



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27th January 2011

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	10/1277/FL	17 GILLITY CLOSE, WALSALL, WS5 3PW	First floor side extension two storey rear extension in to single storey rear extension	Refuse
2	7	10/1632/TE	LAND OFF FRYERS ROAD, WALSALL.	Time Extension to 07/0449/OL/W7 and subsequent reserved matters under 08/1815/RM to allow additional time to implement the approved development	Grant Permission Subject to Conditions
3	17	10/1404/FL	CASTINGS PLC, GATEHOUSE TRADING ESTATE, LICHFIELD ROAD, BROWNHILLS, WS8 6JZ	New warehouse and car park with associated internal service roads and landscaping.	Grant Permission Subject to Conditions
4	33	10/1420/FL	ALDRIDGE & BROWNHILLS MAGISTRATES COURT, ROOKERY LANE, ALDRIDGE, WALSALL, WS9 8NR	Demolition of magistrates court and probation service office and erection of new office building and 6 x 2 bed and 3 x 3 bed flats (9 flats in total)	Grant Permission Subject to Conditions
5	47	10/1574/AD	LEEKES OF BILSTON, GREAT BRIDGE ROAD, BILSTON, WALSALL, WV14 8LB	Display of 7 no. fascia signs and two freestanding signs on existing retail building/site	Part approve/refuse

6	53	10/1481/FL	23 CORPORATION STREET, WALSALL, WS1 4HW	First floor rear extension	Refuse
7	59	10/1658/FL	LAND CORNER OF TAME DRIVE, WALSALL ROAD, WALSALL, WS3 4DE	Erection of new dwelling with detached garage and associated parking and external works.	Grant Permission Subject to Conditions
8	67	10/1591/FL	176 BLOXWICH ROAD, WALSALL, WS2 7BQ	Change of Use from A1 (retail) to A5 (hot food takeaway).	Refuse
9	77	10/1549/FL	85 KINROSS CRESCENT, BIRMINHGAM, B43 7PX	Retention of a rear conservatory with reduced length from 5040 to 3540mm.	Grant Permission Subject to Conditions
10	83	10/1193/FL	BEACON PARK FARM, BRIDLE LANE, BARR BEACON, WALSALL, WS9 0RG	Two storey side and single storey rear extension.	Grant Permission Subject to Conditions
11	93	10/1085/FL	THE FREE TRADE INN P.H., WOOD LANE, PELSALL, WALSALL,	Change of Use of free trade public house to 2 dwellings and construction of pair of 4 bed semi detached houses on former car park.	Grant Permission Subject to Conditions



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Significant Community Interest

Application Number: 10/1277/FL
Application Type: Full application

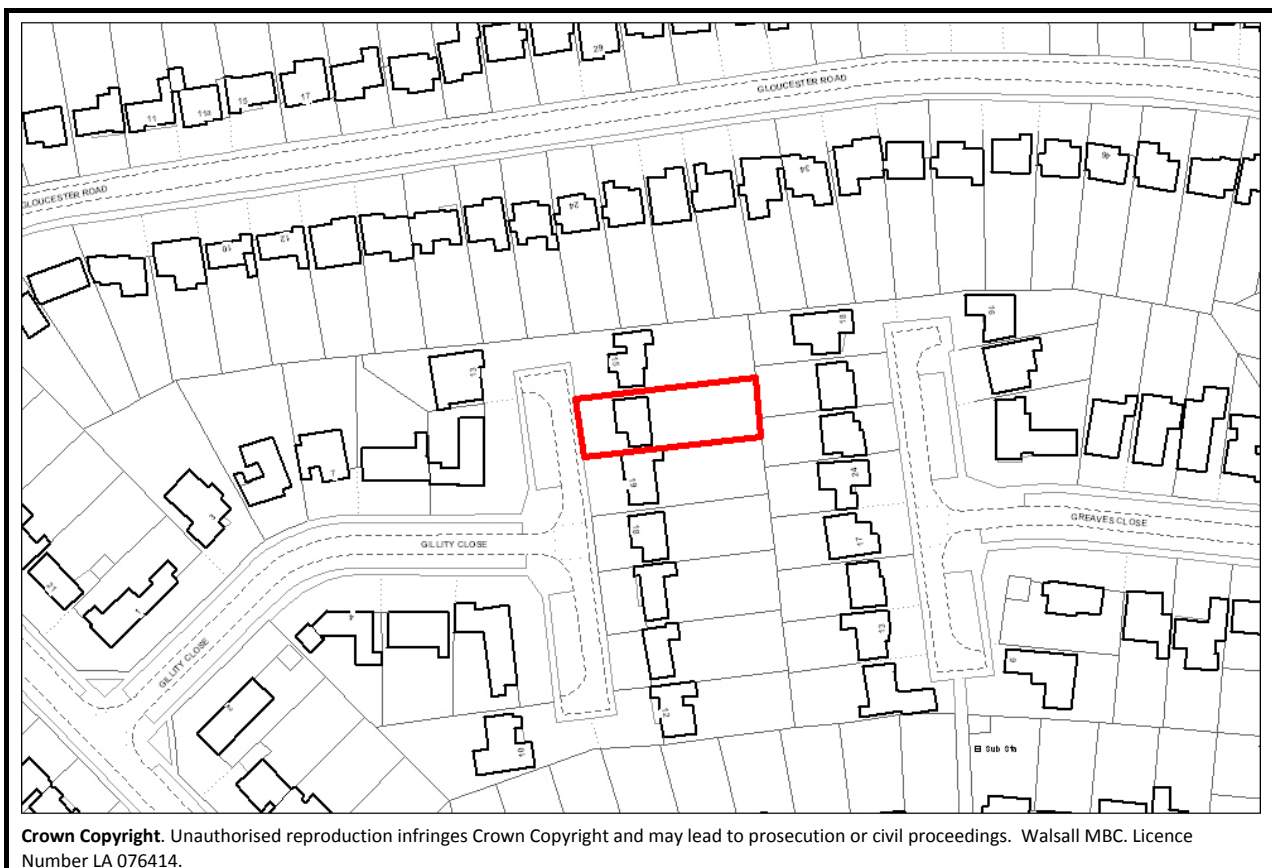
Applicant: Mr & Mrs S Singh
Proposal: First floor side extension two storey rear extension in to single storey rear extension

Ward: Paddock

Case Officer: Claire Murphy
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Mistry Design Services
Location: 17 GILLITY CLOSE, WALSALL, WS5 3PW

Expired Date: 26/11/2010

Recommendation Summary: Refuse



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Application and Site Details

This application proposes extensions to an existing four-bedroom detached house located in a row of detached properties at the end of a cul-de-sac.

The proposals are:-

- a first floor front extension
- a side extension (part two storey part single storey)
- a part two storey part single storey rear extension
- a canopy to the front.

At first floor the extension would provide a fifth bedroom, with three bedrooms to be enlarged.

The two storey part of the rear extension would project 3.4 metres beyond the original rear elevation to the property, and the single storey part would project a further 2.8 metres, a total of 6.2 metres.

The boundary is 1.0 metre away from the house, adjacent number 19. On the other side the boundary is 1.4 metres and the house at number 15 is 1.35 metres beyond the boundary, with the ground level to number 15 approximately 0.48 metres higher than number 17. The existing rear elevation to number 17 projects beyond the rear elevation to number 15 by approximately 0.45 metres.

Relevant Planning History

None to the application property.

16 Gillity Close- near the site

06/1014/FL/H1: Two storey side and rear extension. Refused 2006 because

- the closing of the gap at first floor adjoining number 18 would be out of keeping with the spacious character of the street, which mainly comprises dwellings with gaps to the boundaries on either side
- the rear projection beyond the rear of the adjoining house would have an over-bearing impact on the rear of the adjoining house .

An appeal was dismissed.

Relevant Policies

(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.
- 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 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.

These include guidelines concerning the length of extensions in relation to nearby residents.

National Policies

Planning Policy Statement 1

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

Consultation Replies

Natural Environment: no bat survey is required in support of the application, however request an informative note for the applicant is attached to any approval given.

Public Participation Responses

Representations have been received from 7 neighbouring properties, three objecting to the proposed development and four in support.

The objectors raise the following issues:-

- The extensions length, height and orientation would have an over-bearing impact on the rear of the house and garden of number 19, therefore contrary to Walsall's Unitary Development Plan, and policies GP", ENV32 and H10 and the Residential Development Standards
- These are excessive extensions, which are inappropriate, aggressive, and detrimental
- In contravention of the covenants governing the estate, which are essential to the nature of the estate and it's environment (reference made to specific clauses)
- The extension would be to the south side of No 15 and take light and sunlight from lounge and patio
- Front extension and roof alterations would be directly in front of the side bedroom window of No. 15
- increase in wall and roof will preclude use of patio and affect plant growth in the garden
- Resultant drop in temperature of 6 degrees centigrade and drop in light value of 75% (readings taken in ambient late Autumn conditions with weak sun around mid-day, in the summer these differences will be larger)
- Increase in speed of wind funnelled between houses will give high chill factor , and mean heating and lighting use will increase costs
- Due to shadowing, hoar frost and ice outside front and back doors will create health and safety hazards
- Proposed extension is both large and overbearing on adjoining properties, would almost double the footprint of the original house and would constitute overdevelopment of the site
- The architectural style of the original house would be lost with the addition of two pitched gables to the front and the pitched roof to the ground floor rear extensions
- The first floor side extension will have a blocking-in effect visually and will give a much more joined-up / terrace effect and would bring the house 3.0 metres closer to number 15

The supporters argue:-

- the plans are in keeping within the street and general estate
- the proposed property seems to have a great deal of character which should add value to the street
- would enhance the street scene
- the plans should be passed
- All the houses in the area have individual character and this proposal is no different
- Will give the owners an increased quality of living environment agreeing with H10 of the Unitary Development Plan
- Believe there is no contradiction of ENV32 as the property is in context with the size of the plot.
- Cannot see any effect on their property

Determining Issues

- Design of Extension and Impact on Character of Area
- Impact on Amenity of Nearby Residents
- Parking.

Observations

Design of Extension and Impact on Character of Area

The existing house has a strong design feature, the main roof sloping down from the ridge to the top of the front door. The first floor front extension would change this design feature to a more conventional wall and gable design. The street comprises a mixture of houses and bungalows, each designed differently, and gables feature on some of the dwellings. The change is not out of character with the area, and the change in the design of the house is not seen as a reason to refuse the application.

The rear extensions would have hipped roofs. These are not characteristic of this house, but they would not be visible from the front, or cause any detrimental impact to the character of the wider area, and are therefore considered acceptable in design terms.

Another characteristic of the street is a significant gap at first floor level between houses. This generally comprises a single storey garage on the side of the house and a pedestrian access to the rear of the house. The application house conforms to this pattern. The proposed side extensions would disrupt that pattern and damage the appearance of the street. (The same issue arose nearby, in 2006, and was dismissed at appeal.)

The canopy roof proposed across the front elevation of the garage and wing projection would not cause any significant detrimental harm to the appearance of the property or character of the wider area.

Impact on Amenity of Nearby Residents

There are different impacts on Nos. 15 and 19.

In relation to 15

The first floor side extension would bring the side elevation closer to number 15. The front elevation would be in front of number 15, but would not fail the relevant test (the 45 degree line taken from the ¼ point of the nearest habitable rooms on the front of number 15).

There is a bedroom window in the side elevation of number 15 which faces the proposed first floor side extension; however, this is a secondary window, and this impact on No. 15 does not justify refusal. (A shower room window is proposed in the side elevation facing number 15. This could be conditioned to be obscure glazed, if approval were intended.)

The rear extensions would not breach the 45 degree line, in relation to number 15. In addition, the application property is south of number 15, and the two storey rear extension would be set away from the boundary with number 15 by approximately 4.6 metres and number 15 is slightly elevated.

With regard to the objections, about shadowing and loss of light, the 45 degree code is the Council guideline when assessing the potential impact of an extension. The suggested percentage measurements are not a method used. Any rights to light are a civil matter between neighbours, independent of the planning system.

The objectors have raised concerns regarding the covenants to the property. Covenants are a civil matter, and not a material planning consideration.

In relation to No. 19

The two storey extension would not breach the 45 degree line.

However, the single storey rear extension increases the length in relation to number 19, to approximately 0.6 metres beyond the maximum acceptable length of 3.5 metres (the allowance in the 45 degree code) and this would be detrimental to the existing amenities afforded to this property, by virtue of its bulk and excessive length.

Parking

The original garage is to be retained to the property, with parking provision for at least three other vehicles available to the front of the property, which meets parking requirements.

Recommendation: Refuse

1. The first floor extension proposed to the side of the house would close the gap between the property and the adjoining house, 15 Gillity Close, which would be out of keeping with the spacious character in the cul-de-sac, characterised by gaps of this sort. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, and the Supplementary Planning Documents "Designing Walsall".

2. The single storey rear extension proposed to be erected to the rear of the proposed two storey rear extension, would have an overbearing impact on the adjoining house number 19 Gillity Close by reason of its excessive length (when combined with the proposed two storey extension) in relation to No. 19, and would be in breach of the 45 degree code. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, and the Supplementary Planning Documents "Designing Walsall".



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Major Application

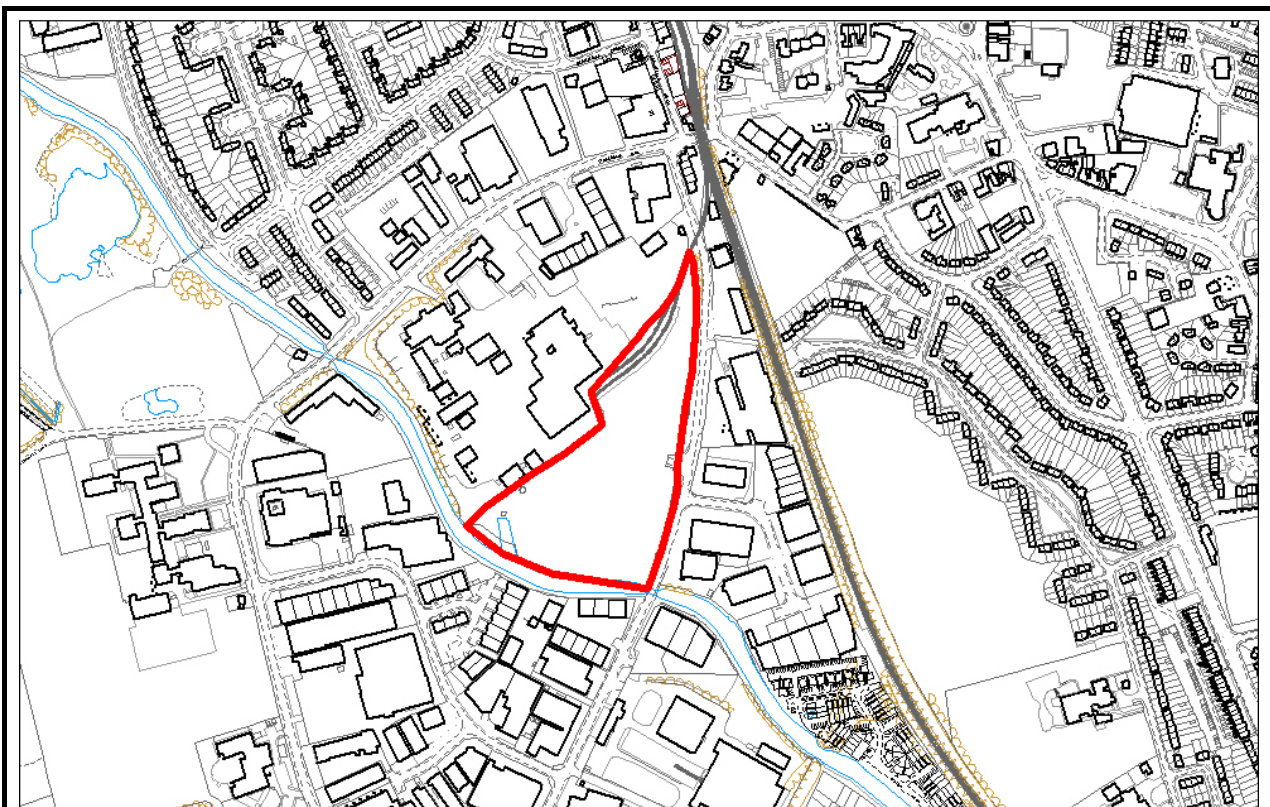
Application Number: 10/1632/TE
Application Type: Extend Time Limit

Applicant: JPE Holdings Ltd
Proposal: Time Extension to 07/0449/OL/W7 and subsequent reserved matters under 08/1815/RM to allow additional time to implement the approved development
Ward: Birchills Leamore

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Alliance Planning
Location: LAND OFF FRYERS ROAD, WALSALL.

Expired Date: 08/03/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This is an application to extend the 2-year time period for implementing reserved matters approved under 08/1815/RM, granted 8th January 2009 for industrial development for a further 3years.

This requires amendment of the parent planning permission. Condition 1 of 07/0449/OL/W7 granted permission requiring the submission of Reserved Matters within 3 years and that development should commence within 2 years from the final approval of the Reserved Matters. That condition is now proposed to be amended to extend the 2year period to 5years.

Also approved on the site was a combined heat and power plant as an additional structure under planning permission reference 08/1459/FL. This gained a three year consent on 8th January 2009 and therefore expires a year later than the main application and is not considered at this time.

Relevant Planning History

04/1862/FL/W7 – Creation of new entrance onto Fryers Road - Granted 30th September 2004

05/0641/FL/W2 – Creation of new site surface, in places up to 6m above existing levels - Granted 9th June 2005

06/2115/ND/W7 – Screening opinion for industrial development – No Environmental Statement Required – 23rd January 2007.

07/0449/OL/W7 – Outline application for the Development of Industrial Units, Additional Access, Associated Internal Access Roads, Parking & Landscaping – Granted 6th June 2007

07/1691/RM/W7 – Application for the approval of Reserved Matters in respect of development of industrial units, additional access, associated internal access road, parking and landscape relating to outline planning permission reference 07/0449/OL/W7 – Granted 19th October 2007.

08/1459/FL - Erection of a combined heat and power plant and railway sidings to be used in conjunction with material recovery facility approved under 07/1691/RM/W7. Granted 8th January 2009

08/1815/RM - Amendment to approved reserved matters (ref 07/1691/RM/W7) of planning permission reference 07/0449/OL/W7 re: condition 2(A) (Layout), 2(B) (Appearance) And 2(C) scale of the building – Granted 8th January 2009.

Relevant Planning Policy Summary

Since the original approval, there has been no change to the site allocation however the following alterations to the Development Plan and National Policy Guidance has occurred:

Saved Policies of the Unitary Development Plan (UDP)

There have been no changes to UDP.

Policies GP1 and GP2 seek to encourage sustainable regeneration in appropriate locations and reuse brownfield land. Policy Env14 sets out the criteria for consideration of the reuse of derelict and previously developed sites. Policy Env10 considers pollution and the impact of industry on an area. Policy Env40 which relates to the conservation, protection and use of water resources also applies.

The site is identified within Policy JP1 as site E24, for employment use. The policy is supplemented by Policy JP5 as the site is located within a Core Employment Area. Policy JP5 encourages development of industry and employment uses within Classes B1(b), B1(c), B2 and B8. Policy JP3 (rail-served sites) applies and encourages development of land which has the capability of being served by rail.

Policy T13 promotes the appropriate level of car parking for employment activities with policies T7 and T8 promoting walking and cycling. Policy LC5 seeks to promote the use of canals as a green network through the Borough.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Examination in Public and is moving towards adoption with a sound Inspector's Report received. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration with growing weight. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, and high quality design are further advanced in the document taking account of recent national guidance.

Regional Strategy for the West Midlands (RSS 11)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government has responded and now advises that in relation to the challenge:-

“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

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

Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

Planning Policy Statement 4 has replaced Planning Policy Guidance Note 4. Whilst broader in terms of the uses the guidance continues to promote sustainable economic development, especially on previously developed land.

Consultations

Transportation – No objection

Pollution Control

Scientific Team – No objection

Contaminated Land Team – Conditions previously imposed should be continued.

Environmental Health – No objection

WM Police – No objection

Seven Trent – No objection subject to drainage conditions being continued

Public Participation Responses

None

Determining Issues

The determining issue is whether there has been any fundamental change in the Development Plan or guidance that would change the principle approval of the development.

Observations

Officers note the changes to the Development Plan and note that the Black Country Joint Core Strategy is moving towards adoption. The land continues to form a significant part of Core Employment land and therefore remains an important industrial and commercial area.

The total site (under planning permission reference 07/0449/OL/W7) is a total size of 3.27hectares. The approved scheme covers the southern portion of this area and in this respect the application proposals promotes the objectives of comprehensive development of a previously developed sustainable site as progressed in Policy GP1 and GP2 of the Adopted UDP.

The Reserved Matters submission under 08/1815/RM approved two rectangular buildings with a total floorspace of 5,525 square metres. The layout allows for principal servicing from the south elevation as opposed to the north. The amount of car parking is proposed at 39 spaces including 2 disabled car parking spaces with cycling facilities also included and a weighbridge also as part of the approved scheme.

The external appearance follows the industrial concept with the main building measuring 70m by 50m and 14.5m in height.

