



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning and
Building Control, Regeneration
On 07th August 2007**

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					midlands
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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1255/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Mr Mark Ainsworth

Agent: Mr Roy Fullerton

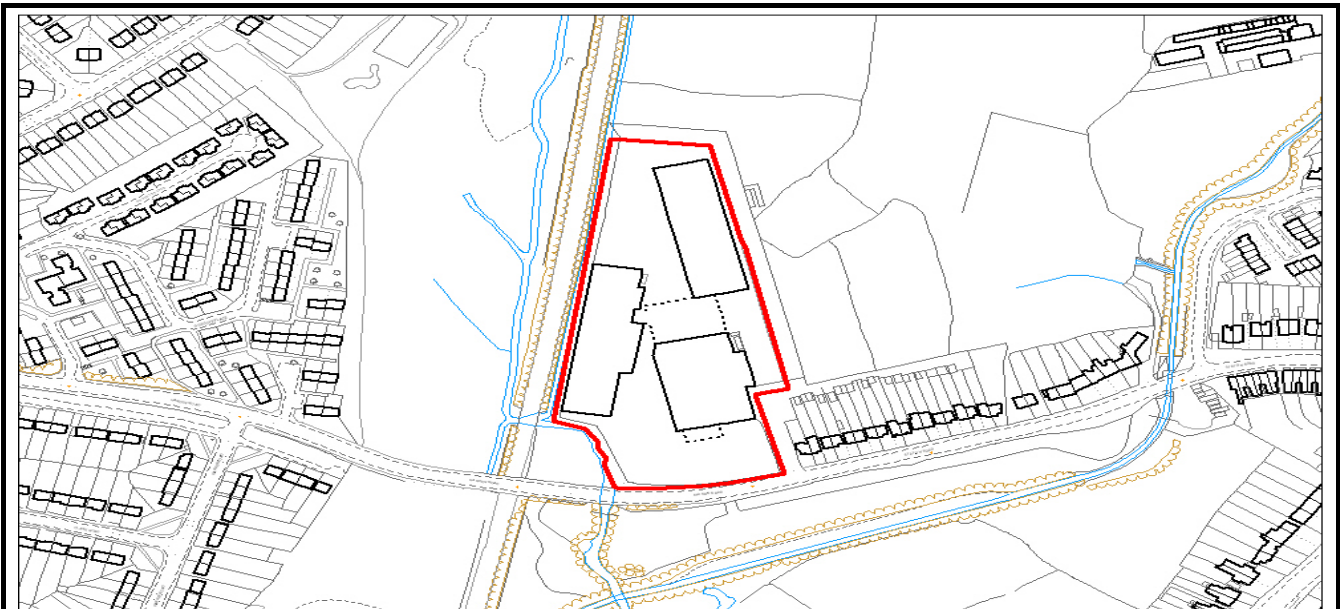
Proposal: Demolition of existing industrial buildings and erection of 106 houses, flats, garaging and parking, access roads, landscaping and associated works.

Location: TENACRES INDUSTRIAL SITE, STATION ROAD, RUSHALL, WALSALL.

Ward: Rushall-Shelfield

Expired: 03/08/07

Recommendation Summary: Grant permission subject to conditions and a planning obligation providing a satisfactory response is received from the district valuer and all outstanding consultees



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Application and Site Details

The application relates to an existing industrial site in Station Road, Rushall. The site is identified as a Major Developed Site in the Green Belt under policy ENV4 of the UDP. There are currently a variety of production/warehouse units on site comprising brick and steel clad buildings with loading, servicing and parking areas between.

The site frontage is 95m, but the site widens to 110m then narrows to 50m at the rear where the ground levels are higher. There is a 2m fall from north to south across the site. The site is approximately 230m deep and is screened from the highway by mature trees and landscaping within the existing boundary fencing. There is a deep grass verge between the site boundary and the highway boundary that also has a number of mature trees within it. Rough Brook adjoins the front western corner of the site. A dismantled railway line and a Sustrans cycle route, lie along the western boundary and open fields along most of the eastern boundary. There are mature trees and landscaping along all of these boundaries, which largely screen the site from view from the green belt. There is a row of semi-detached housing fronting Station Road to the east of the site with a vehicular access to parking and garages at the rear of the existing residential properties between the houses and the site.

The proposal seeks full planning permission for demolition of the existing buildings on site and erection of 106 new dwellings comprising houses, flats, garaging and parking, access roads, landscaping and associated works. The proposed dwelling units comprise the following:

- 1 X 1 bed flat
- 70 X 2 bed flats
- 2 X 2 bed houses
- 14 X 3 bed houses
- 19 X 4 bed houses.

The site area is 1.99 hectares that gives a density of 53 dwellings per hectare. The accommodation schedule includes 2, 3 & 4 storey flats, 2-2½ storey detached and semi-detached houses and 3 storey terraced houses. Six blocks of flats are proposed. The majority of the flats are 3 storeys high. Four are located within the front part of the site. A 4 storey block is located at the head of the access road and a further 3 storey block at the rear of the site. There is a row of four terraced houses on the eastern side of the access and all other houses are 2-2½ storeys.

The proposals offer only 20% affordable housing provision and a total contribution towards education, healthcare and open space of £190,000.

A financial assessment has been submitted by the applicant (and forwarded to the District Valuer to assess).

