8.8m high.

The building design includes bay windows and gable features, with facing brickwork and pitched tiled roofs.

The amended layout includes 18 parking accessed via a gated driveway set between blocks 1 and 2, off Woodside Road. 2 disabled spaces would be provided on the frontage, one in front of block 1 and one in front of block 2.

The revised scheme includes the relocation of the existing electric substation on the site, to land at back of pavement on the frontage between blocks 2 and 3, to be adopted by Central Networks. The new substation structure would measure approx 2.7m x 2.4m with a maximum height of 2.57m, set within an area enclosed by brick piers, walls and railings. It would be set at street level below the level of the apartment buildings and accessed from the street via double gates.

Cycle and refuse storage facilities would be provided to the side of block 2, adjacent to the access drive. A total of 205 sqm of amenity space would be provided to the rear and between blocks 2 and 3.

The site area is 0.16 hectares which gives a density of 87 dwellings per hectare.

A Design and Access Statement, Planning Statement and a Bat Survey have been provided in support of the application. The Design and Access Statement looks at the history of the site in terms of the previous applications and appeal Inspectors decision, it provides an analysis of the site and its surroundings and describes the approach to and the design of the current proposals in overcoming the previous reasons for refusal. The bat survey concludes that there was no evidence of bats observed during the inspection and the development of the site is unlikely to have an impact upon bat populations.

Relevant Planning History

07/0774/FL/E11 - Erection of 16 one and two bedroom apartments – Refused 12/7/07.

Reasons for refusal:

1. The design of the proposed development is inappropriate in the area in that it fails to respect the local character in terms of fenestration, including; lack of bay windows, cat slide roof and the scale of the proposed dormers. Furthermore, the frontage parking is visually intrusive within the street scene and the outlook from the proposed dwellings due to the lack of soft landscaping and proximity of the parking spaces to the building.
2. The development would result in unacceptable demand on limited educational capacity and public open space provision in the locality in the absence of any financial contributions to address the shortfalls.

Subsequent appeal dismissed 21-05-08 because of the unacceptable adverse effect on the character and appearance of the area in failing to take account of the context and surroundings and compromise the quality of the local environment.

07/1815/FL/E11 – Erection of 15 x 2 bed apartments – Refused 15-10-07.

Reasons for refusal:

1. The proposal would appear incongruous in the street scene due to its three storey appearance, design and scale; and the lack of adequate parking provision would lead to unacceptable on street parking.
2. The development would place undue pressure on limited education and public open space provision in the locality.

Subsequent appeal dismissed 21-05-08 because of the unacceptable adverse effect on the character and appearance of the area in failing to take account of the context and surroundings and compromise the quality of the local environment.

09/0617/FL – Demolition of existing shops/flats and construction of 13 new 2 bed flats and 1 flat for person with disabilities with associated carers accommodation – Refused 14-10-09.

Reason for refusal:

1. The proposed development would be over dominant in the street scene by virtue of its massing and appearance, which would be detrimental to and not in keeping with the openness and character of the surrounding area, which consists of detached dwellings. An appeal has been received by the Planning Inspectorate on 30-04-10, which remains to be determined.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Walsall's Unitary Development Plan (2005)

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

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

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

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

GP3: Planning Obligations

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

GP7: Community Safety

Proposals would be expected to have regard for the objectives of 'designing out crime' which include maximising the surveillance of public areas from the living areas of homes and from other buildings.

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

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

H9: Minimum Densities

Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites. Significantly higher densities exceeding 50 dwellings per hectare will be encouraged if the site has good access to a choice of means of transport.

H10: Layout, Design and Dwelling Mix

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

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

III. Provide an appropriate mix of housing types, sizes and tenures with a variety of design.

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

ENV13: Development near Power Lines, Substations and Transformers

To protect the general amenity of occupiers development in close proximity to substations will not normally be permitted.

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV32: Design and Development Proposals.

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

8.8: Residential development 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 facilities.

LC1(d): Urban Open Space

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

T7 – Car Parking

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

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 unit

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 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.

Local Character Guidance: East – Gillity Village, Park Hall and Pheasey

The areas display a local vernacular of medium to large sized semi detached and detached housing. New development should reflect the quiet residential character of these areas and their communities in their design. Future development should respect the spacious and low density form of development.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Urban Open Space (SPD) (April 2006)

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

Education (SPD) (February 2007)

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

Regional Spatial Strategy

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

National Policy

PPS1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS3: Housing, the objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use

- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

PPG13: Transport, promotes more sustainable patterns of development for housing development and encourages assessment of the location and accessibility of jobs, services and transport choices and to reduce travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

PPS23: Planning & Pollution Control advises a Precautionary approach of a 5m exclusion zone around substations, transformers etc.

Consultations

Transportation – No objections subject to conditions relating to access, layout, gates to the sub station and Travel Planning. The revised scheme shows 18 parking spaces for 14 flats. This equates to 129%. Policy T13 would require 21 spaces therefore the proposal are 3 spaces short. Consideration has been made of the Appeal Inspector's decision for the two previous schemes on this site. The original scheme provided 150% the second scheme provided 131% and the latest refusal included 121% less than the current proposals. The Highway Authority therefore considers that any objection on parking grounds could be deemed unreasonable in the light of the recent refused application and previous Appeals.

With regard to UDP Policy T12 relating to accessibility of the site to public transport , the Highway Authority has taken due account of the statements by the Planning Inspector contained within the Planning Appeals for two previous schemes on this site namely 07/0774/FL/E11 and 07/1815/FL/E11. Although these schemes proposed a higher level of parking (150% and 131%) in his determining statement the Inspector made reference to local concerns about the sustainability of the site insofar as the accessibility of local services and public transport are concerned. The Inspector noted the distances to the nearest local shopping centre (1.1km) and bus stops in Birmingham Road and Skip Lane. Whilst it is accepted the proximity of the site to bus stops with frequent services is considerably above the UDP T12 requirement of a maximum distance of 400 metres (it is approx. 700 - 800m to the bus stops in Birmingham Road near Walstead Road junction where the 51 service runs every 10 – 20 minutes) his conclusion was that that the site was not in an unsustainable location. The Inspector also considered concerns that parking would be inadequate and this would lead to on-street parking which would impair highway safety. The Inspector concluded that there was a high level of on-site parking in the locality and no parking restrictions and as such did not consider that the highway safety would be unduly affected.

The proposals would utilise the existing access off Woodside Road and the redundant crossing in Woodside Close would be reinstated with full height kerbs.

Rev G shows the electric sub station set at back of pavement between blocks 2 and 3 with gates opening outwards onto the pavement. The gates would require to open 180 degrees and be secured in an open position in order to ensure that the footpath is unobstructed.

Pollution Control (Scientific Team) –No objections on the grounds that measures are put in place to address issues arising. Safeguarding conditions recommended.

Pollution Control (Contaminated Land Team) – No objections subject to works being carried out to investigate and remediate any localised ground contamination and ground gas issues associated with the historic filled ground from a former pond or marsh. Details are required prior to commencement of any development.

Central Networks –No objections, the revised location and access arrangements are satisfactory.

Environmental Health – No adverse comments.

Landscape Officer – On landscape grounds it is considered that the visual intrusion of the sub station in its amended location on the frontage between blocks 2 and 3 is sufficient to refuse the application. Apart from two disabled parking spaces the remainder of the frontage provides planting areas of between 3 and 5m wide and would allow for a well planted 'front garden'. The proposed sub station leaves only 2m wide planting area at the rear of the compound, between what will be a brick retaining wall and a pathway linking blocks 2 and 3. This planting area will have little to no visual impact on the street scene. It would provide restricted planting opportunities that would certainly exclude tree planting and possibly even large shrubs. Locating the sub station to this position would increase its visual intrusion at a point where it will, in effect, be highlighted by sunshine between the two blocks (it is on the north side of these buildings). The 1.8m high fencing, brick piers and solid wooden gates are in complete contrast to what is otherwise an 'open plan' frontage behind 600mm high brick walls.

Arboricultural Officer – No objections subject to replacement tree planting. Trees on the site have already been removed to allow for the development, however, they were of little merit and replacement tree planting would mitigate their loss.

British Standard 5837 'Trees in relation to construction' does not refer to or make recommendations for Hydrology reports when assessing trees and development and consequently it is not something I would ask for. In my opinion a hydrology report to ascertain the affect the proposed development at Woodside Road (10/0038/FL) would have on the TPO Beech tree at 56/58 Skip Lane would be unnecessary and serve no useful purpose. The root protection area (RPA) of a tree as detailed in the BS: 5837 guidelines (if adequately protected throughout the construction phase) is sufficient enough to minimise or eliminate any development pressure the tree may experience. In this situation the RPA of the Beech tree is situated mainly within the rear gardens of 56/58 Skip Lane with only a small percentage of the RPA overlapping into the development site. The proposed car parking spaces underneath the canopy of the Beech tree would occupy this small percentage of the RPA but this can be overcome with a 'no dig' construction technique and a permeable surface which will maintain the water and oxygen supply to the roots ensuring the long term health of the tree.

As long as this technique is adopted I would have no objections to the proposals submitted in application 10/0038/FL.

Natural Environment – There are no ecological reasons for the refusal of this application. Conditions required to ensure bat roosting features are incorporated and to control external lighting to avoid disturbance to the local bat population.

Urban Design – The re-siting of the sub station is detrimental to the visual quality of the streetscene and undermines the improvements to the site that this proposals aims to make. It would be detrimental to the character of the streetscene and therefore in conflict with policies ENV32 and DW3, DW4 and DW9 of Designing Walsall.

Walsall Children's Service - Serco – A contribution to both secondary and primary school provision would be required in this area. However in this case notice has been taken of the comments made by the Planning Inspector in the previous appeal decision regarding financial contributions and a reassessment of the application has been made and in light of this a contribution is no longer required.

Housing Strategy – No objections. The development is below the affordable housing threshold. The application is supported as it provides 2 bedroom flats which are not over represented in this particular area.

Fire Service – No objections as there is satisfactory fire service access.

Police Architectural Liaison Officer – No objections in principle. Encourage the applicant to design and build to achieve Secured By Design accreditation and ensure that minimum security standards are installed from the outset.

Environment Agency – No objections as there is a low environmental risk.

Building Control – No objections. Notification of demolition to Building Control would be required.

Public Participation Response

Comments received on the original proposals

Fifty two letters of objection, including one from Councillor Martin, one from a resident's representative and a petition containing 242 signatures have been received which are summarised as follows:

Objections

- This is a fourth application for the same site
- Still 14 apartments
- Does not overcome previous objections and reasons for refusal
- Committee should listen to residents not the developers
- Excessively high density and over development of the site, too many units for the area, conflicts with policy H9, disproportionate to available land, out of character and conflicts with Designing Walsall: Park Hall local character guidance.
- Overdevelopment in size massing, scale and height
- Unsustainable location, the closest regular bus routes are on Birmingham Road (No 51 bus) some distance away and therefore conflicts with policy T12(b)
- Unacceptable level of parking and size of spaces, conflicts with policy T13, leading to on street parking creating problems for emergency services etc and increasing the probability of accidents
- Exacerbate existing parking problems
- Danger to pedestrians from on street parking

- Adverse impact on the amenities of the surrounding residential occupiers from excessive on street parking
- Increased noise levels from cars and traffic unacceptable
- Improved design but still includes a third floor in blocks 1 and 2, out of character with the area and conflicting with policy ENV32 as it fails to take proper account of the context of the surroundings
- Three storey, conflicting with Inspectors comments, height excessive and out of character which comprises detached houses with traditional driveways and gardens.
- No consultation with residents from the applicant prior to submission, and lack of consideration for local residents, development for profit only.
- The road will be dominated by a three storey building
- Relocated substation will be forward of the building line and within line of sight from adjoining houses and an eyesore.
- The site includes land not within the applicants ownership ie the land that the existing substation is on
- The proposals regarding the substation are limited and vague
- Have Central Networks agreed to the relocation of the substation
- Question the proximity of the substation to residential properties and the pavement
- A health and safety concern re the height of the substation (set at a lower level), accessible from the adjacent driveway and therefore open to vandalism
- Already loss of trees, potential for further loss in particular the Beech in the adjacent garden
- Request for a hydrology report in connection with the TPO Beech tree adjacent to the site
- Other successful redevelopments in the area have created detached houses rather than flats, the applicants have realised that flats wont work.
- Depth of the block excessive and will be seen from the road
- No children's playspace
- Inadequate amenity space
- Despite the gaps to break up the blocks, still overdevelopment
- Existing low water pressure possibly exacerbated by the development
- Will result in property devaluation
- No need for flats in the area
- Overlooking and loss of privacy from side facing windows
- Although 3 blocks, are likely to appear linked when viewed at different angles in the street
- Although individual blocks 2 – 3 times bigger than other houses in the locality, conflicting with the sense of spaciousness at the corner.
- Light pollution
- Create a precedent detrimental to the neighbourhood
- Loss of light and overshadowing
- Loss of outlook
- Previous refusals for other three storey accommodation within the vicinity
- Inadequate bin storage facility
- Access to development inappropriate

Positive Comments:

- Improvements to the design, three blocks more like detached houses therefore more in keeping with the area
- Applicant has listened to some of the previous objections
- Houses would be more appropriate for the site
- Gone some way towards a sympathetic building design
- Would not object to development if in keeping with the area, ie detached houses.
- Suggest lose two units in the roof space, reduce the density and parking ratio, and create a more acceptable scheme.

Petition Comments:

- Still over development incorporating a third storey within the roof
- Out of character
- Unsustainable location
- Insufficient parking
- Impractical re-location of the substation
- Inadequate amenity space

Comments received on the amendments (residents notified on 30-03-2010 and 09-04-2010).

48 letters of objection including one from Councillor Martin and a petition containing 227 signatures, which are summarised as follows:

Objections:

- The amendments do not overcome previous objections and Inspectors comments, so previous objections still stand
- Will setting back of Block 1 breach the 45 degree code?
- The new parking spaces on the frontage appear narrow do they meet requirements?
- Separation distance from the sub station to residential accommodation is below the minimum guidance and creates a poor outlook for the future occupiers of the flat
- Health and safety implications regarding the re-positioning of the substation so close to the pavement and in a sunken position, attracting vandalism and access to the roof
- Have Central Networks agreed the position of the new sub station?
- Parking and the sub station on the frontage creates a cluttered appearance.
- Re-located sub station would be in full sight from adjacent property due to its forward position
- The sub station has already been re-located from the back of the site to its current position, in the building line of adjoining premises
- Not all land owned by the applicant
- Density nearly 100% above policy H9
- Parking 20% below guidance and insufficient, 1 additional space does not overcome the shortfall and previous objections
- Amenity space 25% below standard, and provides no where for children to play
- Three storeys out of character and against Inspectors comments
- Car parking on the frontage against the Inspectors comments
- An unsustainable location, more than 700m to a regular bus service

- Roads in the area very narrow, inadequate parking will lead to on street parking which will obstruct the roads, footpaths and cause access issues for emergency services
- Mass, height and scale still inappropriate and out of character and overbearing in the area
- Potential overload on local schools
- Safety of children and pedestrians from additional traffic and parking
- Loss of privacy, loss of light due to set back of block 1 and overlooking
- Noise pollution from car park area, currently unused land
- Adverse impact on protected beech tree, already loss of trees on the site.
- Other redevelopments in the area are detached houses not flats
- Extensions in the area refused as three storey
- Possible damage and subsidence to adjoining property during construction.
- Conflict with local guidance in Designing Walsall
- Bin storage facility insufficient size
- Set a precedent
- Fed up of submitting objections
- Financial gain for the applicant with no regard for the neighbourhood and community
- Trying to squeeze a quart into a pint pot resulting in overdevelopment
- Officers should exercise their delegated powers and refuse the application rather than using more ratepayers money reporting it to committee.

Positive Comments:

- Not against redevelopment of the site, but it should be traditional detached two storey houses.

Petition Comments

- Still overdevelopment
- Incorporates 3rd floor within the roof
- Out of character with the area
- Unsustainable location
- Insufficient parking and parking on the frontage
- Impractical re-location of the sub station
- Inadequate amenity space.

Comments received on the amendments (residents notified on 06-05-2010).

20 letters of objection received including a further letter from Councillor Martin.

Objections:

- Previous objections remain irrespective of the location of the sub station, which is only 1 objection to the proposals.
- Over development due to size, massing and scale
- Still out of character
- Three storey goes against Inspectors comments
- Parking provision remains inadequate and additional parking on the frontage goes against Inspectors comments
- Relocation of the sub station adjacent to the pavement inappropriate and health and safety issue, could be climbed on.

- The revised location of the sub station would be in the centre of the development and be visually intrusive and together with the access gates provide an imposing feature, out of keeping with the landscape.
- Access to the sub station on the corner would be dangerous and unacceptable
- Have the electricity undertakers agreed the revisions?
- Inadequate amenity space
- Unsustainable location with closest bus service 20 mins away
- Density nearly 100% above policy H9
- Parking 20% below guidance and insufficient, 1 additional space does not overcome the shortfall and previous objections
- Amenity space 25% below standard, and provides no where for children to play
- Three storeys out of character and against Inspectors comments
- Car parking on the frontage against the Inspectors comments
- An unsustainable location, more than 700m to a regular bus service
- Roads in the area very narrow, inadequate parking will lead to on street parking which will obstruct the roads, footpaths and cause access issues for emergency services
- Will setting back of Block 1 breach the 45 degree code?
- The new parking spaces on the frontage appear narrow do they meet requirements?
- 3 or 4 detached houses would be more suitable
- Waste of money time and resources this application is causing before a conclusion is reached.
- Other redevelopment proposals have resulted in a loss of existing buildings and large buildings being built in their place.
- How many times can the applicant keep submitting amended plans which to all intent and purposes are the same as the previous ones and conflict with the Inspectors ruling?
- Create a precedent in the neighbourhood
- No consideration of views of residents
- Suggest lose two units in the roof space, reduce the density and parking ratio, and create a more acceptable scheme.
- Adverse impact on protected beech tree, already loss of trees on the site.
- Creating noise and activity from car park in an area currently unused and quiet.

The organizer of the previous petitions has also written asking for the two previous petitions lodged in respect of this application to be taken into consideration with regard to the latest amendments. She submits that: the principal fundamental issue of overdevelopment has not altered; the present application continues to ignore the Inspectors comments regarding the spaciousness and character of the local area as well as numerous very relevant Council policies regarding density, sustainability, car parking and amenity space. She concludes that the latest amendments are insignificant, merely changing the position of the sub station to another prominent back of pavement location.

Any further representations received after the publication of this report will be reported to Committee in the Supplementary Papers.

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

Determining Issues

The Council is required to have full regard to the Inspectors findings in the previous appeal decisions for this site as a material consideration in the determination of any future applications.

In this case the determining issues are whether the proposals overcome Committees previous and most recent reasons for refusal with particular reference to:

- Over dominance within the street scene through massing and appearance
- Detrimental to and not in keeping with the character of the surrounding area

Additional issues to be considered

- Parking, Highway Safety and Accessibility
- Overdevelopment
- Electric Sub Station
- Trees
- Amenity Space
- Outlook
- Demand on Education and Urban Open Space Provision

Observations

Over dominance within the street scene through massing and appearance

The Appeal Inspector considered the key issues to be the height and perceived scale of the building that would be a prominent discordant feature within the established residential estate. Also, that car parking in front of the building would create a cluttered appearance within the street scene. He also considered that there was a sense of spaciousness at the roundabout junction and that a “nodal” development would undermine the integrity of the estate.

The three previous schemes for the site provided a single building turning the corner of Woodside Close and Woodside Road. The current proposals would provide three separate buildings set around the corner, with gaps between each block, the driveway to the rear parking area between blocks 1 and 2 and amenity space sited between blocks 2 and 3, therefore breaking up the overall massing and significantly reducing the impact of the development within the street scene and providing an appearance of detached houses similar to the surrounding pattern of development.

The footprint of the 3 buildings would be approx 98sqm less than the footprint of the building on the previous scheme.

Due to the shape of the site the gaps between the blocks would be wider at the front than at the rear of the buildings, varying from approx 9m on the frontage to approx 2.5m at the rear, but this would still create significant separation between the blocks.

The building on the most recent refusal had a maximum height of 8.4m and a building depth of between 12m and 13m. Block 1 of the proposals would have a maximum pitched roof height of 8.8m and a maximum building depth of approx 12.6m. Block 2 would have a

maximum height of 8m and maximum depth of 11.8m and block 3 a maximum height of 7.4m and maximum depth of 12m. The existing building on the site has a maximum height of 8.4m and a depth of 10.2m.

The maximum height of blocks 2 and 3 are therefore lower than the existing building and the previous proposals by 0.4m and 1m respectively and all three blocks would be of a similar depth to the previous scheme. The height of block 1 would be 0.4m higher than the existing building but would be set at a lower level than the adjacent property at 1A Woodside Road with a similar ridge height and lower eaves level than the existing house adjacent. The three buildings reduce in height as they move round the corner to reflect the change in ground level.

The buildings are set back between 4.6m and 7.6m from the back of pavement (similar to the latest refusal), allowing for substantial landscaping on the frontage of blocks 2 and 3 and reflecting the length of an average residential front driveway of between 6 – 7m.

The positioning of the buildings maintains the existing established building lines of Woodside Close and Woodside Road.

Block 3 would be two storey, incorporating a catslide roof with front dormer window to the first floor accommodation, a feature found within the area. Block 2 comprises two full storeys with additional use of the roof space with rear dormer windows and 3 small roof lights in the front elevation; as a result the building would have the appearance and height of a two storey property when viewed from the street. Similarly block 1 would utilise the roof space with dormer windows on the front and rear, but would be no higher than surrounding two storey properties.

The design elements of the building such as the gables, bay windows, porch features, cat slide roof and dormer windows assist in breaking up the massing of each of the buildings and are reflective of the character of surrounding detached housing.

The revised proposals include the provision of a new electricity sub station structure measuring 2.7m x 2.4m and 2.57m maximum height, set within an area enclosed by gates, brick piers, walls and railings at back of pavement between blocks 2 and 3, fronting Woodside Close, with direct access from the pavement. The details submitted show 1.7m high, timber gates on the frontage opening out over the pavement, with 1.8m high brick piers either side and surrounding the sub station unit, with railings set between the piers. A combination of the position at back of pavement and the proposed gates, brick piers, walls and railings surrounding the unit would create an unduly dominant and alien feature within the open frontage and within the street scene, which would be out of character with the area. Such a structure and enclosure would appear incongruous and would conflict with the overall design principles that have been adopted to overcome the previous reason for refusal relating to over dominance, massing and appearance not in keeping with the openness and character of the area. The proposals would be detrimental to the visual quality of the streetscene.

Detrimental to and not in keeping with the character of the surrounding area

The area surrounding the site consists of two storey detached houses fronting the street with front driveways and gardens, private rear gardens and incorporating bay windows, gable features, pitched tiled roofs and following a well established building line. There are

variations between the size of the dwellings and the size of the plots they occupy. Other design features include cat slide roofs, two storey bay windows and dormer windows.

Skip Lane provides a more varied range of house designs and includes some semi detached properties as well as detached houses, with plot widths varying between 9 and 19m. Woodside Road has predominantly detached houses with plots widths varying between 8 and 13m, Woodside Close has plot widths of between 8 and 10m and Calthorpe Close between 8 and 12m wide.

The existing building on site is one large block set across the corner with a large expanse of hardstanding to the frontage and surrounding the building and is therefore not characteristic of the surrounding area and pattern of development. The proposals would provide three separate buildings, 11.2m, 11.4m and 13m wide which is characteristic of the area.

The Design and Access Statement includes an existing and proposed 'Nolli-plan' which shows the built form in the immediate vicinity and clearly shows how the proposed building footprints sit comfortably within the surrounding pattern of development. The proposals therefore provide three buildings of a size and scale consistent with dwellings in the immediate vicinity.

The proposed development incorporates key design features of properties in the surrounding area, including facing brickwork, tiled pitched roofs, gable features, two storey bay windows, porch details and dormer windows.

The proposed layout includes landscaping to the frontage of blocks 2 and 3 and private amenity space to the rear, with 2 parking spaces on the frontage, also reflecting the character and appearance of the surrounding area and taking into account the comments made by the Planning Inspector regarding parking on the frontage.

Whilst it is considered that the proposed apartment buildings overcome the previous reasons for refusal in terms of their dominance, massing, appearance and characteristic of the area, the revised position of the sub station structure and its enclosure is considered to be out of character with the surrounding pattern of development, providing an alien feature within the open frontage of the development and detrimental to the visual quality of the streetscene.

Parking, Highway Safety and Accessibility

The Inspector did not object to a provision level of 150% and 131% in respect of the two appeal schemes and Transportation raised no objections to the most recent scheme that provided 121% provision. The Inspector stated that there was no substantive evidence that the proposals would have significant implications on road safety which could not be resolved through on-street parking controls and highlighted PPG13 which states developers should not be required to provide more spaces than they themselves require, without good reason.