Officers see no fundamental change to the principle of the original planning permission and as such support extending the time period by a further 3 years in order to support delivery of the scheme.

Condition 1 of 07/0449/OL/W7 is therefore amended to state:

1. Unless otherwise agreed in writing the development to which the permission relates must be begun not later than the expiration of 5 years from the final approval of the Reserved Matters application, granted under 08/1815/RM.

It is noted that 08/1815/RM discharged Conditions 2a), 2b), 2c), 2d) (the reserved matters) and 15 and Conditions 2 (relating to BREEAM Assessment) and 9 are complied with, subject to the details being carried out in accordance with the approved plans. Additional conditions were also added with regard to the detailed scheme. This is reflected in the amended decision notice.

Summary of Reasons for Granting Planning Permission

The proposals have been considered with the aims and objectives of the Development Plan (as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004). These are Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

The Local Planning Authority having taken into account the original submission of design, the impact on the character of the area, the air quality resulting from the proposals, and the impact on the amenities of nearby residents and continued operation of nearby businesses the proposals would not have a detrimental impact due to the design and air quality mitigation techniques applied and continues to be supported.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV29, ENV32, ENV33, JP1, and JP7 of the Adopted Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA6, QE3, QE4, QE5 and QE9 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions

1. Unless otherwise agreed in writing the development to which the permission relates must be begun not later than the expiration of 5 years from the final approval of the Reserved Matters application, granted under 08/1815/RM.

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

2. Unless otherwise approved this development shall be carried out in accordance with the details submitted and approved under planning permission reference 08/1815/RM.

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995 (as amended).

3. Details for the disposal of both surface water and foul sewage are to be submitted to and agreed by the Local Planning Authority prior to the commencement of the development hereby approved.

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

4. No development shall be carried out until full details of the proposed boundary treatment of the site (including the boundary treatment to the proposed water features and roof terraces) have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

6. Prior to the commencement of development the details and locations of cycle stores and bin stores shall be completed submitted to and approved by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

8. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority.

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

The areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out.

Reason: To ensure the satisfactory functioning of the development.

9. Prior to the commencement of development the applicant shall submit to and agree in writing with the Local Planning Authority a Travel Plan, including measures taken to promote sustainable travel to and from the development. The approved Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to promote the use of alternative modes of transport.

10. Prior to built development commencing details of a survey and assessment of ground gas conditions shall be undertaken following completion of the reclamation works and the results provided to the Local Planning Authority. Details of ground gas mitigation or ingress prevention measures identified by the survey and assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to built development commencing. Buildings shall not be occupied until agreed works have been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

11. Prior to the commencement of development:

- (a) An air quality survey and modelling has been undertaken, which demonstrates the impact or otherwise on air quality objectives in respect of Nitrogen Dioxide and PM₁₀ required by the provisions of the Environment Act 1995.
- (b) the methodology for such a survey and modeling has been submitted to and agreed in writing by the Local Planning Authority. The survey and modelling shall be undertaken in accordance with the approved details
- (c) Suitable mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved timetable, which should be no later than the first occupation of the development.

Reason To ensure the satisfactory development of the site.

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises shall not be used solely for B1(a) office purposes. Any office use shall be ancillary to the primary use of the proposed buildings as B1(b), B1(c), B2 and/or B8 as defined the Town and Country Planning (Use Classes) Order 1987.

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

13. The development shall not be occupied until visibility splays shown on the approved plans have been provided at the junction with the public highway. The visibility splay(s) shall thereafter be kept free of all obstruction higher than 900mm above the adjoining carriageway level.

Reason To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

14. Built development shall not commence until a validation statement confirming the nature, extent and outcome of the works undertaken to implement reclamation of the site under Planning Approval 05/0641/FL/W2 has been provided to and accepted in writing by the Local Planning Authority. This document shall contain sufficient detail to demonstrate that risk to groundwater has been removed or reduced to an acceptable level.

Reason: To ensure the satisfactory development of the site.

15. The landscaping scheme shown on the approved plans shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. Notwithstanding the plans submitted no trees shall be planted within 5 metres of the waterway unless otherwise agreed in writing by the Local Planning Authority.

Reason: The siting of trees in close proximity to the waterway may have the potential to adversely impact on the integrity of the waterway structure and to ensure the satisfactory development of the site.

16. Notwithstanding the plans submitted details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that suitable measures shall be implemented to prevent damage to the canal infrastructure from parked and moving vehicles within close proximity to the canal. The details shall be implemented in accordance with the agreed scheme.

Reason: To protect the integrity of the canal infrastructure.

17. Notwithstanding the plans submitted details of the existing and proposed ground levels and finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: Significant changes in ground levels have the potential to impact on the integrity of the waterway and the appearance of the waterway corridor.

18. Notwithstanding the plans submitted details of the proposed lighting shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: The lighting schemes for waterside developments should minimise the problems of glare and unnecessary light pollution should be avoided.

19. Notwithstanding the plans submitted details of the proposed boundary treatments and barriers to prevent vehicles from entering the canal shall be submitted to and agreed in writing by the Local Planning Authority and should be either dark green or black in colour. The details shall be implemented in accordance with the agreed scheme.

Reason: The boundary of waterside developments should provide an attractive façade and poor design can affect how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land.

20. Details of a landscape management plan for the area adjacent to the boundary of the canal shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: Landscaping should enhance the biodiversity of an area by providing native species. Landscaping and trees also have the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting.

21. During the construction and operation of the development the works, handling, storage and disposal of waste generated by construction and operation of the development shall be carried out in accordance with the relevant legislation and regulatory requirements.

Reason: There is the potential for contamination of the waterway and ground water from wind blow, seepage or spillage at the site during construction and operation of the development which should be avoided.

22. Notwithstanding the plans submitted details of the proposed foundations and excavations to be undertaken close to the canal shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: Excavation and construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure.

23. If surface water run-off and ground water is proposed to drain into the waterway details shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed scheme.

Reason: To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water entering the canal should be avoided.

NOTES FOR APPLICANT

i. The applicant/developer is advised to contact Mr Des Harris, Senior Third Party Works Engineer on 01827 252038 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 Waterways".

ii. British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal wall at this location.

iii. The applicant is advised that an agreement with British Waterways would be required for the discharge of water into the canal.

iv. The applicant is advised that an agreement with British Waterways would be required for the abstraction of water from the canal.

v. The applicant is advised that an agreement with British Waterways would be required for the use of the canal navigation for freight movements.

vi Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites - Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings" (CIRIA C659); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Major Application

Application Number: 10/1404/FL
Application Type: Full application

Applicant: Castings PLC

Proposal: New warehouse and car park with associated internal service roads and landscaping.

Ward: Brownhills

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

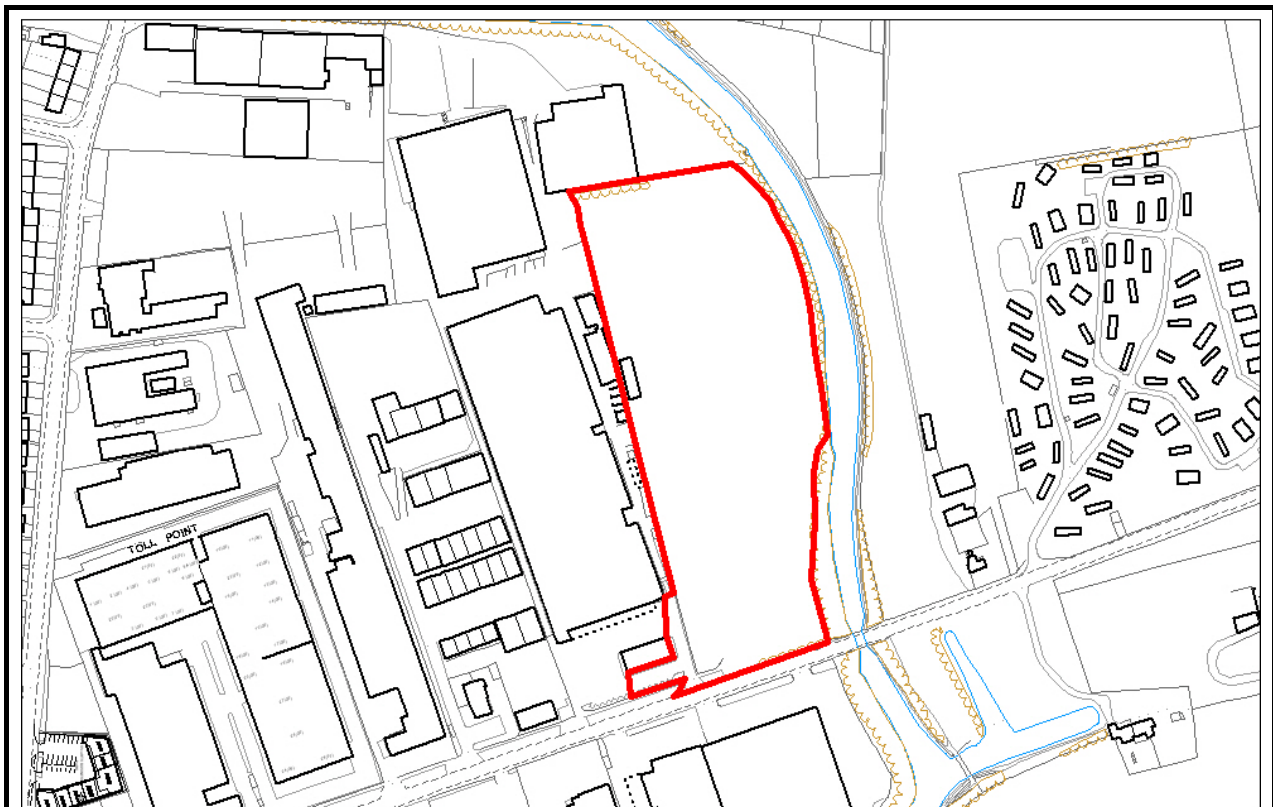
Email: planningservices@walsall.gov.uk

Agent: Barnett Ratcliffe Partnership

Location: CASTINGS PLC, GATEHOUSE TRADING ESTATE, LICHFIELD ROAD, BROWNHILLS, WS8 6JZ

Expired Date: 18/03/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes the erection of a new warehouse measuring 10m high, 84.9m long, 33m wide, creating 1,945 square metres of floor space which excludes the open canopy to the side of the building, plus a 96 space car park with associated internal service roads and landscaping at Castings PLC, Lichfield Road, Brownhills.

The warehouse would be located adjacent to the existing building of Castings PLC and used for B8 storage and despatch purposes and finished in Merlin Grey with solent blue trims and fascia. Access to the site would be from Lichfield Road with the car park in the eastern corner of the site. The proposal includes an 800 cubic metre storm water balancing pool towards the eastern boundary of the site to control surface water discharge into the adjoining canal.

A cycle store for 48 cycles would be provided adjacent to the front of the warehouse (9m long, 5.5m wide, 2.6m high finished in Merlin Grey).

This site is designated as a Best Quality Core Employment Area with a mix of existing industrial buildings. The land slopes in an easterly direction to the boundary with Anglesey Branch canal, set at a lower level than the application site. The canal follows the site boundary towards the north and the steep canal embankment provides a visual screen from the industrial buildings along this part of Lichfield Road. Beyond the canal to the east is Green Belt with a rural character and a mobile home park is just beyond the canal bridge on Lichfield Road.

The following documents have been submitted with the application:

- **A Design and Access Statement** has been submitted which states this is the first phase of development on this parcel of land.
- **A Planning and Sustainability Statement** has been submitted which states that Castings PLC is an iron casting and machinery group based at Lichfield Road where they have operated and expanded for 55 years on Lichfield Road.
- **A photographic survey** has been submitted illustrating the proposed access point off Lichfield Road.
- **A Framework Travel Plan and Transport Assessment** states the site is accessible by public transport, walking and cycling and the proposal is unlikely to generate significant additional travel demand. It also states that car parking on the whole of the Castings site will be consolidated. The overall gross floor area of all the buildings on whole Castings site is 19,600 square metres equating to 199 spaces for a B2 use. The site currently has parking for 157 spaces, a shortfall of 42 spaces. Due to this shortfall Castings use 36 spaces at CNC Speedwell on the opposite side of Lichfield Road. The proposal seeks to provide 96 additional car park spaces bringing the total parking to 218, meeting the needs of the site with any shortfall addressed by the travel plan. The parking at CNC Speedwell will cease.
- **A Flood Risk Assessment** which states the site lies within Flood Zone 1 and the warehouse is at low risk of flooding. The development will include Sustainable Urban Drainage Systems which will reduce the risk of flooding to the development and would lead to improvements through the reduction in surface water run off rates.
- **Extended Phase 1 Survey Report** which states a buffer of trees will be retained along the canal edge and any vegetation to be removed would be outside the

breeding season and any lighting would be designed to provide minimal spill to habitats.

- **A Ground Contamination and Investigation Report** and correspondence from the Environment Agency regarding the outcomes
- A method statement for site and vegetation clearance

Relevant Planning History

03/1544/OL/E5. Site of former Midland Works, Lichfield Road, Brownhills. Application for manufacturing, storage and warehouse development over 1000 square metres. Granted Subject to Conditions 2003.

03/1544/OL/E5 Outline: Erection of units for B1, B2 and B8 and associated works. Granted Subject to Conditions 2003.

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).

Saved Policies of the Unitary Development Plan

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.

GP1: Supports the sustainable location of development.

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

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

3.16, GP7, ENV32 and 3.116: Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV21 development which would destroy, damage or adversely affect a Site of Local Importance for Nature Conservation will not be permitted unless it can be demonstrated that there are reasons for the proposal that outweigh the level of nature conservation required.

ENV23(a) development must take into account enhancement of the natural environment, nature conservation opportunities and require all development to take into account existing features of value for wildlife. (b) Where loss of features is unavoidable mitigation measures would need to be put forward especially if the site is

I. Within a wildlife corridor.

II. Containing a species or habitat for which a national or local Biodiversity Action Plan has been prepared.

III. Within a site where wildlife is accessible to the local community, especially in heavily built-up parts of the Borough.

IV. Used by species protected by European law and/or British legislation.

V. Containing mature or semi-mature trees.

VI. Containing linear features such as canals

(C) require habitat creation, enhancement and the implementation of other appropriate measures to encourage the conservation of wildlife. This part of this policy will be applied to all development proposals:-

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

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I. In proximity to a SSSI, LNR, SINC or SLINC.

II. In proximity to or within sites where wildlife is accessible to the local community, especially in heavily built-up parts of the Borough.

III. In proximity to or within a wildlife corridor.

IV. In proximity to a site containing a species or habitat for which a national or local Biodiversity Action Plan has been prepared.

V. In proximity to a site used

ENV24 New development which would sever, or unacceptably harm the integrity of a wildlife corridor or canal will not be permitted. The Council will expect development proposals within wildlife corridors to maintain the integrity of the wildlife corridor concerned and enhance its value for wildlife.

ENV34 provision of public art would be required to enhance the quality of new development.

ENV39: The Council will encourage proposals for the development of renewable energy resources and for efficient use of energy.

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

Policies 4.4, 4.33, 4.34 and JP5: Core Employment Areas will be safeguarded for core employment uses.

JP6 Anglesley Bridge site will be safeguarded for core employment uses and expected to achieve a high quality of design and landscaping.

8.6 safeguard and seek to enhance the navigation, recreation, nature conservation, heritage and environment of the waterway network.

LC9 seeks to enhance the canal network and to ensure development to positively relate to the waterway.

7.1: Seeks to promote an efficient highway network;

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

T13: car parking standards

B8 1 car park space per 50 square metres of gross floorspace up to 250 square metres, then 1 space per 100 square metres up to 2500 square metres, then 1 space for every 500 square metres of gross floorspace.

Supplementary Planning Document (SPD)

Designing a Better Walsall SPD (2008)- refers to the development respecting massing, scale and rhythm of adjacent buildings will relate to their local context , a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.

Policy DW3 'Character' all new development must be designed to respect and enhance local identity and reflecting urban design characteristics.

Policy DW9 (b) requires a contribution to be made towards public art for non residential schemes of 1,000 square metres and above.

Conserving Walsall's Natural Environment 2008

NE1(a) All planning applications with the potential to destroy, damage or adversely affect any site, habitat or earth heritage feature within the scope of this guidance should be supported by an impact assessment to a nationally recognised standard.

(b) All planning applications on sites where protected or important species are present should be supported by an impact assessment to a nationally recognised standard.

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- (c) All planning applications on sites where protected or important species have been recorded, reported or can reasonably expected to be present should be supported by survey work to properly demonstrate presence or absence. Where evidence of an important or protected species is found, part (b) of this policy is relevant.
- (d) Planning applications which are not supported by an adequate impact assessment in accordance with the advice in this SDP and its annexes are likely to be refused.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government has responded and now advises that in relation to the challenge:-
“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

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

Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PPS1 on delivering sustainable development and good design.

PPS4 Industrial and Commercial Development & Small Firms

Policy EC10 Planning applications that secure sustainable economic growth should be treated favourably and assessed as to whether they reduce carbon, provide a choice of means of transport, secures high quality design, impacts on economic and physical regeneration and impact on local employment.

EC18 local parking standards should apply.

PPS9: Biodiversity and Geological Conservation

Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.

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

PPS23 Planning and Pollution Control: Seeks to control the effects of pollution.

PPS24 Planning and Noise: Seeks to minimise the adverse impact of noise.

PPS25 site specific flood risk assessments should be submitted and to minimise the risk of flooding and consideration given to urban drainage systems.

Consultations

Transportation – No objection subject to a condition relating to access, layout and any landscaping around the perimeter of the car park is maintained so it does not impede on the car parking spaces.

Pollution Control Contaminated Land Team – Contaminated Land Team raises no objections to this development subject to the imposition of conditions to ensure that risks to human health from soils contamination and ground gas are addressed. .

Pollution Control Scientific Team – No objection subject to a condition relating to noise

Fire Service – No Objection

Inland Waterways Association – No objection. The former industrial site is suitable for employment development. The warehouse is an undistinguished building visible, but would be set back from the canal with the existing canal bank trees and vegetation which is to be retained.

Landscape – No objection subject to a detailed landscaping plan

Environmental Health – No objection

Drainage – No objection

Environment Agency – No objection subject to a condition requiring drainage and land contamination details.

Arboricultural Officer – No objections

Natural England – Objection on the grounds that a reptile survey is required, mitigation is required to accommodate reptiles during works and layout of the proposed development and an ecological enhancement strategy required prior to determination.

Natural Environment – No objection subject to safeguarding conditions

British Waterways – No objection subject to conditions relating to the canal banks need to be protected from shading and ornamental planting which could invade the regionally grown heather, the site boundary should be left natural rather than planted and a pile of rubble should be left on site for reptiles. Details of waste storage and collection are required to ensure the development does not result in the pollution of the waterway, details of the boundary fence are required to ensure maintenance for British Waterways is available, details of the proposed surface water discharge to drain into the waterway is required.

Urban Designer – No objection

Public Participation Responses

None

Determining Issues

- Principle of development
- Design and Visual impact
- Impact on wildlife
- Landscaping
- balancing pool and drainage
- Impact on car parking and access
- public art

Observations

Principle of development

The site falls within a Core Employment Area that supports development proposals for core employment uses defined as Classes B1(b), B1(c), B2 and B8. The proposal is to erect a new warehouse for storage and despatch, the proposal accords with Policies 4.4, 4.33, 4.34, JP5 and JP6.

Design and Visual impact

Castings Ltd own the application site and the adjacent site. The warehouse would be positioned adjacent the accessway. The warehouse would be the same height as the existing adjoining Castings building, so would be seen against the back drop of existing industrial buildings along the Lichfield Road and would not stand out as a prominent feature.

Beyond the eastern boundary of the application site is the Anglesey Canal Branch canal, which is set at a lower level. The proposed warehouse would not be seen from the canal due to the land level differences and the steep canal embankment limiting views to and from the development across the canal. Any limited views of the building would be seen against other industrial buildings and considered would not impact on the setting of the canal.

Landscaping along Lichfield Road would screen the proposed car park visually enhancing this part of Lichfield Road, as the character of the area starts to alter after the canal bridge to a semi rural setting. The landscaping would provide a gradual change from the industrial part of Lichfield Road to this semi rural part.

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The cycle store would be located towards the entrance of the site and would not be visually intrusive as it would be seen against the backdrop of the new warehouse.

Impact on wildlife

Natural England have objected to the proposal on the grounds that a reptile survey is required and any mitigation is accommodated during construction works and through the layout and design of the development. An ecological enhancement strategy is also required..

Natural Environment have no objection in principle to the development as this is an ecologically sensitive site adjacent the Anglesey Branch canal, a site of local importance for nature conservation and a wildlife corridor. Both the applicant's consultants and British Waterways have raised the significant risk that reptiles may be present on site. The landscape plan put forward is insufficient to ensure an ecological scheme, therefore the design and layout of the landscaping for the development can be controlled through conditions.

The reptile method statement submitted if implemented will reduce the risk of reptile loss during site clearance work,.

Landscaping

The Landscape Officer and Arboricultural Officer have no objection provided a full landscaping scheme is provided with additional tree planting on site. An appropriate landscaping scheme can be sought by way of a planning condition.