The current scheme would provide 18 parking spaces, an increase in 1 space from the previous refusal, including 2 disabled spaces, 16 spaces to the rear and 2 situated on the frontage in front of block 2 which equates to 129% provision. The proposal is therefore 3 spaces short of the 150% provision referred to in policy T13 for flats with shared

communal parking. 150% parking provision in Policy T13 is a maximum standard, and the policy further indicates that it is for the developer to demonstrate that the development will provide adequate on site parking to meet its own needs. The scheme includes 2 parking spaces on the frontage as the Inspector considered that car parking on the frontage would create a cluttered appearance. This would be significantly less than if detached houses were proposed, as is a characteristic of the surrounding area. There is provision for secure cycle storage that would encourage occupiers to consider alternative means of travel and a condition is attached to ensure the submission of a residential Travel Plan.

Although neighbours are concerned that there is insufficient on-site parking that would lead to on-street parking and cause congestion in the vicinity to the detriment of highway safety the Inspector's view is a material consideration and has been given considerable weight in determining whether the level of parking provision is acceptable. The scheme now includes 1 additional parking space from the most recent refusal and together with the reasons referred to above the level of parking and means of access which utilises an existing vehicular access is on balance considered appropriate.

With regard to UDP Policy T12 relating to accessibility of the site to public transport, the Appeal Inspector in dismissing the previous appeals made reference to local concerns about the sustainability of the site insofar as the accessibility of local services and public transport are concerned. The Inspector noted the distances to the nearest local shopping centre (Park Hall shops) (1.1km) and bus stops in Birmingham Road and Skip Lane. Whilst it is accepted the proximity of the site to bus stops with frequent services is considerably above the UDP T12 requirement of a maximum distance of 400 metres (it is approx. 700 - 800m to the bus stops in Birmingham Road near Walstead Road junction where the 51 service runs every 10 – 20 minutes) his conclusion was that the site was not in an unsustainable location. The 374 bus route serves the Park Hall estate with stops in Skip Lane approx 200m from the site, and provides an hourly service for residents during the day only, no evening or Sunday service.

The Inspector also considered concerns that parking would be inadequate and this would lead to on-street parking which would impair highway safety. The Inspector concluded that there was a high level of on-site parking in the locality and no parking restrictions and as such did not consider that the highway safety would be unduly affected. Transportation agree with this conclusion.

The site is located within an established urban area and is not an isolated site in a remote location and the level of accessibility is therefore considered satisfactory.

Over-development

The density of the development is 87 dwellings per hectare which exceeds the normal range of 30-50 dwellings per hectare referred to in policy H9 and PPS3 for a location of this sort. However, Government advice is to make more efficient use of land and buildings within urban areas which the proposals seek to do. Policy H10 of the UDP (a) III encourages the provision of an appropriate mix of housing types, sizes and tenures with a variety of design. The Appeal Inspector accepted that PPS3 states that imaginative design and layout of new development can lead to more efficient use of land without compromising the quality of the local environment. Over development results in designs which impact unduly on the character and amenity of the locality. The amended design

approach addresses these concerns and demonstrates that overdevelopment of the site would not occur. The scheme is more reflective of the local character and surrounding area. The layout shows appropriate building sizes and position that achieves appropriate gaps between the buildings, separation distances, provides shared private amenity space and bin and cycle storage facilities to accord with Council requirements. Although parking provision is below UDP requirements, similar provision has been accepted by the Appeal Inspector. On balance therefore the accommodation provides a satisfactory layout that is considered not to be over-development and would provide a mix of housing types and size to the area, where apartments are not over represented and therefore comply with policy H10 (a) III.

Designing Walsall local character guidance indicates that new development should respect the spacious and low density form of development in the area. Whilst the proposals provide a higher density than the surrounding area, this is as a direct result of the provision of apartment accommodation, which is under represented in the area. The spacious form of development is respected through the provision of three separate blocks with significant gaps between the buildings and landscaping to the frontage, reflecting the character of the area.

Trees

The Inspector was concerned that parking beneath the canopy of a tree, which existed at that time within the rear parking court, would be incompatible and might have damaged tree roots or lead to pressure for its removal. However, this tree was not protected by Tree Preservation Order (despite the Inspector's misunderstanding on this matter) and has since been removed so the potential conflict between vehicles and this tree are no longer relevant. The Beech tree within the garden of 56 Skip Lane is covered by TPO (15/2007) but remains unaffected by the development. An appropriate condition is attached to ensure that a 'no-dig' construction technique and permeable surface is provided in the proposed rear parking area which overlaps the root protection area of this tree, to ensure the long term health of the tree.

Outlook

The position of the proposed building does not project excessively beyond the front and rear elevations of the nearest dwellings in Woodside Close and Woodside Road and so would have no adverse impact upon outlook from these dwellings or lead to unacceptable overlooking resulting in loss of privacy. The outlook from the properties surrounding the site will be different from the existing but the size and separation of the buildings and the distance separations involved would result in no unreasonable adverse impacts upon outlook. The proposed revised location of the sub station would appear unduly dominant within the open frontage of the development.

The only side facing windows within the development face into the site and provide overlooking and surveillance of shared areas. These windows would create no overlooking issues for surrounding occupiers.

Amenity Space

205sqm of private amenity space would be provided for the development, an increase of approx 47sqm from the previous refusal, together with additional amenity/landscaping situated on the frontage of all three blocks.

Whilst Appendix E of Designing Walsall seeks to achieve a minimum of 20sqm of amenity space per unit, which would equate to 280sqm or 14.64sqm, it recognises that smaller areas may be acceptable depending on design.

The Appeal Inspector did not raise the level of private amenity space as an issue nor felt that there would be a need for a financial contribution towards off site provision of open space.

The level of amenity space within the site provides an increase of 29% from the previous refusal and is considered appropriate.

Demand on Education and Urban Open Space Provision

Under the requirements of policies GP3, 8.8 and LC1 of the UDP and the SPD's for Education and Urban Open Space developers should, where appropriate, ensure provision and improvement of local education facilities and improvements to or provision of urban open space within the proximity of the application site on qualifying developments above the threshold of 10 units. In terms of education provision the level of surplus spaces in local primary and secondary schools is below 10% therefore a contribution towards these phases would normally be required. However, Walsall Children's Services – Serco has considered the Appeal Inspector's earlier decision where contributions were calculated on the net increase in the number of dwellings, which is relatively small, and has recommended that no contributions are collected in this specific case. Similarly the Inspector commented on the net increase in dwellings in relation to calculations for an Urban Open Space contribution and concluded that no Urban Open Space contribution was payable. The SPD is silent on the issue of net increase in units in a redevelopment scheme and in this particular case regard must be taken of the Inspectors comments. It is therefore recommended that no Urban Open Space Contribution be collected.

Other matters

The updated bat report submitted is considered satisfactory and there are no ecological reasons for the refusal of this application.

The proposed layout shows an adequate size refuse bin storage facility for the development.

The applicant has served notice on Central Networks as part of the submission, recognising that not all the land within the redline boundary is in their ownership.

Objectors have cited two properties in Skip Lane that have had recent planning refusals for third storey accommodation. In each of these cases the reasons for refusal refer to the overall design of the extensions proposed and the overall design, massing and bulk of the new house, not the principle of development within the roofspace.

Concerns that the applicant has failed to engage with residents is not a material planning consideration and there is no statutory requirement for the applicant to consult with residents. The Council has however carried out extensive consultations regarding the proposals and subsequent amendments.

Each application is dealt with on its own merits and no precedent for the development of further blocks of apartments on street corners in the locality would be set by the approval of this proposal.

Property devaluation is not a material planning consideration.

Recommendation: Refuse

The position of the proposed electricity sub station, sited at the back of the pavement, together with the gates, brick piers, walls and railings surrounding the unit, would create an unduly dominant and discordant feature and erode the sense of spaciousness at the junction. Such a structure and enclosure would have an exaggerated impact on the street scene resulting from the massing and appearance of the overall development. This would cause harm to the townscape and appear out of keeping with the character and appearance of the area. The development is therefore contrary to Walsall's Unitary Development Plan (2005), in particular policies 3.16, 3.113, 3.115, GP2 and ENV32 and Supplementary Planning Document: Designing Walsall (Feb 2008) in particular policies DW3 – Character, DW4 – Continuity and DW9 – High Quality Public Realm.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Major Application

Application Number: 10/0242/FL
Application Type: Full application

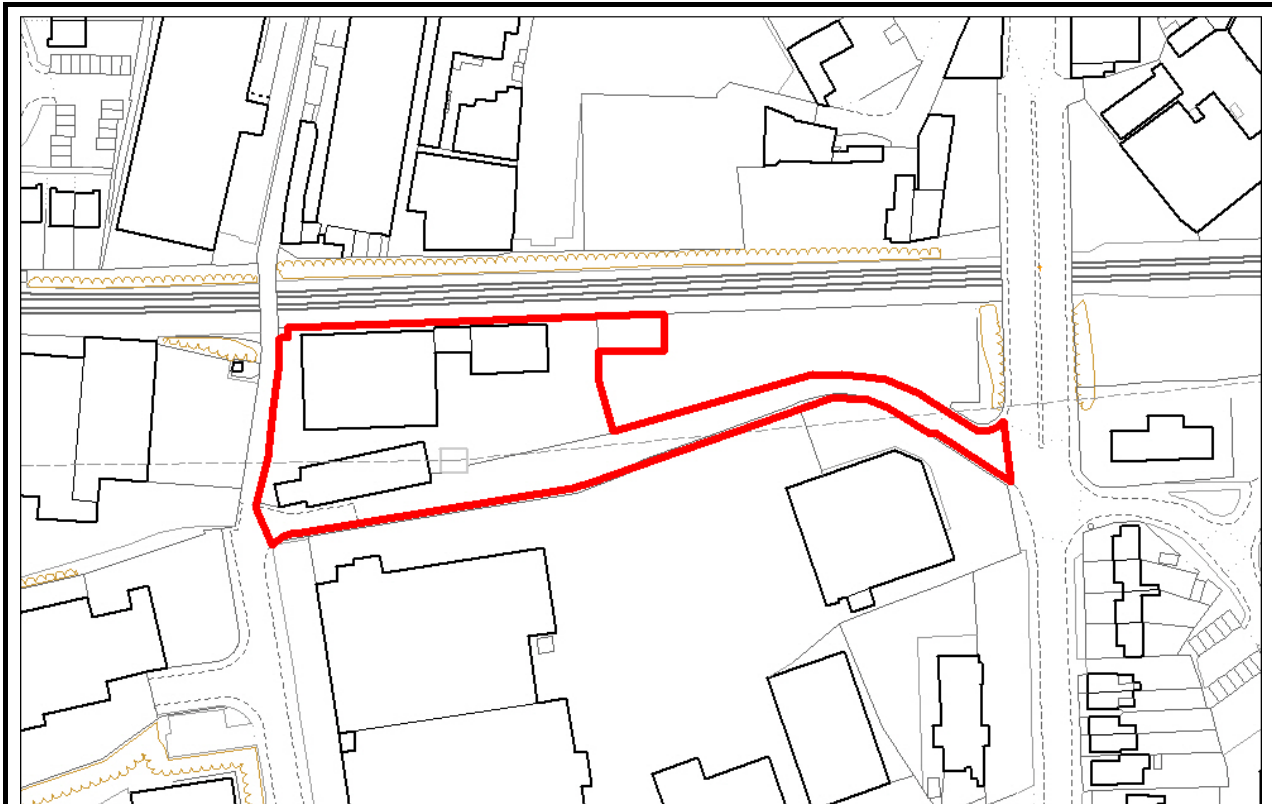
Applicant: Cable & Alloys (Willenhall) Ltd
Proposal: Change of use to materials reclamation facility with refurbishment of existing fire damaged buildings including new cladding and one metre high block construction dwarf walls.

Ward: Willenhall South

Case Officer: Karon Hulse
Telephone Number: 01922 652492
Email: planningservices@walsall.gov.uk
Agent: S A Simmonds
Location: FORMER MASON'S WOODYARD, LAND BETWEEN RAILWAY LANE AND ROSE HILL, WILLENHALL

Expired Date: 16/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

Building work, refurbishment of existing steel frames, has started on site.

This application seeks consent to

- change the use of the former Masons Timber Yard off Rosehill, Willenhall to a facility for the reclamation of redundant electricity meters, electricity cables and waste carpet
- the existing buildings, which have been the subject of fire damage, are to be refurbished and re-clad - the buildings are steel framed construction – a small number of steel beams and supports, which were severely damaged by the Fire Service, have been replaced, but the size of the units remains the same.

There will be three open storage bays along the boundary with the car park off Rosehill and a further two bays on the opposite boundary shared with Railway Lane. These will be used to store materials awaiting processing.

The rebuild / refurbishment of the three units includes a one metre high brick base with the walls above re-clad in steel profiled sheeting.

The proposed facility will recycle materials that are usually either sent to landfill or exported abroad and will create 10 employment opportunities.

The planning application includes a transport statement which identifies that there will be a maximum of 14 Heavy Commercial Vehicles per week, less than 3 per day. The site is accessed from Rosehill across land that the applicants have a right of access across. Car parking would be accommodated within the site or on the land that they have a right of access across, this additional area of parking, which is outside the site, is available to the operators under a legal agreement. It is therefore proposed to use this as overflow parking if required.

Relevant Planning History

BC45006P – Erection Of Office Accommodation. Grant Subject To Conditions 2nd January, 1996

BC17303P – Construction of Footbridge and first floor access. Grant Subject to Conditions 28th July, 1986

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Part of the site is identified in the Unitary Development Plan as a core employment site.

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

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

GP4: local area regeneration by helping to bring forward derelict, vacant or underused land and buildings for new uses.

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

ENV10 – deals with Pollution effects from developments including ground contamination and noise.

ENV14: The Council will encourage the reclamation and development of derelict and previously developed land.

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

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

JP5(a)...areas safeguarded for core employment uses...proposals for uses permitted where demonstrated that needs met which not satisfied elsewhere or range and quality of employment significantly increased.

JP5(b)... windfall sites or buildings in core employment areas will be safeguarded for core employment uses according to the above policy

JP8 - bad neighbour industrial uses

7.1: Seeks to promote an efficient highway network;

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: sets maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport and unless demonstrated

WH5: Rail Station and Transport Interchange for Willenhall.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is progressing to its examination in public during the summer of 2010. Its key policies are set out below and should be read in conjunction with the Key Spatial Diagram and associated Map Appendices:

CSP1 – sets out targets for housing and other developments including the key strategic centres and corridors.

CSP2 – Outside the strategic centres and corridors, focuses development on previously developed land.

CSP3 – Seeks to protect environmental assets including biodiversity.

CSP4 – sets out the key criteria for high quality design, including promoting more sustainable patterns of development.

CSP5 – seeks to reduce the dominance of the private car, promote the strategic centres and managing transport networks to operate more efficiently

DEL2 – Seeks to protect key areas of employment balanced against housing need.

TRAN1 – sets out the delivery of key transport infrastructure including the midland metro, new railway stations and passenger rail routes.

TRAN2 – Resists development that would have an adverse impact on the highway unless mitigation (i.e. alternative modes of transport) are progressed.

TRAN4 – seeks to create coherent networks for Cycle and for Walking in all developments.

TRAN5 – sets out methods to reduce the reliance on the private car and co-ordinate parking strategies (including pricing) across the Black Country

ENV 1 – seeks to protect natural resources and biodiversity

ENV 2 – sets out to preserve the cultural identity of the Black Country and protect historic buildings and landscapes.

ENV 3 – Follows on from CSP4 in promoting design quality.

ENV 4 – Seeks to enhance the role of canals in developments

ENV 5 – seeks to take account of Flood Risk from developments and promotes Sustainable Drainage Systems whilst recognising and reducing the effect of the Urban Heat Island

ENV 6 seeks to protect urban open space and the need for recreation.

ENV 7 – sets out that all residential developments of 10 units or more gross (whether new build or conversion) must incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion.

ENV 8 – seeks to improve air quality throughout the Black Country

Supplementary Planning Documents (SPD)

Designing Walsall Supplementary Planning Document - 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, DW2- Safe and Welcoming places, DW3 - Character, DW4 - Continuity, DW5 - Ease of movement, DW6 - Legibility, DW9 - High Quality Public Realm, DBW 10 - New development to contribute to creating a sustainable environment.

Regional Planning Policy

Regional Spatial Strategy (RSS) - The Strategy seeks to provide broad regional directives and recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region.

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.

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

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

Regional Economic Strategy (RES) - The RES seeks to promote the West Midlands to maintain and enhance its attractiveness as a location in which people and businesses choose to invest, work, learn, visit and live. The aims for the West Midlands are:
- becoming a more prosperous region, but recognising that economic growth must support overall improvements in the quality of life and wellbeing of all the region's residents;

- becoming a more cosmopolitan and inclusive region, making full use of the skills and talents of our people and ensuring equality of opportunity, across the region, in relation to the wealth and prosperity generated through continued economic growth;
- becoming a more sustainable region, correctly valuing our natural, historic and cultural assets, seeking to minimise our use of the planet's resources and preparing for a low-carbon future.

National Policy

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system.

PPS4: Planning for Economic Growth (supersedes PPS6: Planning for Town Centres): it seeks to achieve, promote and deliver sustainable economic development and growth including public and community uses. The Government's objectives for planning are to:

- build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural
- reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation
- deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change
- promote the vitality and viability of town and other centres as important places for communities

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

PPG 24 Planning & Noise: The planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance. Noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

PPS25 on flooding identifies that flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property and loss of life. It sets out the importance the Government attaches to the management and reduction of flood risk in the land-use planning process, to acting on a precautionary basis and to taking account of climate change. It summarises the responsibilities of various parties in the development process. The planning system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood risk on a catchment-wide basis and, where necessary, across administrative boundaries. It should seek where possible to reduce and certainly not to increase flood risk. It should help ensure that flood plains are used for their natural purposes, continue to function effectively and are protected from inappropriate development. The guidance also outlines how flood risk issues should be addressed in regional planning guidance, development plans and in the consideration of planning applications.

National Policy Statements, which discuss significant infrastructure projects, are also a material consideration in the application process.

Consultations

Transportation – no objections

Environment Agency – no objections. Submitted Flood Risk Assessment is satisfactory

Pollution Control (Scientific Team) – no objections

Pollution Control (Contaminated Land) – no objections

Environmental Health – no objections

Fire Service - no objections

Local Authority Drainage – no objections

Local Authority (Economic Regeneration) – no objections

Network Rail – no objections

Severn Trent Water – no objections

Public Rights of Way – no objection

Public Participation Responses

Two letters have been received objecting on grounds of increased heavy traffic and noise levels, too close to residential properties, more suitable access to the rear from Eastacre from Longacres, the application description is not representative of what is happening on the site.

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

Determining Issues

- Need for the facility
- Environmental impact
- Traffic and access
- Flood Risk
- Other matters

Observations

Need for the facility

The principle of the proposed reuse of this site for a materials reclamation facility is in accordance with the policies of the Unitary Development Plan.

It will create 10 new jobs and help to promote investment in the local industry, this is very welcome in the current economic climate.

It is important, even in that situation that the proposed operations do not have an adverse, or potentially adverse, environmental impact on nearby housing and this is examined below.

Environmental impact

Industrial processes can pose environmental problems for their surrounding areas unless properly controlled.

The proposed change of use will encompass a wide variety of processes including reclamation of redundant electricity meters, electricity cables and waste carpet, with each potentially having environmental implications. Each process and operation has been examined by officers and it has been concluded that it is unlikely the proposed operations will have any environmental impact above that which was previously associated with the timber yard and other nearby operations in terms of noise or odour on nearby residential occupiers.

All processing activities are to be carried out within the buildings and as such any dust generated will be contained inside, this is regulated and monitored by the Environment Agency as part of the conditions of the environmental permit which will be required. Notwithstanding this the proposed shredding equipment will be fitted with dust suppression systems to counteract dust and provide cooling. Fibrous residue from the cable granulation processing is contained in sealed bags.

The nearest residential properties are 200 metres away in Rosehill or 80 metres away in Newlands Close. There are no opening doors/roller shutters in the rear elevations facing Newlands Close therefore any potential noise emissions in that direction will be limited.

It is considered that with appropriate conditions attached to any planning approval, the operations can be satisfactorily carried out without detriment to the area or its occupiers.

The site is set away from the main road (Rosehill) and is below road level. The other boundaries are industrial. There will be limited views of the site from sensitive locations, though the site will be evident from the railway line.

The appearance of the site will clearly benefit from this proposed re-use and redevelopment as the site had fallen into disrepair and untidiness following the fire damage. The work will give it a modern and uniform appearance.

Traffic and access

The site is easily accessible, as it is approximately 250 metres from Willenhall town centre where there are regular bus services to and from Walsall and Wolverhampton.

The application transport statement predicts an average of less than 3 lorries per day. It is unlikely therefore that the proposed use of this site will generate any more vehicular movements to the site above that which was previously experienced.

Car parking will be accommodated within the site and on land adjacent to it which the applicants have a legal agreement to use as an overflow car park.

The existing access from Rosehill will be utilised as the main access. This access is restricted to a "left in - left out" manoeuvre only, due to the location of a central refuge along Rosehill which prevents vehicles turning right out of the junction. This situation has existed for many years and provided adequate access for both the former timber yard and the former night club to the east of the application site (now demolished, and the anticipated site of the future railway station). There is currently an unused access off Railway Lane at the rear of the site, the application does not propose to utilise this access but there may be scope to use it in the future.

Notwithstanding this, the transportation section have stated that their preference is for the existing access off Rosehill to be utilised, the left in / left out arrangement is already in place a controls movement in and out of the site satisfactorily. Access from Railway Lane would involve accessing / egressing the site from the Longacre Estate, this would result in additional traffic using the junction of Longacres and Rosehill and whilst the site would only generate a maximum of 3 vehicles per day, this junction, historically, has always been an issue with both the highway authority and local residents.

Flood Risk

The proposed development is acceptable provided the measures detailed in the Flood Risk Assessment for waste recycling facility at Willenhall, West Midlands, Version 1 Final, October 2009 submitted in support of this application are implemented and secured. A planning condition will be imposed on any planning permission to secure this matter.

Other matters

A local resident has raised issues that the development has begun without first obtaining the necessary planning permission.

Some works of repair or maintenance to existing buildings do not need planning permission, depending on what is being carried out.

The works which are being carried out such as re-cladding the buildings will usually need planning permission (as they make a material difference to the external appearance of the site).

The application proposes a change of use to a recycling facility this will inevitably result in some specialist machinery being imported onto the site. It appears that some of this may already have been moved onto the site. Clearly the applicants are carrying out such work at their own risk and in the event that planning permission is refused the Council has the power to require works to be removed or undone, if it is justified.

Summary of Reasons for Granting Planning Permission

The refurbishment and reuse of this commercial/industrial site will provide employment opportunities for the local area. The proposed use, its operations and processes will provide sustainable recycling facilities without any adverse environmental impacts in terms of noise or odour on nearby residential occupiers of Newlands Close or Rosehill. All processes will take place inside the buildings and machinery will be fitted with dust and

noise suppression systems. On average there will be a maximum of three Heavy Commercial Vehicles visiting the site per day, this is not considered to be excessive or above that which has been previously experienced at this site. As such the use of the site as a recycling facility accords with policies GP1, 2.2, 3.6, 3.7, GP2, GP3, GP4, 3.16, ENV10, ENV14, 3.117, ENV33, ENV40, JP8, 7.1, T7 and T13 of the Unitary Development Plan, Designing Walsall Supplementary Planning Document, Regional Spatial Strategy, Regional Economic Strategy, National Policy PPS1, PPS4, PPG 24 and PPG13.

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 & Country Planning Act 1990.

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

Reason: To prevent congestion on site to the potential detriment of highway safety and to ensure the satisfactory appearance and functioning of the development

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

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

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

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

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

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

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

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

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

Reason: To ensure the satisfactory appearance of the development.

8. Noise levels generated by plant, equipment and machinery associated with the development shall not exceed a rated level of +5dB above background level at any time as determined in accordance with British Standard BS 4142: 1997 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" or its successor.

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

9. All non-recoverable materials received shall be stored in sealed containers and removed from site within 48 hours of receipt.

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

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises shall only be used for the reclamation and recycling of electricity meters, industrial carpet and electrical cable and not for any other material other than that which is the subject of this permission.

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

11. This development shall not be carried out until details of all hardsurfaced areas on the site have been submitted to and agreed in writing by the Local Planning Authority. The plans shall clearly show the proposed surfacing materials, means of surface water drainage, details of car and lorry parking and manoeuvring areas. The approved scheme shall be implemented before this development is brought into use and the areas shall thereafter be retained, maintained and used for no other purpose.

Reason: To ensure the satisfactory functioning of the development.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for waste recycling facility at Willenhall, West Midlands, Version 1 Final, October 2009 and the following mitigation measures detailed within the FRA:

1. *Flood-proofing measures detailed on page 5 in the proposed development.*
2. *Flood mitigation measures detailed on page 5 in the proposed development.*
3. *Finished floor levels are set no lower than 128 m above Ordnance Datum (AOD).*

Reason: In order to ensure the protection of controlled waters.

Notes For Applicant

A. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or

diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals (Miss Jaz Kaur Jeer 01902 793883).

B. The area of this proposed development was formerly utilised railway sidings, goods sheds and a wood yard that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

C. Network Rail have been consulted and you are advised that 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. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting. 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.

D. This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Major Application

Application Number: 10/0274/RM
Application Type: Reserved Matters

Applicant: Morris Homes (West Midlands) LTD

Proposal: Reserved Matters Application for 35 Residential Units and Associated Infrastructure including appearance, landscaping, layout and scale.

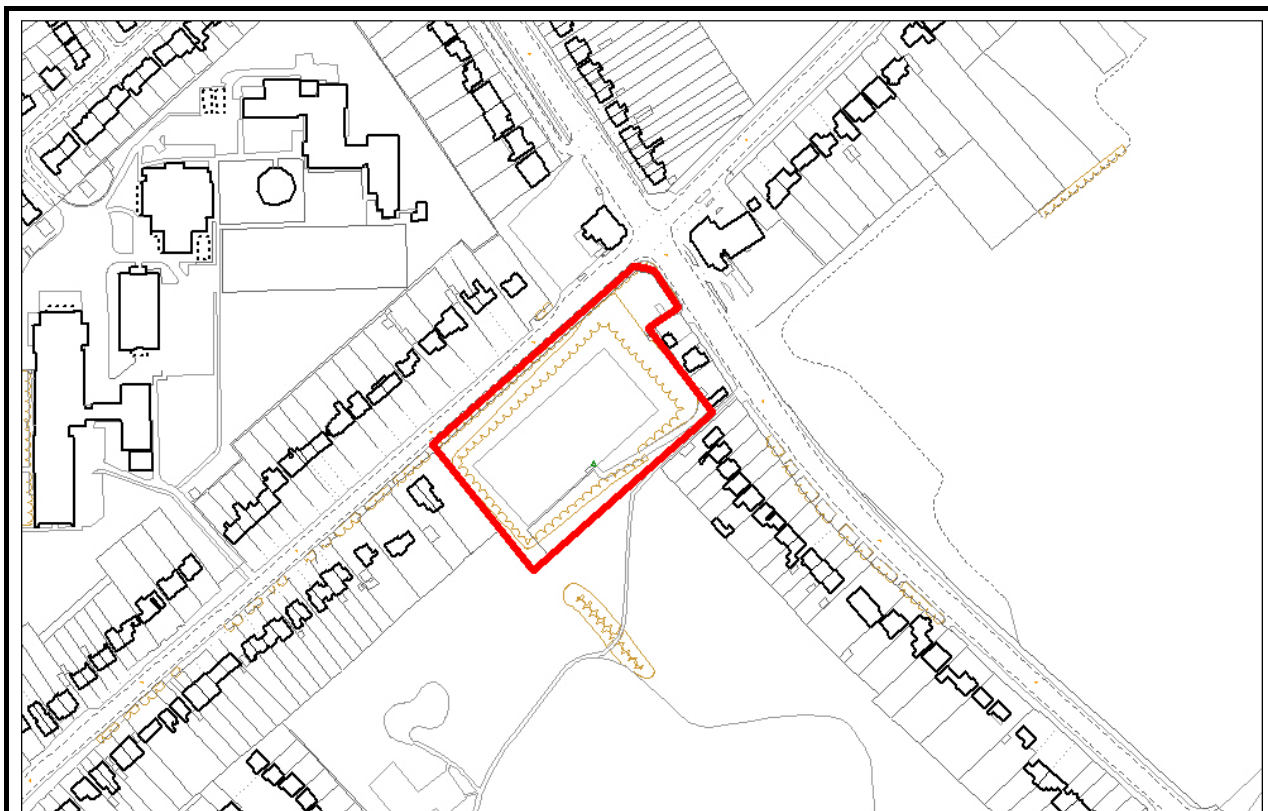
Ward: Aldridge North and Walsall Wood

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: Mr David Bignell

Location: FORMER SHIRE OAK RESERVOIR, LICHFIELD ROAD/CHESTER ROAD, BROWNHILLS, WALSALL, WS9 9PD

Expired Date: 25/06/2010

Recommendation Summary: Grant Permission Subject to Conditions and a Deed of Variation of the Section 106 Agreement



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Application and Site Details

The site is situated on the south eastern side of Lichfield Road (A461) at the junction with Chester Road (A452).

The site formerly comprised a large concrete structure (the former Shire Oak Reservoir) which sat above the ground level of Lichfield Road to a height of approx 6m and which has recently been demolished for health and safety reasons. The spoil was crushed and is currently left on the site in large mounds. The reservoir had not been in operation for a number of years (decommissioned as a result of excessive leaks and not economically viable to repair). The site is enclosed to the Lichfield Road elevation by earth bunding.

The site is adjoined to the south west by residential properties in Lichfield Road, to the south (rear of the site) Shire Oak Park, Local Nature Reserve and a SINC. To the east, residential properties in Chester Road and to the north east Reservoir Cottage, a detached house fronting Chester Road. Opposite the site on Lichfield Road are residential properties and the Shire Oak PH on the corner of Chester Road at the main traffic light controlled junction.

The surrounding area is predominantly residential, characterised by detached and semi detached properties set back from the road with front driveway parking.

The site is within walking distance of the Streets Corner local centre, (to the west) which provides local shops and services, and a short distance from Brownhills district centre (to the north).

Outline consent was granted in 2007 for the removal of the reservoir structure residential development and access to the site, All other matters were reserved for future approval. The approved access is from Lichfield Road at a point approximately 75m from the Chester Road junction. The approval included the widening of Lichfield Road and the provision of a right hand turning lane, together with ghost road markings, two pedestrian refuge points for safe pedestrian movements across the road and the provision of a bus lay-by.

The site is allocated within the UDP (Policy H2) for housing and the previous outline consent approved the principle of the use of the site for residential purposes.

This application now looks for approval of the reserved matters in terms of appearance, landscaping, layout and scale of the development.

The proposed layout incorporates:

- 35 houses including 20 x 3 bed houses and 15 x 4 bed houses
- A mix of two storey and three storey properties
- A mix of detached, semi detached and terraced houses
- Utilising the approved access off Lichfield Road
- Creating estate roads within the site and properties fronting onto Lichfield Rd
- A pedestrian access route from the site into the adjacent Nature Reserve
- Removal of the existing hedge to the boundary with the Shire Oak Park local nature

reserve and provision of compensatory planting within the reserve and a commuted sum for future maintenance

During the course of the application the plans have been amended in response to consultees comments.

The applicants have submitted a detailed Design and Access Statement, Noise Assessment, Air Quality Statement, Tree Survey Report, Financial Appraisal, Site Appraisal and Investigation report to support their proposals and assist with a full and accurate appraisal of the site and their proposals.

The applicants seeks a variation of the commitments secured under the S106 Agreement. They have submitted a financial appraisal for independent assessment by the District Valuer Service (DVS), in support of their proposals to provide no affordable housing, a capped £200,000 figure towards Healthcare, Education and Urban Open Space and to dispense with the Ecohomes 5 building standard. These proposals therefore provide a shortfall of £129,463.74 towards Healthcare, Education and Urban Open Space, no affordable housing units and a construction standard below the level of Ecohomes 5 Standard. The applicants emphasise that any requirements above these overall revised proposals would undermine the viability of the scheme which would then be unable to proceed.

The application site has an area of 1.14 hectares which would provide a density of 31 dwellings per hectare.

Relevant Planning History

06/2209/OL/E9, Outline application for residential development, access only to be considered. Granted subject to conditions and S106 Agreement 05-11-2007. S106 Agreement includes financial contributions towards Urban Open Space, Education and Healthcare and the provision of Affordable Housing on the site in compliance with policy.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Walsall's Unitary Development Plan (2005)

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

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

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

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

GP3: Planning Obligations

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

GP7: Community Safety

Proposals would be expected to have regard for the objectives of 'designing out crime' which include maximising the surveillance of public areas from the living areas of homes and from other buildings.

H2: Land Allocated for New Housing Development

H2.7 Lichfield Road/Chester Road, Brownhills, 1.32 hectares allocated for new housing for a minimum of 40 units.

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

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

H4: Affordable Housing

25% of total dwellings shall be affordable homes.

H9: Minimum Densities

Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites. Significantly higher densities exceeding 50 dwellings per hectare will be encouraged if the site has good access to a choice of means of transport.

H10: Layout, Design and Dwelling Mix

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

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

III. Provide an appropriate mix of housing types, sizes and tenures with a variety of design.

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

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV17: New Planting

Will be encouraged particularly adjacent to existing woodlands and as a landscaping scheme for new development proposals.

ENV18: Existing Woodlands, Trees and Hedgerows

Seeks to protect trees of value to amenity, but recognizes that in certain circumstances the desirability of development can outweigh the amenity value.

ENV19: Habitat & Species Protection

Any development should have no adverse impact on a SINC or LNR.

ENV20: Local Nature Reserve (LNR)

Where appropriate, opportunities will be taken to extend existing LNRs.

ENV23: Nature Conservation and New Development

Layout of all new development must take account of potential for enhancement of the

natural environment through habitat creation. The Council will require habitat creation to encourage the conservation of wildlife in proximity to a SSSI, LNR, SINCR or SLINCR and in proximity to wildlife corridors.

ENV32: Design and Development Proposals.

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

ENV33: Landscape Design

Good landscape design is an integral part of urban design and new development proposals.

ENV40: Conservation, Protection and Use of Water Resources

Developments should incorporate measures for the conservation of water resources, on site recycling of water and use of rainwater and minimise the watering needed to sustain landscaping.

8.7 The enhancement of existing and provision of new facilities for education, healthcare and other community needs will be encouraged.

8.8: Residential development 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 facilities.

8.9 On housing developments of 1 hectare or 30 dwellings or more a financial contribution towards community healthcare facilities will be required.

LC1(d): Urban Open Space

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

T7 – Car Parking

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

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.

1, 2 & 3 Bed houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

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 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 including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Urban Open Space (SPD) (April 2006)

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

Education (SPD) (February 2007)

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

Affordable Housing (SPD) (July 2005)

(In place at the time of the outline consent and S106 Agreement)

Requires provision of 25% affordable housing in developments of at least 1 hectare or 25 dwellings, in a 50/50 split between social rent and shared ownership.

Healthcare (SPD) (January 2007)

Requires a contribution towards new or enhanced community healthcare facilities in developments of 1 hectare or 30 dwellings or more.

Regional Spatial Strategy

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

National Policy

PPS1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS3: Housing, the objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use

- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

PPG13: Transport, promotes more sustainable patterns of development for housing development and encourages assessment of the location and accessibility of jobs, services and transport choices and to reduce travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

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

PPS23: Planning and Pollution Control, states that the overall aim of planning and pollution control policy is to ensure the sustainable and beneficial use of land and in particular encouraging reuse of previously developed land in preference to greenfield sites.

Consultations

Transportation – no objections subject to conditions regarding details of S278 Agreement, details of extent of adoptable road works, surfacing of access ways, access during construction, gradient of new access road, provision of bus lay-by and visibility. The Regeneration Transportation Team are currently negotiating to acquire land and possibly implement works on the northern corner of the site for the purposes of securing a possible future improvement to the Chester Road/Lichfield Road junction, as such works could be included in the S278 Agreement for the site access improvements on Lichfield Road.

The proposals look to provide 89 parking spaces within the development for 35 plots which equates to 254% parking across the site, which is considered acceptable.

Pollution Control Scientific Team – no objections subject to conditions regarding noise mitigation measures and hours of working on site. The submitted noise and air quality reports are considered satisfactory.

Contaminated Land Team – supports this development and acknowledges receipt of the Site Appraisal (Reference GRM/PS072/F.1 dated January 2010) and GRM's letter of the 26th April 2010 reference P5072-MH4. The letter of the 26th April 2010 confirms that the concrete with elevated levels of PAH are to be located under the buildings not in the softscaped areas. In order to ensure that this happens and for the Health and Safety of future occupants a safeguarding condition should be attached to any permission granted.

Fire Officer – satisfactory providing the site access roads have a minimum carrying capacity of 15 tonnes.

West Midlands Police – encourage Secure by Design accreditation. Further comments on the layout and design provided that have been taken on board in the amended layout plan now being considered.

Education - A contribution towards both local primary and secondary schools of £182,775.74 would be required in order to comply with guidance contained within Policies GP3 and 8.8 of the UDP and Supplementary Planning Document – Education and in accordance with the S106 Agreement entered into on the outline planning consent 06/2209/OL/E9.

Natural Environment – Objection to the loss of the hedge to local nature reserve boundary and the proposed tree planting within the site would be too close to buildings to be realistically retained beyond a very short term. The local nature reserve is a site of importance for nature conservation (SINC) and care needs to be taken to ensure no adverse impact on this site and the visual relationship needs to be considered. The existing boundary hedge and plantation of trees beyond are important wildlife features as well as providing screening of the development from the wider park. The rear gardens of the properties backing onto the reserve are too short to accommodate the retention of the hedge. With this length of garden it is only a matter of time before the hedge grows and causes shading problems and there is pressure to cut or remove the hedge. Similarly the tree plantation may cause shading of the gardens, no shading diagrams have been provided.

Tree Officer – Objection to the loss of the significant hedge to the nature reserve boundary and the proposed tree planting would be too close to the buildings which will likely result in their premature removal.

Landscape Officer – no objections

Greenspace Improvement Services and Countryside Services – Two options for the hedge that forms the boundary of Shire Oak Park Local Nature Reserve have been considered:

Laying the hedge and incorporating it within gardens with refurbished iron railings is a non-starter. The hedge will most likely be removed by a number of residents upon moving in, and will provide little privacy for them, or protection for the nature reserve to protect it from fly tipping of garden waste and other items. It would also be difficult to fence between gardens as boundaries will end within a hedge.

If Morris Homes wish to completely remove the hedge then we would not want a replacement hedge directly to the rear of the boundary fence. As this area is heavily shaded by trees, it would be extremely difficult to establish a quality hedge with the lack of light and ground moisture and so would probably require frequent replacement of plants to replace those which fail to establish. The most practical alternative would be to offer a commuted sum to Countryside Services which may then be invested in site infrastructure (mostly path resurfacing) as this is something which we do not have funding to undertake on the scale required. We also receive complaints about the quality of some of the paths around the nature reserve so this investment would satisfy a number of visitors.

We believe that the option to keep the hedge should still be discussed with Morris Homes. We would require the boundary fence to be sited 1500mm from the iron boundary railings. As an alternative, this could be reduced to 1200mm as a minimum distance to ensure that the hedge is not going to push the fence over as soon as it may be erected. We would then maintain the hedge from the nature reserve side, with any small overhanging branches being cut back by householders.

Plots 14 and 23 are sited closer to the boundary and here it may not be practical to follow this option, in which case it would be necessary to remove the hedge adjacent to the two plots and follow the boundary line as proposed by the developer.

The ground levels of the development will be comparable with the current levels, so the disturbance to root zones will be minimal, particularly if a tree protection condition is included within the planning permission, should it be granted. This condition should place a requirement to provide a secure fence at least 2000mm from the hedge in line with BS5837:2005.

Vertical bar fencing along part of the boundary around the new path would allow improved views and reduce the chance of anyone hiding. Incorporating this into the scheme would ensure adequate security for those using the path.

Finally, a further condition should be added to the permission to avoid disturbing nesting birds. This normally restricts removing vegetation between March and September where birds may be nesting unless the vegetation has been inspected by a suitably qualified professional.

Regarding the maintenance costs for the hedge, we are still of the view that planting a new hedge is not the best way forward and would rather have a financial contribution to be spent elsewhere on the site. If the maintenance was simplified, but then actual planting costs included, we could stick to the £11.50 figure. As the length of the current hedge is 125m, this would mean a contribution of £1437.50 per annum, making a total of £4312.25 as compensation for the hedge removal which seems a painfully small amount for the removal for what is an attractive landscape and biodiversity feature.

In addition, the development should include a S106 contribution towards green space, which could be spent on enhancing the heathland on Shire Oak Park, a UK priority habitat for biodiversity.

Urban Design - No objection in principle. The detailed scheme is typical of an average housebuilder's layout and design and while the scheme lacks any particular quality or local distinctiveness it will certainly be an improvement over the current condition and appearance of the site. The removal of the bund and siting of housing along the boundary fronting Lichfield Road will present an improvement to the vista along this primary entrance into Shire Oak and the borough more generally.

Drainage – no objections, there are no watercourses in the area so land drainage is OK, Severn Trent Water should be consulted regarding existing sewers in the area.

Centro – Whilst the existing service does not meet the Integral Transport Authority's min standards for the development, it is considered unlikely that the development would demand improvements to public transport. Cycle storage provision is required. No objections to the re-siting of the bus stop, but the applicant should be made aware that the re-siting has to be formally agreed by the highway authority, bus operators and Centro and appropriate consultation has to take place.

Environmental Health - no adverse comments.

Housing – Overall property mix is supported. In accordance with the S106 Agreement entered into on the outline planning consent 06/2209/OL/E9 there is a requirement for a provision of 25% affordable housing on site with a 50/50 split between social rent and shared ownership, to comply with Policies GP3 and H4 of the UDP and Supplementary Planning Document – Affordable Housing which was applicable at the time of the outline

application (but now superseded).

Healthcare - A healthcare contribution of £ 46,128.00 (£384.30 per bedroom) would be payable in line with Policies GP3 and 8.9 of the UDP and Supplementary Planning Document – Healthcare and in accordance with the S106 Agreement entered into on the outline planning consent 06/2209/OL/E9.

Urban Open Space - A financial contribution of £100,560.00 would be required in order to comply with guidance contained within Policies GP3, LC1(d) of the UDP and Supplementary Planning Document - Urban Open Space and in accordance with the S106 Agreement entered into on the outline planning consent 06/2209/OL/E9.

District Valuer Service – The DVS has undertaken further analysis of the financial appraisal submitted by the applicant and calculated that the scheme would be viable if the full S106 contributions (£329,463.74) are paid, the payments of the contributions are deferred to the completion of the development, no affordable housing is provided and the houses are constructed to building regulations standards only rather than Level 3 of Code for Sustainable Homes.

The District Valuers original assessment of the financial viability of the scheme based on the costs involved in the construction, concluded that the scheme is unviable if the full S106 contributions are paid, affordable housing provided on site and the houses constructed to Level 3 of Code for Sustainable Homes (current equivalent of Ecohomes 5 Standard), this is despite including deferral of payments until the completion of the development, estimated at 26 months.

Public Participation Responses

Two letters of objection/concerns submitted

Objections:

- Proximity of proposed pedestrian refuge and access to existing driveways, causing a danger and a revised position should be sought in consultation with residents
- New access into Shire Oak Nature Reserve would create an alley which is likely to attract anti social behaviour, increase crime in the area and provide an escape route for criminals.
- There is already sufficient access to the nature reserve
- Hours of working on site should be restricted to 0800-1700 Mon – Fri only
- The roads surrounding the site should be kept clean and tidy
- Concerns about dust, the site should be monitored during the clearance of the site to protect the environs and impact on surrounding residents
- Improvements to Shire Oak Junction are required before any development takes place as lorries for the construction will make things more dangerous together with an increased volume of traffic from the new development itself.
- Care should be taken with the position of the re-sited bus stop in relation to Shire Oak junction and Shire Oak School.
- There is standing water at Shire Oak junction following rain storms as surrounding drains are covered with tarmac and unable to take excess water.

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

Determining Issues

- The principle of residential development.
- Design and Layout
- Highway Issues
- Impact on surrounding occupiers and the street scene
- Affordable Housing, Education, Urban Open Space and Healthcare

Observations

Principle of residential development

The principle of residential development on the site was established with the outline approval in 2007 inline with Policy H2 of the UDP, as land allocated for new housing development. The proposals comply with policies ENV14 and PPS3 in the development of a brownfield site for residential purposes.

The site is situated in a sustainable location, on part of the Strategic Highway Network, within walking distance of Streets Corner local centre and close to Brownhills district centre with good public transport links. This is an allocated site for housing within the UDP for a minimum of 40 dwellings. The housing mix proposed, which includes 3 and 4 bed houses and 19 detached dwellings together with access constraints of the site have resulted in a layout that provides 35 houses. Whilst this falls below the number allocated within Policy H2.7 of the UDP this provides 31 dwellings per hectare which is within the range 30-50 dwellings per hectare which is identified within Policy H9 of the UDP and PPS3 as suitable for most housing sites. The number of units is considered acceptable and reflects the surrounding pattern of development.

Design and Layout

The layout of the development utilises the site access approved under the outline consent, providing just one access route into the site off Lichfield Road. Cul-de-sacs have been provided to either side of the main access road to provide access to all the proposed houses. The existing bund to the Lichfield Road frontage will be removed providing views into the site, and the layout provides six houses facing Lichfield Road with vehicle access to the rear, which will provide a significant improvement over the existing situation. Angled corner units are shown within the site to address the main corners, together with dual frontage properties to maximise surveillance of the street. The layout includes a variety of types and sizes of houses with design details that pick up on characteristics of the local area ie gable features, chimneys, window and door detailing, integral and detached garages. Eight houses to the rear of the site have rear gardens backing onto the nature reserve.

Gardens vary between 8m and 12m in length and garden areas vary between 42sqm and 162sqm. Ten properties have gardens below the 12m length or 68sqm area required by Appendix E of Designing Walsall, however the development provides direct public access to the Shire Oak Park local nature reserve that forms the rear boundary of the site, therefore the garden sizes are considered acceptable in this case.

The public access to the nature reserve is overlooked from the frontages of two of the plots, providing surveillance and improving security. The proposals include the removal of the existing native hedge of significant ecological value on the boundary with the nature reserve and provision of mitigation native hedge planting within the reserve itself. Whilst the existing hedge provides a wildlife habitat, the hedge is in its natural form, is sprawling, unmaintained, provides an uneven boundary and is not protected. If kept, it is likely to be removed on an adhoc basis by the future residents due to its sprawling nature across the gardens and possible shadowing, and no mitigation planting would then be provided. It is therefore considered that its removal by the developer to provide a secure boundary for residents, with mitigation planting provided within the nature reserve and a commuted sum for maintenance of the new hedge is one better long term option.

Leisure Services would prefer a commuted sum to be spent in the nature reserve; in the absence of the original hedge and do not feel a new hedge would be successful. This matter is to be put to the applicants and their response will be reported at the Committee meeting.

Treatment to this boundary and the northern corner of the site adjacent to the Shire Oak junction will be prominent and highly visible and it is therefore important that these be of high quality and design. An appropriate condition is therefore attached to ensure that details are submitted for approval prior to the commencement of development.

The proposals provide a density of 31 dwellings per hectare which falls within the 30-50 dwellings per hectare guidance contained within UDP policy H9, and is therefore considered appropriate for the site.

The proposed layout makes good use of the land given the access restrictions that exist for the site whilst maximising the level of street presence to Lichfield Road.

Impact on surrounding occupiers and the street scene

The layout meets the separation distances contained within Appendix E of Designing Walsall and the positioning and layout of the houses would therefore have no adverse impact on the amenities of the surrounding residential occupiers.

The development would provide a continuation of the street frontage to Lichfield Road, following a similar building line to 232 and 234 Lichfield Road, adjacent to the west, a significant improvement over the existing situation with the bund that obscures the site from the road.

Highway Issues

The layout utilises the site access arrangements approved under the outline consent and includes works within the highway to widen the carriageway, provide a right hand turning lane into the site and new pedestrian refuges on Lichfield Road, that require a S278 agreement.

The layout provides turning heads within the cul-de-sac design with elements beyond not forming part of the highway adoption and would remain private.

Whilst it is recognised that the Shire Oak junction, Lichfield Road and Chester Road form busy strategic routes through the Borough the principle of additional traffic created by any

development of the site was considered as acceptable when the site was allocated within the UDP for future residential development and when the outline consent was granted in 2007. It is considered that the impact of the development on the Chester Road/Lichfield Road signalised junction will be minimised by the ghost right turn lane into the site which will allow for 3 to 4 cars to queue whilst not affecting traffic flows through the junction. Improved pedestrian crossing points across Lichfield Road, both north and south of the proposed site access road, will be provided in the form of pedestrian refuges, subject to final details/revisions being agreed and included in the S278 agreement.

Negotiations are currently under way with the applicant to acquire land and possibly implement works at the northern corner of the site for the purposes of securing a possible future improvement to the Chester Road/Lichfield Road traffic light controlled junction, subject to financial implications. Any such works could be included in the details of the S278 agreement for the highway works relating to the site access on Lichfield Road.

The development provides 254% parking provision which is considered acceptable for the site.

Affordable Housing, Education, Urban Open Space and Healthcare

In line with the requirements of the UDP and Supplementary Planning Documents and the S106 Agreement from the outline consent, a total financial contribution of £329, 463.74 is payable together with 25% affordable housing, ie 9 units within the development.