Balancing pool and drainage

The proposal seeks to provide an 800 cubic metre storm water balancing pool within the site to assist with surface water drainage of the site into the nearby Anglesey Canal. British Waterways and the Environment Agency have requested details of the surface water that would drain into the waterway and details of waste storage and collection to ensure the development does not result in the pollution of the waterway. These can be secured by way of appropriate conditions.

Impact on car parking and access

The proposal seeks to provide a new car park on the site to accommodate 96 cars. Under Policy T13 the warehouse requires a total of 22 car parking spaces. The applicant is looking to consolidate all car parking at the Castings site, which with the existing car parking spaces would bring the total of spaces up to 218. The proposal seeks to provide a cycle store accommodating 48 cycles, promoting sustainable travel, plus bus services to Brownhills in the vicinity are also available. The level of car parking and alternative modes of transport are acceptable in Policy T13.

The existing eastern access from Lichfield Road would be upgraded as the main vehicle entrance. Due to the constraints of the nearby canal bridge visibility at the northern access point is impaired resulting in the applicant proposing to extend the current 30mph speed limit to a point on the other side of the canal. Details of how this would be achieved would be submitted to the Highway Authority by way of condition. The secondary access to the site off Chase Road is used to access the main staff car park and would not be affected by the proposal.

Public Art

Policies ENV34 and DW9(b) require a contribution towards public art to be provided. The Council are now seeking public art to be provided on site by way of a planning condition.

Summary of Reasons for Granting Planning Permission

The site falls within a Core Employment Area where core employment uses are supported. The proposed warehouse for storage and despatch is a B8 use which accords with Policies 4.4, 4.33, 4.34, JP5 and JP6. The warehouse would be the same height as the building on the adjoining Castings Ltd site and would be seen against the backdrop of the existing industrial buildings. The building would not be seen from the canal due to the land level differences. The landscaping to the front of the site would blend into the semi rural setting beyond the canal. Whilst Natural England and Natural Environment have objected to the proposal on the grounds of a reptile survey being required and further details being required as part of the landscaping scheme, these details can be sought by way of planning conditions. The balancing pool would assist with surface water drainage on site and discharge into the Anglesey canal. The proposal seeks to provide 96 car parking spaces and a cycle store to accommodate 48 spaces would be provided and would offer an alternative way to travel to work.

The proposal complies with the saved policies of the Walsall Unitary Development Plan, in particular 2.2, 3.6, 3.7, GP2, GP1, GP4, ENV14, 3.16, 3.116, GP7, ENV32, 3.117, ENV33, ENV21, ENV23, ENV24, ENV34, ENV39, ENV40, 8.6, LC9, 7.1, T7 and T13, Policies DW3 and DW9 of the Designing Walsall SPG, Policy NE1 of the Conserving Walsall's Natural Environment SPG and the advice given in PPS1, PPS4, PPG13, PPS23, PPS24 and PPS25.

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) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of controlled waters and human health.

3) Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure the protection of controlled waters.

4) No development shall commence on site until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a limit surface water outflow rates no greater than the greenfield rates of runoff, the provision of an attenuation pond, sufficient storage and routing of surface water for up to and including the 1 in 100 year plus climate change storm event and details of how the scheme shall be maintained and managed after completion. The scheme shall be implemented in accordance with the Flood Risk Assessment, New Warehouse and hard standing at Lichfield Road, Job NO 8142, 10/10/10 before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of these.

5) Before any part of the development is brought into use a management plan showing how the existing vegetation and landscaped strip along the eastern edge of the site/ canal frontage will be established and managed is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and detail:

How the ecological planting will be established and managed thereafter.
How the vegetation to be retained will be retained and managed thereafter.
Management operations to be carried out with proposed dates.

Monitoring and review to ensure the ecological strip on the eastern edge of the site/ canal frontage develops in accordance with the approved landscape plan.

The management shall be carried out in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

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

6) Notwithstanding the plans submitted in support of this planning application no development or site clearance shall commence until full details of site levels are submitted to the Local Planning Authority and approved in writing. Information is required for the entire application site and shall show:

Existing levels shown as contours at not more than 0.5 metre intervals with individual spot heights for high and low points.

Proposed levels shown as contours at not more than 0.5 metre intervals with individual spot heights for high and low points.

Spot heights showing heights of proposed bunds, balancing pool, finished floor levels and hard surfacing.

Spot heights of existing levels immediately adjacent to the site.

The development shall be carried out in accordance with the approved levels unless otherwise agreed in writing by the Local Planning Authority.

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

7) Notwithstanding the plans submitted in support of this planning application no development or site clearance shall commence until full details of ground preparation including the retention of existing soils, creation of soils and details of soil materials to be imported are submitted to the Local Planning Authority and approved in writing. Information is required for the entire application site and shall demonstrate:

That the soils on the restored site are capable of supporting the vegetation shown on the submitted/ approved landscape scheme.

That the landscape scheme is compatible with the remediation scheme submitted in support of the application.

The information to be submitted shall also show the location of the various types of soils, sub-soils and soil-making materials where it is required to support the growth of vegetation. It shall also show the locations to be left undisturbed where existing habitat will be retained and proposed reptile refuge areas. If works are not to be carried out over a short period details of phasing shall be provided.

The development shall be carried out in accordance with the approved information unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the soils existing after development support plant growth required for landscaping and ecological purposes.

8) Notwithstanding the landscape information submitted in support of this planning application no development or site clearance shall commence until full details of landscaping is submitted to the Local Planning Authority and approved in writing. Information is required for the entire application site and shall provide full details of:

Vegetation to be retained.

Details of any nurse crops to bind new soils.

Proportions (%) of plant species within each proposed plant mix.

How the plants will be introduced, for example as: seeds, plugs, whips, standards, through natural colonisation and how the land will be prepared.

Specification of trees and shrubs.

Plant numbers, weights of seed, density of sowing/ planting.

Locations of all planting.

Details of log and rubble piles for reptiles and other species.

Details of hard landscaping/ low level lighting and drainage.

Details of access and circulation.

The development shall be carried out in accordance with the approved landscaping scheme unless otherwise agreed in writing by the Local Planning Authority.

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

9) Prior to the bringing into use of the development a verification report confirming the successful implementation of agreed remediation or mitigation works to protect human health and address risks from ground gas shall be provided to and accepted in writing by the Local Planning Authority.

Reason: To address risks to human health arising from soil contamination or ground gas

10) Site clearance works and development works shall proceed only in accordance with the Method Statements 1 and 2 by Penny Anderson Associates Ltd dated January 2011 and submitted in support of this application. Before any part of the development is brought into use, a report on the implementation of the method statements by the Ecological Clerk of Works appointed shall be submitted.

Site clearance shall be carried out in accordance with the submitted method statements unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve local populations of protected species.

11) Notwithstanding the plans submitted in support of this planning application no development or site clearance shall commence until full details of external lighting is submitted to the Local Planning Authority and approved in writing. Information shall include the following details:

Locations of all external lighting.

Specification of proposed external lighting including luminance.

In particular it shall be demonstrated that:

The design of the external lighting proposed will not adversely illuminate the existing vegetation and landscaped strip along the eastern edge of the site/ canal frontage which must remain dark.

Details of foundations of lighting columns will not adversely affect the integrity of the waterway.

All external lighting shall be carried out in accordance with the submitted lighting scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the canal wildlife corridor remains sufficiently dark to function effectively as a wildlife corridor.

12) Prior to the development first coming into use, all access roads, vehicle manoeuvring and car parking areas shall be fully consolidated, hardsurfaced and drained and all parking bays and internal line markings shall be clearly delineated on the ground in accordance the details shown on plan number 1026/PL/03 submitted on 20 October 2010. These areas shall thereafter be retained and used for no other purpose.

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

13) Prior to the commencement of the development, the required speed reduction measures on Lichfield Road identified in the Transport Assessment submitted by Travis Baker in support of the application, shall be fully implemented in accordance with details which shall be first submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Planning Authority.

Reason: To ensure the available visibility splays meet current highway guidance and in the interests of highway safety.

14) Prior to the development first coming into operation, the proposed alterations to the existing vehicle access in Lichfield Road, including the reinstatement to full kerb height of any redundant crossings, shall be implemented and constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

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

15) Notwithstanding the plans submitted and prior to the commencement of development details of the proposed waste storage and collection shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and to ensure compliance with the saved policies of the Walsall Unitary Development Plan 2005, in particular 8.6 and LC9.

16) Notwithstanding the plans submitted and prior to the commencement of development details of the proposed security fencing and its foundations shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To ensure the development does not impact on the integrity of the waterway and to ensure compliance with the saved policies of the Walsall Unitary Development Plan 2005, in particular 8.6 and LC9.

17) Notwithstanding the plans submitted details of the proposed surface water run-off to drain into the waterway details shall be submitted and approved in writing. The development shall be completed with the approved details and retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To determine the potential for pollution of the waterway and likely volume of water and to ensure compliance with the saved policies of the Walsall Unitary Development Plan 2005, in particular 8.6 and LC9.

18) Within six months of the development coming into full use, the initial staff travel survey shall be undertaken and the potential travel initiatives and monitoring to be thereafter implemented in accordance with the submitted Staff Travel Plan.

Reason: In order to encourage sustainability at the site and to promote use of alternative modes of transport.

19) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of controlled waters

20) The development shall be completed in accordance with plan numbers 1026/PL/02, 1026/PL/04, 1026/PL/06, and 1026/PL/09 submitted on 20 October 2010 and 1026/PL/03B 1026/PL/05A, 1026/PL/07A, submitted on 13 January 2011 and 1026/PL08B and submitted on 4th January 2011.

Reason: To define the permission.

21) The new warehouse and cycling store hereby approved shall be finished in Merlin Grey (RAL 180 40 05/BS 18B25) with solent blue trims and fascia (BS 18E53).

Reason: In the visual amenities of the area.

22) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated

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

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

Reason: To protect the amenity of the occupiers of the nearby mobile home park.

23) No structure or planting exceeding 600mm above ground level shall at any time be introduced into the visibility splay in a northerly direction at the access point on Lichfield Road shown on drawing no. 1026/PL/03 hereby approved.

Reason: In the interests of highway safety.

24) Prior to the development coming into use the following details relating to the public art element of the scheme shall be submitted to and agreed in writing with the Local Planning Authority;

- an artist's brief and contract to provide opportunities for high quality artisans and crafts people to work in the borough
- details of the selection process and interview process for the artist
- details of how the project shall be managed and evaluated
- details of how the project shall involve local communities that includes how the project will shape and engender improving civic pride
- timetable for the project to be brought forward, completed and installed

Following the public consultation in-conjunction with the local planning authority, the agreed public art scheme shall be completed within (an agreed timescale) to the satisfaction of the local planning authority and in place prior to the first occupation of the building.

Reason: To ensure the development complies with Policy EN34 of the Unitary Development Plan and Policy DW9 of the Designing Walsall SPD.

25) Any landscaping implemented under the approved landscaping scheme shall be maintained so that it does not impede on the car parking bays.

Reason: To ensure that adequate on site parking is available at all times in order to prevent indiscriminate parking on the public highway to the detriment of highway safety.

Notes to Applicant

i) The applicant/developer is advised to contact the Works Engineering Team on 01827 252000 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 Waterways".

ii) British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

iii) The applicant is advised that permission would be required for any access to British Waterways land to accommodate the proposals including fencing.

iii) CL2 - When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

v) nesting birds- All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. Most birds nest between mid-February and the end of August, although exceptions to this do occur. No site clearance work should take place in the bird nesting season if there is a risk that nests may be damaged or destroyed. If site clearance work is unavoidable, a suitably qualified and experienced ecologist should check the development site for the presence of nesting birds prior to the commencement of any site clearance work. If nesting birds are discovered clearance works should be delayed and advice sought from Natural England or your ecologist.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Major Application

Application Number: 10/1420/FL
Application Type: Full application

Applicant: Aldridge Prime Ltd

Proposal: Demolition of magistrates court and probation service office and erection of new office building and 6 x 2 bed and 3 x 3 bed flats (9 flats in total)

Ward: Aldridge Central & South

Case Officer: Alison Deakin

Telephone Number: 01922 652487

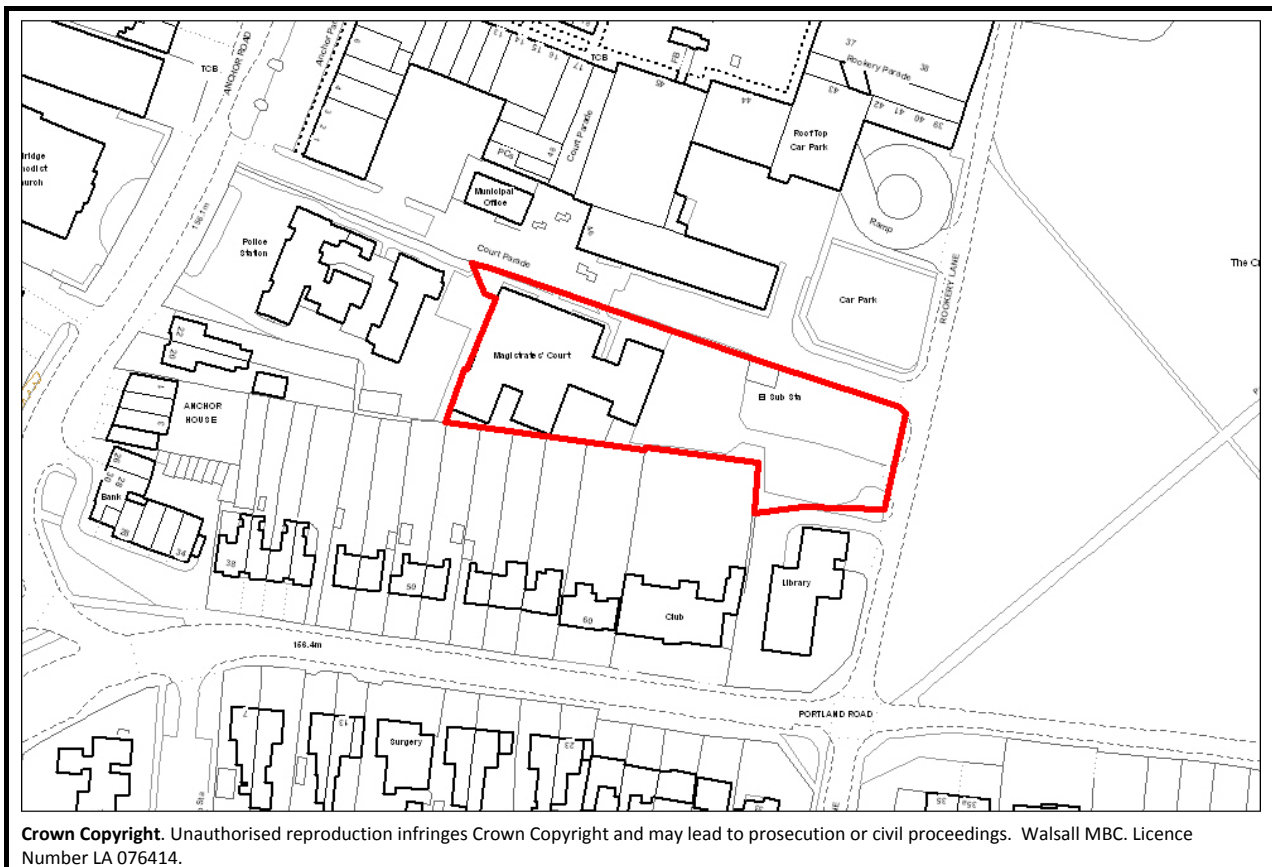
Email: planningservices@walsall.gov.uk

Agent: LK2 Architects LLP

Location: ALDRIDGE & BROWNHILLS
MAGISTRATES COURT, ROOKERY
LANE, ALDRIDGE, WALSALL, WS9 8NR

Expired Date: 08/03/2011

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The proposal is for demolition of the magistrates' court and probation service office and erection of a two storey office building plus a new apartment building to accommodate 6 x 2 bed and 3 x 3 bed flats. The proposed offices are positioned broadly where the existing magistrates' court building is. The proposed four storey apartment building is located on the Council owned car park at the corner of Rookery Lane and Court Parade (presently leased to the existing offices).

The site is within Aldridge District centre and is surrounded by a mix of uses. The police station lies to the west, offices and The Parade Shopping Centre to the north, The Croft open space to the east and library, social club and housing in Portland Road to the south adjoining the rear of the site. There is an electricity sub-station fronting Court Parade which is the private access serving the courts and offices.

The proposed vehicle access off Court Parade is positioned opposite Centre House and provides 69 parking spaces to serve the new offices, flats and existing offices at Centre House. The proposal includes extension of the footway at the north eastern end of the site boundary with the access in front of the sub-station to the point where the access meets Rookery Lane. A separate bin and cycle store is provided for each building adjacent to the car park.

Planting is proposed along Rookery Lane in front of the apartment building and along the access around the edge of the car parking spaces, sub station and bin stores to provide some screening. Landscape enhancements are also shown within Court Parade in front of the office building at the entrance to The Parade Shopping Centre.

The proposed office building faces the pedestrianised area of Court Parade with parking to the rear. There is over 50m between the rear boundary and houses in Portland Road. An emergency generator compound is located at the rear of the offices that projects 2.5m from the building and is within a landscaped enclosure facing the car park. The office building is 27.5m long and 11m wide (excluding the main entrance and lift shaft) and has a gross internal floorspace of 630m². It has a flat roof, up to 7.5m high with the roof plant up to 9m high. The elevations combine buff and light red facing brick, ivory and grey render, dark grey coated aluminium doors and windows and cedar cladding. The applicant advises that they have a client end-user waiting to occupy the offices in their entirety.

The apartment building is 22.5m long and 15.5m wide with a flat roof up to 13.5m high. There are 3 flats proposed at ground and first floors, 2 flats on the second floor and a penthouse flat at third floor level. They are served by a central lobby but the ground floor flats have private gardens facing Rookery Lane that are enclosed by hedges. The remainder share amenity space to the west of the building. The majority of the flats have a dual aspect (with the exception of flats 2 and 5) and there are balconies proposed for first, second and third floor flats to provide some individual private amenity space.

The Design & Access Statement describes the existing site and explains the proposed layout, massing and scale of the buildings and landscaping concept. It also considers access, waste collection, surface water, sustainability, building materials and amenity space. It concludes that the proposals offer the opportunity to redevelop an unsightly building and regenerate Aldridge district centre. The proposals are in a sustainable

location and offer high quality office accommodation to benefit economic growth. The Statement also advises the flats will help finance the redevelopment of the site.

Relevant Planning History

10/0845/FL – Refurbishment of magistrates court for new employment use incorporating offices, conference room and restaurant/café and demolition of former probation services offices & erection of a residential building for 9 x 2 bed and 1 x 3 bed flats – Withdrawn August 2010. The applicant indicated they wanted to consider an alternative redevelopment plan.

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).

Saved policies of Walsall 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. ENV10: Development will not be permitted if the health, safety or amenity of occupants would be unacceptably affected by pollution.

GP4 & ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV29: The Council will determine whether a development preserves or enhances the character or appearance of a conservation area including the impact of new buildings on special townscape and landscape features.

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

6.3 & H3: Encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

S1: Class B1(a) offices are defined as a town centre use.

S2: Aldridge is defined as a district centre whose main role is to meet the needs of their districts for convenience goods, local services and community facilities.

S3: Seeks to ensure the development is of a scale and nature appropriate to the size and function of the centre and sensitively integrated in functional and visual terms. B1 offices should have good pedestrian access to the centre's facilities and transport links.

S4: Non-retail uses will be permitted provided they contribute to the vitality of the frontage and do not detract from the amenities of the area. A mix of uses including housing will be encouraged to add to the diversity of activities. A high standard of design is expected.

S8: Housing in a District centre will be encouraged provided a satisfactory residential environment can be achieved. Design and layout should minimise potential conflict and disturbance between residents and nearby town centre 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: car parking standards

Flats with communal parking - 1.5 spaces per unit.

B1(a) Offices: 1 space per 30m² of gross floorspace, 1 bike locker for every 10 car park spaces and taxi facilities. Parking should be allocated for disabled people.

8.3 & LC1: Seeks to retain and enhance existing urban open spaces and redress any deficiencies in provision of accessibility to these.

AL7: Seeks to improve pedestrian and cycle routes in Aldridge Centre.

Supplementary Planning Document (SPD)

Designing Walsall SPD

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

DW1: New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

DW2: All development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3: All new development must be designed to respect and enhance local identity

DW4: Attractive spaces within new development should be defined or enclosed by buildings, structures and/or landscape

DW5: All new development should contribute to creating places that are well connected, easy to get to and safe to move through

DW6: New development should contribute to creating a place that has a clear image and identity and is easy to understand

DW7: All new development should contribute to creating lively places that offer a mix of activities to the widest range of possible users

DW8: New development should contribute to creating flexible and adaptable places that can easily change over time

DW9: New development must seek to ensure it creates places with attractive environmental quality

DW10: New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

Annexe E: Numerical Guidelines for Residential Development ... identifies matters such as privacy and aspect distances between dwellings and garden dimensions. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Natural Environment SPD

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

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Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government has responded and now advises that in relation to the challenge:-

“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

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

Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

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

PPS3: Promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context.