Condition 13 on the outline approval also requires that details be submitted for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes 5 Standard, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials, and the development implemented in accordance with the approved details.

The DVS report confirms that the scheme with the full S106 contributions, affordable housing and compliance with Condition 13 on the outline approval regarding construction details, despite deferred payments of the contributions to be paid on the completion of the development would not be viable. The report does however confirm that the scheme would be viable, if the payments are deferred to the completion of the development (estimated at 26 months), no affordable housing is provided and the houses are constructed to building regulation standards only, and the full financial contributions towards Healthcare, Education and Urban Open Space are paid (£329,463.74).

It is therefore recommended that the advice of the DVS is taken and your Committee resolve to agree a Deed of Variation to the original S106 Agreement to allow a deferment of payment and no affordable housing to be provided.

Having considered the recommendations of the DVS the applicant has asked for reconsideration of their proposals with a capped figure of £200,000 towards Urban Open Space, Education and Healthcare to enable the viability to be guaranteed.

Summary of Reasons for Granting Planning Permission

The principle of residential development on the site was established with the outline approval in 2007 in line with UDP policy H2 as land allocated for new housing development. The proposed density is acceptable as it falls within the guidance contained within policy H9 of the UDP and reflects the character of the area.

The layout utilises the site access arrangements approved under the outline consent includes works within the highway to widen the carriageway, provide a right hand turning lane into the site and new pedestrian refuges on Lichfield Road, that require a S278 agreement. The final siting and details of the pedestrian refuges will be confirmed as part of the S278 agreement together with any improvements to the Shire Oak junction. Parking provision within the site is considered acceptable. The exact location and details of the new bus lay-by are required to be agreed with the bus operators and Centro following appropriate consultation.

The existing bund to the Lichfield Road frontage will be removed providing views into the site, which will provide a significant improvement over the existing situation and provide a street frontage to Lichfield Road. A variety of types and sizes of houses with design details that pick up on characteristics of the local area ie gable features, chimneys, window and door detailing, integral and detached garages are included within the development. The proposed layout makes good use of the land given the access restrictions that exist for the site whilst maximising the level of street frontage to Lichfield Road.

Whilst not all the gardens within the development comply with the 12m length or 68sqm area required by Appendix E of Designing Walsall, the development is situated immediately adjacent to the Shire Oak Park local nature reserve and direct public access is provided from the development. The garden sizes are therefore considered acceptable in this case.

The public access to the nature reserve is overlooked from the frontages of two of the plots, providing surveillance and improving security, particularly as the existing access to the reserve from Chester Road has little surveillance. The proposals include the removal of the existing native hedge to the boundary with the nature reserve and provision of mitigation planting within the reserve itself. Whilst the hedge provides a wildlife habitat, the hedge is in its natural form, is sprawling, unmaintained, provides an uneven boundary and is not protected. If kept, it is likely to be removed on an adhoc basis by the future residents due to its sprawling nature across the gardens, and no mitigation planting would then be provided. It is therefore considered that its removal by the developer to provide a secure boundary for residents and mitigation planting provided within the nature reserve is a better long term option.

The layout meets the separation distances contained within Appendix E of Designing Walsall and the positioning and layout of the houses would therefore have no adverse impact on the amenities of the surrounding residential occupiers.

The development would provide a continuation of the street frontage to Lichfield Road, following a similar building line to 232 and 234 Lichfield Road, adjacent to the west, a significant improvement over the existing situation with the bund that obscures the site from the road.

Measures have been put in place to restrict hours of working on the site during site preparation and construction and ensure that the surrounding roads and residents are not adversely affected by the construction process.

The proposals would accord with the aims and objectives of the development plan, in particular policies 2.1, 2.2, GP2, 3.6, 3.9, 3.16, GP3, GP7, H2, H3, H4, H9, H10, ENV14, ENV17, ENV18, ENV19, ENV20, ENV23, ENV32, ENV33, ENV40, LC1(d), 8.7, 8.8, 8.9, T7 and T13 of Walsall's Unitary Development Plan (2005), Supplementary Planning Document: Designing Walsall (2008), Supplementary Planning Document: Urban Open Space (2006), Supplementary Planning Document: Education (2007), Supplementary Planning Document: Affordable Housing (2005) and Supplementary Planning Document: Healthcare (2007).

Recommendation: Grant Permission Subject to Conditions and a Deed of Variation of the Section 106 Agreement

1. The development to which the permission relates must be begun not later than the expiration of 2 years from this approval of reserved matters.

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

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

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

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

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until details of drainage works for the disposal of both surface water and foul sewage (including a timetable for implementation) have been agreed in writing by the Local Planning Authority. The approved details shall have been implemented and completed in accordance with the agreed details.

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

5. A validation report confirming the placement of the concrete with elevated levels of PAH has been placed under the buildings or removed from site together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: In order to protect the health and safety of the future occupiers of the premises.

6. No development shall take place until suitable noise mitigation measures to protect internal and external areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Reason: In order to protect the amenities of the future occupiers of the premises.

7. Notwithstanding the boundary treatment shown on drawings MOR/PL-160 Rev G and 3742.03 Rev C, no development shall commence until details of all boundary treatment in particular the boundary with the Shire Oak Park local nature reserve and the northern corner of the site adjacent to the Shire Oak junction, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of any house within the development and thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To protect the amenity of the surrounding residential occupiers.

9. No work on the site shall commence until the engineering detail of improvements to the public highway (the ghost right turn lane and associated carriageway and footway realignments on Lichfield Road), have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into. There shall be no construction of any dwellings until the works approved under the S278 agreement have been completed to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety and the free flow of traffic.

10. Details of all adoptable road works to be maintainable at the public expense, including the layout and alignment, widths and levels of the proposed roadwork's shall comply with any plans approved under the planning consent together with all necessary drainage arrangements and run off calculations, and shall be submitted to Walsall Metropolitan Borough Council. No works shall commence until these details have been approved, and an agreement under Section 38 of the Highways Act 1980 entered into.

Reason: In the interests of highway safety and the free flow of traffic.

11. Prior to the first occupation of any dwelling, the access ways, vehicle parking areas and manoeuvring spaces serving that dwelling shall be fully consolidated, hard surfaced and drained in materials to be agreed in writing by the Local Planning Authority. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory functioning of the development.

12. The new site access of Lichfield Road shall be used for all reclamation and construction traffic and for the duration of the reclamation and construction period, the access(es) to the site shall include wheel washing equipment and shall maintain suitable visibility splays, in accordance with the details previously agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent mud being deposited on the Strategic Highway Network.

13. The gradient of the new access road off Lichfield Road shall be as follows; On the approach to any junction for the last 10m maximum gradient 1 in 20, elsewhere maximum gradient 1 in 15 with a minimum of 1 in 100.

Reason: In order to ensure satisfactory access into and through the site.

14. Prior to the occupation of the first dwelling on the development, the bus lay-by, shown on drawing 201/PL/25 Issue 5 (Proposed ghost – marked junction) or any subsequent revised drawing approved by the Highway Authority, shall be provided unless agreed otherwise in writing with the Local Planning Authority.

Reason: In order to ensure highway safety and provide safe access to public transport.

15. No planting or structures exceeding 600mm in height above ground level shall be permitted at any time within any visibility splay shown on the approved drawing and the splays shall be thereafter retained for this purpose only.

Reason: In the interests of highway safety and in order to maintain satisfactory visibility.

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

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

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

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

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

18. This permission relates to the following submitted information:

Planning Layout MOR/PL-160 Rev G submitted on 10th May 2010

Landscape Structure Plan 3742.03 Rev C submitted on 10th May 2010

Boundary Treatment Drawing MORH02 BT-01 submitted on 26th March 2010

External Works Layout AAC4894/300 Rev * submitted on 26th March 2010

Proposed Ghost – Marked Junction 201/PL/24 Issue 5 submitted on 11th March 2010

Street Scenes MORH02 SS1 submitted on 11th March 2010

Site Cross Sections AAC4894/400 Rev * submitted on 26th March 2010

3 Axle Refuse Vehicle Tracking Movement 1 AAC4894/901 Rev * submitted on 20th April 2010

3 Axle Refuse Vehicle Tracking Movement 21 AAC4894/902 Rev * submitted on 20th April 2010

Design and Access Statement submitted on 11th March 2010

Sutton House Type Floor Plans W785/P/HTSUT/02 submitted 11th March 2010

Sutton House Type Elevations W785/P/HTSUT/01 submitted 11th March 2010

Moreton House Type Floor Plans W061/P/HTMOR/02 submitted 11th March 2010

Moreton House Type Elevations W061/P/HTMOR/01 submitted 11th March 2010

Capesthorpe House Type Floor Plans MD029/P/HTCAP/02 submitted on 11th March 2010

Capesthorpe House Type Elevations MD029/P/HTCAP/01 submitted on 11th March 2010

Dalton House Type Floor Plans MD029/P/HTDA/02 submitted on 11th March 2010

Dalton House Type Elevations MD029/P/HTDA/01 submitted on 11th March 2010

Didsbury House Type Floor Plans MD029/P/HTDID/02 submitted on 11th March 2010

Didsbury House Type Elevations MD029/P/HTDID/01 submitted on 11th March 2010

Chatsworth House Type Floor Plans MD029/P/HTCHA/02 submitted on 11th March 2010

Chatsworth House Type Elevations MD029/P/HTCHA/01 submitted on 11th March 2010

Bramhall House Type Floor Plans W061/P/HTBRA/02 submitted on 11th March 2010

Bramhall House Type Elevations W061/P/HTBRA/01 submitted on 11th March 2010

Malham House Type Floor Plans MD029/P/HTB-T/02 submitted on 11th March 2010

Malham House Type Elevations MD029/P/HTB-T/01 submitted on 11th March 2010

Appleton House Type Floor Plans MD029/P/HTAPP/02 submitted on 11th March 2010

Appleton House Type Elevations MD029/P/HTAPP/01 submitted on 11th March 2010

Dunham House Type Floor Plans MD029/P/HTDH/02 submitted on 11th March 2010

Dunham House Type Elevations MD029/P/HTDH/01 submitted on 11th March 2010

Belton House Type Floor Plans W785/P/HTBEL/02 submitted on 19th March 2010

Belton House Type Elevations W785/P/HTBEL/01 submitted on 19th March 2010

Borrowdale House Type Floor Plans W061/P/HTBORR/02 submitted on 19th March 2010

Borrowdale House Type Elevations W061/P/HTBORR/01 submitted on 19th March 2010

Berrington House Type Floor Plans W061/P/HTBERR/02 submitted on 19th March 2010

Berrington House Type Elevations W061/P/HTBERR/01 submitted on 19th March 2010

Air quality Statement Waterman Energy, Environment & Design dated January 2010 and submitted 11th March 2010

Environmental Noise Assessment Sound Research Laboratories Ltd dated 9th February 2010 and submitted 11th March 2010

Tree Survey report tba Landscape Architects dated November 2009 submitted on 11th March 2010

Site Appraisal GRM Development Solutions Ltd dated January 2010 submitted on 11th March 2010

Reason: In order to define the permission.

Notes to Applicant

The applicant should contact Julie Smithers at Centro on 0121 214 7123 regarding the re-siting of the bus stop/lay-by.

Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Councils Street lighting partner Amey.

The applicant should contact Mark Ledo – West Midlands Police Architectural Liaison Officer (*Tel 01922 439103 email ledo_1892@west-midlands.pnn.police.uk*) to discuss Secure by Design Accreditation.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Major Application

Application Number: 10/0395/FL
Application Type: Full application

Applicant: Bovis Homes

Proposal: Amendments to house type approved under planning permission reference 06/1818/FL/W7 principally by the revision to the roof style.

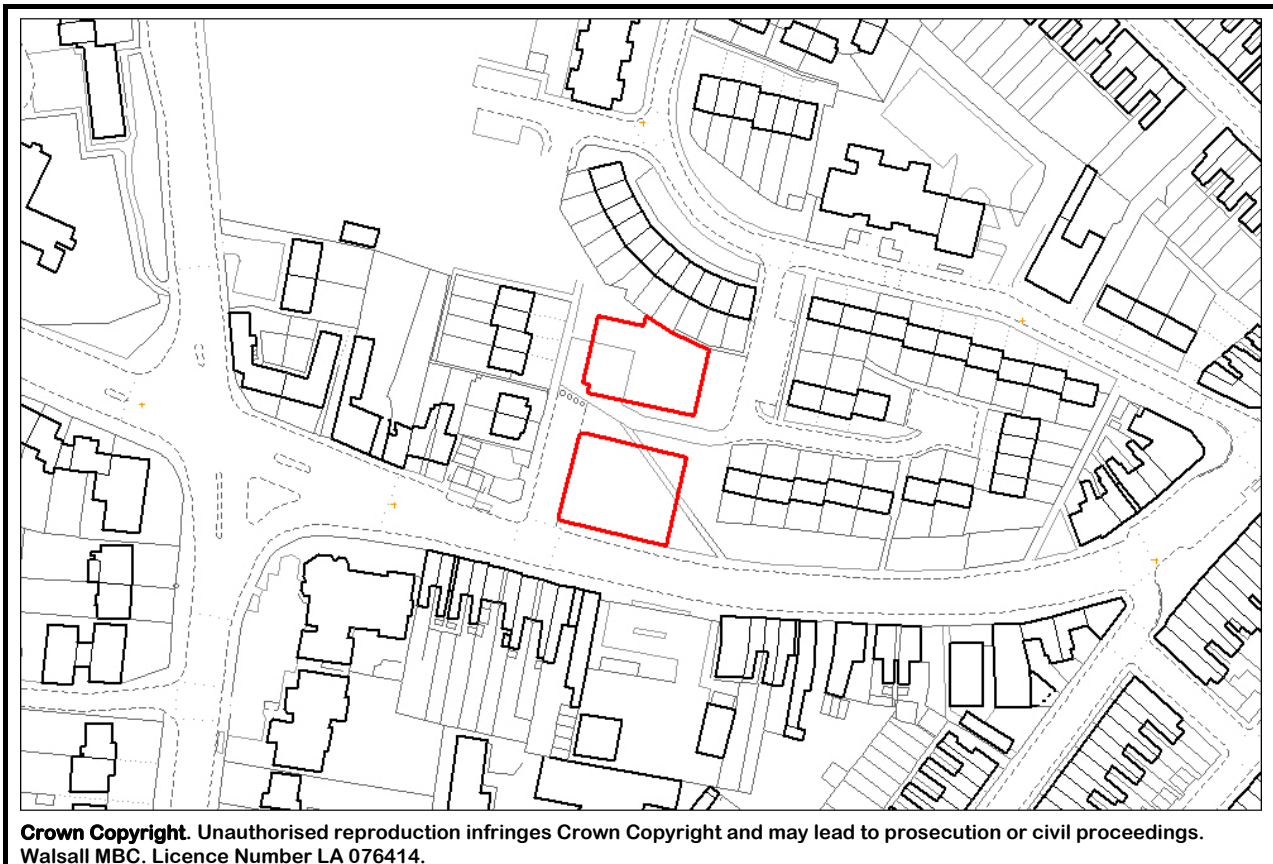
Ward: Pleck

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent:

Location: Plots 81-87 & 89-92, on land between Caledon Street, Rochford Close and Old Pleck Road, Walsall.

Expired Date: 07/07/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The original planning permission (08/1818/FL/W7 for 184 units) was granted in 2006. The affordable housing units and some of the private market houses were completed in 2007 with the remainder of the development being put on hold due to the worsening economic climate. Development has recently re-commenced on site due to additional funding from the Housing and Communities Agency (HCA).

The application seeks to amend the roof of plots 81-89 and 89-92 from a contemporary mono-pitched roof (as already constructed on houses on the corner of St Quentin Street and Old Pleck Road) to a more traditional dual pitched roof.

The proposals under the original planning permission were for the replacement of 6 existing tower blocks (comprising 406 units) and a terrace of three family dwellings (23, 25 and 27 Oxford Street). The demolition of the tower blocks was secured under planning permission 06/0969/PD/W6.

Relevant Planning History

06/1818/FL/W7 - Residential redevelopment for 184 units comprising dwellings and apartments with formation of new vehicular access onto Old Pleck Road and associated infrastructure. 15/12/06

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan (UDP)

The relevant planning policies include the General Principles for Development (Chapter 2 of the UDP) which encourage sustainable regeneration of the Walsall Regeneration Company's Area and seek to maximise the development of previously developed land in sustainable locations and promotes high quality development. High quality design is at the core of the Principles for Development. Policy Env32 sets out design criteria and Policy Env33 seeks good landscape design. Policy H9 and H10 seek to encourage appropriate densities on developments with the proposed layout, design and mix.

Local Development Framework (LDF)

The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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;

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;

National Policy

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

PPS 3: Encourages the re-use of previously developed land, in sustainable locations, and housing that is well-designed and built to a high standard.

Consultations

Transportation – No objection

Pollution Control Contaminated Land Team – No objection

Public Participation Responses

None

Determining Issues

- Impact of the amendments on the street scene and character of the area
- Impact of the amendments on neighbouring residents and occupiers
- Impact of the amendments on the overall development

Observations

Impact of the amendments on the street scene and character of the area

The amendments seek to more closely mirror neighbouring traditional architectural style, rather than the contemporary style adopted previously as part of the design for the houses. Whilst there was merit in distinguishing between the existing and new development and therefore providing the proposed development with a distinctive character and sense of place, the proposals to mirror the pitched roof and more traditional architectural styles would not have an adverse impact on the street scene nor be contrary to the aims of high quality design. As such, it is considered the proposals are acceptable.

Impact of the amendments on neighbouring residents and occupiers

The proposals are set well within their own grounds and setting. Whilst there is an increase in height, as a result of the dual-pitched treatment of approximately 1.5m, the nearest existing residential properties on Caledon Street and Oxford Street would not be adversely affected by the amendments in terms of loss of light or overshadowing, and as such would be acceptable.

Equally, there is no adverse effect on the amenity of the proposed dwellings.

Impact of the amendments on the overall development

Whilst the proposed change in design would alter the concept of this element of the development, as shown on the completed elements of the application, the contemporary designs of the proposals fit in well with the traditional design aspects of the new development. As such, it is considered that the proposals will not adversely affect the impact of the overall development as a promotion for higher quality of development in Pleck and a catalyst for regeneration of the area. As such it is considered that the proposals would continue to be acceptable and form a cohesive part of the overall development.

Summary of Reasons for Granting Planning Permission

The proposals relate to amendments to house types approved under planning permission 06/1818/FL/W7 and relate principally to the change in the design of the roof and overall design of the proposed units on Plots 81-87 and 89-92. The proposed amendments will remain in keeping with the character of the area and street scene and as such are considered to be acceptable.

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policies UR1, CF1, PA1, QE3 and QE4 of the Regional Spatial Strategy for the West Midlands (RSS11), Policies Env14, H1, H4, H9, H10 and LC1 of Walsall Unitary Development Plan March 2005, 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. This permission relates to Plots 81-87 and 89-92 as shown on drawing number PLEC-02-201 Rev P.

Reason: In order to define the permission.

3. The boundary treatment shown on the approved plans so far as they relate to the plots they serve shall be carried out before the development is brought into use and shall be thereafter retained. All other boundary treatments to areas of open space and communal areas shall be erected concurrently with those areas being laid out and being brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

4. The windows shown as obscure glazed on the approved plans shall be retained as such to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of existing and future residential occupiers.

5. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans so far as they relate to the plots they serve shall be hardsurfaced in the agreed materials. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

6. The landscaping scheme shown on the approved plans and those approved under 06/1818/FL/W7 shall be implemented within 12 months of the completion of the final dwelling, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

8. The materials to be used in the development shall be as agreed on drawing number PLEC-02-202 comprising the following:

Main bricks: Ibstock Mercia Weathered, Ibstock Mercia Orange, Ibstock Bythe Red Multi.

Feature brick: Ibstock Minster Cream Blend

Roof tiles: Redland Saxon - Slate Blue - colour 57, Redland Saxon - Highland Black, Eternit birkdale - colour blue black.

Block paving: Piora Paving - colours used: charcoal and brindle

Reason: To ensure the satisfactory appearance of the development.

9. Prior to the first occupation of the each dwelling, if necessary, noise mitigation measures shall be installed so that internal noise levels of each dwelling, in accordance with British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 (or relevant subsequent legislation) shall not exceed:-

- (a) within the bedrooms a Continuous equivalent Noise Level, L_{Aeq} (5 minutes) of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} between the hours of 23.00 to 07.00;

(b) within the living rooms a Continuous equivalent Noise Level, L_{Aeq} (1 hour) of 45 dB between the hours of 07.00 to 19.00; and

(b) within the living rooms a Continuous equivalent Noise Level, L_{Aeq} (1 hour) of 40 dB between the hours of 19.00 to 23.00;

Reason: To safeguard the amenities of the occupiers of development.

10. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation, deliveries or investigation), shall take place on any Saturday, Sunday, Bank Holiday or Public Holiday, and such works shall otherwise only take place between the hours of 08.00 and 18.30 weekdays unless otherwise agreed in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development outside these permitted hours.

Reason: To safeguard the amenities of neighbouring occupiers.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Major application

Application Number: 09/1730/MI

Application Type: Minerals

Applicant: Wienerberger Limited

Proposal: Extraction of clay from beneath section of former railway line with importation of limited quantities of inert fill materials (clay and overburden)

Ward: Rushall-Shelfield

Case Officer: Norman Hickson

Telephone Number:

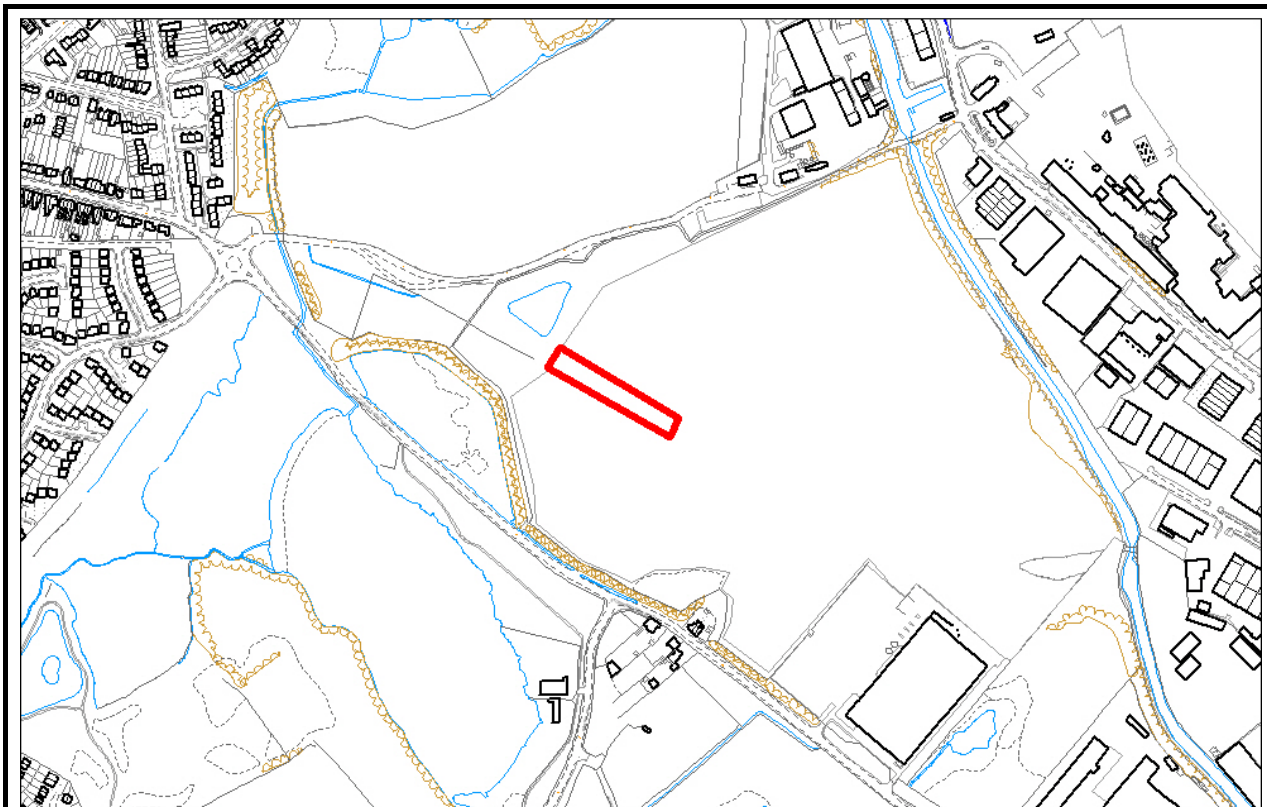
Email: planningservices@walsall.gov.uk

Agent: Geoplan Limited

Location: Sandown Quarry, 175 Stubbers Green Road, Aldridge, WS98BJ

Expired Date: 26/01/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

Wienerberger propose to extract 33,300 cubic metres of clay (Etruria Marl) from a narrow strip of land within the quarry complex which originally supported a section of former railway line. The land forms a spur measuring 132metres in length and 17metres in width to the depth of approximately 15metres. Clay has already been extracted from the land either side of the undisturbed spur. The clay would be excavated using a hydraulic excavator in a series of shallow benches, 3 metres deep. The excavated clay would be taken along internal haul roads to stocking areas adjacent to the Sandown brickworks. The excavations are undertaken typically 4 times per year due to limited stocking capacity at the brickworks. Each extraction period is usually 2-3 weeks and wins approximately 17,000 cubic metres of clay.

Sandown Quarry is located on the northern side of Stubbers Green Road adjacent to Sandown brickworks site. The brickworks was built in 1988 to receive clays from the Sandown quarry. It employs 60 people. The quarrying complex is situated within the Green Belt, between Stubbers Green Road and the canal. Sandown Quarry is adjacent to Swan Pool and The Swag Site of Special Scientific Interest (SSSI). It includes two pools and an area of wetland.

The Etruria Marl from Sandown Quarry is used exclusively in the adjacent brickworks, and is mixed with a variety of imported clays from a number of different locations. These additional clays assist with lengthening the life of the permitted clay reserve and maintaining the production of the brickworks and help produce a wider range of other products.

At current rates the dwindling clay reserves in Sandown Quarry provide approximately three years remaining life. Wienerberger, submit that additional clay reserves need to be secured urgently to maintain production at the adjacent brick works and secure the site as a valuable employer and contributor to the local economy. The supporting statement indicates the additional clay would extend the life of the quarry to 2015.

Wienerberger intend to import approximately 33,300 cubic metres of non-brick-making clays at the end of the mineral extraction over a single campaign of four months, from the Atlas quarry on the other side of Stubbers Green Road. This clay would be used to offset the void created by the Etruria Marl removal to assist in the restoration of the site. A total volume of 53,000 tonnes of material in 20 tonne HGV's generating 2650 or 5300 HGV movements would be transferred to the quarry.

The application includes a landscape improvement package comprising of increased landscaping of the site along its boundary with the Daw End Canal which includes increased public access to a small picnic area to be created within land controlled by the applicant.

Relevant Planning History

IDO 670 1946 Interim Development Order allowing for, amongst other things, the extraction of minerals and erection of brickworks

EA1444 Extraction of minerals from land adjoining the current application.

EAB2405 Extraction of minerals from land which formed the mineral railway that crossed the quarrying complex.

BA17572P Extraction of clay from the former mineral railway line. Dismissed at appeal 1990. The Inspector calculated that the removal of the clay would increase the period for landfilling the larger void by between 4 and 7 years. He considered that it would be unacceptable to grant planning permission that would have the inevitable result of amenity loss in this neighbourhood. He commented that whilst the onsite loss will deplete the clay reserves by a small percentage, large quantities of marl would still be available locally. He did not find the loss to be of sufficient weight to set aside the need to protect local people.

BC35785P- Extraction of minerals & depositing of waste materials. Granted subject to conditions 1993.

BC40528P – Proposed schedule of conditions to be applied to old mining permission IDO 670 at Barnett and Beddows, Sandown and Springfield Quarries. Granted 1996

BC57897P – Working plan for years 11-15 at Sandown Quarry, pursuant to the requirement of condition 7 of planning permission BC40528P. Granted subject to conditions 2000.

BA17797P – Erection of Sandown Brickworks. Granted subject to conditions. 1986.

07/2665/ND/E6 - Screening opinion to ascertain if an Environmental Impact Assessment is required for variation of Condition 14 of BA17797P to increase the limit on imported clays to 65%. EIA not necessary 2008.

08/1338/FL- Vary Condition 14 of planning approval BA17797P to Allow Increase of Limit on Imported Clays from 49% to 65%. Granted 2009.

09/0671/ND- Screening opinion to ascertain if an Environmental Impact Assessment is required for further extraction of 20,000m² of clay from the disused embankment of the former mineral railway. EIA not necessary 2009.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan

UDP Policy GP2 requires that all developments make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an adverse impact on the environment. The following considerations within the policy are relevant to this application:

(II) susceptibility to pollution

(III) potential problems of land stability, contamination or landfill gas

(VIII) effects on the environment of the countryside and Green Belt

(X) effects on the environment on species, habitats and site of nature conservation or

geological interest

(XV) implications for existing water courses and aquifers

(XVII) sustainable management of waste generated by the proposed development.

UDP Policy ENV2(c) requires that the extraction of minerals or controlled tipping of waste can be appropriate in the Green Belt.

UDP Policy ENV3 (VII) relates to the cumulative physical effect of proposals in one area.

UDP Policy ENV10 states (a) that development of a facility which may cause pollution will only be permitted if it would not release pollutants into water, soil or air, whether on site or elsewhere (I), or cause unacceptable adverse effects in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions (II). Part (b) of the policy further states that development will not be permitted if the health, safety or amenity of occupants/users unacceptably affected by pollution caused by activities that are a source of any pollution.

UDP Policy ENV17 states that planting will be promoted in minerals and waste management sites as a condition of planning permission.

UDP Policy ENV19 (a) states that development which might directly or indirectly destroy, damage or adversely affect a Site of Special Scientific Interest (SSSI) will not be permitted, and (b) that development which might directly or indirectly destroy, damage or adversely affect a site of Importance for Nature conservation (SINC) will not be permitted unless it can be clearly demonstrated there are reasons of overriding regional significance.

UDP Policy ENV21 states that development which would destroy, damage or adversely affect a Site of Local Importance for Nature Conservation (SLINC) will not be permitted.

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

UDP Policy ENV33 states that full details of external layout and landscape proposals is required for larger development proposals.

UDP Policy ENV40 (d) seeks to protect and enhance the environment of rivers, canals, lakes and ponds in a comprehensive way. Any developments affecting or near to these water spaces should make a positive contribution.

UDP Policy JP8 requires that potential bad neighbour uses should not have an adverse impact on housing or other sensitive land uses and provide stringent operational controls.

UDP Policy LC9 states that all development alongside and near to canals to positively relate to the opportunity presented by the waterway to achieve high standards of design and to be sensitively integrated with the canal.

UDP Part I - Minerals Strategic Policy Statement (paragraphs 9.2 - 9.3) seeks to define Minerals Safeguarding Areas (MSAs) to protect known resources for future mineral extraction. These are shown on the Proposals Map and the application site falls within one

of these areas (see UDP Proposal M1 below).

Paragraph 9.8 of the Strategic Policy Statement requires mineral workings to be restored to a condition fit for an agreed after-use within as short a timescale as possible.

The following other elements of the Strategic Policy statement are also relevant:

9.4 The Council will expect mineral resources to be used in the most sustainable way, recognising the scarce and non-renewable resource that these represent.

9.6 The Council will ensure that the conditions attached to existing minerals permissions are updated to meet the latest standards of good practice in the control of mining operations.

9.7 Minerals should, as far as possible, be worked close to the communities which will consume them.

9.10 The Council will seek to ensure a continuing supply of Etruria Marl and fireclay for local industry, subject to there being no overriding environmental constraints which prevent this and subject also to the provisions of Policy M4.

UDP Proposal M1 defines this part of Stubbers Green as a Mineral Safeguarding Area (Proposal M1 III, as shown on the Proposals Map).

UDP Policy M4 states that proposals to extend existing quarries will only be permitted if this will ensure continuity of supply, if it forms part of a phased programme which secures restoration of existing workings and if it does not have unacceptable impact on the environment or the amenities of the local community.

UDP Policy M5 indicates that the Council will encourage the early reclamation of the Barnett and Beddows and Sandown Quarries by the disposal of waste material through a phased programme of mineral extraction, waste disposal and restoration. Any proposal for further extraction must demonstrate how this will contribute towards the earliest practicable restoration of the area.

The Regional Spatial Strategy (RSS) for the West Midlands was published in June 2004 with revisions approved in January 2008 relating to the Black Country. This is now part of the statutory development plan for Walsall, with the UDP. It seeks to promote regeneration of the urban areas and sustainable development, by steering development to the most appropriate locations, by setting targets for housing, employment and other development within the region up to 2021, and proposes that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment. The following RSS policies are relevant to the proposal:

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUAs)

Policy QE1 – Environment

Policy QE9 - The Water Environment

Policy M1 – Mineral working for non-energy minerals

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

In February/ March 2010, the regional planning body published Interim Policy Statements and Policy Recommendations, which give an indication of future regional policy. Two of the Policy Recommendations are of particular relevance to this proposal:

Safeguarding Mineral Resources in the West Midlands – this identifies brick clays as resources of economic importance to the region, which should be safeguarded through LDFs.

Future Brick Clay Provision – this identifies clays from the Etruria Formation as the principal brick clay resource in the West Midlands, and recommends that appropriate provision be made in LDFs and through the granting of planning permissions to meet identified shortfalls in supply.

National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development: Emphasises need for sustainable development.

Planning Policy Guidance 2: Green Belts:

Advises that mineral extraction need not conflict with the purposes of including land in Green Belts. Mineral planning authorities are expected to ensure that planning conditions for mineral working in Green Belts achieve suitable environmental standards.

Mineral Policy Statement 1 – Planning and Minerals:

Advises that mineral planning authorities (MPAs) should safeguard proven mineral resources in LDDs (paragraph 13), in particular, “premium” brick clays/ nationally, regionally or locally scarce clay resources such as Etruria Marl (Annex 2, 2.1 and 3.1). The following guidance from Annex 2 of MPS1 (which covers Brick Clay) is also of particular relevance to this proposal:

It is considered desirable for brick clay to be extracted as close as possible to the brickworks that it is supplied to, and MPAs are advised to consider the potential for extensions to existing planning permissions to maintain supplies (MPS1, Annex 2, 3.2)

MPAs should consider the need for provision of brick clay from a number of different sources to enable appropriate blends to be made. Where materials for blending need to be supplied from various sources, or for some types of clay that are used in small quantities for blending, it may be necessary to hold stocks of such clay at the brickworks or elsewhere (MPS1, Annex 2, 3.4).

MPAs should provide and make available brick clays at a level that reflects the high initial investment in, and high levels of capital expenditure required to maintain and improve, new and existing brick-making plant and equipment. Normally, the stock of permitted reserves of clay should be sufficient to provide 25 years of production at each existing or proposed brick manufacturing plant (MPS1, Annex 2, 3.4).

MPAs should consider the need to meet the likely level of demand for clay at each manufacturing plant, part of all of which may sometimes have to be fulfilled from another

MPA area, to avoid having to meet unforeseen demands in environmentally damaging ways (MPS1, Annex 2, 3.4).

Where a brick-works is supplied from a number of clay pits some distance from the works, impacts of road traffic between these and the works should, as far as possible, be minimised through dedicated haulage routes and careful consideration of distribution networks and vehicle routes. (MPS1, Annex 2, 3.7).

Consultations

Transportation – No objection. The applicant states 55 vehicle movements per day or 9 per hour, outside peak hours (9.00am till 3.00pm) using existing vehicle access points over a period of 4 months over a relatively short stretch of Stubbers Green Road (300metres) are unlikely to have a detrimental affect on capacity of nearby road junctions and therefore acceptable.

Planning Policy – No objection. November 2008, the Council granted permission to increase imports to the brickworks to 65% (application 08/1338/FL) to help maintain supplies to the works in the short-term. However, importation of clay on this scale is unlikely to be economically viable in the long-term. There are also no guarantees that suitable further sources of imported material can be identified. National policy guidance advises that when considering planning applications, mineral planning authorities take account of the need to provide a stock of permitted reserves of clay to provide 25 years of production at existing brick manufacturing plant (MPS1, Annex 2, 3.4).

The previous application indicated there were less than five years' supply of Etruria Marl remaining in Sandown Quarry, at current usage rates. This has been confirmed by the technical evidence gathered to inform the Black Country Core Strategy (submitted to the Secretary of State in February 2010). The supply situation at Sandown is therefore critical, and the current proposal goes towards addressing this, increasing the availability of resources within the quarry. The supporting statement indicates that it would extend the life of the quarry to 2015 and the supply to around 5 years in total. Even with this proposal, reserves within Sandown Quarry are likely to be exhausted by 2015, a long way short of the required 25-year supply. If to secure the long term future of Sandown Works, other sources of supply within and/or outside the Borough need to be sought. A medium-term solution is proposed in the Black Country Core Strategy.

Wienerberger have confirmed that Sandown Works requires large quantities of high quality clay to maintain operational efficiency. They also confirmed that this is only one of their sites in the West Midlands region to have been kept in full-time production during the economic downturn. The supporting statement indicates that Sandown Works employs 60 people. These jobs would be lost if the works had to close due to supply problems. It is in the Council's interest to keep the plant open for as long as supplies can be maintained.

The application site is surrounded by the operational Sandown Quarry, within a working area identified in the UDP and the emerging Black Country Core Strategy. There is no objection in principle to working clay in this area provided that the following constraints can be overcome:

a) Impact on Swan Pool and the Swag SSSI. The Hydrogeology and Stability report considers the impact of the proposal and concludes it is unlikely to impact on the water regime or on the stability of the Swan Pool.

b) Ground Stability/ Impact on Future Restoration Proposals. The Hydrogeology and Stability report concludes that the proposal improves ground stability.

c) Final Restoration and Aftercare. A plan showing the final quarry development and profile is supplied, indicating the resulting quarry void will be more stable and better suited for final restoration (UDP Policy M5).

Although a five-year working plan has effectively been provided with the current application, it does not include a detailed restoration scheme as required by the conditions applied to the permission to Sandown Quarry (BC 40528P). It therefore appears that these conditions have not been discharged, so for consistency, they need to be applied to any grant of permission for the current proposal. If the working ceases in 2015, the applicant should be advised that a draft restoration programme is needed within the next two or three years.

To conclude, provided that the above issues have been satisfactorily addressed, there are no reasons to refuse the application on policy grounds.

Environment Agency - No objections

Natural Environment – No objection.

Natural England – No objection. The application site is within the vicinity of both Stubbers Green Bog and Swan Pool and The Swag Site of Special Scientific Interest (SSSI). The proposal will not have a significant effect on the features of interest of either of the SSSIs.

Pollution Control: Contamination Team – No objection.

Pollution Control: Noise/Air Quality – No comments.

Fire Officer – No objection.

Landscape – No objection.

Structures- No discernable impact on the structural integrity of Stubbers Green Road

Environmental Health – No adverse comments.

British Waterways – No objection subject to the use of suitable conditions/legal agreement regarding the landscaping and that it does not restrict access to the embankment, also the works do not include further slope failure and details of the connection to the towpath to be agreed.

British Waterways comment further; there is an ongoing active slip below the canal (into the quarry void) which has been repaired but continues to move. Planting and screening the embankment is not a sensible way forward nor is access by the public to an area that

is known to have an active slope failure. It is acknowledged by British Waterways that landscaping has been approved as part of the restoration, therefore any further landscaping and drainage will need to be carried out to not cause distress to the embankments and active slip area.

Public Rights of Way- Footpath 1 Aldridge runs directly adjacent to the planning application boundary. Provided there will be no obstruction, a diversion or extinguishment order is not necessary. During previous mineral workings, problems with slippage of the land affecting the public right of way. If the land assessment takes into account the presence of the public right of way and introduces actions to avoid risk of land slippage that may affect the route they have no objections.

Land Drainage- No objections

Public Participation Responses

No response received.

Determining Issues

- The need to ensure adequate clay supplies
- Environmental impact
- Restoration of the quarry
- Implications for Atlas Quarry
- Highway safety
- Maintaining employment provision

Observations

The need to ensure adequate clay supplies

The further extraction of clay would complement a previous planning approval 08/1338/FL that helped to prolong the life of the adjacent brickworks by increasing the amount of clay imports to reduce the dependency on clay from Sandown Quarry.

In dismissing the previous appeal in 1990 the Inspector considered that there were large quantities of marl available locally. The policy context has been changed and national Mineral Planning Policy now requires that mineral planning authorities should aim to maintain a 25 year clay reserve to supply local brickworks. Current reserves to supply Sandown Works are significantly below that requirement.

It is clear that an additional 5 years of clay extraction is only a short-term measure but it would help to address the shortfall in meeting the 25 year supply requirement and assist in maintaining employment at the brickworks.

The application site is surrounded by the operational Sandown Quarry, within a working area identified in the UDP and the Black Country Core Strategy. There are no policy objections to the principle of liberating valuable clay from the site to serve the adjacent Sandown Brickworks.

Environmental impact

In 1990 a planning application was dismissed at appeal because of the loss likely to arise in the neighbourhood from the projected increase in landfilling of between 4 to 7 years. The loss of amenity to those who live in the locality would have arisen from dust, dirt and noise, caused by excavation and filling activities as well as the transport of materials to and from the area. At that time tipping was also taking place at the adjoining (and now restored) Empire and Butterly Quarries and clay was being won from the Vigo and Utopia Quarries which are now in the final stages of restoration. The cumulative impact from quarrying and tipping in the locality has significantly reduced over time.

Restoration work has taken place to enhance the canal boundary and the Swan Pool has seen considerable investment by the quarrying companies to create a highly valued local amenity which is protected from any future impact from quarrying by landscaped perimeter mounds. Landscaping and a small picnic area along the northern boundary of the quarry adjacent to the canal is now proposed in advance of the main restoration which is welcomed. This facility is proposed to be located in an area that will allow views into a pond that has developed to the rear of the brickworks. The implementation of this scheme is to be secured by condition. Conditions are also proposed to address the concerns of British Waterways relating to inspection of the canal side embankment and details of the works to the towpath.

The Inspector indicated that, whilst local people seemed to accept that works on landfilling and excavation will continue for some time into the future, residents were vociferous in describing the impact of quarry traffic on New Street and Spring Road where houses are close to the road. Little traffic from the quarrying complex now uses these roads as a result of good company practise in the use of alternative routes. Traffic from Sandown Brickworks does not use these routes, instead travelling towards Aldridge and using the primary road network. The current application is purely to excavate the narrow strip of land remaining in the centre of the quarrying complex. The clay would be transported to the Sandown Brickworks using internal haul roads.

The concerns raised by the Planning Inspector in respect of traffic have been resolved and the environmental impacts have been minimised by the improved working practices to a level which rarely raises any complaints from local residents. No objections have been received to the current proposals from the local community.

The applicants' Hydrogeology and Stability report considers the impact of the proposal and concludes it is unlikely to impact on the water regime or on the stability of the Swan Pool. With regard to the adjacent Swan Pool and the Swag SSSI (two pools and an area of wetland) there should be no impact on the hydrology of these areas.

The scheme poses no risk to the adjacent public right of way and its protection can be enhanced by imposition of the suggested conditions.

The extraction of the spur in the middle of the quarry would not increase the overall impact from quarrying in this area on the openness and character of the green belt by prolonging the period in which restoration of the quarry will take place in the context of the planning permissions which allow for quarrying up until 2042 and the restoration of the adjacent quarries which has taken place since the Inspectors decision.

It is considered that the environmental concerns have been substantially overcome.

Restoration of the quarry

UDP Policy M5 indicates that the Council will encourage the early reclamation of the Barnett and Beddows and Sandown Quarries by the disposal of waste material through a phased programme of mineral extraction, waste disposal and restoration. Any proposal for further extraction must demonstrate how it will contribute towards the earliest practicable restoration of the quarry.

The proposed further working would result in the quarry void being more stable and better suited for final restoration enabling safer access to the deeper parts of the quarry workings and removes an unstable feature that would naturally deteriorate over time. This is in line with UDP Policy M5. Previous instability problems (a slip in 2003) in the quarry appear to have been addressed by remediation work and this is confirmed by the hydrogeology and stability technical report submitted in support of the application.

To avoid increasing the quarry void, the importation of a similar volume of material is proposed which assists in preparing the site for restoration. The requirement for comprehensive restoration of the existing working area remains, in accordance with Conditions 7, 9, 25 and 26 of permission BC40528P. Proposed conditions would replicate those which require: the final five-yearly working plan to include a programme of restoration and aftercare; final landscaping and planting and restoration for forestry; amenity or another beneficial end use. Although a five-year working plan has effectively been provided with the current application, it does not include a detailed restoration scheme as required by these conditions. If the working ceases in 2015, a draft restoration programme would be submitted in compliance with proposed conditions within the next two to three years.

Implications for Atlas Quarry

Atlas Quarry is operated by Ibstock Brick and is located across the road from Sandown Quarry. It is to be the source for the imported soil materials for infilling. The imported materials would ensure that the quarry void is not increased as a result of the extraction of the mineral spur. It is not considered that the extraction of clays from the Atlas site would have an adverse impact upon the restoration of that site.

The Atlas site has planning permission for the extraction of clay until 15th March 2049. Restoration would be achieved by infilling with waste material. It is to be completed by 15th March 2054 or three years after the cessation of mineral extraction. The removal of surplus soil materials from Atlas quarry would accelerate operations and bring Atlas Quarry closer to cessation of mineral extraction and restoration. It is therefore considered that the transfer of surplus soil materials minerals would not compromise restoration timescales for either site.

Impact upon highway safety

The applicant states that to transfer the restoration materials from the Atlas Quarry there are likely to be 55 heavy goods vehicle movements per day or 9 per hour, outside peak hours (9:00am and 3:00pm), using existing access points to the quarry and the brick works over a proposed period of four months. The Highway Authority raises no objections and considers that these HCV movements, along a relatively short stretch of Stubbers Green

Road (about 300 metres), is unlikely to have a detrimental affect on the capacity of any nearby road junctions and is therefore considered acceptable.

Maintaining employment provision

Wienerberger have confirmed that Sandown Works requires large quantities of high quality clay to maintain maximum operational efficiency. They also confirmed that this is the only one of their sites in the West Midlands region to have been kept in full-time production during the economic downturn.

Sandown Works employs 60 people. These jobs would be lost if the works had to close due to supply problems. Clearly it is important to keep the works open for as long as supplies can be provided, in an environmentally acceptable way, to maintain local employment provision.

Summary of Reasons for Granting Planning Permission

The proposal would not unduly impact on restoration timescales in the context of the improved environmental situation in terms of restoration and imminent restoration of adjacent quarries since the dismissal of the appeal. Nor would the proposals have any significant further impact upon the Green Belt. There would be no adverse impact upon highway safety or on the adjacent SSSI and canal corridor. The release of the clay would help improve the shortfall in reserves and maintain employment provision. No objections have been raised from neighbours or consultees to the proposal. Accordingly the proposal meets the requirements of policies GP2, ENV2, ENV3, ENV10, ENV17, ENV19, ENV21, ENV32, ENV33, ENV40, JP8, LC9, 9.6, 9.7, 9.10, M1, M4 and M5 of the Unitary Development Plan, Planning Policy Guidance 2 and Mineral Planning Policy Statement 1.

Recommendation: Grant Permission Subject to Conditions

1. These conditions relate only to the winning and working of minerals and deposit of mining waste within the remaining unworked section of the former mineral railway line (the site) as shown edged red on submitted plan referenced S14/61 received by the Minerals Planning Authority on 1st December 2009 and associated ancillary materials storage, landscaping and restoration operations within the area of the quarrying complex edged blue.

Reason: To define the permission.

2. All winning and working of minerals and deposit of mining waste shall cease not later than 21st February 2042.

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

3. Except where otherwise previously approved by the Mineral Planning Authority, all buildings, structures, plant, equipment and machinery erected, installed or used on the site for the purposes of mineral extraction and deposit of mining waste, within the site edged red, shall be removed by 21st February 2043 or within twelve months of the date of cessation of site activities, whichever is the earlier. The date of cessation shall have been previously notified to the Mineral Planning Authority within fourteen days.

Reason: To enable the Mineral Planning Authority to maintain effective control at the site.

4. No re-extraction of mining waste or other material already deposited at the site shall take place, except where this is required to assist in securing the stability of quarry slopes and the integrity of adjoining land for restoration or for use in the adjacent brickworks.

Reason: To define the terms of the permission and secure the effective use of materials at the site.

5. No topsoil, subsoil, soil-making materials or overburden originating from within, or imported onto the site shall be removed, except where required for temporary storage on adjacent land within the control of the site operator pending use in restoration.

Reason: To define the terms of the permission and secure the effective use of materials at the site.

6. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995, or its successor Orders, no development or activities associated with, or ancillary to, the winning and working of minerals or deposit of mining waste shall take place within the area of the adjacent Swan Pool Site of Special Scientific Interest

Reason: To protect the SSSI.

7. Prior to commencement of clay extraction, details of the proposed connection to the canal towpath together with details to demonstrate that the proposed landscaping and necessary drainage works would not prevent inspections of the canal embankment nor result in a detrimental impact on the embankment including further slope failure shall be submitted to and approved in writing by the Mineral Planning Authority in consultation with British Waterways Board. The approved details shall be implemented prior to the commencement of clay extraction or in accordance with a timetable to be agreed in writing with the Minerals Planning Authority.