PPS4: Encourages sustainable economic growth and making the most efficient and effective use of land, prioritising previously developed land. It encourages location of developments which generate substantial transport movements in locations that are accessible.

PPG13: Seeks to minimise the use of the car by the sustainable location of development.

Consultations

Transportation – No objections. Policy T13 requires 21 spaces for the office development. The proposal is for 23 spaces including 2 disabled bays for the new offices which meet the policy maximum requirement. There are 14 car parking spaces proposed for the flats plus 2 disabled bays which also meets the policy requirement. There are also 30 parking spaces included as a replacement for those on the privately leased car park lost as a result of the flats development.

Court Parade is a private road not an adopted public highway. Any works within Court Parade will therefore not be subject to Section 38/278 agreements.

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Pollution Control (Scientific Team) – No objections in principle. There is potential for noise and dust during demolition/construction to affect nearby residents so conditions are recommended to address these matters.

Pollution Control (Contaminated Land) – No objections subject to a desk study and site reconnaissance being carried out to identify the potential for contaminants and/or ground gases likely to be present on the site. Should the potential presence of contamination and/or ground gases be identified on site a ground contamination survey and site investigation should be carried out to identify risk to future occupants or structures on the site. Conditions to address these concerns are recommended.

Public Rights of Way – No objections.

Urban Designer – No objections.

Landscape – No objections subject to details of planting, boundary treatments and surfacing being provided. The new apartment would take full advantage of views over The Croft open space opposite in Rookery Lane and the proposed building, planting and boundary treatment would be more attractive than the present unscreened car park.

Arboricultural Officer – No objections subject to details of tree planting. There are few trees on site and those that are present have low amenity value and do not merit protection of a TPO.

Regeneration Development & Delivery – Support the principles of the redevelopment scheme. The residential element takes advantage of views across The Croft open space and the offices have potential to increase footfall and help support the vitality of the district centre. Further details of landscaping, lighting and boundary treatment are requested.

District Centre Management – No objections.

Fire Service – No objections.

Public Participation Responses

There are 2 letters of objection (one from a High Street property and one from an occupier in Portland Road) which are summarised as follows: -

- Inadequate bin area in terms of size, manoeuvrability and accessibility by refuse lorries
- Impractical car parking spaces difficult to manoeuvre from
- Noise disturbance to houses at the rear
- Overlooking and loss of privacy for houses at the rear

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

Determining Issues

- Principle of office and residential development
- Layout and Design

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- Relationship to surrounding properties
- Access and Parking

Observations

Principle of office and residential development

The proposal seeks the re-use of derelict, vacant and underused land and buildings in accordance with policy GP1. The existing buildings are boarded off which has a negative effect on Aldridge centre. Redevelopment for office and residential purposes would have a positive effect upon the vitality of the centre and encourage greater footfall within Aldridge centre. Although the proposal includes redevelopment of a car park this is not available for public use as it is leased to Centre House offices. There is replacement parking proposed for Centre House on site and the new apartment building would improve the appearance to Rookery Lane.

The proposed office use is acceptable as it is defined as an appropriate town centre use in policy S1 and would contribute to the vitality of the centre in accordance with policy S4. The proposed apartment block introduces a residential use to the town centre adding to the diversity of activities and creating natural surveillance contributing to the centre's vitality at different times of the day and night. Residential use in town centres is supported by policy S8 where it would not prejudice the district centre's retail, commercial or leisure functions. As the apartment building does not displace any of these uses and is segregated from the commercial uses by gardens, landscaping and car parking it is considered that it will not prejudice these functions.

Layout and Design

The position of the office and apartment buildings respects the surrounding context and maintains adequate distance between facing elevations of surrounding buildings and housing. The parking to the rear of the site is partially screened by proposed landscaping to reduce over-dominance to Court Parade and has adequate space and circulation for pedestrians and vehicles. This will be screened from housing at the rear by existing boundary fencing. The scale and size of the buildings are acceptable and the proposed elevations are well articulated using different materials. The layout and design of the buildings also offers improved surveillance of the area.

The incorporation of hedges and landscaping around the gardens and shared amenity space for the apartments will clearly define public and private space and provides adequate space for the number of flats. The shared amenity space to the west of the building is approximately 180m² providing at least 20m² per flat, 30m² per flat if the ground floor flats with individual private gardens are excluded. Balconies also provide additional space for each of the flats. The residents will benefit from living within the district centre close to local amenities and from having an outlook across The Croft open space. For these reasons the proposals are considered to provide a satisfactory residential environment.

Tree planting and landscaping is proposed along Court Parade and to screen the parking and bin store areas. The introduction of additional landscaping plus new garden/amenity areas for the apartments will also offer visual improvements to the area and will enhance the street scene.

The provision of cycle stores will encourage staff and occupiers to use alternative means of travel. Further details of landscaping and boundary treatment are recommended conditions.

Relationship to surrounding properties

The office building is over 50m from the nearest houses in Portland Road and considered not to adversely affect outlook, privacy or daylighting as this distance complies with guidance in Appendix E of SPD: Designing Walsall. The proposed four storey apartment block facing Rookery Lane is adjacent to the library and faces a car park to the north. There is at least 22m between the proposed apartment building and the car park and 9.5m to the library building. It is considered that the proposed apartment block does not prejudice the adjacent sites. There are only narrow bathroom, en-suite and kitchen windows facing the library which is closest.

Although the car park is extended along the rear boundary adjacent to rear gardens this is over 35m from the houses and is screened by fencing and landscaping. Despite objections about potential noise disturbance this is considered adequate to protect amenities.

Access and Parking

Access to the car park is off the private access Court Parade and accommodates 69 parking spaces including 23 spaces for the new offices, 16 spaces for the flats and 30 spaces for use by Centre House offices to replace those lost by development of the existing car park which is leased to them. The areas are separated by vehicle barriers. The number of spaces complies with the maximum requirements in policy T13 and considered adequate to cater for the proposed development. Although one objector is concerned that some of the car parking spaces will be difficult to manoeuvre from there is a 6m aisle which is adequate to allow vehicles to manoeuvre safely. Transportation and the Fire Service are satisfied with the design of the access. As the existing car park is leased to the offices and not available for public use there is no loss of public car parking in the centre.

The bin stores for both the offices and flats are of adequate size to accommodate euro bins (which are 1220mm x 880mm each) to cater for the development. The turning area for Fire Service vehicles can also serve the refuse collections and in the circumstances manoeuvrability for these larger vehicles is adequate.

The footway is proposed to be extended along the site frontage beyond the electricity sub station as far as the junction with Rookery Lane and would improve pedestrian access along Court Parade and enhance access to the open space opposite and to other facilities such as the library and residential areas.

Summary of Reasons for Granting Planning Permission

The proposal maximises re-use of land and buildings in accordance with policy GP1. Use for office purposes accords with policies S1 and S4 and will improve vitality in Aldridge Centre. Residential use is supported by policy S8 and the proposals do not prejudice the commercial function Aldridge.

The design and layout of the offices and apartments respects the character of the street scene and achieves adequate separation to surrounding properties. The new buildings will improve the visual amenities of the area and enhance the vitality of Aldridge by increasing

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footfall and improving surveillance. The scale and massing of the modern buildings are considered appropriate in the context.

There is adequate amenity space for occupiers of the flats and additional landscaping will further enhance the setting.

The parking complies with policy T13 and provision of cycle stores will encourage alternative travel. There is adequate space for manoeuvring cars and refuse vehicles. The footway extensions will also improve connections through the centre.

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

- Site Location Plan (08/001 Rev A00) received 21/10/10
- Proposed Block Plan (08/005 Rev A01) received 03/12/10
- Proposed Site Layout Plan (08/006 Rev A01) received 03/12/10
- New Office Building – Proposed Plans and Images (08/007 Rev A01) received 03/12/10
- New Office Building – Proposed Elevations & Section 08/010 Rev A02) received 06/12/10
- Proposed Apartment Building – Ground & First Floor (08/008 Rev A01) received 03/12/10
- Proposed Apartment Building – Second, Third and Roof (08/009 Rev A02) received 06/12/10
- New Apartment Building – Proposed Elevations & Sections (08/011 Rev A01) received 03/12/10
- Proposed Site Elevations Sheet 1 (08/012 Rev A01) received 03/12/10
- Proposed Site Elevations Sheet 2 (08/013 Rev A01) received 03/12/10
- Proposed Site Elevations Sheet 3 (08/014 Rev A01) received 03/12/10
- Proposed Site Elevations Sheet 4 (08/015 Rev A01) received 03/12/10
- Proposed Site Elevations Sheet 5 (08/016 Rev A01) received 03/12/10
- Proposed Bin/Cycle Stores (08/017 Rev A00) received 21/10/10
- Existing Block Plan (08/002 Rev A00) received 21/10/10
- Existing Site Layout (08/003 Rev A00) received 21/10/10
- Existing Elevations & Section (08/004 Rev A00) received 21/10/10
- Tree Report prepared by LK2 Architects dated 8 November 2010
- Design & Access Statement prepared by LK2 Architects (LK/554 08/000 Rev A03) dated December 2010

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

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

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- I. A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing by the Local Planning Authority prior to built development commencing. (see Note for Applicant CL 4)
- II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- III. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- IV. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- V. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- VI. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and the amendment agreed in writing by the Local Planning Authority.
- VII. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

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

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

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

5. Prior to any demolition operations or activities commencing, a method statement shall be agreed in writing with the local planning authority for the purposes of controlling grit, dust and fume. The agreed method statement shall be implemented throughout the duration of demolition operations and activities.

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

6. Prior to the commencement of the development full details and specification of the proposed public footway extension along Court Parade to Rookery Lane shall be submitted for approval in writing by the Local Planning Authority. The agreed details shall be implemented prior to the first occupation of the development and retained thereafter.

Reason: To ensure the satisfactory completion of the development.

7. Prior to the development first coming into use a revised plan showing disabled parking bay no.17 repositioned nearer to the building entrance i.e. next to bay 12 or bay 8 shall be submitted to the Local Planning Authority for approval. Prior to the first occupation of the development all car parking areas, access ways and vehicle manoeuvring areas shall be fully consolidated, hardsurfaced and drained and the parking bays shall be clearly demarcated on the ground in accordance with the agreed details. These areas shall thereafter be retained and used for no other purpose.

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

8. Prior to the development first coming into use, the existing redundant vehicle footway crossing in Rookery Lane shall be reinstated back to full kerb height and constructed to a specification to be approved and agreed in writing by the Local Planning Authority.

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

9. Prior to the commencement of the development, a construction methodology statement shall be submitted to the Local Planning Authority for approval in writing, detailing the parking and turning within the site for site operatives and vehicles and the phasing of the construction works to ensure that an adequate level of parking is provided during construction to off set any displaced parking caused as a result of the development.

Reason: To prevent indiscriminate parking on the public highway to the detriment of the free flow of traffic and to highway safety.

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

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

11. The development shall be carried out in accordance with the materials shown on approved drawings 08/010 Rev A02 and 08/011 Rev A01 unless the local planning authority agrees in writing to any variation.

Reason: To ensure the satisfactory appearance of the development and protect the visual amenities of the surrounding area.

12. Prior to the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented within 12 months of the development completed. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs or plants which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to define the permission and to safeguard the visual amenity of the conservation area, green belt and natural environment of the site and the immediate vicinity.

13. No development shall commence on site until details of all boundary treatment and details of the vehicle barriers within the car park have been submitted to and approved in writing. The development shall be completed in accordance with the approved details and shall be retained thereafter.

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

14. No external lighting shall be installed on the site unless details have been submitted to and approved in writing by the Local Planning Authority. Approved lighting shall be implemented and retained in accordance with agreed details thereafter.

Reason: To safeguard the visual amenities of the area.

Notes for Applicant – Contaminated Land

CL1

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

Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

CL4

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



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Significant Community Interest

Application Number: 10/1574/AD
Application Type: Advertisements

Applicant:

Proposal: Display of 7 no. fascia signs and two freestanding signs on existing retail building/site

Ward: Darlaston South

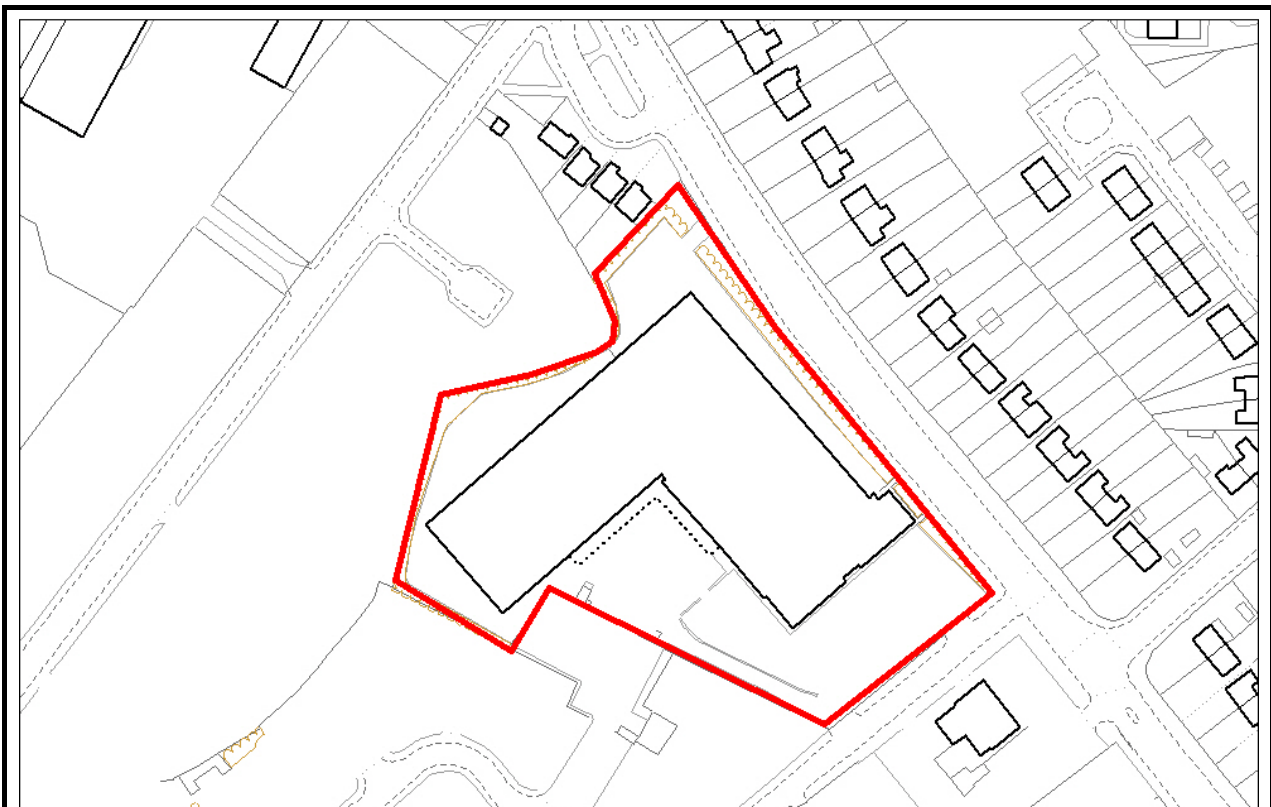
Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Email:planningservices@walsall.gov.uk

Agent:

Location: LEEKES OF BILSTON, GREAT BRIDGE ROAD, BILSTON, WALSALL, WV14 8LB

Expired Date: 17/01/2011

Recommendation Summary: Part approve/refuse



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Application and Site Details

The application is for a total of 9 signs around the application site. These are arranged as follows:

Sign 1 – Fascia sign towards the car park and measuring 5.5m by 3.5m. The sign would be lit by an external trough above the sign.

Sign 2 – Fascia sign towards the car park and Belmont Road – measures 6.4m by 4.2m. The sign would be lit by an external trough above the sign.

Sign 3 – Freestanding triangular sign measuring 5m in height with each panel being 1.5m wide. The sign would be internally illuminated. The sign would be positioned on the corner of Belmont Road and Great Bridge Road at the south-eastern corner of the site.

Signs 4, 5, 6, 7 - All these signs would face Great Bridge Road each measuring 1.2m by 3m. The signs would be lit by an external trough above the sign.

Sign 8 – Fascia sign also facing towards Great Bridge Road measuring 6m by 3m also lit by an external trough above the sign

Sign 9 – Freestanding sign measuring 2.5m wide by 0.95m high. Mounted on poles so that the total height would be 4.3m The sign would be lit by an external trough above the sign. The sign would be positioned at the north-western corner of the site and at 90 degrees to the properties opposite on Great Bridge Road.

The site has a frontage of 135 metres to Great Bridge Road and 65 metres to Belmont Road.

Relevant Planning History

Leekes (formerly Coles) has a significant history in relation to the store. In terms of advertisements the following are considered relevant.

BC58126P. illuminated poster hoarding (13.2 metres by 3 metres) - refused 2001 for the following reasons:-

1. The poster is located on a gable end of a large commercial building located within an otherwise predominantly residential area. The poster faces residential properties on the opposite side of Great Bridge Road.

The building is partially screened by a row of existing trees. The poster is partially obscured from view by these trees. Although the houses are set approximately 35 metres away from the trees, they are at a lower level. As a result when viewed from ground floor living rooms the trees appear taller than they actually are, and prominent skyline features.

Great Bridge Road is devoid of any street tree planting at this point, and is otherwise broad and rather featureless.

The Local Planning Authority consider that the trees on the Cole's frontage are an attractive amenity feature, and provide a good screen between the site and the house opposite. Notwithstanding assurances from the applicant, the Local Planning Authority consider that approval of this advert will result in the pruning or removal of the trees as they would tend to obscure the sign from view. The Local Planning Authority consider that either action would be undesirable, as it will result in a significant adverse impact on the amenity of the area contrary to policy.

2. Notwithstanding the distance between the sign and the houses, the hoarding, by virtue of its size and position, will exaggerate the commercial appearance of the building, which will be further intensified by the proposed external illumination. Even with the existing trees in place the Local Planning Authority consider that there will be a detrimental impact on the outlook from the houses and on the area generally as a result of the proposals. This harmful effect will be made significantly worse if the trees are removed or cut back.

BC53616P internally illuminated fascia sign fronting Great Bridge Road - approved - 1999

BC46202P sign as part of an entrance scheme for the car park fronting Belmont Street - approved - 1996

There were a number of advert applications in the early 1980s which refused permission for adverts on the fascia of Great Bridge Road.

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 Guidance Note (PPG) 19 – Outdoor Advertisements,
Circular 03/07, Town and Country Planning (Control of Advertisement) Regulations 2007.

Development Plan Policy is not the determining factor but can be considered as material and helping to inform the decision. In this regard the following saved Policies of Walsall Unitary Development Plan are considered relevant:

ENV32 parts (a) I, II, III and (b) seek high quality design and seek to ensure that developments are aware of their surroundings

ENV35 seeks to ensure satisfactory appearance of commercial buildings.

Consultations

Transportation – No objection

Pollution Control (Scientific Team) – No objection

Pollution Control (Contaminated Land) – No objection

WM Police – No objection

Network Rail – No objection

Built Environment Team (Urban Design) – No objection

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Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Landscape Team – No objection

Tree Officer – No objection to signs 1, 2, 4, 5, 6 and 9. Object to Sign 3 in relation to the height of the proposed sign and Signs 7 and 8 have implications in terms of continued tree protection and relationship to protected trees.

Public Participation Responses

A petition of 18 signatures has been received from residents of Great Bridge Road who live opposite Leekes and object to the application on the grounds of the impact on their properties and amenities, the character of the area and also with reference to the a previous refusal (this references the refusal of “posters” “a few years ago”). The petition is signed by all but one of the residents from 6 to 46 (inclusive) Great Bridge Road.

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

Determining Issues

- Visual amenity
- Safety

Observations

Members should note that the advertisement legislation allows a Council to approve part of an application and refuse part (this is a different situation with planning applications).

Visual amenity

Over the previous applications there has been a consistent position adopted by the Council to refuse fascia signs on the Great Bridge Road frontage. The last advert application related to a sign in a similar position and size to sign 8 now proposed and was refused for the reasons set out above. That continues to be the position.

Signs 1 and 2 are located on the main commercial shop frontages and are therefore considered in the context of the operations of the main building. There are no objections to these signs in terms of visual amenity or the character of the area.

Signs 3 and 9 are effectively replacements for existing signs and whilst they would not have an impact on the character of the area and aid directing into the site. Therefore due to their position, relationship to nearby residential properties and size, these signs would not have an adverse impact on neighbouring and nearby residential properties. Notwithstanding the concerns of tree officers to the height of the proposed sign, it is considered that this is an appropriate sign.

The main consideration is therefore are the series of identical signs (4-7) and sign 8, and the impact of these signs.

Sign 8 is in a similar position to the 2001 refusal and although smaller the sign is considered unacceptable by reason of its size and position and the fact that it will exaggerate the commercial appearance of the building, further intensified by the proposed

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external illumination. Even with the existing trees in place Officers consider that there will be a detrimental impact on the outlook from the house and on the area generally as a result of the proposals. This effect will be made significantly worse if the existing trees are removed or cut back.

Signs 4 to 7 are significantly smaller than sign 8. However, it is the view of officers that, the individual and cumulative impact in exaggerating the commercial character unacceptably impact on visual amenity.