Reason: In order to ensure that the integrity of the waterway infrastructure is not compromised by the development.

8. All works required to secure slope stability and the safety of Swan Pool, as specified in the geotechnical report for the land effected by permission BC57897P, shall be maintained in association with operations under this permission, to the satisfaction of the Mineral Planning Authority including maintenance of the clay seal at the rear of Swan Pool implemented in the working plan approved as permission BC39250P.

Reason: To protect the integrity of the Site of Special Scientific Interest.

9. Within three months of the development being implemented the applicant shall

submit to the Minerals Planning Authority a satisfactory scheme for:

- Continued monitoring and timescale for monitoring of water levels in Swan Pool throughout operations at the site and provision of recorded data to the Mineral Planning Authority at an agreed frequency and
- The recharging of water and maintenance of water levels into the Swan Pool in the event of there being excessive loss in the opinion of the Mineral Planning Authority in consultation with Natural England.

Reason: To protect the integrity of the Site of Special Scientific Interest.

10. Mineral extraction shall only take place in accordance with an approved scheme of working which shall be reviewed following approval by the Mineral Planning Authority at 5 yearly intervals during any continued mineral extraction. Such scheme (s) shall specifically include provision for:

- The anticipated method, direction, depth and sequence of working and rate of mineral extraction;
- The separate stripping, storage and movement of any subsoil, topsoil and overburden and proposed treatments prior to re-use.
- The location, height and surface treatment of storage mounds, except where stored below quarry rim level;
- A programme of implementation
- The anticipated limit of excavation to be made under each submitted scheme of working;
- The proposed means of management and treatment of any surface water and drainage within the site;
- Details of fencing to be erected alongside the existing public footpath or any subsequent diversion;
- At the appropriate revision date, proposals for the programme of restoration and subsequent aftercare to be carried out in the following 5 yearly scheme of working and incorporating the provisions of Conditions 23 and 28;
- The compatible linking of the working of the site to the schemes of working approved under permissions BC40528P and BC51997P.

Reason: To ensure the satisfactory working and restoration of the site.

11. Not later than 12 months from the date of this approval, a Landscape Master Plan for the quarrying complex and timescale for implementation shall be submitted to the Mineral Planning Authority for approval showing:

- The existing and proposed landscape features at the quarrying complex which are to be retained for the duration of the development;
- A scheme for the maintenance of the landscape features
- A scheme(s) for the maintenance of existing and proposed landscape features, incorporating the provisions of Condition 30.
- An overall concept for the final landscaping and planting of the complex including the means of drainage, the contours to be achieved and any habitats to be created related to the proposed afteruse;
- The integration of the site into the surrounding area.

Reason: To ensure the satisfactory integration of the site with the adjacent land and landscape features.

12. No buildings, plant or structures required for use in connection with the extraction of minerals and deposit of mining waste or any other ancillary purposes shall be erected on the site, unless in accordance with plans previously submitted to and approved by the Mineral Planning Authority showing their siting, design, dimensions, construction materials and external appearance.

Reason: To ensure the satisfactory operation of the site.

13. The line of the existing footpath or any subsequent diversion across the site shall be fenced in accordance with details pursuant to Condition 11. Any vehicular crossing points shall be advance signposted to warn both drivers and users.

Reason: To protect the public right of way.

14. Throughout the duration of the development, the access road for a 50 metre section between the public highway and the site shall be provided with a tarmacadam, concrete or other suitable hard surface and maintained in a sound condition free of potholes. Except where otherwise agreed in writing with the Mineral Planning Authority, wheelwash/spinner, rumble grid and road cleaning arrangements shall be retained and maintained on the site access road.

Reason: To avoid the transfer and deposit of material on the highway by vehicle tyres.

15. Reasonable steps shall be taken to minimise the incidence of airborne dust caused by the operations, including the following:
- Use of a bowser to spray water onto active site areas and site roads, as and when the conditions dictate;
 - The establishment, where appropriate, of vegetation covers on mounds of stored material;
 - The regular cleaning and maintenance of site roads, including those used for access to the public highway;
 - At no time shall operations take place which, despite the use of dust control measures, would give rise to visible air borne dust emissions beyond the boundary of the active quarrying complex. In such circumstances operations that cause dust shall temporarily cease until such time as weather conditions change favourably or dust suppression becomes effective.

Reason: To avoid impacts on amenity arising from dust.

16. Except where otherwise previously agreed in writing by the Mineral Planning Authority, the level of noise generated by any site operations shall not exceed a 1 hour continuous equivalent A -weighted sound level, LAeq (1 hour) of 55 dB (free field) at any noise sensitive development as measured at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any other significant sound-reflecting structure.

Reason: To protect residential amenity.

17. No operations at the site shall take place outside of 0700 and 1900 hours Monday to Fridays and outside of 0800 and 1300 hours on Saturdays, or at all on Christmas Day, Boxing Day, New Years Day, Easter Monday and May Bank Holidays, unless previously agreed in writing with the mineral Planning Authority

Reason: To protect residential amenity.

18. No oil, fuel, lubricant or other similar liquids shall be stored at the site except within a bund with a capacity of not less than 110% of the largest tank volume, with the floor and walls of the bund constructed so as to contain any spillage.

Reason: To protect the ground water environment.

19. If the operations are for any reason suspended for a period exceeding twelve consecutive months, the Mineral Planning Authority shall be notified giving reasons for the suspension of operations within 14 days of the expiration of the first twelve month period of suspension. Within 28 days of the date of any notification to the Mineral Planning Authority pursuant to this condition, a scheme specifying the steps that have been or are proposed to be taken for the protection of the environment in order to preserve the amenities of the area, protect the area from damage and prevent deterioration in the condition of the land during the suspension period, and including a revised programme and timetable for the completion of the operations and restoration of the site shall be submitted for the written approval of the Mineral Planning Authority and the revised scheme shall thereafter be carried out as approved.

Reason: To ensure that there is no undue impact arising from the temporary cessation of operations

20. Temporary storage of any soils and restoration materials shall only be undertaken in accordance with details submitted pursuant to Condition 10. In any event, stripping or movement of any topsoil or subsoil at the site shall only take place when soil moisture conditions are such as to prevent permanent damage by vehicles and machinery passing over it and such stripping/movement shall be carried out with the minimum of working and compaction.

Reason: To safeguard soils for use in restoration of the site.

21. The site shall be restored in accordance with the restoration scheme(s) and timetable pursuant to Conditions 10 and 11. Such scheme(s) shall make provision for the following:

- The final levels and contours to be achieved;
- A landscaping and planting scheme to be implemented as part of restoration;
- The creation of final stable slopes;
- The satisfactory drainage of the land.
- An aftercare strategy for the restored site.
- Proposed timescales for the implementation of restoration

Reason: To ensure satisfactory restoration of the site

22. The site or any part thereof shall be restored for forestry, amenity, or other beneficial use as appropriate to the status of any part of the site in accordance with restoration and aftercare scheme(s) pursuant to Conditions 10 and 11. Such scheme(s) will specify the steps to be taken and the time required to bring the land to the required standard and the period within which the work will be carried out.

Reason: To ensure satisfactory restoration of the site.

23. Upon achieving final restoration levels and contours, no further deposit of materials shall take place at the site, except where this is required to address situations not foreseen at the time of the restoration scheme or which have arisen since completion of the development, and such remedial action shall only be carried out in accordance with details previously submitted for the approval of the Mineral Planning Authority. Such a scheme will make provision for the re-seeding or planting, maintenance and aftercare of the areas so treated.

Reason: To ensure satisfactory restoration of the site.

24. Except as may otherwise be required by the terms of these conditions, areas used for the storage of excavated and/or imported materials shall, when no longer required for such purposes, be ripped to relieve compaction and spread with separate layers of subsoil, topsoil or soil-making materials as appropriate to the afteruse of the particular area and graded-in to adjoining land in accordance with the restoration scheme(s) approved pursuant to Conditions 10 and 11

Reason: To ensure satisfactory restoration of the site.

25. Aftercare shall be carried out in accordance with the scheme submitted for the approval of the Mineral Planning Authority pursuant to Conditions 10 and 11. Not later than twelve months after commencement of restoration operations a five year aftercare plan shall be submitted for the approval of the mineral Planning Authority. The plan shall make provision for steps as may be necessary to bring the site to a condition capable of supporting a defined beneficial after use, appropriate to the status of the land. The scheme shall provide a general statement of works for the 5 year aftercare period and a detailed description of works during the first 12 month period, to include as appropriate: any regarding works, measures to reduce surface compaction, results of soil sampling, fertilizer application, cultivation works, reseedling, grass cutting, weed and pest control, replacement of failed plants and drainage works.

Reason: To ensure that the restoration works are successfully established to ensure the land is suitable for beneficial after use.

26. Following the commencement of aftercare in each restored phase of the site, a formal annual review shall be held in each of the subsequent 4 years to consider the operations undertaken during the previous calendar year, together with those to be undertaken during the ensuing year.

Reason: To ensure that the restoration works are successfully established to ensure the land is suitable for beneficial after use.

27. At least four weeks prior to the date of each annual review, the site operator shall provide the Mineral Planning Authority with a record of management and operations carried out and proposed on the restored land during the period covered by the said review.

Reason: to ensure that the restoration works are successfully established to ensure the land is suitable for beneficial afteruse.

28. No blasting shall be carried out at the site.

Reason: To avoid impacts on amenity arising from blasting.

29. The landscape enhancements to the canal boundary as shown on approved drawing 938.01 received by the Minerals Planning Authority on 1st December 2009 shall be implemented within the first available planting season (November-March) and shall be retained and maintained for a period of 5 years from the full completion of the approved scheme. Within this period any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: To ensure the satisfactory appearance of the development.

30. Following completion of final excavation of Etruria clay and prior to the agreed restoration of the site commencing under the terms of the conditions of this permission, 33,330m³ of clay from the adjacent Atlas Quarry, or other location as agreed in writing by the Mineral Planning Authority, shall be deposited within the quarry void. The deposit of clay shall be brought into the site over a single campaign over a four month period.

Reason: To ensure the satisfactory restoration of the site in a sustainable manner with minimal disruption to the highway network.

31. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: S14/61, S14/62A, S14/66, S14/67, S14/67A, S14/67B, planning application supporting information document, Hydrology and Stability Causeway Excavation report, Landscape Design and Access Statement including drawing 938.01 and Great Crested Newt Survey received by the Mineral Planning Authority on 1st December 2009.

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

Note for applicant

British Waterways

The applicant is advised that an access agreement with BW will be required for any new accesses to the towpath and all works must comply with the "Code of Practice for Works Affecting British Waterways" a copy of which is available on our website.

The applicant/developer is advised to contact Mr Des Harris, Senior Works Engineer on 077710 175227 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterway

Environment Agency

We advise the applicant to contact Ian Bindley (National Environmental Permitting Team) to discuss any implications the proposed development may have regarding the existing environmental permit or the requirement of a new environmental permit for the development site. Ian Bindley can be contacted by telephone on 0121 7083935.

Highways

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Council owned site

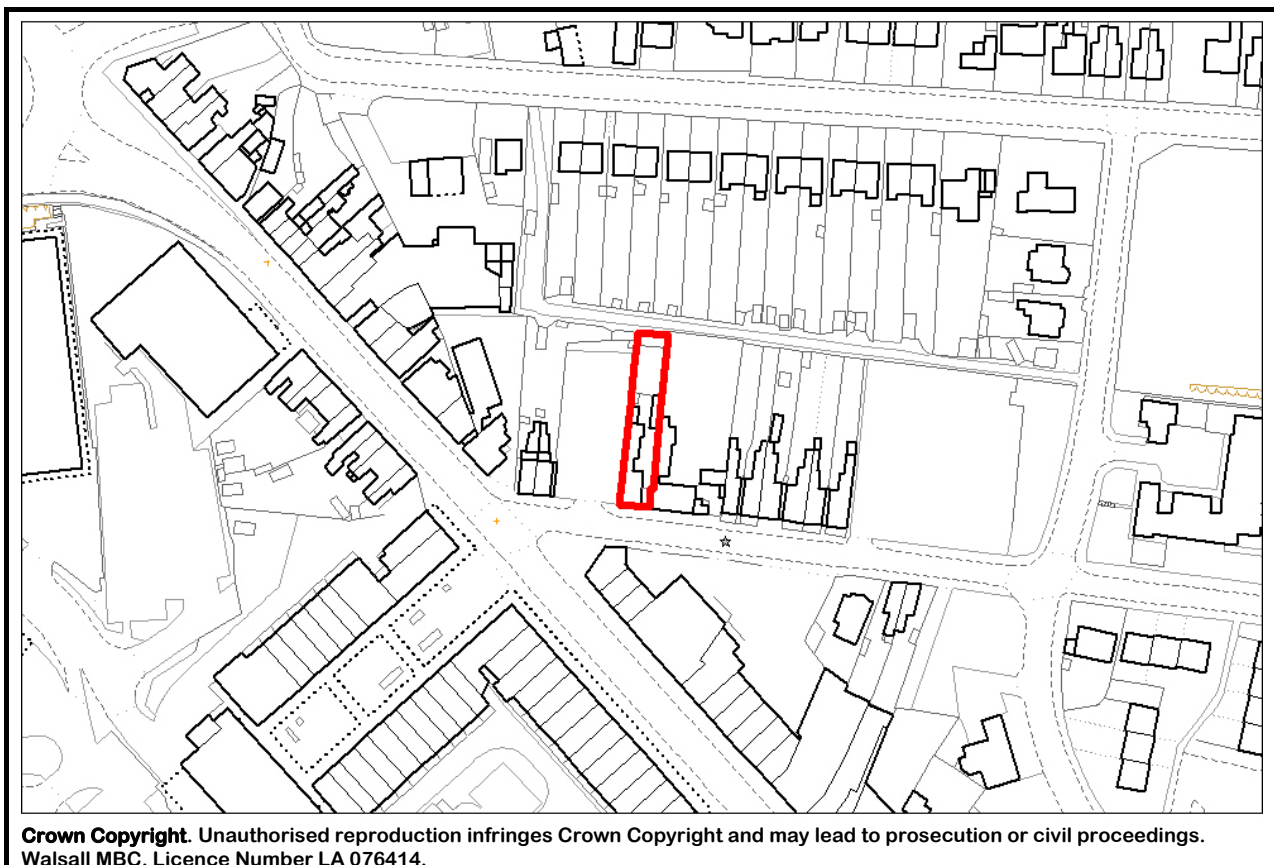
Application Number: 10/0404/FL
Application Type: Full application

Applicant: Mr Christopher Neal
Proposal: Change of use from A1 Shop to Sui Generis Laundrette. 1st floor flat above with independent access. Dryer ducting to rear. Roller shutter and sign to front and side.
Ward: Brownhills

Case Officer: Devinder Matharu
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent:
Location: 13 CHURCH ROAD, BROWNHILLS, WALSALL, WS8 6AA

Expired Date: 10/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is on Church Road between a car park and a pub within the Brownhills District Centre. There are dwellings adjacent the public house and to the rear of the site. The site is within walking distance Of Brownhills High Street.

The application proposes change of use of the premises from a retail use class (A1) to a launderette (which is not in any specific use class) with first floor flat above that would have independent access. There would be a drying duct installed at the rear of the building and a roller shutter on the front elevation.

The launderette is to be re- located from the Ravenscourt shopping precinct. .A new external stair case for the flat is proposed which would allow more space on the ground floor for the launderette use.

Relevant Planning History

None

Relevant Planning Policy Summary (Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

3.16, GP7, ENV32 and 3.116: seeks the design of 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.

ENV35, 3.121 and 3.122 the design of commercial frontages should be appropriate to their setting and sympathetic on the building which they are located and the following would be taken into account:

- The architectural and historic merits of the building
- Character in which they are located
- Prominence of the building
- Any initiatives for the enhancement of the centre.

5.2 The prime concern is to enhance the vitality and viability of the district centre.

S1 identifies sui generis uses (not in any specific use class) which attract a significant number of trips as appropriate district centre uses

S2 the role of district centres is to meet the needs of their districts in providing local services.

S4 seeks to sustain and enhance the range and quality of other town centre uses consistent with the role and function of the centre, whilst ensuring all development has a high standard of design, designing out crime and provide improved facilities to meet the wider community.

S8 housing within district centres would be supported provided:

- a satisfactory residential environment can be created, although it is recognised the level of amenity may not be the same as that in suburban areas
- support the centres economy
- design and layout minimise conflict and disturbance between residents and town centre uses
- require sound insulation

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13: car parking standards

1 car park space per 20 square metres

Designing Walsall SPD

DW3 – Character - design to respect and enhance local identity

Annexe E refers to 20 square metres of amenity space to be provided for flats.

Shutter and Grilles SPG Adopted 1998

Open type designs which allow the interior of the premises to remain visible should be used in preference to solid ones.

National Policy

PPS1 on delivering sustainable development and good design.

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

Consultations

Transportation – No objection

Strategic Policy – No objection

Environmental Health – Support

The floor between the launderette and the first floor flat would be insulated, so there would not be a problem with noise disturbance.

Public Participation Responses

None

The neighbour consultation period on the amended plan does not expire until 2 June 2010. Any further comments will be reported at the meeting.

Determining Issues

- Principle of development
- Housing within the district centre
- Design quality

- Car parking

Observations

Principle of development

The site is within Brownhills District centre where UDP policy seeks to support uses that provide a wider community use. The site is easily accessible by a range of transport networks and furthermore there are two public car parks on Church Road within walking distance of the site. The premises are currently vacant and within walking distance of the neighbouring residential properties in the vicinity, which would give residents the option to walk to the premises

It is considered that the proposal should be supported as the use is acceptable in a district centre and in a sustainable location.

Housing within the district centre

Policy S8 supports housing within district centres to promote the vitality and viability of the town centre outside normal shopping hours. There is already a flat above the public house adjacent and residential properties on Church Road. Amended plans have been received illustrating direct access to the flat above from Church Road, which is considered acceptable. There is a rear garden to the premises which can be utilised as amenity space for the flat above which is an appropriate level of provision in district centre locations in line with policy S8.

Environmental Health have no objection to the proposal as the floor between the launderette and first floor flat would be insulated. Details of the type of insulation measures can be sought by way of condition to ensure the insulation measures are carried out to protect the amenity of the occupiers of the flat above. This is in accordance with Policy S8 which seeks to provide a satisfactory level of amenity for occupiers of flats above and minimise conflict and disturbance between residents and town centre uses.

Design quality

The proposed drying duct would vent at a low level from the rear of the building. The duct would not be visible from any public view as it would be screened behind the existing boundary treatment along the public car park. It would not impact on the visual amenities of the area. This is an improvement from other commercial premises in the vicinity where the rear elevations are exposed to public view and where all servicing to the premises can be seen.

Policy ENV35 expects the frontages of commercial premises to be sympathetic and appropriate to their setting. In this case, Church Road is commercial in character towards the High Street end gradually becoming residential in character at the other end. It is considered that the proposal to install a roller shutter in this location would be acceptable, as it would be within the commercial area of the district centre and as such would not impact on the amenity of surrounding residential occupiers. The proposed roller shutters would be perforated to allow views into the premises thus improving security and powder coated to ensure a satisfactory appearance.

Car Parking

Policy T13 requires 1 car parking space to be required per 20 square metres of floor space. In this case, a total of nine car parking spaces would be required. The proposal seeks to provide no car parking spaces. However, the site is located within Brownhills District Centre where there are a range of transport networks and two free public car parks within walking distance, one immediately adjacent the application site. On this basis, it is considered that no allocated car parking for the proposed use is acceptable.

Summary of Reasons for Granting Planning Permission

The site is within an established district centre where UDP policy supports uses that provide a service for the wider community. It is considered that the proposal should be supported as it is in a sustainable location with a range of transport networks within walking distance. There are also two free public car parks on Church Street that can be utilised.

The drying duct would not be visible from any public view and would be screened by the boundary treatment to the adjoining public car park. The proposal would not impact on the character or appearance of the immediate area.

The proposed roller shutter would be perforated to allow views into the building to meet the aims of designing out crime and the style and design of the roller shutter is considered acceptable and in keeping with the existing building, and the surroundings of the site.

Recommendation: Grant Permission Subject to Conditions

That subject to no representations being received on new material planning grounds on the expiry of the public consultation period, permission is granted subject to conditions and subject to no further new material planning issues are raised.

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

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

2) The development hereby approved shall be completed in accordance with the plans submitted on 14th May 2010.

Reason: To define the permission.

3) No development shall commence on site until details of the type of noise insulation measures to be installed between the ground floor launderette and the first floor flat have been submitted to and approved in writing by the Local planning Authority. The development shall be completed with the approved details and retained and maintained at all times.

Reason: To protect the amenity of the residential occupiers of the flat above.

3) The development shall be completed with the roller shutter details submitted on 14 May 2010. The roller shutter shall be powder coated in blue.

Reason: In order to protect the visual amenities of the area.

4) The proposed launderette hereby approved shall only be open between 09.00 hours till 19.00 hours Mondays to Saturdays and 10am till 4pm on Sundays, Bank Holidays or other public Holidays.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0088/FL
Application Type: Full application

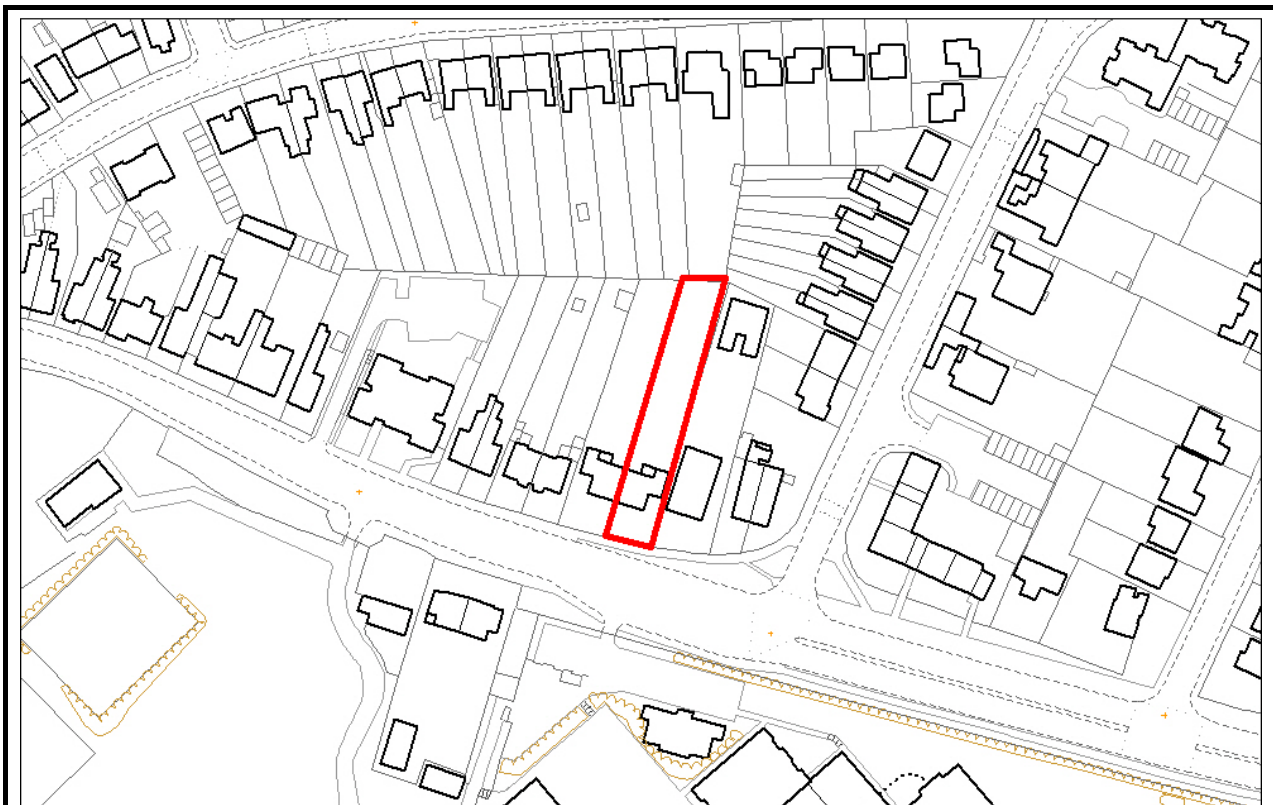
Applicant: Mrs Dominique Butler
Proposal: Construction of detached building in rear garden to provide ancillary residential accommodation for person with disabilities
Ward: Paddock

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent:

Location: 71 SUTTON ROAD, WALSALL, WS1 2PQ

Expired Date: 01/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site is situated on the northern side of Sutton Road just to the west of Princes Avenue and opposite the entrance to Queen Mary's Grammar School.

The site comprises a two storey semi detached house with single storey side garage and large rear garden (approx 50m in length). Two existing storage buildings are situated in the rear garden and a further partially constructed outbuilding is situated across the bottom of the garden. A group of trees on the frontage of 69 and 71 Sutton Road are protected under TPO 8 of 1977.

Sutton Road is predominantly residential comprising a mix of detached and semi detached houses of varying ages, styles and sizes. Immediately to the east is No 73, a detached two storey house with a large outbuilding in the rear garden. The other half of the semi (69) also has a breezeblock outbuilding in the rear garden. Immediately to the rear of the site are houses in The Crescent and Princes Avenue.

The application proposes the retention and completion of the outbuilding partially constructed that sits across the bottom of the rear garden, to provide independent residential accommodation for a person with disabilities. The building measures 10m wide by 6.18m in depth with a maximum pitched roof height of 3.8m. A ramped access and landing area would be provided on the frontage to allow for a level access. The building sits just over 1m from each of the side boundaries and between 0.9m and 3.7m from the angled rear boundary. Pedestrian access only would be provided to the building via the existing gated access to the side of the main house and a new pathway of suitable width and surfacing, the length of the garden.

The building would provide independent residential accommodation for a disabled person who previously lived at No 71. It is submitted that the disabled person can no longer live at the house due wheelchair dependency. The applicant still provides care for the disabled person and the new facility would provide independent living with 24 hour care and assistance available from the applicant.

Since submission of the application further plans have been received to show the existing outbuildings in the rear garden in relation to the application structure.

Relevant Planning History

None.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Walsall Unitary Development Plan March 2005

2.1 and 2.2 state that creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design is a key consideration.

GP1: The Sustainable Location of Development

The location of development will be guided by the principles of sustainable development.

GP2: Environmental Protection

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

H10: Layout, Design and Dwelling Mix

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

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

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

ENV32: Design and Development Proposals.

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

T7 – Car Parking

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

T13: Parking Provision

4 bed houses and above	3 spaces per unit
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Designing Walsall SPD (February 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 relevant policies to this case;

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

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.

Annexe E: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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

Policy QE1 - Environment

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

National Policy

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

PPS3: Housing, encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes.

Consultations

Landscape Officer – No objections.

Fire Officer – Unsatisfactory access for fire appliance, there should be vehicle access for a pump appliance to within 45m of all points of the dwelling. No objections if a domestic sprinkler system to BS9251:2005 is installed.

Access Officer – No objections

Environmental Health – No adverse comments.

Public Participation Responses

Five letters of objection have been received

Objections:

- Structure built without planning consent
- Exceeds permitted development limits
- Its location at the bottom of the garden impacts on adjoining occupiers not the occupants of No 71
- Excessive height, visible from houses adjoining the site
- Windows overlook adjoining properties
- Already two large outbuildings in the rear garden, no objection to these, but objections to the position and height of the latest structure
- Set a precedent
- The submitted plans don't show the existing structures in the rear garden so fail to show an accurate picture of the site
- An eyesore
- Too close to the boundaries.

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

Determining Issues

- The principle of the development
- Impact on the amenities of the surrounding occupiers

Observations

The principle of the development

The application proposes the use of a detached outbuilding at the bottom of the rear garden as residential accommodation for a person with disabilities.

Whilst the building together with the two detached storage buildings would not cover more than 50% of the total area of land around the original dwelling, the building could not be regarded as permitted development as it exceeds 2.5m maximum height within 2m of the boundary. Planning consent would therefore be required for the building regardless of its use as an outbuilding ancillary to the main house or as residential accommodation.

In most circumstances the construction of a new self contained dwelling in the rear garden of an existing dwelling with no street frontage and no independent vehicle access would be considered unacceptable.

However, the proposals would provide a residential unit for one disabled person who is a wheelchair user, and would provide independent living whilst allowing for 24 hour on site care availability from the applicant who lives in the main house. The circumstances of the disabled person mean that it is no longer feasible or practical for them to continue to live in the main house.

The applicant has requested a personal permission for residential accommodation for the disabled person only and when the accommodation is no longer required by them the building would revert to an outbuilding ancillary to the main house.

In principle there is no objection to the use providing it is not occupied independently by anyone other than the disabled person applies for.

Additional parking and vehicle access would not be required as the disabled person relies on the applicant/carer for all their transport arrangements. The disabled person does however have an electric mobility scooter, which would have access to the building.

The remaining rear amenity space would be shared and is of a more than adequate size to comply with Appendix E of Designing Walsall.

Each application is dealt with on its own merits and no precedent for the development of further residential units in the rear gardens of existing properties would be set by the approval of this proposal.

Impact on the amenities of the surrounding occupiers

The building is substantially constructed externally, but remains as an empty shell internally.

The building sits just over 1m from each of the side boundaries with No 73 and No 69 Sutton Road and between 0.9m and 3.7m from the rear angled boundary with No 54 The Crescent.

The internal layout provides a window on the side elevation facing No 69, two windows on the side facing No 73 and a shower room window to the rear elevation facing the boundary with 54 The Crescent. It is considered due to the positioning of the windows in close proximity to the boundary, at the bottom of the garden adjacent to existing outbuildings in adjoining gardens, the proposals would not create any undue overlooking of adjoining premises and would have no adverse impact on the amenities on the adjoining occupiers.

The rear garden of No 54 The Crescent is substantial, over 40m in length and the boundary comprises mature hedging and trees. No 73 and No 69 Sutton Road either side of the site have rear gardens of a similar length to the application site and both have substantial outbuildings within them. 1a and 3a Princes Avenue are set at right angles to the application site beyond the rear garden and existing substantial outbuilding at No 73, and sit approx 28m from the application building.

All the objectors to the proposals live in Princes Avenue at right angles to the application site. Comments have been made regarding the excessive height and appearance of the building visible from their properties. Whilst due to its height (maximum 3.8m) the structure may be visible from surrounding properties, the separation distance more than meets the 24m separation distance between dwellings with habitable room windows required by Appendix E of Designing Walsall. The structure would therefore have no adverse impact on the amenities of the surrounding occupiers.

The proposed use would result in minimal comings and goings from the property, as it would be occupied by a single person, with a care requirement. There would be no vehicle activity to the rear of the main house, retaining the residential nature of the site.

It is considered that the proposed building and use to provide residential accommodation for a person with disabilities only would have no adverse impact on the amenities of the surrounding residential occupiers.

Other issues

Installation of a sprinkler system will ensure appropriate fire protection and satisfy the concerns of the Fire Service. This can be secured by condition.

Summary of Reasons for Granting Planning Permission

The proposals, accurately shown on the revised plans, would provide independent living for a disabled person whilst allowing for 24 hour on site care availability from the applicant who lives in the main house. A personal permission for the disabled person only will ensure that the building would revert to an outbuilding ancillary to the main house when no longer required for accommodation.

Parking and amenity space would be satisfactory. There would be no amenity impacts from any minor increased vehicular activity or use of the building and garden area. The separation distance from adjacent properties provides a satisfactory relationship, maintaining amenity and privacy levels. Installation of a sprinkler system will ensure appropriate fire protection. No precedent would be set by this grant of permission.

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).

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

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

3. The residential unit hereby approved shall be occupied solely by Ms Davies and shall not be occupied, sold or let to any other person and on the vacation of the property by Ms Davies it shall cease use and be converted to a use incidental to the enjoyment of the dwelling house, as a dwelling house, at 71 Sutton Road, within a period of three months of the date of vacation.

Reason: In order to define the permission and allow the Local Planning Authority to retain effective control over the occupation of the premises as a separate dwelling.

4. Prior to first occupation of the building as a dwelling, a domestic sprinkler system shall be installed and fully operational in accordance with British Standard 9251:2005, in accordance with details to be submitted to and approved in writing by the Local Planning Authority which should include an assessment of mains water pressure, additional water storage and/or pumping systems required.

Reason: To ensure that a satisfactory fire protection system is installed and maintained in the building.

5. The works hereby approved shall only be carried out in accordance with details contained within drawings: 0131-03A, 0131-Site Section01A and 0131-DisApproach01A submitted on 10th May 2010, 0131-01, 0131-04, 0131-05, 0131-06, 0131-07, 0131-08 and 0131-09 submitted on 22nd March 2010 and Design and Access Statement submitted on 22nd March 2010.

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Contrary to policy

Application Number: 10/0431/FL
Application Type: Full application

Applicant: Mrs Lynn Dixon

Proposal: Two storey side extension and single storey rear extension to dwelling.

Ward: Streetly

Case Officer: Jenny Townsend

Telephone Number: 01922 652420

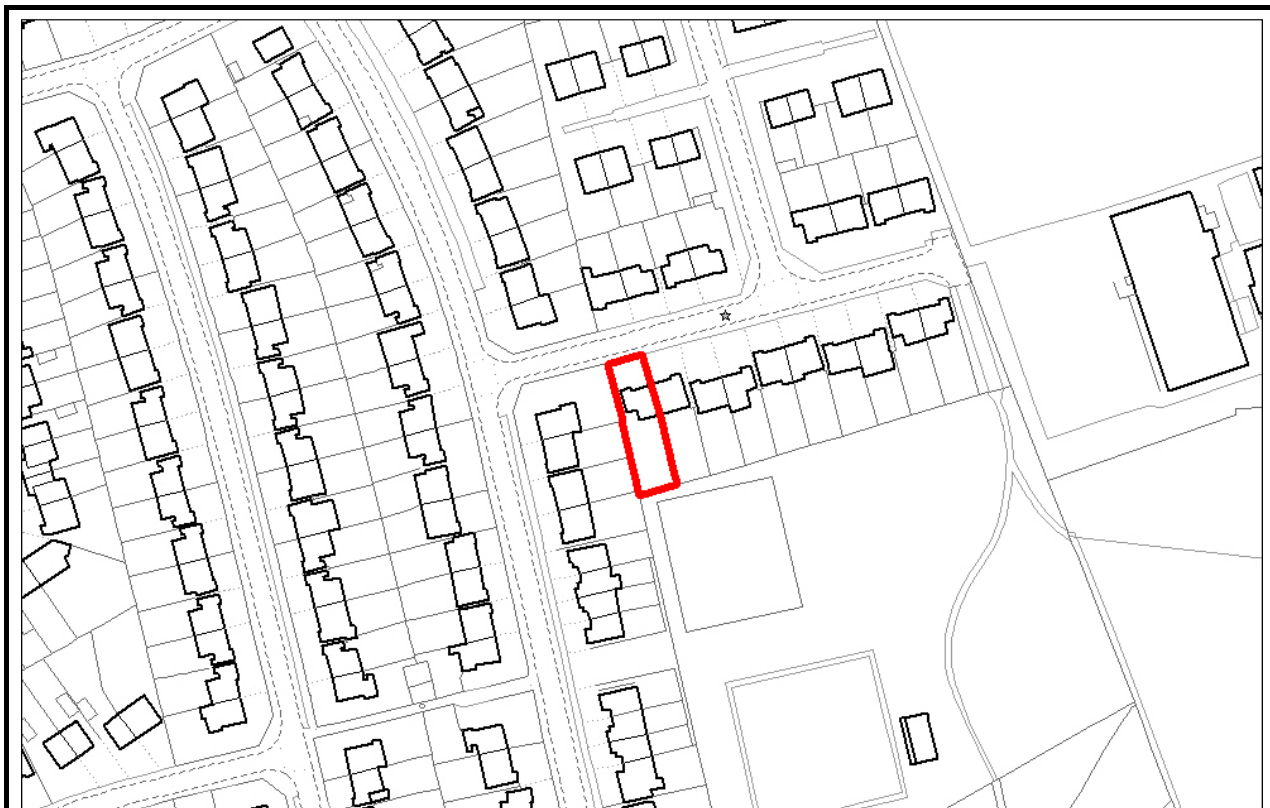
Email: planningservices@walsall.gov.uk

Agent: Jesson Sewell & Swadkins

Location: 3 CEDAR DRIVE, STREETLY, WALSALL, B74 3RJ

Expired Date: 07/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This is a re-submitted application for extensions to the side and rear of a semi detached house which would add a covered passage way and enlarged kitchen at ground floor with 2 new bedrooms above at first floor level.

Internal alterations are proposed so that an en-suite bathroom can be provided to the existing rear bedroom to meet the needs of the applicant's disabled son. A grant has been awarded to assist with this. The new bedrooms are needed as one of the existing bedrooms has to be converted to a bathroom.

The extension would be in line at the front and rear with the existing two storey part of the house and at the front would be built right up to the boundary with numbers 1 Cedar Drive and 53 Hazelwood Road but the rear section would be set in 1.3 metres. The existing gable roof would be continued across the front of the extension with the rear roof slope split with high level eaves to the roof across the wider part of the extension while the section of roof to the narrower part of the extension would have eaves which match with the existing.

The single storey part of the extension would project 1.2 metres from the existing rear wall and would be 5.1 metres wide and have a lean-to roof between 2.5 and 3.4 metres high. The side of the extension nearest to the boundary with number 5, the other half of the pair would be set in approximately 3.5 metres from the boundary whilst the other side would be set in approximately 1.3 metres from the side of the proposed first floor extension.

The application house is at the end of the line of houses with the side wall of the house at right angles to the rear of numbers 1 Cedar Drive and 53 Hazelwood Road. Currently the distance between the rear of the single storey part of number 1 (which has double doors serving the kitchen) and the boundary with the application house is approximately 11.5 metres. The first floor windows at number 1 are obscure glazed and serve non habitable rooms.

Numbers 1 and 53 are approximately 0.5 metres higher in level than the application house with the 1.8 metre high fence to the boundary stepped up in level to match this. The windows in the rear of number 53 would face the two storey part of the extension.

Number 5 is in line at the rear with the application house and has a lounge window adjacent the 1.8 metre high boundary fence.

The rear garden of the house backs onto recreational land at the rear and has trees and shrubs on the boundary which are approximately 3 metres high.

Relevant Planning History

09/1782/FL Two storey side extension and single storey rear extension to dwelling. Refused 08/04/10 on the grounds that the proposal would, because of the height and the lack of separation with the ground floor kitchen doors at number 1 Cedar Drive have an over-bearing impact which would be detrimental to the amenity of the occupiers of number 1. Also the orientation of the application site and the position of the extension and the

nearness to the boundary would cause a loss of light to the rear of number 1 which would further erode the amenity of the occupiers of this property.

Relevant Planning Policy Summary

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

PLANNING POLICY STATEMENT 1

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

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.

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

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.

13m separation between habitable windows and blank walls exceeding 3m in height.

Conserving Walsall's Natural Environment

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

Consultations

Natural Environment, Ecology Officer – I have read the bat report dated February 2010 by Jackie Underhill as part of application 10/1782/FL.

The report was not carried out at a time of the year when bats are likely to be present. However, no evidence of bats was found and the report concludes that while there is a risk that roosting bats may be present, the proposed work will have a limited risk of destroying or disturbing such roosts. The proposed works would directly affect only two possible access points. The report writer proposes that the soffit boards are removed in the winter months when bats are least likely to be present under the supervision of an ecologist. This is a pragmatic and proportional way of dealing with a relatively low risk that bats may be present. This approach requires great caution and is only applicable where an inconclusive bat survey has been carried out and where there is a low risk that bats are likely to be affected by the proposed development.

A planning condition will be required, if permission is granted, to ensure the bat consultant's recommendations are enforceable.

I also propose that a bat box is built into the fabric of the building near the gable apex, if planning permission is granted.

Transportation Team – No objections.

Public Participation Response

None.

Determining Issues

- Design of Extension and Impact on Character of Area
- Impact on Bats
- Impact on Amenity of Nearby Residents and whether the proposal has overcome the previous reasons for refusal
- Parking

Observations

Design of Extension and Impact on Character of Area

The design of the extension is compatible with the existing house.

The area is characterised by pairs of semi detached houses with gaps between them. There is a flat roofed extension to the side of number 11 but this is the only one on this side of the road. Although the side extension would completely fill the space up to the boundary when viewing the house from the front, this would not harm the appearance of the house or the street because the application house lies at the end of the line of houses and the rear garden of 1 Cedar Drive would provide space to the side of the application house, which would be in keeping with the character of the area.

Impact on Bats

There are no ecological reasons why this application should be refused, subject to the inclusion of conditions to accommodate any protected species which may be present.

Impact on Amenity of Nearby Residents and whether the proposal has overcome the previous reasons for refusal

The new side gable wall of the extension would measure between 4.6 and 7.5 metres high and would be approximately 12.5 metres from the doors serving the kitchen of number 1 Cedar Drive. The rear part of the extension has been reduced in width in order to minimise any impact to the ground floor doors at number 1. As a result there would only be a very small shortfall (0.5 metres) to the separation required by policy (13 metres). Because of the step in to the rear first floor part of the extension, the east-west orientation of the properties and as the doors at number 1 are at ground floor level only, it is considered that the residential amenity of the occupiers of number 1 would not be unduly affected and the proposal would not conflict with the aims of the policy.

The reduction in width of the rear part of the extension would also minimise any shading to the rear of number 1 and therefore the current proposal would overcome the previous reasons for refusal.

The new first floor window proposed at the rear would serve a bedroom and although it would be in line with the existing first floor bedroom windows, it would be closer to the boundary with numbers 1 and 53 Hazelwood Road. However the angle between the houses means that the window would not directly face towards any habitable room windows at these properties and although the window would overlook the rear gardens, this would not significantly worsen the existing situation sufficient to refuse the application for this reason alone.

The side extension would not project beyond the existing house at either the front or rear and would therefore have little impact on number 45, the other half of the pair. The single storey part of the extension would lie over 3 metres from the boundary with 45 and the modest length (1.2 metres) means that there would be little impact on the rear window of number 45 from the proposal.

The existing fence on the boundary with numbers 1 and 53 Hazelwood Road would screen the ground floor part of the extension from the rear of these houses and because there is no windows proposed in the side there would be no overlooking to the rear of these properties from the ground floor part of the extension.

The recreational land at the rear is screened from the rear of the house by the trees and shrubs on the boundary and this would continue to be the case for the single storey part of the extension. The first floor part of the extension would be in line with the existing house and would not worsen the existing situation.

Parking

The proposal would increase the number of bedrooms to 4 which means that a maximum of 3 off-road parking spaces would be required. The original plans proposed a boiler positioned at the rear of the garage which meant that it would not accommodate a car however the amended plans show this removed and two car parking spaces provided on the enlarged front driveway.

Summary of Reasons for Granting Planning Permission

The design is in keeping with its surroundings.

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

There is space within the front garden to enlarge the existing driveway to provide 2 spaces, which together with the existing garage would meet Council's requirements for a 4 bedroom house and avoid any on-street parking as a result of the extension.

The proposed development is considered to meet the aims and objectives of Walsall's Unitary Development Plan, in particular policies GP2, ENV23, ENV32, H10, T7 and T13, and the Supplementary Planning Documents "Designing Walsall" and "Conserving Walsall's Natural Environment", and other material planning considerations.

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.

2: Before any development commences soffits at the gable end of the building and at the rear of the property shall be removed by hand in a manner which will allow their reinstatement if bats are found. **This work shall be carried out only under the supervision of a suitably qualified ecologist between October and mid April.** If bats

or evidence of bats are found during these operations, the building shall be reinstated and no further destructive works re-commenced until a licence has been obtained. Within a month of the commencement of works described in this condition a report by the supervising ecologist shall be submitted in writing for approval by the Local Planning Authority.

Reason: To conserve populations of local bat populations and to comply with policy ENV23 of Walsall's Unitary Development Plan.

3: No development shall commence until proposals to incorporate bat roosting features into the proposed building has been received and approved in writing by the Local Planning Authority. The approved scheme shall be incorporated into the development before any part is brought into use and retained thereafter.

Reason: To conserve populations of local bat populations and to comply with policy ENV23 of Walsall's Unitary Development Plan.

4: 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.

5: 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.

6. Before the development is brought into use, the front driveway shall be enlarged and hard-surfaced to provide a total of at least 2 car parking spaces, each measuring at least 2.4 by 4.8 metres (as shown on the amended plans). Drainage from the spaces shall be to a permeable or porous area or surface within the curtilage of the dwellinghouse, unless otherwise agreed in writing by the local planning authority. The spaces and drainage shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off street parking and in accordance with T 7 and T13 of Walsall's Unitary Development Plan.

7: This permission relates to the amended drawings numbered J1430/06b deposited on 11 May 2010.

Reason: To define the permission.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

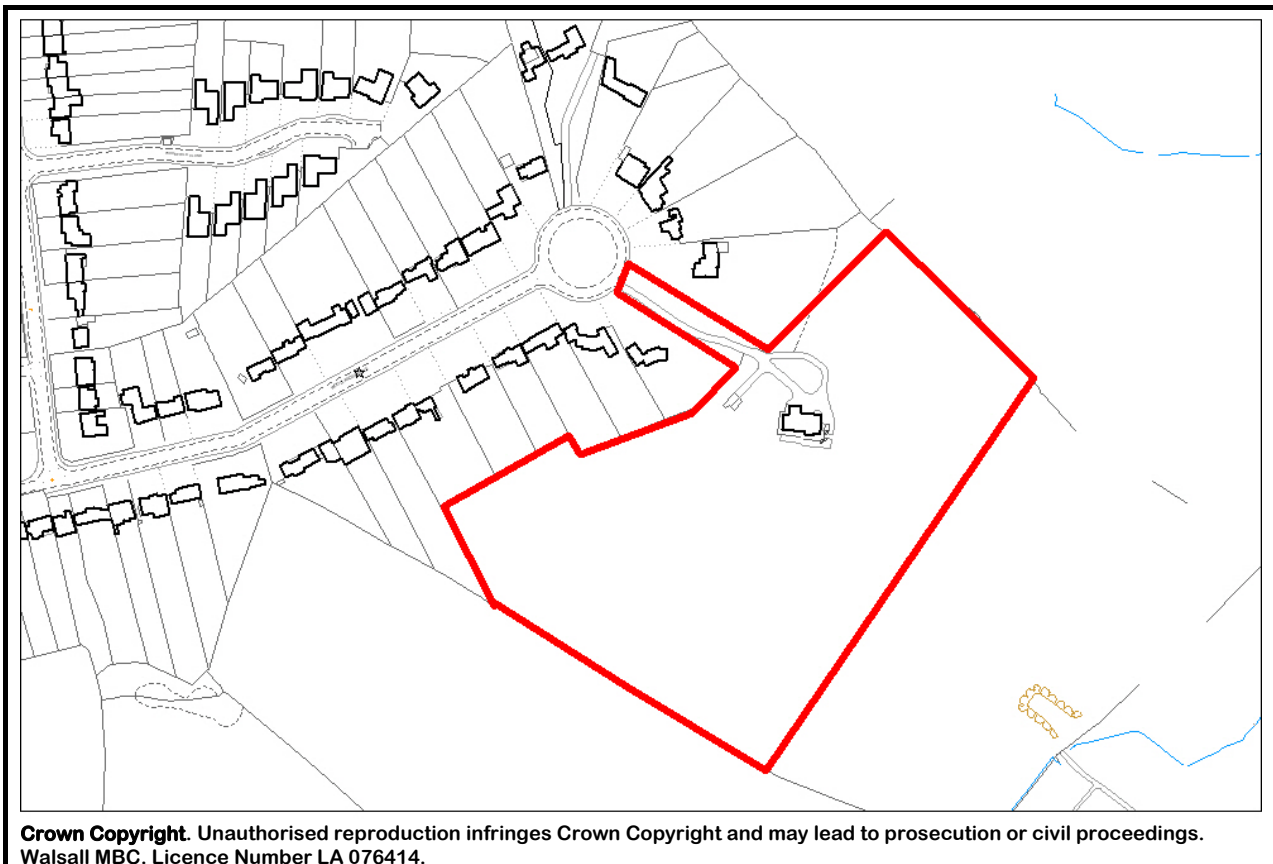
Reason for bringing to committee: Section 106 Agreement

Application Number: 09/1664/FL
Application Type: Full application

Applicant: Mr Kulvant Sandhu
Proposal: Enclosure of verandah and conservatory approved under 08/0288/FL to be deleted
Ward: Paddock

Case Officer: Stuart Crossen
Telephone Number: 01922 652420
Email: planningservices@walsall.gov.uk
Agent: Halas Design Ltd
Location: 34 WOODLANDS AVENUE, WALSALL, WS5 3LN
Expired Date: 20/01/2010

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



Application and Site Details

This application is for the enclosure of a veranda to the rear of a large detached house located within the Green Belt. The veranda, which is to be re-termed an orangery, was approved under planning permission 08/0288/FL. A similar application to this submission 08/1651/FL was refused in 2008. The house has a very large rear garden and lies to the rear of the other houses in the street.

The proposed orangery is to cover the existing patio area to the south east corner of the house, extending from the corner behind the utility room to the existing study, a small veranda is proposed between the existing conservatory and proposed orangery. The veranda and orangery will have hipped roofs; the orangery will have part glass elevations, with a wooden section extending from the previously approved fitness room below.

The dwelling has already been extended at two storey level to the front and at single storey level to the side and rear. The application proposes to omit the previously approved conservatory and the applicant has submitted a section 106 to this effect.

The elevation to which the extensions are to be located faces towards open land with the Great Barr Golf course located to the east.