Safety

The commercial character of the building, the method of illumination and the fact that none of the proposed signs would project outside the boundary of the application site; means the proposed signs would not have an adverse impact on highway safety.

Recommendation: Part approve/refuse

In relation to signs 1, 2, 3 and 9, grant advertisement consent subject to conditions

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: It is a requirement of the Regulations that the site owners permission be obtained before any advertisement is displayed.

2. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety

3. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

6. The method of illumination of the proposed signs shall be that stated within the submitted plans.

Reason: In the interest of public safety and amenity

In relation to signs 4, 5, 6 7 and 8 refuse advertisement consent for the following reason:

1. By virtue of the cumulative impact, position and relationship to properties opposite, the proposed signs will exaggerate the commercial appearance of the building, which will be further intensified by the proposed external illumination. Even with the existing trees in place the Local Planning Authority consider that there will be a detrimental impact on the amenities of local residents and on the character of area generally. This harmful effect will be made significantly worse if the trees are removed or cut back. As such, the proposals are contrary to the aims and objectives of Planning Policy Guidance Note (PPG) 19 – Outdoor Advertisements, Circular 03/07, Town and Country Planning (Control of Advertisement) Regulations 2007 and Policies ENV32 parts (a) I, II, III and (b); and ENV35 of the saved Walsall UDP 2005.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Called in by Councillor Nazir

Application Number: 10/1481/FL
Application Type: Full application

Applicant: Mr Gilani
Proposal: First floor rear extension

Ward: Palfrey

Case Officer: Helen Smith
Telephone Number: 01922 652436
Email: planningservices@walsall.gov.uk
Agent: RJB design Practice
Location: 23 CORPORATION STREET, WALSALL, WS1 4HW
Expired Date: 12/01/2011

Recommendation Summary: Refuse



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Background

Councillor Nazir considers that the proposed extension would have no impact on amenity of neighbours and should be considered by the Planning Committee.

Application and Site Details

The application is a resubmission following the refusal of a previous application. This revised proposal is identical to the previous refused proposal with the exception of the removal of a first floor window from the side elevation facing Number 21.

This application is for a first floor extension and an external fire escape to the rear of a traditional end terraced property. This is a prominent corner position at the junction with Rutter Street and is in the Caldmore Green Conservation Area.

There is a vacant retail unit on the ground floor with residential accommodation at the back and at first floor. The proposal would extend the existing two storey rear wing 3.4 metres to the rear above an existing single storey extension.

The spiral fire escape would project a further 2.3 metres.

There is an enclosed yard at the rear, currently used for vehicle parking. There are three garages serving Number 21 accessed across the rear yard of 23.

At present, at first floor, there is a side facing bedroom window. That room becomes a kitchen, using the same window.

Number 21 is approximately 1 metre higher than the application property and extends approximately 8 metres further back than the two storey part of 23. There are ground and first floor side habitable room windows facing 23, at a distance of 4.7 metres.

Relevant Planning History

BC14475P – Conversion of 21 to two flats and extension to form lobby and bathroom at 23. Construction of rear car parking area at 21 and 23 – granted subject to conditions on 6/8/85.

BC40551P – Three garages at the rear of 21 and 23 – granted permission subject to conditions on 8/6/94.

05/1518FL/H7 - Number 21 received planning permission in 2006 for a single storey rear extension and a loft conversion

10/1064/FL – No. 23 - this is the refused application referred to at the start of this report - refused on 15 October 2010 on the grounds that the proposed first floor rear extension would have an overbearing and unacceptable impact on the rear and side ground floor habitable room windows in 21 Corporation Street, and would significantly worsen the existing 'tunnel' effect experienced by the ground floor window in 21, and that the addition of further facing side facing habitable room windows would reduce privacy for the occupiers of both properties further.

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: 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.

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV29: Conservation Areas.

The Council will determine whether a development preserves or enhances the character of a conservation area in terms of:

I The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II The impact of any new buildings on the special townscape and landscape features within the area.

III The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is just about to enter its Examination in Public. 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

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. Appendix E includes;

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- 24 metre 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.
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.
- 45 degree code : particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk)

Regional Planning Policy

Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government has responded and now advises that in relation to the challenge:-

“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PLANNING POLICY STATEMENT 1

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

Consultations

Transportation – No objections

Built Environment Team (Conservation) – No objections

Public Participation Responses

One letter of objection was received but subsequently retracted.

Determining Issues

Whether the application has addressed the reasons for refusal of the previous application or raises any new issues in respect of the

- Design of proposal and Impact on Character of the Conservation Area;
- Impact on Amenity of Nearby Residents; and
- Parking.

Observations

Design of Proposal and Impact on Character of the Conservation Area

The design of this proposal with a mono-pitch roof to match the existing rear wing would be in keeping with the existing property. The appearance of the fire escape at this location is considered acceptable. The area has a mix of traditional terraced residential properties and commercial premises. It is considered that, if all else were satisfactory, this proposal would match the design of neighbouring properties and would integrate with the existing street scene preserving the character of the Caldmore Green Conservation Area.

Impact on Amenity of Nearby Residents

The distance between facing habitable room window in the rear wing of the application property and facing windows in the rear wing of 21 is only approximately 4.7 metres. This distance would be maintained by the proposed extension (though this is 8.3 metres less than policy guidelines between windows). The existing bedroom would become a kitchen. It is likely that this change will make use of the room more intensive, and that there will be increased scope to impact on No. 21. This, when combined with the increase in length of the building at first floor level, would result in an overbearing impact on No. 21.

In addition it is considered that by adding a first floor extension to the rear of the application property this would significantly worsen the existing "tunnel" effect experienced by the ground floor rear facing habitable room window in 21.

The ground floor windows in 23 are screened from the ground floor windows in 21 by an existing 1.8 to 2 metres high wall.

Parking

The number of bedrooms at this property would reduce from three to two and therefore there would be adequate parking provision with access from the highway within the rear yard if the application was satisfactory.

Recommendation: Refuse

1. The proposed first floor rear extension would have an overbearing and unacceptable impact on the rear and side ground floor habitable room windows in 21 Corporation Street, because of the arrangement of windows and rooms, its height and length, and its position in relation to this property. The proposal would also significantly worsen the existing 'tunnel' effect experienced by the ground floor rear facing habitable room window in 21. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and the Supplementary Planning Document, Designing Walsall.
-



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Disposal of Council Land

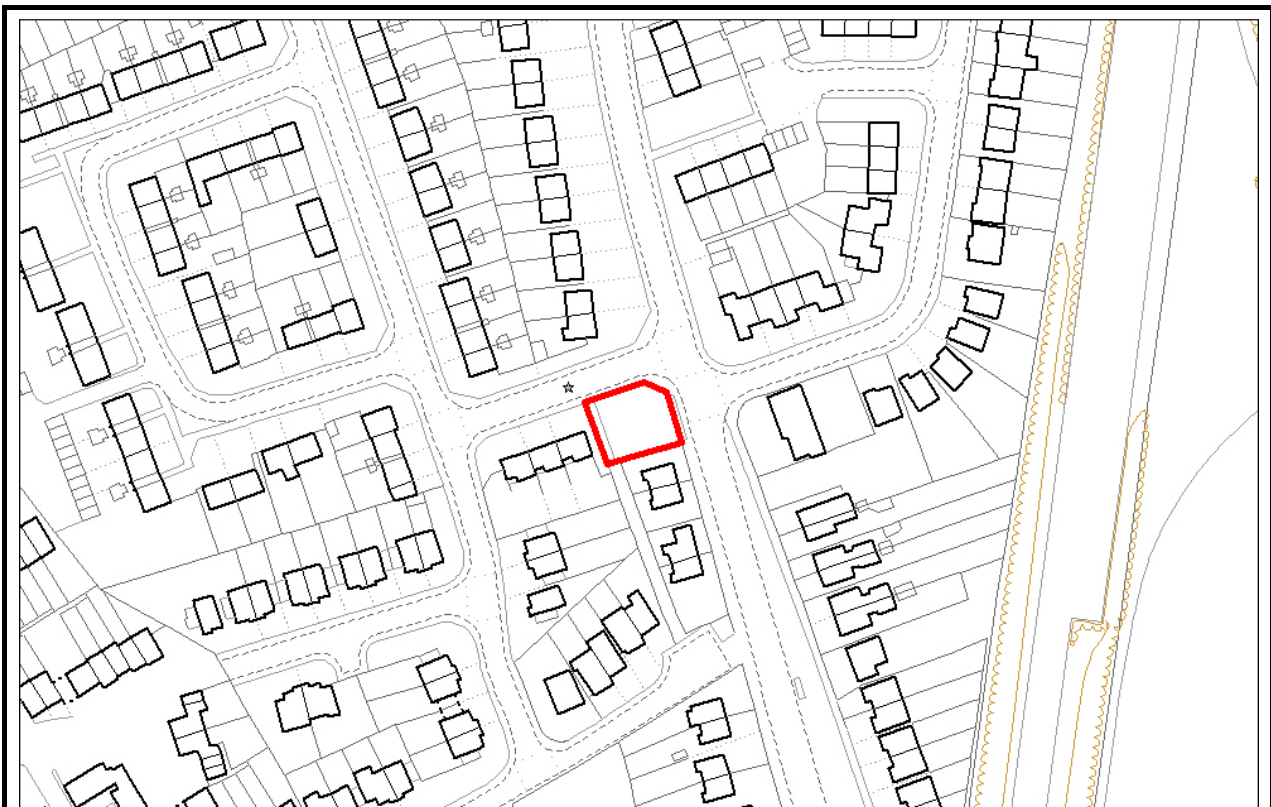
Application Number: 10/1658/FL
Application Type: Full application

Applicant: Exemplar Homes (Midlands) Ltd
Proposal: Erection of new dwelling with detached garage and associated parking and external works.

Ward: Pelsall

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: BBLB Architects LLP
Location: LAND CORNER OF TAME DRIVE, WALSALL ROAD, WALSALL, WS3 4DE
Expired Date: 14/02/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The site is situated on the southern corner of Tame Drive at the junction with Walsall Road (B4154) which is a district distributor. The site is an area of level open grass land of approx 384sqm, currently owned and maintained by Walsall Council.

Immediately to the south of the site are two pairs of semi detached houses (64-70 Walsall Road), all set relatively close to the back of pavement. No 70, adjacent to the site boundary has a single storey side garage, and a first floor habitable room window in the side elevation facing the site.

To the north on the opposite corner of Tame Drive are further more modern semi detached houses, set further back from the road with front driveways. To the west is a block of 3 bungalows in Tame Drive and to the east on the opposite side of Walsall Road are a mix of semi detached houses and a large bungalow.

The site is in a residential area characterised by two storey houses and bungalows of varying ages and styles and a variety of design characteristics and materials.

The application proposes the erection of a 4 bed detached two storey house fronting Walsall Road, together with a detached single garage and driveway fronting Tame Drive, and utilising an existing footway crossing.

A rear private garden of approx 90sqm would be provided together with a side garden fronting Tame Drive.

A Design and Access Statement has been submitted in support of the proposals which analyses the setting and the development proposals.

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).

Saved Policies of Walsall's Unitary Development Plan (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.

GP2: Environmental Protection

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

3.6 seeks environmental improvement resulting from development.

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.

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.

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.

ENV33: Landscape Design

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

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
------------------------	-------------------

Supplementary Planning Document “Designing Walsall” (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.

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.

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

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

DW 10 –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

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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 (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government has responded and now advises that in relation to the challenge:-

“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

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

PPS 3: Housing, the objective of the revised guidance is to:

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

PPG13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation – No objections subject to conditions to ensure adequate visibility splay and appropriate surfacing of the driveway. Vehicle access would be from an existing access in Tame Drive and the proposals would provide 3 parking spaces to comply with policy.

Pollution Control – Scientific Team - No objections subject to condition to restrict hours of working on site.

Contaminated Land Team – No specific requirements.

Landscape Officer – No objections. The site plan shows a new native hedge to the road frontage boundaries which is appropriate to the area. Condition recommended to ensure the details of the species, number and size of plants for the hedge are submitted for approval.

Fire Officer – Satisfactory for fire service access

West Midlands Police – No objections. The applicant should be encouraged to design and build to achieve Secure by Design accreditation. Specific security and design measures recommended and forwarded to the agent.

Severn Trent Water – No objections subject to condition regarding drainage.

Public Participation Responses

None

Determining Issues

- Principle of Residential Development
- Design and Layout
- Access and Parking
- Impact on the amenities of Surrounding Occupiers

Observations

Principle of Residential Development

The site is on a district distributor route with several bus services that use Walsall Road with bus stops within easy reach, therefore can be regarded as a sustainable location. Whilst the site comprises an open grassed area it is not public open space or allocated land in the UDP.

The site is situated in a predominantly residential area of houses and bungalows of varying ages and styles, all fronting the street with private rear gardens. The principle of residential development of the site is considered appropriate.

Design and Layout

The proposed house has been designed to address the corner with the frontage to Walsall Road, but also incorporating habitable room windows (including a bay) to the side elevation to Tame Drive, creating an active frontage to both streets. Key design features of surrounding properties have been incorporated into the design of the house, including the front gable feature, bay windows and hipped roof.

Whilst the main house would follow the existing building line of the properties to the south (64-70 Walsall Road) the front bay and gable feature would project forward by approx 800mm and the house would be marginally higher (700mm) than the adjacent properties (68-70 Walsall Road). It is considered however that the design, siting and height of the house is appropriate within the street scene and this corner location.

The single storey garage set to the rear would provide a transition between the proposed house and the bungalows in Tame Drive set to the rear.

Whilst the length of the rear garden would fall below the normal 12m standard, it would be large (at 90sqm) by comparison with the 68sqm area standard provided within Appendix E of Designing Walsall SPD.

The separation distance between the rear of the house and the blank gable of No 3 Tame Drive falls 1m below the 13m standard. The short fall in the separation is acceptable in this case, as the proposed single storey garage would sit between the properties and the side gable of No 3 has no habitable windows.

The design and layout of the proposals is considered appropriate for the site and would provide a good level of amenity for the future occupiers.

Access and Parking

The proposals would utilise an existing footway crossing in Tame Drive and the layout would provide off street parking for 3 cars (1 in the garage and 2 within the driveway) in compliance with Policy T13. The parking and access arrangements are considered acceptable.

Conditions are recommended by Transportation to ensure that the visibility splay proposed is implemented and maintained and the driveway is appropriately surfaced and drained.

Impact on the Amenities of the Surrounding Occupiers

The first floor rear windows in the new house would have the potential to overlook the rear garden of No 3. This is similar to the existing relationship with No 70 Walsall Road, which already overlooks the main rear garden of No 3. The proposals would not result in any significant loss of privacy.

The first floor window in the side elevation of No 70 Walsall Road would be situated 6m from the side gable of the new house. It is an unusual situation to have a side facing habitable window, but this is a feature of 64, 68 and 70 Walsall Road. No66 now has a two storey side extension so the window has been removed. The separation and relationship between the side window on No 68 and the two storey side extension at 66 would be similar to that proposed with the new house, approx 6m, and therefore a characteristic of the existing pattern of development. It is also considered that any adverse impact that the new house may have on the amenities and light to the occupiers of No 70 would be significantly reduced due to the orientation of the new house, set to the north of No 70. It is considered that on balance the proposal would not prevent direct sunlight reaching No 70 and not have any unacceptable impact on the amenities of No70 sufficient to warrant refusal of this application on this point alone.

Summary of Reasons for Granting Planning Permission

The site is located within a residential area and the principle of residential development is considered appropriate. The proposals provide a high quality design and layout, which would address both Tame Drive and Walsall Road well. The design includes key features and characteristics from the surrounding properties.

Whilst the proposals do not meet the standard separation distances to the adjoining properties, the circumstances of the design, layout, orientation and existing relationships mean that the proposals are appropriate in this context and would have no unacceptable impact on the amenities of the surrounding occupiers.

Parking and access arrangements are considered satisfactory and would comply with policy.

The proposed development is considered to comply with the relevant policies of the development plan, in particular saved policies 2.1, 2.2, 3.6, 3.16, GP2, GP7, ENV32, ENV33, H10, T7 and T13 of Walsall's Unitary Development Plan (2005) and Supplementary Planning Document: Designing Walsall (2008).

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 development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

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

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

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

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

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

5. Prior to first occupation of the property hereby approved the driveway/vehicle hardstanding area shown on approved drawing 10080/P03 Rev C, shall be consolidated, hard surfaced and suitably drained and thereafter retained.

Reason: To ensure the satisfactory completion of the development.

6. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

7. The 4.5m x 90m visibility splay shown on approved drawing 10080/P03 Rev C, at the corner of Tame Drive and Walsall Road and fronting the development shall, at all times, be kept free from planting or structures exceeding 600mm in height above ground level.

Reason: In the interests of highway safety.

8. The works hereby approved shall only be carried out in accordance with details contained within drawing Nos 10080/P01, 10080/P02, 10080/P03 Rev C, 10080/P04, 10080/P05 and 10080/P08 received on 14th December 2010, 10080/P09 received on 20th December 2010, 10080/P10 received on 12th January 2011 and Design and Access Statement received on 14th December 2010.

Reason: In order to define the permission.

Note to Applicant

West Midlands Police

You are advised to contact Mark Ledo, Crime Reduction Officer & Crime Prevention Design Advisor, Walsall Partnerships Team, Walsall Police Station. Tel 01922 439103. email ledo_1892@west-midlands.pnn.police.uk to discuss security and design measures and Secure by Design accreditation.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

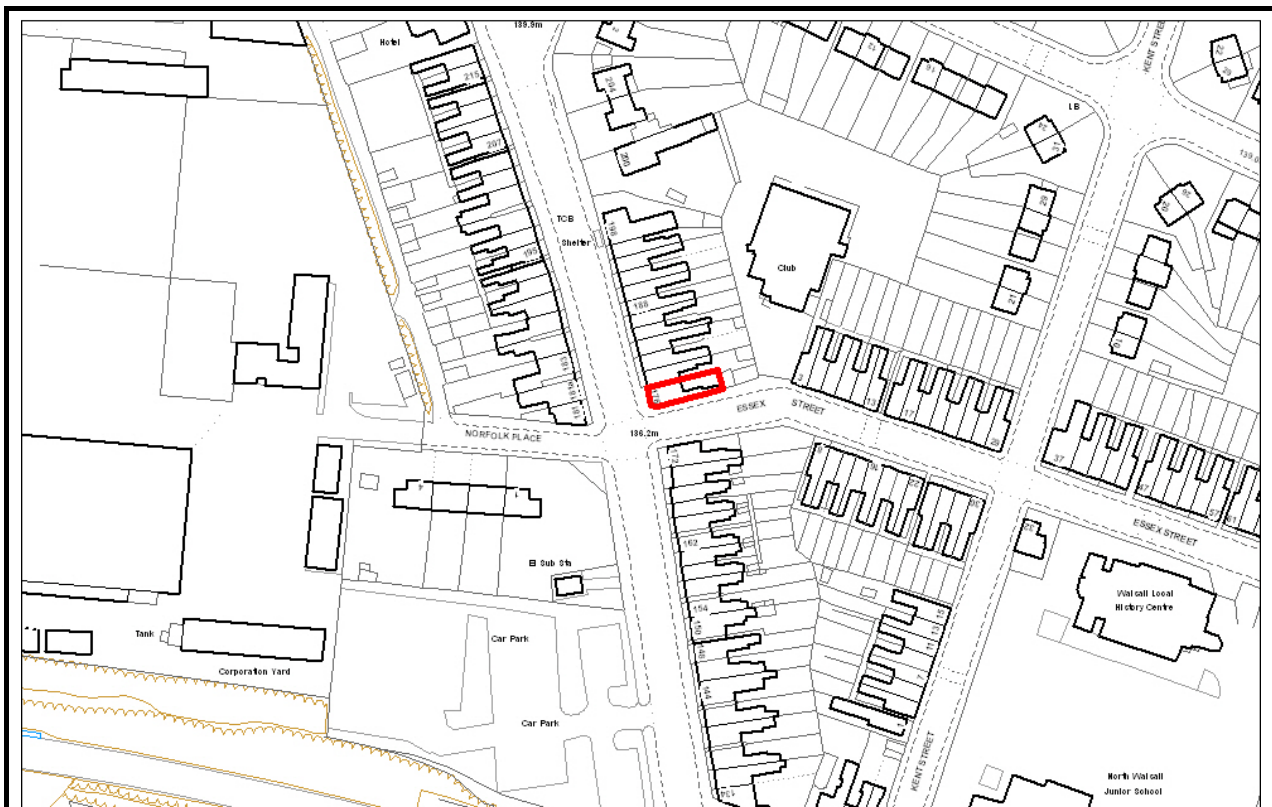
Reason for bringing to committee: Significant Community Interest

Application Number: 10/1591/FL
Application Type: Full application

Applicant: Mr J Uppal
Proposal: Change of Use from A1 (retail) to A5 (hot food takeaway).
Ward: Blakenall

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk
Agent: GT Designz
Location: 176 BLOXWICH ROAD,
WALSALL, WS2 7BQ
Expired Date: 11/02/2011

Recommendation Summary: Refuse



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Application and site details

The site is situated on the eastern side of Bloxwich Road on the northern corner of the junction with Essex Street and comprises a vacant retail shop with flat above. Bloxwich Road is designated as a district distributor route.

A single storey detached building to the rear of the application site has signage for a takeaway with home delivery. This use is not operational and is unauthorised.

178 Bloxwich Road to the north comprises a terraced house attached to the application premises, with further residential properties beyond to the north and on the opposite side of Bloxwich Road to the west. To the south are terraced houses in Bloxwich Road and to the east in Essex Street. Immediately to the rear is the entrance to West Midlands Travel social club, set back from the street frontage.

A public car park is set to the south west on the opposite side of Bloxwich Road.

This application is a revised submission following a previous refusal and now proposes the change of use of the ground floor from A1 retail to A5 hot food takeaway. The proposed hours of opening: 1100 – 2300 Mon – Fri, 1100 – 2300 Sat and 1700 - 2100 Sun and bank holidays. The first floor flat would remain unchanged. The revised scheme includes 6 parking spaces within third party land to the rear of the site and includes details of the proposed flue and fume extraction equipment, including extraction ducting to the street elevation of the property.

Relevant Planning History

Various alterations and extensions to the shop premises approved 1981 and 1992.

09/1460/FL, change of use from A1 retail to A5 hot food takeaway, refused 23-12-09.

Reasons for refusal:

1. The proposed development would have an adverse impact on the amenities of the surrounding residential occupiers in terms of cooking odours, noise and disturbance, litter and additional traffic particularly during the evening. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular Policies ENV32, S10 and T13.
2. The proposed development would be likely to exacerbate existing parking problems in the vicinity, and result in indiscriminate parking on street in restricted areas, to the detriment of highway safety and inconvenience to other users of the surrounding highway network. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular Policies ENV32, S10 and T13.

10/0976/FL, Proposed change of use from A1 (retail to A5 (hot food takeaway), withdrawn 10-09-10.

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).

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

GP1: Supports the sustainable location of development

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

GP2: Environmental Protection

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

II The creation or susceptibility to, pollution of any kind.

ENV10: Pollution

(a) II Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

(b) Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted.

S1: Definition of Town Centre Uses

(a) II Class A2 (Financial, professional and other services) offices

S6: Meeting Local Needs

Outside identified centre, existing local shopping, service, leisure, community and other facilities – in the form of shopping parades, clusters, single shops etc will be encouraged to continue to meet day to day needs of the community.

S10: Hot Food Takeaways

These uses will be appropriate in the Town, District and Local Centres subject to the following considerations:-

- I. The use proposed must not adversely affect the amenities of the existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- II. Where the Council is minded to grant planning permission, the closing time for hot food takeaways will be considered in relation to the amenities of nearby dwellings. Conditions can be imposed on the permission stating opening and closing times
- III. Permission will not be granted where the absence of adequate off street parking would be likely to lead to on street parking in a hazardous location.
- IV. Permission will only be granted where ventilation and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment would not be detrimental to visual amenity.

T7: Car Parking

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

T13 Parking Standards

Hot food takeaways - 4 car park spaces for establishments with a gross floor space up to 50m²; then 1 space per 22m² of gross floor space. At least 1 bike stand for every 5 car park spaces with an absolute minimum of 2 bike stands. Taxi facilities.

Designing Walsall (SPD) (Feb 2008)

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

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

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DW10 – Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

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Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PPG 24: Planning and 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 (para. 10). 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) (para. 12). There will also be circumstances when it is acceptable - or even desirable in order to meet other planning objectives - to allow noise generating activities on land near or adjoining a noise-sensitive development (para. 18). Fast food restaurants pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Need to consider the noise generated within the premises and the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

Consultations

Transportation – Objection on the grounds of parking, highway safety and the design of the proposed extraction equipment. This is a corner location with Bloxwich Road being a classified District Distributor road and main bus route and carries high volumes of traffic. There are double yellow parking and loading restrictions on Bloxwich Road and Essex Street within the immediate vicinity of the site to protect the junction from indiscriminate parking. The proposals would be detrimental to the free flow of traffic along Bloxwich Road and have a detrimental impact on vehicle manoeuvring at the junction, visibility along

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Bloxwich Road for vehicle existing Essex Street and residents parking in Essex Street. Stafford Street/Bloxwich Road has a higher number of injury accidents than any other similar route in Walsall and therefore any development that could further impact on highway safety should be resisted. The location of the proposed car park to the rear of the premises off Essex Street would mean that customers would have to turn off the main road and into a car park that is out of view. It is considered unlikely that customers would utilise the car park but will instead park as near as possible to the shop entrance (on the corner). Whilst there is a public car park on the opposite side of Bloxwich Road to the south it is unlikely to be used as customers would have to cross the busy main road. The proposals would require 5 parking spaces to comply with T13. The proposed extractor flue located on the Essex Street elevation would project over the public highway which is unacceptable.

Traffic Management – A licence under Section 177 of the Highways Act 1980 would be required for the proposed extraction flue that would overhang the public footway. If applied for Traffic Management would undertake consultation with Planning, Building Control, Structures and Environmental Health to confirm the requirements for any conditions to be incorporated within the licence (ie maintenance, fixings etc).

Environmental Health – Concerns that the proposed use would be detrimental to the amenity of local residents through odour control, noise and disturbance and drainage. Though the submission includes details of odour control that would meet DEFRA guidance, no odour control system will eliminate all odours and the residual odour may still be unacceptable to nearby residents. Maintenance/servicing of any system would be imperative to ensure performance levels are always achieved. Noise insulation works may be necessary to control the transmission of noise between the premises and the neighbouring residential property. As well as noise from the plant and equipment the potential noise and disturbance from delivery vehicles and personnel and customers and their vehicles must be considered. A restriction on opening hours may be beneficial but may not minimise noise and disturbance to an acceptable level for nearby residents who are not accustomed to this kind of noise and disturbance during the evening hours and at weekends.

Environmental Health have received a letters of objections from local occupiers, direct.

Fire Officer – Satisfactory fire service access.

West Midlands Police – objection, despite the use of the club car park this is still considered an unsuitable location for an A5 use, it is a busy road, predominantly residential with limited, restricted parking. The premises are located on a junction and indiscriminate parking on the main road and side street would compromise the safety of other road users, both vehicle and pedestrian, and likely lead to complaints from residents re parking. The proposals include use of the club car park to the rear, but customers coming from the main road would be unaware of this car park and are likely to use a car park that is out of view, likely instead to park on double yellow lines outside the premises. The public car park on Bloxwich Road is unlikely to be used due to the distance from the site and the fact that customers would have to cross the busy main road. Question whether another hot food use in the area as there are already a large number.

Public Participation Responses

A petition in support of the proposals containing 298 signatures has been submitted but provides no reasons for the support, and comprises a scanned copy of the petition submitted in connection with PA 10/0976/FL.

2 individual letters received expressing no objections to the proposals, the premises has been closed for 2 years and needs to be opened to create more jobs and an A5 use would have fewer traffic and accident issues.

387 letters expressing support to the proposals have been received, 220 of these however provide no address for the signatory.

Support reasons:

- The use would not cause disruption or further traffic congestion compared to an A1 use
- The use would help the community and provide jobs.

2 petitions have been received against the proposals (42 signatures and 121 signatures). The following objections have been raised by the two petitions.

- Increase parking problems/conflicts which already exist
- Adverse impact on road safety, at an already problematic junction
- Increase in traffic flow and obstruct free flow of traffic from cars pulling in and out
- Increase in noise and disturbance (by people, vehicular activity, cooking noise, machinery noise) at hours not accustomed
- Increase in litter and vermin
- Encourage anti-social behaviour where youths will congregate
- Too close to residential properties and local schools
- Saturation of takeaway uses in the area
- Takeaways should be confined to shopping areas
- Not suited in a residential area
- New Housing scheme approved which will improve the area
- Same as previous refusal.

127 letters of objection have been received (117 in the form of 6 different standard letters submitted by individuals) and an objection from Councillor Robertson on behalf of residents.

Objections:

- Cant see any differences to previous planning application
- Previous refusal for takeaway, same reasons still apply
- Clustering of takeaways should be reserved for town centres
- Takeaway saturation already within this residential area (8 others in the area)
- Adverse impact on residential amenity
- Disturbance from coming and going of cars and customers
- Long hours of noise and smell, day and night, cooking, noisy equipment vehicles etc.
- Exacerbate existing parking problems in residential streets
- Customers unlikely to use car park proposed as inconvenient, will park on street in residential streets

- On street parking detrimental to flow of traffic, Essex Street very narrow, with narrow pavement, detrimental to pedestrian and road safety.
- Impact on health from air pollution and encouraging poor diet.
- Agreement to use bus club parking area inappropriate and unreliable, as not public property and could be withdrawn at any time, therefore not a solution to the parking issue, gates locked a lot of the time.
- Loss of public parking on Bloxwich Road when new houses are built (10/0763/FL)
- Increased risk of fire in close proximity to residential accommodation and noise and vibration from extraction equipment.
- Increase in litter and waste food attracting vermin
- Long opening hours, including night opening, increased disturbance from activity at hours not accustomed to and when background noise at low level
- Inappropriate position of extraction flue, over the public footpath creating an eyesore and health risk
- Insufficient information provided regarding cooking equipment
- Late night opening a nuisance to residents.
- Sunday and bank holiday opening, noise and nuisance 7 days a week.
- Regardless of extraction equipment it is impossible to fully eliminate odours and insufficient information provided regarding other equipment required.
- Close proximity to two schools, elderly centre and history centre.
- Blocked drains from cooking oil
- Together with bus club, will create a nightmare corner with anti social behaviour and congregation of people
- Illuminated sign and brightly lit shop floodlight into homes
- Property devaluation (not a material planning consideration)
- No provision for disabled customers
- The Council should be supporting healthier living not encouraging more hot food takeaways.
- Major development in Norfolk Place will increase traffic on Bloxwich Road and at the junction opposite Essex Street.
- Increased road and pedestrian safety at the Essex Street junction with Bloxwich Road, already high numbers of accidents, one at Christmas time.
- Pedestrian safety due to the proximity of entrance door to the two roads.
- Disruption to traffic flow and bus services from parked cars.
- Business competition to other takeaways (not a material planning consideration)
- No evidence to suggest they have tried to let/sell the premises as a retail shop
- A general retail shop would make a more positive contribution to the area.
- Concerns about the legitimacy of the petition in support as no reasons provided.

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

Determining Issues

Whether the proposals overcome the previous reasons for refusal in terms of:

- Impact on surrounding occupiers
- Parking and highway safety

Observations

Impact on surrounding occupiers

Policies S1 and S10 of the UDP identify A3 and A5 uses as Town, District or Local Centre uses, which may also be appropriate in other shopping and commercial frontages, subject to no adverse impact on the amenities of residential occupiers in the vicinity, including those in any flats above the premises. The application site comprises an isolated individual shop outside of a centre, surrounded by residential properties, including a terraced house adjoining to the north. Whilst Bloxwich Road is a busy district distributor route, the area is predominantly residential in use and character, the coming and going of customers, particularly in the evening would therefore create noise and disturbance to the surrounding residents over and above that of the existing general retail use. The proposed use therefore conflicts with policy S10, as the premises are not situated in a commercial frontage and the use would have an adverse impact on the amenities of the surrounding residential occupiers.

The proposals include opening until 2300 hours Mon – Sat and 2100 hours Sun and bank holidays, which is well beyond the normal hours of a retail shop, and in a residential area this is considered would cause noise and disturbance at an unreasonable time in the evening to the surrounding residential occupiers.

Due to the close proximity of residential accommodation it is considered that the proposed use would have an adverse impact on the amenities of the residents in terms of litter, noise and disturbance cooking odours and coming and going of customers and traffic, and would therefore conflict with policy S10.

The proposals include extract ducting to the side elevation of the property, fully visible from the street and surrounding residential properties and is considered obtrusive and dominant within the street scene and out of character with the residential character of the area. The submitted details show the ducting projecting from the side wall of the building by approx 0.5m at 2.65m above ground level, overhanging the footpath, this would require a licence from the Highway Authority. The submitted details are therefore unsatisfactory in terms of design and location.

The proposals fail to overcome the previous reason for refusal in relation to adverse impact on the amenities of the surrounding residential occupiers in terms of cooking odours, noise and disturbance, litter and additional traffic particularly during the evening.

Parking and highway safety

The site is situated on the corner of Bloxwich Road and Essex Street, which together with Norfolk Place opposite forms a crossroad junction. Bloxwich Road (B4120) is a District Distributor route, with relatively high volumes of traffic. There are double yellow parking restrictions on Bloxwich Road and Essex Street within the immediate vicinity of the site.

The nature of an A5 use is likely to attract a higher number of short customer trips by car than the existing A1 use of the premises. The proposals are likely to result in indiscriminate parking on street in restricted areas, detrimental to the free flow of traffic along the District Distributor route and detrimental to vehicle manoeuvring at the junction and visibility for vehicles exiting Essex Street.

The proposals include 6 parking spaces to the rear within third party land (West Midlands Travel Bus Club), this number of spaces would comply with policy T13 requirements for the proposed use. However the parking area is out of view from the premises and customers from the main road would not be aware of it. It is considered that customers are unlikely to use the car park, but instead park on street in close proximity to the entrance door to the premises. The approval for the extension to the bus club premises and car park in 2003 (02/2387/FL/W1), included a condition (6) to restrict the use of the car park to be used in association with the building the subject of the permission only. Therefore the use of the parking area by customers to the hot food takeaway would require a variation of this condition. The car parking area on the frontage of the premises has no spaces marked out and has no footway crossing for the access on Essex Street. An increase in the number of comings and goings from this car park/access could have increased adverse impact on the amenities of the adjoining residential occupiers and pedestrian safety.

Whilst there is a public car park on the opposite side of Bloxwich Road to the south, this would necessitate pedestrians crossing the busy Bloxwich Road, without the facility of a controlled crossing point.

Despite the proposals including 6 parking spaces to the rear of the premises on third party land the proposals fail to overcome the previous reason for refusal in terms of exacerbating existing parking problems in the vicinity and result in indiscriminate parking on street in restricted areas to the detriment of highway safety and inconvenience to other users of the surrounding highway network.

Recommendation: Refuse

1. The proposed development would have an adverse impact on the amenities of the surrounding residential occupiers in terms of cooking odours, noise and disturbance, litter and additional traffic particularly during the evening. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular saved policies ENV32, S10 and T13.
2. The proposed development would be likely to exacerbate existing parking problems in the vicinity, and result in indiscriminate parking on street in restricted areas, to the detriment of highway safety and inconvenience to other users of the surrounding highway network. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular saved policies ENV32, S10 and T13.
3. The proposed extraction flue and ducting would be visually intrusive and dominant within the street scene and have an adverse impact on the visual amenity of the area. The development would therefore be contrary to Walsall's Unitary Development Plan (2005) in particular saved policies ENV32 and S10.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

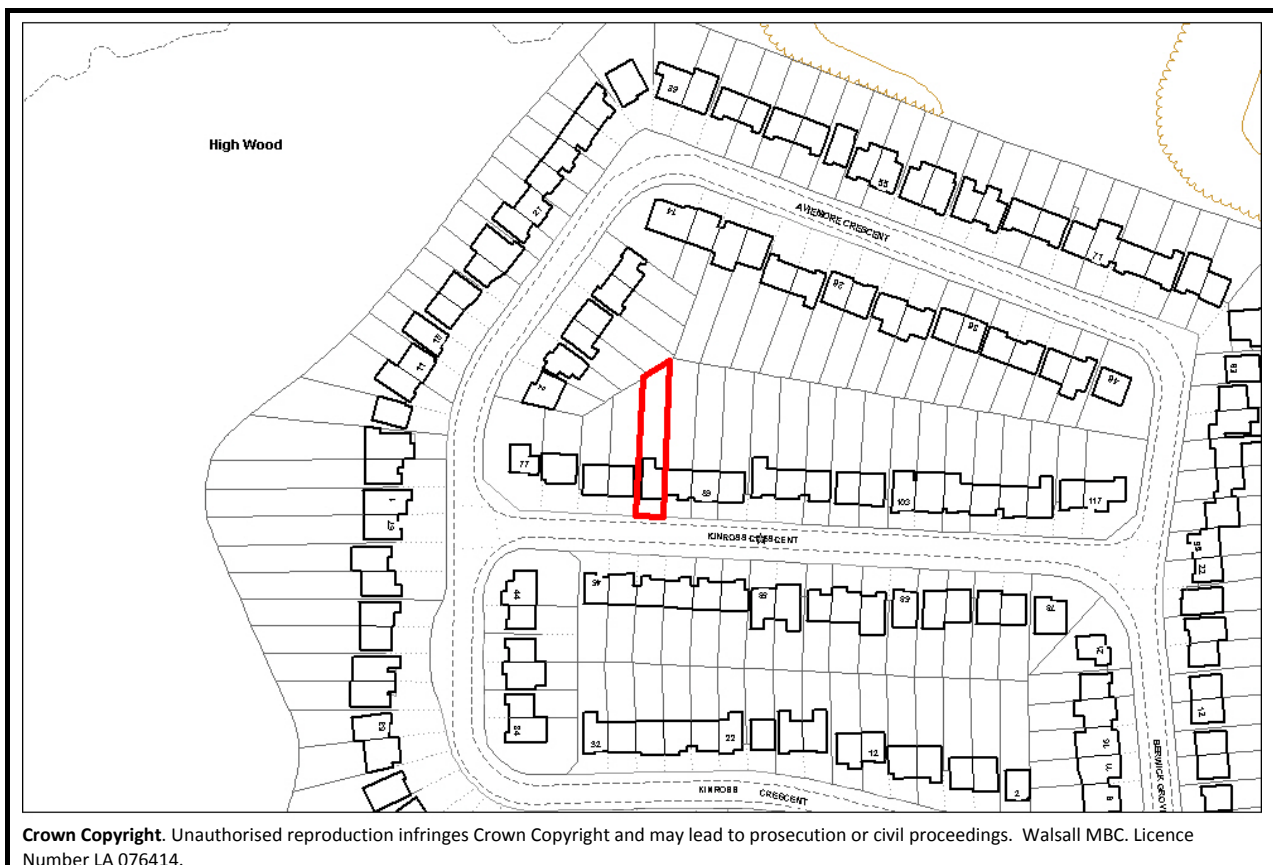
Reason for bringing to committee: Significant neighbour interest

Application Number: 10/1549/FL
Application Type: Full application

Applicant: Mr & Mrs Nathanwi
Proposal: Retention of a rear conservatory with reduced length from 5040 to 3540mm.
Ward: Pheasey Park Farm

Case Officer: Jenny Townsend
Telephone Number: 01922 652420
Email: planningservices@walsall.gov.uk
Agent: R Sharples & Associates
Location: 85 KINROSS CRESCENT, BIRMINGHAM, B43 7PX
Expired Date: 17/01/2011

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for the retention of a conservatory to the rear of a semi detached house, reducing the length from 5040 to 3540mm when measured from the extension at number 87 (the other half of the pair of houses).

The house has a 3 metre dining room and kitchen extension on the rear which projects the same distance as the single storey extension at number 87. The kitchen extension projects 2 metres number 83.

Number 83 is in line with the application house at the rear and also has a single storey extension projecting 3 metres. This is set in 3.2 metres from the boundary and has a secondary window facing towards the boundary fence. There is a kitchen window on the rear of number 83 nearest to the boundary.

No change is proposed to the width of the conservatory (3.7 metres) but the roof pitch is to be reduced from 25 to 10 degrees of pitch which would result in the height of the ridge reducing from 3.3 to 2.9 metres high. The conservatory is built on the patio area at the rear of the house which is approximately 0.7 metres lower in level than the rear garden, which slopes up towards the houses in Aviemore Crescent, which are higher in level.

The side elevation nearest to number 87 is set in so that the guttering is in line with the boundary fence whilst on the other side, the elevation facing towards the boundary with number 83 is approximately 3.4 metres from the boundary fence.

The applicant has submitted the following documents in support of the application: Design and Access Statement and photographs of the existing conservatory and garden of the application house and in relation to the neighbouring houses, and a letter confirming that if granted, the work would commence within 1-2 weeks and be completed within 4 weeks.

Relevant Planning History

At the meeting on 27/05/10, Planning Committee resolved that:

The conservatory has been built on the back of an existing extension and as a consequence there is an excessive projection of built development to the rear of the property. The resultant development has a detrimental impact on the amenity previously enjoyed by adjacent residential occupiers by reason of loss of light and outlook and the overbearing impact of the conservatory at close proximity to the boundary and habitable room windows, resulting in a loss of privacy. It also breaches the Councils 45° code. The conservatory is therefore contrary to Walsall Unitary Development Plan policies GP2 and ENV32 and appendix E of Supplementary Planning Document Designing Walsall.

Enforcement Notice E10/0174 served 08/06/10 requiring removal of the conservatory. An Appeal against this notice was dismissed on 01/10/10 but conditioned with a 3 month compliance period.

Application 10/0741/FL was made for the retention of the conservatory. The application was refused on 23/07/10 on the same grounds as cited in the enforcement notice. An appeal was dismissed on 9 November 2010.

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).

Saved Policies of Walsall's Unitary Development Plan 2005

GP2: Environmental Protection

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

I. Visual appearance.

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

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.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government has responded and now advises that in relation to the challenge:-

“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

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

Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

NATIONAL POLICIES

Planning Policy Statement 1

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

Consultations

None.