Relevant Planning History

02/2158/FL/H4 – First floor extension and canopy to front – Granted Permission Subject to Conditions on 17/12/02

03/0189/FL/H4 – Erection of Conservatory – Granted Permission Subject to Conditions on 25/03/03

03/1542/FL/H4 – Single storey side extension and amendment to 02/2158/FL/H4 – Granted Permission Subject to Conditions on 16/09/03

08/0288/FL - Proposed rear conservatory and open veranda with fitness room below - Granted Permission Subject to Conditions on 07/04/08

“The proposed veranda shall remain open and no enclosure or further supports shall be added to the veranda without the prior submission and approval of a further planning application.”

08/1651/FL - Enclosure of veranda approved under 08/0288/FL – Refused on 05/12/10

“The proposed enclosure of the veranda to form an orangery would, when added to the extensions already built or approved for the house, amount to a disproportionate addition to the original dwelling”

Relevant Planning Policy Summary

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV2: Control of Development in the Green Belt.

Limited extension or alteration of an existing dwelling in the Green Belt will be allowed provided that this will not result in disproportionate additions. The Council will require that the siting, design, form, scale and appearance is consistent with the character of the surrounding area.

ENV18: Existing Woodlands, Trees and Hedgerows.

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

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

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.

Conserving Walsall's Natural Environment

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

National Policies

PLANNING POLICY STATEMENT 1

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

PLANNING POLICY GUIDANCE NOTE 2

Paragraph 3.6 states provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in the Green Belt.

Consultations

Natural Environment –AWAITING COMMENTS

Regeneration Trees – No objections

Public Participation Response

None Received

Determining Issues

The determining issue is whether enclosure of the veranda would amount to disproportionate additions which would harm the openness and character of the Green belt

Observations

Approved extensions have resulted in a 45% increase in the floor area of the house. Much of this increase was on the ground floor. This application proposes to enclose a veranda. This would constitute an unacceptable disproportionate addition to the house if an approved conservatory was also built.

The applicants wish to make a legally binding commitment in a Section 106 agreement to abandon the conservatory proposal and not build it. The proposal to enclose the veranda would not then alone amount to a disproportionate addition to the house and can be supported.

Summary of Reasons for Granting Planning Permission

The conversion of the veranda into an orangery and omission of the previously conservatory is considered on balance not to result in harm to the openness of the greenbelt and overcomes the previous reason for refusal.

The proposed development is considered to meet the aims and objectives of the Walsall Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Documents “Designing Walsall” and “Conserving Walsall’s Natural Environment”.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

Reason for bringing to committee: Conflicts with policy

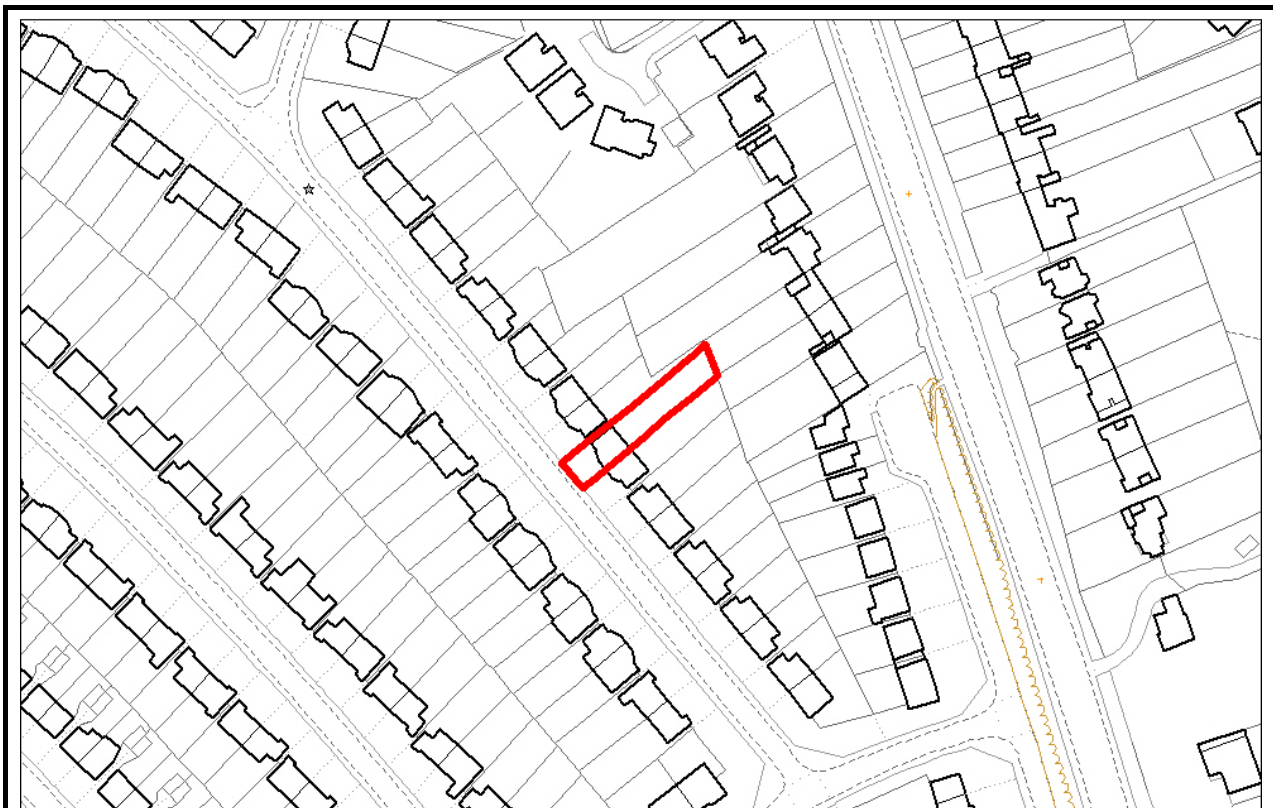
Application Number: 10/0154/FL
Application Type: Full application

Applicant: Mr Ian Nash
Proposal: Conservatory to rear.

Ward: Streetly

Case Officer: Jenny Townsend
Telephone Number: 01922 652420
Email: planningservices@walsall.gov.uk
Agent: Mr M Kaszuba
Location: 80 VALLEY ROAD, STREETLY, BIRMINGHAM, B74 2JF
Expired Date: 12/04/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for a conservatory to the rear of a semi detached house.

The conservatory would infill an area between the side of an existing rear extension to the lounge and a covered way which lies between the application house and the neighbour number 78 and projects approximately 1.0 metre beyond the rear of the houses.

The side of the conservatory nearest to the neighbour at 78 would be set in 0.4 metres from the boundary and would project approximately 3.8 metres beyond the rear of the covered way.

The conservatory would be approximately 3.5 metres wide and the opposite elevation would project 2 metres beyond the rear of the existing extension adjacent to the neighbour at 82, the other half of the pair. A pitched roof is proposed which would measure between 2.4 and 3.4 metres high.

The neighbour at number 78 has a patio door to the lounge adjacent the covered way which lies 1.0 metre forward and a single storey extension approximately 4 metres from the boundary which projects approximately 2.5 metres. This extension is similar to the one to the rear of the application house and has a secondary window in the side facing the boundary with 80 with the main windows on the rear facing down the garden. The boundary fence is 1.8 metres high for a 2 metre long section and then drops in height to approximately 1.5 metres for the remainder of the boundary.

The neighbouring property at number 82, the other half of the pair has a single storey extension to the rear in line with the rear of the extension belonging to the application house. There is a 1.8 metre high fence to the boundary with trees in front.

The application house has a long rear garden which backs onto the long rear gardens of number 122 and 124 Chester Road. The existing fence, trees and shrubs on the boundary screen the rear of the houses from each other.

Relevant Planning History

None.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

PLANNING POLICY STATEMENT 1

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

Designing Walsall – Supplementary Planning Document

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.

These include guidelines regarding the length of extensions in relation to the adjoining dwellings and a 45 degree code to assess the impact.

Consultations

None.

Public Participation Response

None.

Determining Issues

- Impact on Amenity of Nearby Residents

Observations

Impact on Amenity of Nearby Residents

The conservatory would project approximately 4.8 metres beyond the rear of the patio window belonging to the neighbour at 78. However the existing covered way between the houses already projects 1.0 metre beyond this window and together with the higher section of fence on the boundary mostly screens the rear of the application house from view from this window.

Because of the lightweight and transparent construction of the roof, the small set in (0.4 metres) from the boundary and the roof design (sloping away from the boundary) it is considered that the proposal would have little impact on the neighbour in respect of loss of light and therefore the aims of the policy would be met.

A condition is recommended for the lower fence panels for the length of the conservatory to be replaced with ones at least 1.8 metres high. This would prevent overlooking to the rear of number 78 from the conservatory and visa versa and protect the privacy of the occupiers of both houses.

The side of the conservatory facing towards the neighbour at 82 would be set in over 4 metres from the boundary and the short length which the conservatory would project beyond the rear of the existing extension next to number 82 in addition to the existing boundary fence and trees means that there would be little impact on the amenity of the occupiers of 82 from the proposal.

The long rear gardens of both the application house and the houses on Chester Road and the existing screening on the boundary between them means that there would be little impact on the amenity of the occupiers of the houses in Chester Road from the conservatory.

Summary of Reasons for Granting Planning Permission

The proposal will not cause a significant increase in overlooking, loss of privacy or loss in the daylight or sunlight enjoyed by nearby properties. The existing covered way and boundary fence already prevents overlooking between the rear window of 78 and the rear of the application house coupled with the recommendation for a higher fence for the length of the conservatory would safeguard the amenity of the occupiers of both houses.

The proposed development is considered to meet the aims and objectives of Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, and the Supplementary Planning Document "Designing Walsall" and other material planning considerations.

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.

2: The facing bricks of the conservatory shall 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 conservatory, unless otherwise previously agreed in writing by the local planning authority.

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

3: A solid fence at least 1.8 metres high measured from the floor level of the conservatory, and projecting for at least the length of the conservatory, shall be erected and retained along the boundary with the adjoining house number 78 at all times.

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27 May 2010

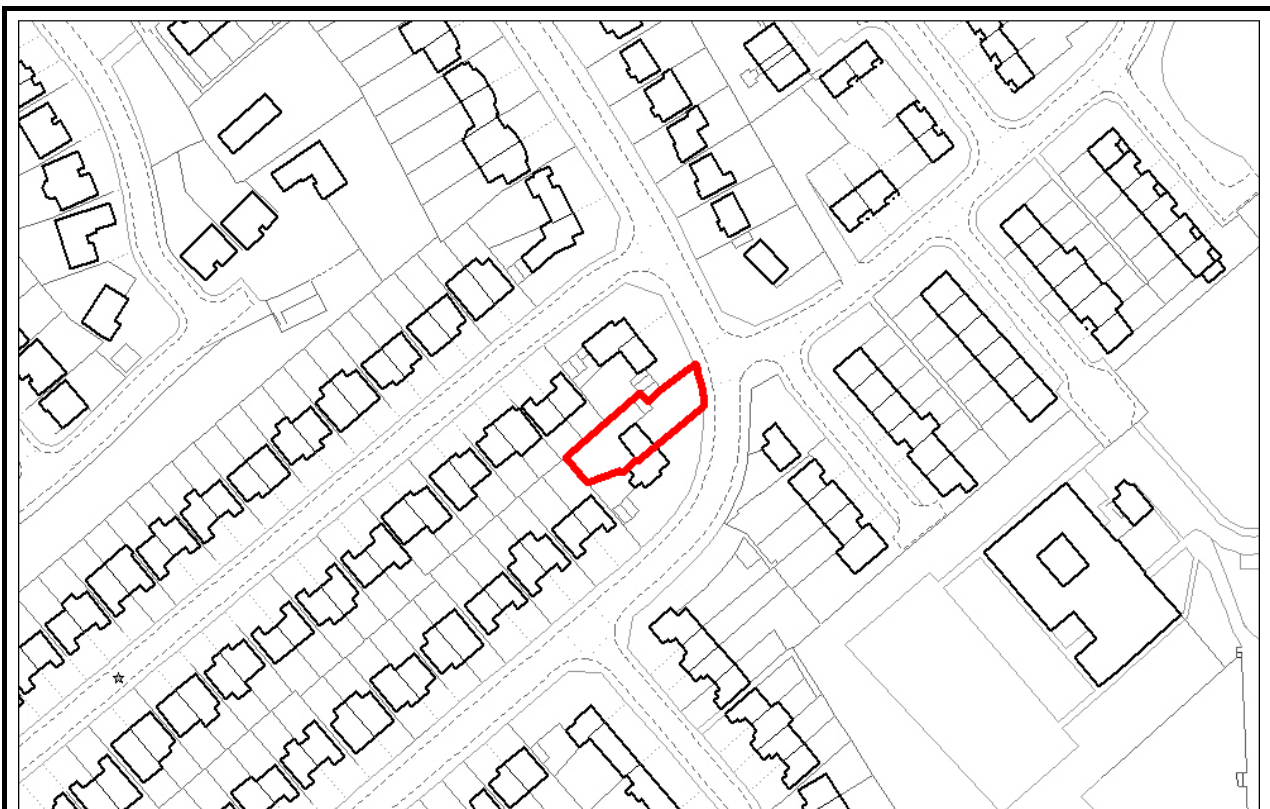
Reason for bringing to committee: Significant community interest

Application Number: 10/0136/FL
Application Type: Full application

Applicant: Mr & Mrs Darren Hinchcliffe
Proposal: Two storey rear extension, access ramp with handrail and planting in front of house only.
Ward: Streetly

Case Officer: Jenny Townsend
Telephone Number: 01922 652420
Email: planningservices@walsall.gov.uk
Agent:
Location: 111 HUNDRED ACRE ROAD, STREETLY, SUTTON COLDFIELD, B74 2BJ
Expired Date: 06/04/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Status

The application was deferred at the meeting on 29 April 2010 pending receipt of suitable quality plans which can be presented to Committee so that the proposal can be properly considered.

These have now been received. They are the same presentation style as previously and the agent has declined to present in a different format suitable for Committee presentation. The report presented previously is unchanged.

Application and Site Details

This application is for a two storey extension to the rear of a semi detached house which would enlarge the existing kitchen and provide a new utility area at ground floor and add a 4th bedroom with wet room above. A lift is proposed to be sited in the utility area which would give access to the new bedroom. The extension is for the use of the applicant's disabled son.

The original plans proposed a ramped walkway with a metal handrail for the length of the driveway to run alongside the boundary with number 113 from the back of the pavement in front of the house up to and then across the front of the house (in front of the existing porch) towards the gate between the house and the garage.

However amended plans have been received which now propose the ramp to be across the front of the house only.

A platform measuring 2.1 metres long and 1.9 metres wide is proposed in front of the house next to the boundary with number 113. This would lie in front of an existing planted area alongside the front porch, would be 1.5 metres forward of the side elevation of number 113 and would be the start of the wheelchair access to the rear of the house.

The ramp is to be concrete with a metal handrail measuring 0.9 metres high to the side. The plans show soft planting in front of the ramp across the width of the house, to the same height as the handrail.

The existing opening between the garage and the house is to be widened to allow passage for a wheelchair and the walkway would continue alongside the house to the rear corner of the extension and back towards the boundary with number 113 to double doors in the rear of the proposed extension. Level platform areas are proposed at each corner of the house to make it possible to manoeuvre the wheelchair.

There is a 1.0 metre high wooden fence to the front boundary between the application house and number 113.

The pair of semi-detached houses are situated on a bend in the road and number 113, the other half of the pair, lies at right angles to the side of the application house. Number 113 has a rainwater down pipe, guttering and a flue attached to the side of the long two storey section which lies alongside the rear boundary with the application house.

The side of number 113 projects approximately 3.5 metres beyond the rear of the application house and the proposed extension would project 0.3 metres beyond this with a gap of 0.3 metres between the side of 113 and the side of the extension. Double gable roofs are proposed to the extension with a valley between them. The ridge to the section closest to number 113 would be 0.7 metres lower than the ridge to the existing roof with the ridge to the remaining roof 1.2 metres lower.

The lift would be in the rear corner of the extension nearest to number 113 and windows and doors to the kitchen/utility area at ground floor and the bedroom and wet room at first floor level are proposed in the rear elevation facing across the rear garden of number 115. A secondary window to the kitchen is proposed in the side elevation of the extension at ground floor level which would face towards the boundary with the rear of numbers 3, 5 and 7 Fordwater Road and a high level window is proposed at first floor level in the existing side wall of the house to serve the new third bedroom. This window is proposed to be inserted in the existing side wall of the house rather than the side wall of the proposed extension.

The houses in Fordwater Road have habitable room windows at both ground and first floor level and the separation between the side of the extension and the rear of the houses would be reduced to approximately 12.5 metres.

Number 113 has a kitchen window at ground floor and a bedroom at first floor level in the rear elevation facing towards number 115.

Number 109 lies forward of the application house and has an obscure glazed window at first floor level facing down the side boundary between the houses.

Number 115 lies to the rear and at right angles to the rear of the application house. Number 115 is higher in level and has a 1.8 metre high fence to the boundary with 111. There is a first floor window in the side elevation of 115 but this lies to the front of the house. The distance between the rear of the extension and the boundary with number 115 would be approximately 10 metres.

Relevant Planning History

05/0917/FL/H4 Widen rear of garage. Granted subject to Conditions 19/07/05.

09/1138/FL Two storey rear extension, internal alterations and ramp in existing detached garage to allow access to the house. Refused 09/11/09 on the grounds that the overbearing impact on the kitchen window of 113 due to height and proximity to the boundary, would be detrimental to the amenity of 113; the separation between habitable room windows proposed in the side elevation facing habitable room windows on the rear of numbers 3, 5 and 7 Fordwater Road at approximately 15 metres be less than the minimum required (24 metres) and would allow overlooking which would affect the privacy and amenity of the neighbouring houses and the application house. The application failed to demonstrate there would be no undue noise or vibration from the proposed lift adjacent the Party Wall with number 113.

Relevant Planning Policy

(Note the full text version of the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

PLANNING POLICY STATEMENT 1

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

Designing Walsall – Supplementary Planning Document

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.

24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.

The length of extensions in relation to the adjoining dwellings and a 45 degree code to assess the impact.

Consultations

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

Access Officer – No planning issues however has referred to Requirement M1 of Approved Document M for level and ramped approaches. This would be dealt with within the Building Regulations application.

Occupational Therapist – Concerns regarding the length of the walkway, the lack of platforms at the corners, the number of steps proposed to the porch, the possible intrusion of the steps from the driveway on the access in and out of the garage and the space around the opening to the vertical lift to manoeuvre the wheelchair.

Public Participation Response

The occupiers of 3 and 5 Fordwater Road and 113 and 115 Hundred Acre Road have objected on the grounds that:

- the rear of the application house is higher which exacerbates the two storey elevation to the rear of number 3 Fordwater Road;
- the gable will reduce the visual skyline currently enjoyed from the rear of number 3 by approximately 50%;
- the rear garden vista to garden corridor at the rear of 113 Hundred Acre Road and adjoining properties will be lost;
- the depth and eaves design of the extension does not match the existing and this building character enjoyed with adjoining properties will be lost;
- the size of the extension appears excessive for the amount of accommodation required;
- alternative plans should be considered using the land at the side of 111 which would not have such an impact on an adjoining property and would take account of other extensions in the area;
- the extension would prevent access for maintenance;
- the extension goes beyond the building line and would overlook the rear patio causing an intrusion into privacy;
- because it projects beyond the building line, the extension would alter the appearance of the front of number 113 but not the application house;

- the new fence at the front was installed to minimise disturbance from the commercial activities at the front of the house but the ramps and platforms and their use so close to the front sitting room window would cause further invasion to privacy;
- noise and vibration from lift, ramps and platforms;
- close proximity of excavation work for foundations and services;
- large second floor window will face 115 and invade their privacy;
- significant loss of privacy to house and garden of number 5 with the 4th bedroom window overlooking the rear garden and living room (they presume the wet room will use masked glazing);
- extension will be visually overbearing due to short length (7 metres) of rear garden of number 5;
- increased roof size would block sun from rear garden and lower part of the house for longer periods;
- extension is too grand for 3 bedroom semi and will dramatically impact on all surrounding neighbours. Whilst sympathising with reason for extension they feel that extra space could be gained in a more considerate manner by converting garages or adding single storey extensions.

A further letter has been received from the occupier of number 113 following discussions with the applicants which informed that she now understood that there was to be a gap between the extension and 113 (but didn't know the width). No new issues were raised but the previous concerns still stand.

The neighbours have been re-consulted on the amended plans however at the time of writing no representations have been received in respect of these plans. The consultation period expires on 27 April 2010. Any further comments will be reported at Committee.

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 Amenity of Nearby Residents and whether the previous reasons for refusal have been overcome
- Parking

Observations

Design of Extension and Impact on Character of Area

The extension would be to the rear of the house and the very short length (0.3 metres) which the extension would project beyond the rear gable of 113 would be so far back from the road as to be barely visible and would have little impact on the appearance of the pair of houses or the area. It is considered that the design of the extension would be compatible with the existing house.

The ramped walkway as shown on the amended plans would lie in front of the existing house with a platform area adjacent the wooden fence on the boundary with number 113. The proposed handrail would be approximately the same height as the fence and the

planting proposed to the side of the walkway would soften the appearance of the walkway and provide screening that would be in keeping with planting in other nearby front gardens. A condition is recommended for a planting scheme to be agreed prior to works commencing.

Impact on Amenity of Nearby Residents (and whether the previous reasons for refusal have been overcome)

The extension would project approximately 0.3 metres beyond the rear of number 113. This short length means that there would be little impact on the rear windows of number 113 and the proposal would comply with policy.

The 0.3 metre gap proposed between the extension and 113 would minimise any impact on the amenity of the occupiers of 113 from noise or vibration from the proposed lift. Housing standards officers have assured that lifts used in these situations are hydraulic and electrically operated and make no noise. Whilst no technical specifications or noise level information has been submitted it is considered that the gap would overcome this aspect of the previous reason for refusal.

No windows are proposed in the side of the extension facing towards the rear of the houses in Fordwater Road so there would be no overlooking issues with regards to this part of the proposal.

The plans do show a high level window inserted at first floor level in the existing side wall of the house which would face towards the rear of the houses in Fordwater Road. However provided that this window is obscure glazed and non-opening (unless the part of the window which can be opened is more than 1.7 metres above the floor level of the room), it would be permitted development and would not require planning permission.

The bedroom window proposed on the rear elevation would be between 17 and 19 metres from the rear of numbers 3 and 5 Fordwater Road respectively. The short length of the rear gardens of the houses in Fordwater Road (approximately 7 metres) already allows a degree of overlooking from the existing dwelling and the addition of the extension would reduce this, certainly with regards to number 3 and because of the oblique angle (30 degrees or less) would limit the potential overlooking to number 5.

Therefore on balance the current proposal overcomes the previous reasons for refusal.

Number 115 is higher in level than the application house and does not have habitable room windows in their side gable which would face the rear of the proposed extension. The separation between the rear of the extension and the boundary with 115 (8.5 metres) would give rise to the potential for overlooking the garden of 115 from the rear facing bedroom window and may affect the amenity of the occupiers of 115 and the application house. The short length of the existing rear gardens of the houses in Fordwater Road, already face the rear of 115 leading to overlooking from the first floor windows of 5, 7 and 9 Fordwater Road and 117 Hundred Acre Road. The proposal would not be significantly worse over and above the existing situation sufficient to refuse the application in this instance.

Parking

The number of bedrooms would be increased and therefore 3 off-road parking spaces would be required to meet Council's requirements. No change is proposed to the existing garage and together with the existing front driveway there is space to meet these standards.

Summary of Reasons for Granting Planning Permission

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

The short length which the extension projects beyond the rear of 113 means that there would be little impact with regards to overbearing impact or loss of light to the rear of 113. The design is in keeping with its surroundings.

The gap proposed to the side of the extension would prevent noise or vibration from the extension being transmitted through the walls of the extension.

The new bedroom window would be set in from the boundary with 113 and would be in a similar position to the existing bedroom window on the rear of 113 which overlooks the rear garden of the application house and would continue to be able to do this even if the extension were added.

The short rear gardens to the houses in Fordwater Road mean that there is already a degree of overlooking however the extension would improve this situation with regards to number 3 and because of the oblique angle would not significantly worsen the existing situation with regards to number 5.

The extension would only project an additional 0.3 metres beyond the rear of number 113 and although the extension would lie to the south-east of the houses in Fordwater Road, this very short length means that there would be little change to the existing situation with regards to shading or loss of light to the rear gardens of the houses in Fordwater Road. Maintenance and proximity of foundations and services are not material planning issues and are covered by other legislation.

The proposed development is considered to meet the aims and objectives of Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing Walsall" and other material planning considerations.

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.

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

3: The glazing to the rear first floor window serving the wet room shall comprise obscure glazing which shall thereafter be retained.

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

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

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

5: This permission relates to the amended drawings deposited on 12 April 2010.

Reason: To define the permission.