Public Participation Response

Four letters of objection have been received from the occupiers of numbers 81, 83, 87 and 6 Aviemore Crescent on the grounds that;

- the conservatory sets a precedent and affects privacy, light and general view;
- it is far too large for the size of the garden and is an eyesore;

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- exceeds the 45 degree code;
- devalues and reduces saleability of neighbouring houses;
- has been built on garden walls and does not appear to have any foundations or damp course and could possibly become unstable and dangerous;
- no access to boundary fence for maintenance and the close proximity of the guttering may lead to damage to the fence from overflowing water;
- an enforcement notice for the removal of the conservatory has already been served by Walsall Council and allowing retrospective permission would set a precedent for the area to be overbuilt upon;
- the reduction will not greatly change the overall appearance of the conservatory.

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

Determining Issues

- Whether the scheme addresses the reasons for refusal and enforcement action in terms of the impact on amenity of nearby residents

Observations

Impact on Amenity of Nearby Residents

When reduced, the plans show the rear of the conservatory would project 3.54 metres beyond the rear of number 87. The 45 degree code allows for single storey extensions provided they do not exceed 3.5 metres in length. It is considered in this context that the additional 40mm would be so modest as to cause little additional impact.

The roof would be reduced in height by 0.4 metres. The Inspector noted that the existing large expanse of roof visible above the boundary fence is unduly oppressive for the occupiers of 87. the significant reduction in the roof size would remove this impact.

The Inspector was satisfied that because the boundary fence is as tall as the eaves of the conservatory, there is no reduction in the level of natural light to 87 or loss of privacy.

With respect to number 83, the rear of the conservatory would project approximately 6.5 metres beyond the rear kitchen window belonging to 83. The Inspector concluded that the conservatory would not result in an unacceptable loss of privacy or light or be unduly overbearing to the occupiers of number 83 because it is set 3.4 metres from the boundary fence.

The neighbours concerns regarding devaluation of property, maintenance and building standards are covered by separate legislation and are not material planning issues that can be taken into account when determining the planning application.

The reduced size of the conservatory would ensure that the Inspectors concerns are overcome and that there would be no loss of light, outlook or amenity to the adjacent houses.

Summary of Reasons for Granting Planning Permission

By reducing the length and the changing the roof pitch (which would result in a lower ridge height) is considered that the conservatory will not cause a significant increase in overlooking, loss of privacy or loss in the daylight or sunlight enjoyed by nearby properties.

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. The conservatory shall be amended within 2 months of the date of this decision in accordance with plans 1008-KINR- 03, 04C and 05, reduced in length to a maximum of 3540mm and the pitch of the roof reduced from 25 degrees to 10 degrees (resulting in a ridge height of 2.9 metres high).

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, and to rectify a breach of planning control subject to enforcement notice E10/1074.



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Contrary to policy

Application Number: 10/1193/FL
Application Type: Full application

Applicant: Mr A Johnson

Proposal: Two storey side and single storey rear extension.

Ward: Pheasey Park Farm

Case Officer: Jenny Townsend

Telephone Number: 01922 652420

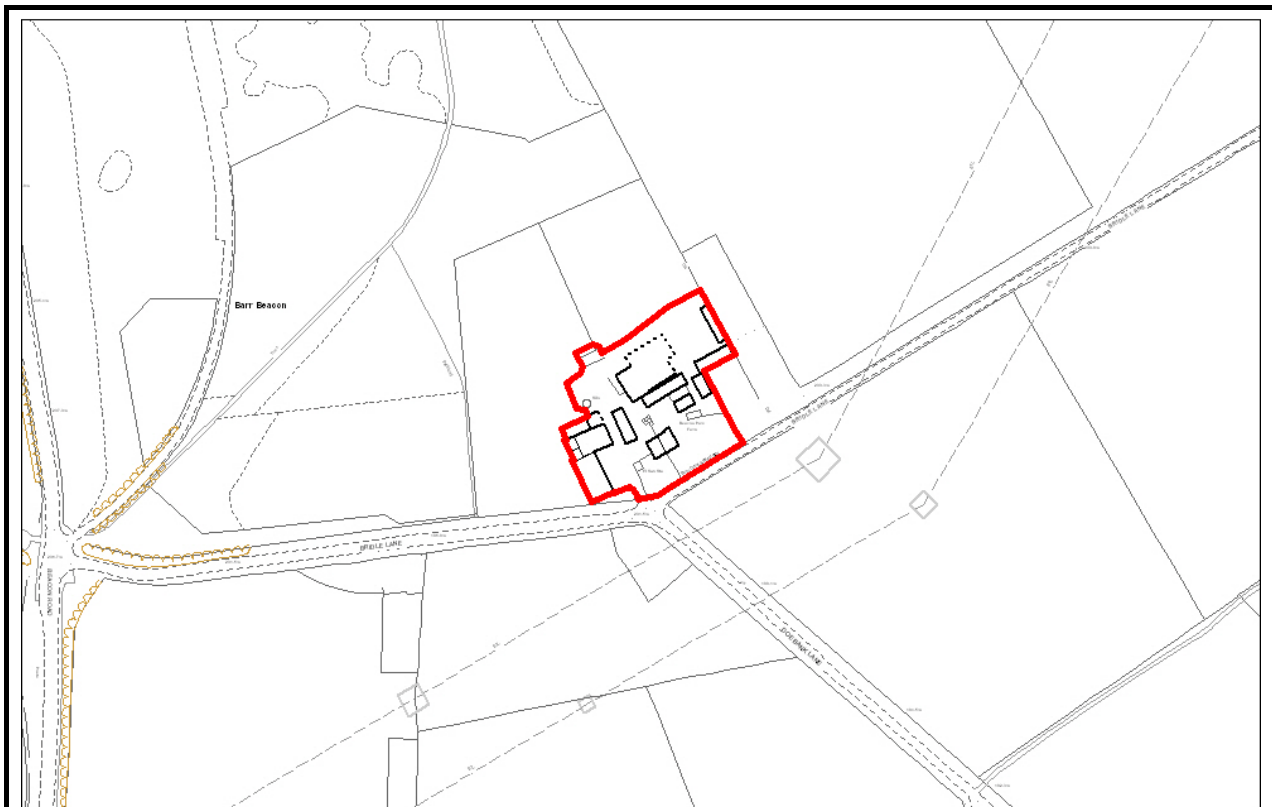
Email: planningservices@walsall.gov.uk

Agent:

Location: BEACON PARK FARM, BRIDLE LANE, BARR BEACON, WALSALL, WS9 0RG

Expired Date: 29/11/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for side extensions to a semi-detached cottage which is situated in the Great Barr Conservation Area and the Green Belt. The extensions would provide a new kitchen, dining room and hallway at ground floor and the first floor layout would be altered to retain three bedrooms and create a new bathroom.

The plans show the existing rear single storey verandah extension to be replaced by a brick extension with a tiled roof of the same dimensions as the existing.

The pair of cottages currently mirror each other, with similar single storey extensions to the rear which are the most recent additions. The cottages lie back from the road and whilst there are a number of buildings nearby, these are agricultural sheds and barns. The cottages are the only dwellings in this area.

There is an electricity sub-station situated approximately 7 metres away from the side of the application house.

The extension to be the same width as the existing two storey part of the house and set back 0.4 metres from the front elevation and the same depth as the existing single storey extension. The ridge of the roof would be 0.5 metres lower than the main house.

The front dormer would be smaller than the existing dormer and the dormer proposed at the rear would match with the existing original rear dormer. Four windows are proposed in the side elevation which would be spaced appropriately and in proportion with the existing windows.

The following documents have been included:

A Design and Access Statement to justify the design, explain why the proposal is appropriate in this context and advise that the proposed materials would be of high quality appearance to preserve and enhance the character of the Conservation Area;

Photographs of the existing bricks in the front wall of the house and showing the original blue brick detailing around the windows which is to be repeated on the extension;

A Readings Report from Central Networks giving readings for the nearby sub-station.

Relevant Planning History

Historical maps from 1876 show the pair of cottages unchanged until 1937/38 when the rear corner of the application house was infilled. The map from 1954 shows extensions to the rear of the application house and to the side of the adjoining cottage.

Various applications for barns and storage sheds and telecommunications and airwave communications installations.

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).

Saved Policies of Walsall's Unitary Development Plan 2005

GP2: Environmental Protection

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

- I. Visual appearance.
- II. The creation of, or susceptibility to, pollution of any kind.
- V. Proximity to power lines, substations or transformers.
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- VII. The adequacy of the access, and parking.

ENV2: Control of Development in the Green Belt.

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.

ENV3: Detailed Evaluation of Proposals within the Green Belt

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

- I. The detailed layout of the site.
- II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.
- III. The colour and suitability of building materials, having regard for local styles and materials.
- VI. The impact on significant views, viewpoints and topographical features.
- VII. The cumulative physical effect of proposals in any one area.

ENV10: Pollution

(a) The development of an industry or facility which may cause pollution will only be permitted if it would not:-

- I. Release pollutants into water, soil or air, whether on site or elsewhere, which would cause unacceptable harm to health and safety or the natural environment.
- II. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.
- III. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

(b) Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution as identified in part (a) of the policy.

ENV13: Development Near Power Lines, Substations and Transformers

(a) In order to protect the general amenity of occupiers and users, development for uses other than industry and warehousing will not normally be permitted in close proximity to high voltage electricity transmission lines, substations or transformers.

(b) The Council will also apply the appropriate operational safe clearances as

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published by the electricity supply industry when considering applications near overhead electricity supply lines.

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.

ENV29: Conservation Areas.

The Council will determine whether a development preserves or enhances the character of a conservation area in terms of:

- I The degree of loss or alteration to property which makes a positive contribution to the character of the area.
- II The impact of any new buildings on the special townscape and landscape features within the area.
- III The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

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.

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.

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Conserving Walsall's Natural Environment

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

The Government have responded and now advise that in relation to the challenge:-
“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS the degree to which that can be maintained against a challenge is uncertain. Each case must be considered on its merits in this context and a balanced view achieved.

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 2

Planning Policy Guidance 2 (PPG2) outlines the history and extent of Green Belts, explains their purposes and describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

Planning Policy Statement 5

Planning for the Historic Environment (PPS5) sets out the Government's planning policies on the conservation of the historic environment.

Consultation Replies

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

Pollution Control Scientific Team – Since the development will encroach upon an existing electricity sub-station, concerns may be warranted in regard to noise/and or the impact of electro-magnetic fields.

In respect of the Readings Report, whilst the information is not well explained or annotated, it is satisfactory for our needs.

A condition has been suggested with regards to noise.

Landscape Team - Although this proposal will alter the roofline and increase the visual impact of the existing property, it will still be a modest domestic dwelling set amidst large, modern agricultural buildings. These buildings, that in size and materials appear more like industrial units, effectively “wrap around” the house on three sides, leaving only the road frontage to Bridle Lane open to view. Even here a hedge and trees provide a roadside screen, and this semi-detached house has little visual impact on the surrounding Green Belt landscape. Therefore no landscape objection.

Natural Environment Ecology Team - There is a hedge line within 50m of the application site and the site is located not far from Barr Beacon SINC however the extension proposed is small scale and only affects the side elevation which is adjacent to a car park with no connecting tree or shrub cover from the hedge line to this elevation it is also opposite a second car park and farm building blocking direct access to this elevation from the field behind. The lack of linking green infrastructure providing sheltered commuting and foraging areas for bats severely reduces the risk that bats may be present in the part of the roof affected by the proposed development. Therefore no bat survey report is required in support of this application. However a note to applicant should be incorporated into any permission should this application be granted.

Built Environment, Conservation Officer - The proposal is within the Great Barr Conservation Area. There is no objection to the principle of the extension or the proposed amended plans subject to a condition regarding materials. The proposed use of matching brick work is acceptable subject to a condition for a sample panel. The brick work should also match the bond of the existing property.

Traditional materials would be preferable for the windows but as the existing property already has Upvc windows this may not be enforceable as a condition.

Public Participation Responses

None.

Determining Issues

- Impact on Green Belt
- Design of Extension and Impact on Character of Conservation Area

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- Impact on Bats
- Impact on Amenity of Nearby Residents
- Substation

Observations

Impact on Green Belt

UDP policy ENV3 indicates that extensions will only be allowed to properties in the Green Belt provided that they are not disproportionate to the original (as it existed in 1948) size of the property.

The footprint of the application house at 1948 was approximately 41 square metres and extensions which have been made since 1948 have added a further 21 square metres resulting in an existing footprint of approximately 63 square metres.

The proposal would increase the cottage by a further 11 square metres, which together with the previous extensions would result in a disproportionate 78% increase to the original footprint of the dwelling. Although the percentage increase appears significant, the original dwellings are of a modest size. The other cottage has also added a single storey rear extension of the same size as the application property so the only difference between the cottages is the additional 11 square metre footprint now proposed. The current proposal would not be harmful in relation to the size of the original cottages. The result in this case would be that the impact on the Green Belt would be acceptable.

The pair of cottages are the only houses within vicinity and the large out-buildings and barns which lie to the side and rear of the cottages screen them from the fields to the side and rear. The cottages lie back from the road behind a hedge and the modest additional width (1.2 metres) to the side would have little impact on the openness of the Green Belt. It is considered that the siting, design, form, scale and appearance of the proposed extension is acceptable and is consistent with the character of the surrounding Green Belt area and the aims of UDP policy.

Design of Extension and Impact on Character of Conservation Area

The design of the extension, as shown on the amended plans, would be compatible with the existing house as the set back to the front and the lower ridge height would keep the extension subservient to the original house. Although the extension would be higher and wider than the original side section which is mirrored on The Cottage, the other half of the pair, due to the modest size of the increase in height and width proposed, it is considered that the proposal would not harm the appearance of the pair of dwellings.

The smaller dormer proposed to the front would be in proportion with and would tie in with the existing front dormer. The rear dormer would match with the existing dormer on the rear of the house and the size and position of the windows in the side elevation would be appropriate in this context. The nearby out-buildings and barns consist of a variety of materials and provided the details of the materials for the windows and doors are agreed in writing prior to development commencing, this would preserve the existing character of the Conservation Area.

Impact on Bats

The lack of linking green infrastructure providing sheltered commuting and foraging areas for bats severely reduces the risk that bats may be present in the part of the roof affected by the proposed development and as such it is considered that the proposal would have little impact on local bat populations.

Impact on Amenity of Nearby Residents

The proposed extension would not project beyond the existing house at either the front or rear and would have little impact on the adjoining cottage.

Impact from Electricity Sub-Station

A record of electromagnetic field strength readings has been submitted together with a document from Central Networks which states that 'there is no restriction on EMF grounds on how close houses can be to substations'.

This is acceptable however a condition regarding noise is still recommended.

Summary of Reasons for Granting Planning Permission

The design of the proposal would blend in with the existing property and would not harm the appearance of the pair of cottages or the character of the Conservation Area. The modest size whilst disproportionate would, together with the appropriate design, minimise any impact on the openness of the Green Belt.

No bat report is required as there is a low risk of bats being present at the property and a recommendation has been included for precautions to be taken when development begins should bats be discovered during these operations.

The proposal is considered would not cause a significant increase in overlooking, a loss of privacy or a loss in the daylight or sunlight enjoyed by house next door.

A record of electromagnetic field strength readings has been submitted which is considered acceptable.

The proposed development is considered to meet the aims and objectives of Walsall's Unitary Development Plan, in particular policies GP2, ENV2, ENV3, ENV10, ENV13, ENV23, ENV29, ENV32, H10, 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: This development shall not be carried out until a sample panel of bricks to be used in the external walls and a schedule of materials to be used in the roofs, windows and doors has been submitted to and approved in writing by the Local Planning Authority and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

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

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

4: Prior to the development being brought into use, details shall be submitted to and approved by the Local Planning Authority which demonstrate that noise arising from adjacent electricity sub-station plant does not exceed 'Good' design range criteria stated for indoor ambient noise levels in British Standard BS 8233 *Sound insulation and noise reduction for buildings – Code of practice* (1999) in regard to living rooms and bedrooms, together with a Noise Rating (NR) that does not exceed 24 dB.

Reason: To safeguard the occupiers of the application property and to comply with policy ENV10 of Walsall's Unitary Development Plan.

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

Design and Access Statement deposited 4 October 2010;
Energy Networks Association booklet and Reading Report submitted 11 November 2010;
Site Plan deposited 4 October 2010;
Existing ground floor plan (10/9/1/1) deposited 11 November 2010;
Existing first floor plan (10/9/1/2) deposited 11 November 2010;
Existing elevations (10/9/1/3) deposited 11 November 2010;
Proposed Ground floor plan (10/9/1/4B) deposited 10 January 2011;
Proposed first floor plan (10/9/1/5B) deposited 10 January 2011;
Proposed elevations (10/9/1/6B) deposited 10 January 2011.
Photographs of bricks and blue brick detailing deposited 10 January 2011.

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

Note to applicant :

Although the application does not require a formal bat survey, there is still a risk that bats may be using your house for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping the soffit boxes and ridge and roof tiles should be carried out carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 27/01/2011

Reason for bringing to committee: Significant community interest

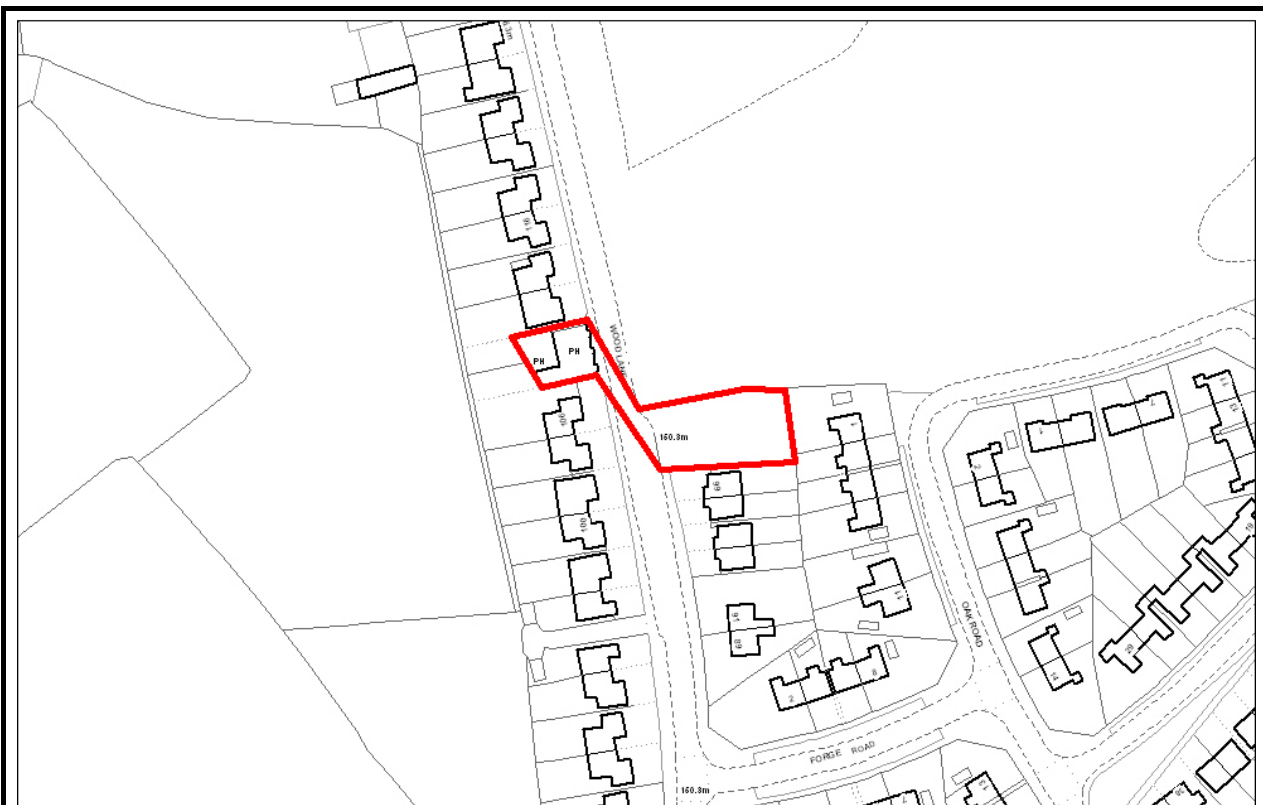
Application Number: 10/1085/FL
Application Type: Full application

Applicant: Mr Karamat Hussain
Proposal: Change of Use of free trade public house to 2 dwellings and construction of pair of 4 bed semi detached houses on former car park.
Ward: Pelsall

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent: Fieldings
Location: THE FREE TRADE INN
P.H., WOOD LANE, PELSALL, WALSALL,

Expired Date: 08/11/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The proposal is for conversion of the Free Trade Inn Public House to a pair of semi-detached houses and the erection of a pair of semi-detached houses on the pub car park opposite.

The public house is at the back of footpath between houses on the west side of Wood Lane. The houses stop just north of the site where the road terminates giving way to open countryside and Wyrley & Essington Canal further north. There is a car park opposite for visitors to Pelsall North Common and the public house car park lies between this and 99 Wood Lane. The site is otherwise surrounded by open land within the Green Belt forming part of Pelsall North Common. Land at the rear of the public house is also open countryside and in the Green Belt.

The proposal is to split the public house into two “L” shaped dwellings each with two reception rooms, kitchen/diner, three bedrooms and bathroom. The existing wing at the rear of the building is to be demolished but the side wall retained at a reduced height to create a walled garden. The stepped wall reduces in height from 6m-4.5m. Where the existing wing is removed new brickwork and windows are proposed.

The semi-detached houses on the opposite side of the road are two storey 4-bedroom properties with integral garages. They are positioned over 14m from the back of highway with driveways and gardens in front. The plans show an extended 2m wide footway across the front of the houses and relocation of a telegraph pole and post pouch box. There is a canopy across the front elevation above the garage and front door, gable features above first floor windows and a projecting wing at the rear. Both gardens are 14m in length and they are 10.6m and 9.2m wide respectively.

Information has been provided to address policy LC8 (loss of a community facility). This states the pub has been vacant for four years and that it had a poor reputation for antisocial and criminal behaviour. Since the pub has been vacant it has also had to be boarded up several times to secure the premises. It goes on to state the applicant has been trying to secure an alternative use for the public house but without success as schemes put forward were not viable. An alternative commercial use is not viable due to the remote location within a residential area. The information highlights four alternative public houses within an 1800m walk.

A Design & Access Statement and Protected Species Survey have been provided in support.

The Design & Access Statement explains how the design has sought to address concerns relating to car parking and amenity issues. It acknowledges that the rear gardens for the converted public house are smaller than normally required but considers the proximity to the Green Belt land opposite and Wyrley & Essington Canal to offer alternative amenity benefits. The proposals offer a sympathetic design in keeping with the surrounding area and the conversion offers the opportunity to regenerate a redundant building that is an eyesore and causing nuisance to neighbours from anti-social behaviour.

The Protected Species Survey concludes that the hedgerows are of low ecological value but could be strengthened with planting of native species. To avoid negative impacts to nesting birds, any clearance works should be conducted outside the bird breeding season.

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If works are conducted in the breeding season a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must be identified and left undisturbed until the young have left the nest.

It further states that the proposed development would not have an impact upon the local bat population. However, as bats are mobile, and individual bats may occasionally use cavities in buildings temporarily, a precautionary approach is recommended to redevelopment works in particular in the roof. Installation of bat boxes, bat bricks and lighting design to encourage potential for bats is also recommended.

Relevant Planning History

09/0154/FL – Change of use of Free Trade Public House to 2 dwellings and construction of a pair of 4-bed semi-detached houses on former car park opposite - Withdrawn May 2009. The applicant withdrew the application with a view to re-submitting when further information was available to support the proposals.

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).

Saved policies of Walsall 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.

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

3.24 & ENV3: Seeks to protect and maintain the Green Belt and assesses proposals for their impact on the Green Belt.

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

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

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

6.3& H3: Encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

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: car parking standards - 1, 2 & 3 bedroom houses – 2 spaces per unit

LC8: Proposals involving loss of community facilities, including public houses, will only be permitted if it can be demonstrated that there are existing facilities in an equally or more convenient location, a replacement facility could be provided, there is no longer a need for

the facility or it would not be possible to retain the facility because it is not financially viable.

Supplementary Planning Document (SPD)

Designing Walsall SPD

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

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

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

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;

DW10 – 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, 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.

Conserving Walsall's Natural Environment SPD

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

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

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has now been through its Examination in Public. It is on course for adoption early in 2011. 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 the latest national policy and available evidence. However, the plan is not generally site-specific and it will carry little weight until it is adopted.

Regional Spatial Strategy (RSS)

The revocation of Regional Spatial Strategies by the Secretary of State, on 6 July 2010, has been reversed by the High Court. The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation and will take time) should be a material consideration in decisions.

There has been a legal challenge to that position

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The Government has responded and now advises that in relation to the challenge:-
“ The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities and at the Planning Inspectorate will in their determination of planning applications and appeals need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.”

Officer's advice is that the RSS is again part of the statutory development plan for the Borough, with the saved policies of Walsall's UDP, and decisions should be made in accordance with it unless material considerations indicate otherwise. Clearly, the situation is in flux and whilst reliance can be placed on the RSS now, the position may change in future. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

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

PPS3: Promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context.

PPS9: Seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

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

Consultations

Transportation – No objections. Conditions are recommended to require full details of the new footway prior to commencement of the two new houses, ensure parking areas are surfaced and drained and maintain pedestrian visibility to the access.

Policy T13 requires a maximum of 2 car parking spaces for the 3 bed dwellings (pub conversion) and 3 spaces for the 4 bed dwellings (new houses). There is sufficient parking for 3 vehicles for each of the 4 bed dwellings in the form of integral garages and driveway parking and therefore meets the UDP requirement. There is no off-street parking proposed for the 3 bed dwellings in the pub conversion which relies on on-street parking. However, the following considerations are relevant:

- Wood Lane is a predominantly residential street and is a cul-de-sac carrying no through traffic
- Wood Lane is traffic calmed and has no parking restrictions.
- The majority of the houses have their own off street parking hence on-street parking is not prevalent
- There is adequate space on the carriageway directly outside the site to park 3 cars (although these cannot be dedicated spaces as it is public highway) and there is additional space further along Wood Lane

- The carriageway outside the pub is 6m wide but widens to 9m outside the proposed new houses which would allow on-street parking without significantly affecting the free flow of traffic
- There is a free Council owned car park directly opposite the site on the Common which could be used by residents (formal consent may be required)
- The number of vehicle trips and parking associated with the present public house use would be significantly higher than for the proposed 4 dwellings and therefore the impact on the local highway as a result of the development is likely to be reduced.

On balance in this particular location, two dwellings reliant on on-street parking is acceptable.

Pollution Control (Scientific Team) – No objections subject to conditions to safeguard the amenity of existing residents during construction and demolition phases.

Pollution Control (Contaminated Land) – No objections subject to a desk study and site reconnaissance being carried out to identify the potential for contaminants and/or ground gases likely to be present on the site. Should the potential presence of contamination and/or ground gases be identified on site a ground contamination survey and site investigation should be carried out to identify risks for future occupants or structure on the site. Conditions to address these concerns have been provided.

Environmental Health – No objections.

Public Rights of Way – No objections.

Landscape – No objections. Details of fencing and landscaping should be agreed by conditions.

Ecology – No objections subject to conditions. The bat survey report found there were few suitable gaps and the buildings and land opposite had low potential to support bats. The external areas have some habitat value which could usefully be enhanced, particularly the hedges. The emergence survey found little bat activity in the area and therefore recommends no further survey work is needed but recommends that building workers are made aware of the risk of finding bats. Bat roosting features are incorporated into the development, care is taken with any lighting schemes for the site, and the conversion works are carried out outside the bat breeding season between September to May. Conditions are recommended to embrace these recommendations. It is also recommended that if the development is delayed the survey should be updated.

Conservation – The public house is just outside a conservation area and is not listed or locally listed. The developer should be encouraged to refurbish and repaint windows rather than replace with UPVC.

Greenspaces – Require clarification regarding maintenance of the boundary hedge and fencing and whether connections to services will be needed across Pelsall North Common.

Natural England – No objections in respect of legally protected species subject to conditions. Advice notes on bat, reptile and badgers legislation is also recommended plus habitat enhancement.

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Fire Service – No objections.

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

Police Architectural Liaison Officer – No objections.

Public Participation Responses

There are five letters of objection, including the Chair of Friends of Pelsall Common, which are summarised as follows: -

- Countryside Services car park should not be relied on for use by residents or their visitors
- Legitimate parking on the street is available
- On street parking would restrict visibility
- Any building or change of use will affect wellbeing, security and privacy of neighbours
- The side elevation drawing is inaccurate as it refers to 112 where it is actually adjacent 106 Wood Lane
- Inadequate information about the height of the wall visible from 106 Wood Lane and how it is to be treated/designed
- Prefer that the wall is not painted as that would require access from neighbouring properties for painting or pointing
- Loss of light to side windows and door of 99 Wood Lane
- Overlooking from side windows
- Concern over maintenance of boundary and wall at no.99
- Concern over where sewers and utilities will be accommodated
- Prefer to keep the pub
- No need for further housing, especially close to the Common and Green Belt
- The proposals would disturb local wildlife
- Two 4 bed houses are out of keeping with the surrounding area
- The pub is an eyesore and conversion into two homes is welcomed

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

Determining Issues

- Loss of community facility
- Principle of residential development
- Layout and Design
- Relationship to surrounding occupiers
- Access and Parking
- Ecology

Observations

Loss of community facility

Policy LC8 requires applicants to demonstrate one of the following, that there are other facilities in an equally location, a replacement facility could be provided in an equally convenient location, there is no longer a need for the facility or another community use, or

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despite all reasonable efforts the facility is not viable. The applicant has provided additional information to address each of the points.

Whilst the proposal results in the loss of a public house policy LC8 recognises that viability can be a crucial issue. There is evidence that the pub has been vacant since 2008 and been marketed at a reasonable price but without success. The public house has also been subject to crime and anti-social behaviour and its continued vacancy encourages this. There are alternative community facilities in the vicinity as demonstrated by the applicant. Although there is one objection to the loss of the pub other objectors offer support for the conversion of the public house to residential use as the building is an eyesore presently and they prefer houses to conversion for flats. On balance the loss of the public house is considered acceptable in this instance.

Principle of residential development

The proposed development is in a predominantly residential area therefore residential use is in keeping with the surrounding context. Despite an objection that 4 bedroom houses are out of keeping this would provide a choice of housing in the area. The proposal also offers the opportunity to redevelop a vacant and derelict site in the urban area in accordance with policies ENV14 and H3 of Walsall UDP. Despite being close to Pelsall Common the proposals do not encroach onto the common or affect the character of the area and the common.

Layout and Design

The conversion of the public house utilises the existing building but proposes demolition of the rear wing and retention of the wall at a reduced height to create a walled garden for the new dwellings. The existing boundary wall is to be stepped down to ground floor height. In the circumstances, the reduction in height of the wall along the boundary with 106 Wood Lane is considered to have no adverse impact upon residential amenities and reduces the scale of the building along the boundary. Objectors are concerned there are no details of the treatment or design of the retained side boundary wall yet there is an elevation showing the design and height of the wall. They also comment that the plans refer to this wall being adjacent 112 Wood Lane where it is actually adjacent 106 Wood Lane. Amended plans have been received to address this drafting error.

The new houses created by the pub conversion have small gardens, approximately 32m² and 48m² respectively. In this instance it is considered adequate given that the site is surrounded by open land on Pelsall Common which offers alternative amenity value to future occupiers.

The proposed new houses on the former car park are positioned so that they respect the street scene and surrounding housing and provide adequate off-street parking and garden areas. The design is acceptable and the scale and height of the houses are in keeping with those adjacent.

Despite concern from objectors over where sewers and utilities will be accommodated there are existing services within Wood Lane and details should be provided as part of any conditional permission.

Relationship to surrounding occupiers

The conversion of the public house will not alter the appearance of the building significantly and it is considered that occupation as two dwellings will have no greater impact upon neighbours amenities than when it was occupied as a public house. There are also no extensions proposed to the building. In the circumstances the change of use for entirely residential purposes will not adversely affect neighbouring properties.

The demolition of the rear wing to create a walled garden will also have no adverse effect upon privacy or security of neighbouring properties as the outlook will not be altered significantly and the remaining wall offers security.

The proposed new houses opposite the public house are broadly in line with 99 Wood Lane hence there will be no adverse impact upon outlook or daylighting to the front or rear elevations of this neighbouring house. There are windows and the main entrance door in the side elevation of 99 Wood Lane facing the gable of the proposed new house and the occupier is concerned that windows in the new dwelling will overlook these. The proposed windows are non-habitable rooms (w.c. and bathroom) and will be obscure glazed so overlooking is not an issue. With regard to loss of light to the side windows and door at 99 Wood Lane the proposed new houses lie to the north of this dwelling and there remains almost 3m separation between the two gables which allows some light to penetrate and gives space for maintenance of the boundary wall at 99 Wood Lane. This is no different to the relationship between other dwellings in the street.

There is at least 24m between facing elevations of the proposed dwellings and existing houses in Oak Road at the rear of the site which complies with Appendix E of SPD: Designing Walsall and will maintain privacy.

Although the site for the two new houses borders Pelsall Common it does not encroach upon it and secure boundary fencing will be accommodated.

Access and Parking

The two new houses have adequate parking provision as they each have a garage and driveway and can accommodate up to 3 cars which accords with policy T13. Although the conversion of the public house relies on parking on-street, Transportation do not object as the carriageway is 6m wide, there are no parking restrictions on Wood Lane, on-street parking is not prevalent and there is ample space to park cars in front of the building without significantly affecting the free flow of traffic. The fallback position to re-open the public house is considered to have a worse impact upon the local highway than the proposed dwellings as a greater number of vehicle trips likely.

Objectors consider the Countryside Services car park opposite the pub should not be relied upon for use by residents or their visitors. As there is on-street parking available directly outside the building there is no need to use the formal car park. The on-street parking would not restrict visibility to adjoining driveways any more than existing.

The plans include the extension of the footway in Wood Lane outside the two new houses and repositioning of the telegraph pole to the back of footway and relocation of the postal pouch box. A condition is recommended to ensure that the relocated positions are agreed beforehand.

Ecology

The bat survey has been supplied that found few suitable gaps in buildings and low potential to support bats on the car park land. An emergence survey was also carried out concluding little bat activity in the area. The proposals will therefore not adversely affect protected species but conditions are recommended to ensure adequate precautions are taken by developers. Natural England has no objections subject to these conditions. Other recommendations by Natural England relating to protection of reptiles and badgers and compensation for loss of scrub/grassland habitats are considered unnecessary as reptiles are unlikely on the former pub car park as it is separated from the Pelsall North Common by a canal and mown grass and similarly an advice note on badgers which are highly unlikely to use the site is unnecessary. The loss of the overgrown car park does not trigger the need for compensatory habitats.

The conditions require the developer to take a precautionary approach to bats during the construction phase and provision of bat roosting features in the fabric of both buildings. Further details of any proposed lighting and enhancement of the boundary hedge will also help enhance the ecological habitats of the site. On balance the proposals will have no adverse ecological impact subject to the above provisions.

Summary of Reasons for Granting Planning Permission

The proposal results in the loss of a public house and this has been considered against policy LC8. The premises have been vacant since 2008 and marketed without success. They have also suffered from crime and anti-social behaviour. There are alternative community facilities available in the area and residents support redevelopment and residential use is in keeping with the surrounding area. On balance the loss of the public house is acceptable.

The conversion of the pub to two houses and demolition of the rear wing to create gardens makes little difference to the appearance of the building and has no adverse effect upon privacy or outlook of surrounding neighbours. Although the rear gardens are small the proximity to surrounding open land and Pelsall Common offer alternative amenity benefits to future occupiers.

The new houses on the former car park respect the position, scale and size of surrounding houses and have no adverse impact on privacy or outlook of neighbours. The side facing windows adjacent to 99 Wood Lane are non-habitable and a condition is recommended that these are obscure glazed. In terms of potential loss of light to the side windows and door at 99 Wood Lane there remains almost 3m between the two houses to allow light to penetrate. There is adequate separation to the dwellings at the rear in Oak Road.

On-street parking for the pub conversion is acceptable as there are no parking restrictions in Wood Lane, the two dwellings are likely to have less traffic than the former pub and therefore no adverse impact upon highways safety or visibility. The proposed new houses on the former car park have adequate off-street parking. The proposals offer the benefit of an extended footway in front of the new houses and relocation of the telegraph pole and postal pouch box can be secured by conditions.

The findings of the bat survey are acceptable and conditions are recommended to secure protection. Despite the request by Natural England to advise the developer of a precautionary approach towards badgers and reptiles the Council Ecologist advises that

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as there is no evidence of these species on the site there is no need for informatives. Similarly there is no need for compensatory habitats.

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

- Location Plan received 10/08/10
- Block Plan received 13/09/10
- Existing Floor Plans (Free Trade)(HA/15806/1) 10/08/10
- Proposed Floor Plans for Two Houses (HA/FREE/3) received 15/11/10
- Existing Elevations (Free Trade)(HA/WOOD/15806/1 Rev A) received 13/09/10
- Proposed Elevations (Free Trade)(HA/WOOD/15806/1 Rev D) received 10/01/10
- Site Plan (F/86/SP Rev A)
- Proposed Floor Plans (F/086/1) received 06/09/10
- Proposed Elevations (F/086/2) 10/08/10
- Land Survey (7267-1) received 06/09/10
- Design & Access Statement received 10/08/10
- Protected Species Survey prepared by Landscape Science Consultancy Ltd received 10/08/10

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

3. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

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

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

- II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- III. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- IV. Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- V. The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- VI. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- VII. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

5(a) Bat survey work has identified a risk that bats may be present in the existing building and the following precautions shall be taken when implementing the planning permission:

- i. Contractors undertaking demolition works shall be made aware that bats may be present and care is required particularly during the removal of ridge and roofing tiles.
- ii. Consideration should be given to undertaking the works to the roof of the existing building outside the bat breeding season between September and May.

If no bats or evidence of bats are found during these operations, the approved works can continue.

5(b) If bats or evidence of bats are found during these operations:

- i. The vicinity of the roost shall be immediately reinstated
- ii. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
- iii. Within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
- iv. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To contribute to the conservation of local bat populations.

6. No development shall commence until a scheme for the incorporation of bat roosting features into the fabric of both the existing and proposed buildings has been submitted for approval and received written consent from the Local Planning Authority. The scheme shall be in accordance with the recommendations in the Protected Species Survey dated June 2009 submitted in support of this planning application. The approved scheme shall be incorporated into the development and retained thereafter.

Reason: To contribute to the conservation of local bat populations.

7. No external lighting shall be installed without the written consent of the Local Planning Authority. Any lighting scheme submitted for Local Planning Authority approval shall comply with the following requirements:

- Any external lighting must be downward directed, shaded with a sharp cut-off and must not illuminate any roof or hedge at any height.
- Low pressure sodium lamps shall be used not high pressure sodium or mercury lamps.
- Lighting should be timed to provide dark periods.
- The brightness of lights should be as low as possible.

Reason: To contribute to the conservation of local bat populations.

8. No development or site clearance works shall commence until a landscape plan for the protection, management and enhancement of the existing hedge to the north of the proposed new dwellings is submitted to and approved in writing by the Local Planning Authority. The plans will contain the following information:

- Steps to be taken to protect the hedge during site clearance and construction phases.
- Full details of any pruning or felling works required.
- Full details of replanting proposed.
- Full details of establishment and management works.

All approved pruning, felling and replanting works shall be completed prior to any part of the development being brought into use. Thereafter the hedge shall be retained and managed only in accordance with the details permitted by the Local Planning Authority unless otherwise agreed in writing.

Reason: To ensure the retention of the hedge which is an important visual, landscape and ecological feature.

9. Prior to the commencement of the development full details of all new boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority and thereafter retained in accordance with the agreed details unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory appearance of the development.

10. No built development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

11. Prior to the commencement of the dwellings hereby approved on the former car park site, full engineering details of the proposed adoptable footway including widths and levels, together with all necessary drainage arrangements, which shall comply with any plans approved under the planning consent, shall be submitted for approval in writing by the Local Planning Authority. No works shall commence until these details have been approved. The works shall be fully implemented prior to first occupation of the two new dwellings.

Reason: To ensure the satisfactory completion of the development and to meet the requirements of the Highway Authority.

12. Prior to the first occupation of the development, all vehicle hard standings and manoeuvring areas shall be fully consolidated, hard surfaced and suitably drained and shall thereafter be retained for this purpose only.

Reason: To ensure the satisfactory completion of the development.

13. Prior to the commencement of the development the telegraph pole and postal pouch box adjacent to the two new houses on the former pub car park site shall be repositioned in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details unless the Local Planning Authority agrees otherwise in writing.

Reason: In the interests of highway safety.

14. No boundary fence, wall or planting adjacent to the public highway and within a 2.4m x 3.4m visibility splay at the vehicle access points shall at any time exceed 600mm in height above ground level.

Reason: In the interests of highway safety.

15. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 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.

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

16. All windows on the southern façade of the new dwelling facing 99 Wood Lane shall be obscurely glazed and remain so thereafter unless the Local Planning Authority agrees in writing to any variation.

Reason: To safeguard the amenities of occupants of nearby residential properties.

Notes for Applicant regarding Contaminated Land

CL1: *Ground investigation surveys should have regard to current “Best Practice” and*

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

CL2: *When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment*

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

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

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

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

Note to applicant recommended: nesting birds.

All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. Most birds nest between mid-February and the end of August, although exceptions to this do occur. No site clearance work should take place in the bird nesting season if there is a risk that nests may be damaged or destroyed. If site clearance work is unavoidable, a suitably qualified and experienced ecologist should check the development site for the presence of nesting birds prior to the commencement of any site clearance work. If nesting birds are discovered clearance works should be delayed and advice sought from Natural England or your ecologist.

Note to applicant regarding demolition works

This permission does not absolve the developer from complying with relevant Building Regulations regarding the conversion and any necessary works required to stabilise the retained boundary wall.