The following documents accompanied the application: -

- Design & Access Statement
- Supporting Statement
- Transport Assessment
- Flood Risk Assessment
- Flood Risk Assessment Sequential Test
- Noise Report
- Tree Survey
- Site Investigation Report
- Protected Species Report

Relevant Planning History

06/1020/FL/E11 – Demolition of existing industrial buildings and erection of 112 new dwellings – Refused 10/08/06. Reasons for refusal related to poor layout and design, inadequate means of access and parking and unacceptable demand on limited educational capacity and public open space provision in the locality with a lack of financial contributions to address the shortfalls.

Relevant Planning Policy Summary

Unitary Development Plan

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

GP1: Development will be guided by the principles of sustainability, minimising the need to travel, maximising re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight.
- VII. Adequacy of access and parking facilities.

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

GP7: Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design.

3.16: Development will be considered in relation to the character and quality of its setting and a high quality of built and landscape design is required.

3.21 and ENV1: Defines the purpose of the Green Belt.

ENV2: Presumes against construction of new buildings except for some defined purposes.

ENV3: Lists criteria for assessing proposals in the Green Belt.

ENV4 (d): Identifies the site as a major developed site in the Green Belt where redevelopment may be permitted provided there is no greater impact on the openness and purpose of the Green Belt, height of existing buildings is not exceeded and the area covered by buildings will not occupy a larger area of the site.

ENV14: The Council encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible.

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

ENV22: Development on sites used by species protected by European Law and/or British legislation, or a species which is the subject of a national Biodiversity Action Plan, will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species.

3.113, 3.114 & 3.115: Encourages high quality architectural and landscape design that responds positively and imaginatively to the context in which development takes place, discourages crime and increases safety and creation of an environment which is distinctive and creates a sense of place.

ENV32: 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: 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.

ENV34: Requires the provision of public art to enhance the quality and individuality of existing buildings, spaces or new development especially in public spaces, public buildings, important and prominent locations.

ENV39: Encourages proposals for the development of renewable energy resources and for efficient use of energy.

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

JP7: Protects employment land unless it would be appropriate to consider alternative uses.

H3: Encourages housing provided through windfall opportunities provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H4: On sites suitable for provision of an element of affordable housing the Council will normally negotiate with developers for 25% of total dwellings to be affordable homes.

H9: Housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites.

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

T3: Safeguard land for rail use and promote jointly with Centro and rail operators the improvement of existing, and establishment of new, passenger, rail, rail freight and/or Metro services, as appropriate.

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

T8, T9 & T10: Encourage greater use of walking as a healthy and sustainable form of travel via good pedestrian links; improvements to make cycling an attractive alternative to the private car and highlight the standards for public transport, cycles, taxis and disabled car parking are minimum ones and developers are strongly encouraged to improve on them.

T13:

1, 2 & 3 bedroom houses 2 spaces per unit

Flats with communal parking 1.5 spaces per unit

8.1 & 8.2: The Council will seek to safeguard, improve and expand facilities for entertainment and culture; urban open space; greenways; canals and waterways; sport and recreation and education, health and community activities and encourages increased and improved provision of entertainment and cultural facilities in town, district and local centres.

8.8 & 8.9: Residential development will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing facilities. On housing sites of 1 hectare (or 30 dwellings) or more accessible community healthcare facilities should be provided to serve the development. The Council may require a contribution from developers towards such provision.

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

Residential Development Standards

These include guidelines relating to design and space around dwellings including garden dimensions, habitable room separation and boundary treatments.

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Supplementary Planning Document for Education

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

Supplementary Planning Document for Healthcare

Developers of new residential sites will be required to make contributions to help meet new healthcare requirements. Within larger developments land may be required for the provision of healthcare facilities or alternatively financial contributions may be required to support the needs of new development.

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPG2 Green Belts – Annex C, PPS3 Housing, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG14 Development on Unstable Land, PPS23 Planning and Pollution Control, PPG24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No objections subject to conditions.

Pollution Control – No objections subject to conditions to control the impact of noise from construction/demolition operations on neighbouring development and to ensure provision of an additional site investigation and assessment of ground contamination and landfill gas together with details of any remedial measures. The noise report is satisfactory.

Natural Environment – Awaiting response. Comments to be reported in Supplementary Papers.

Strategic Policy – No objections in principle in planning policy terms. The site is an existing employment site but is not within a Core Employment Area. Policy JP7 allows for changes of use to those such as housing where the relationship with surrounding uses is poor or where the site is not well located to meet the demands of modern industry. It is legitimate to consider the site in these terms. Policy ENV4 also identifies the site as a Major Developed Site in the Green Belt which allows for redevelopment of such sites. Allowing residential development on

this site will support the regeneration of the Borough, including through good design, sustainability and provision of affordable housing. PPS3, the RSS and UDP all require sequential approach to house building, preferring previously developed sites such as this. The density at 54 dwellings per hectare is acceptable.

Policy ENV4 states that redevelopment of major developed sites in the green belt may be permitted provided that it will have no greater impact than the existing development on the openness and purposes of the green belt, the height of the existing buildings will not be exceeded and the area covered by buildings would not occupy a larger area of the site than the aggregate ground floor area of the existing buildings, unless it would achieve a reduction in height which would benefit visual amenity.

The site does not meet the minimum standards of accessibility by public transport.

Landscape – No objections in principle. The relationship between housing and trees along the site boundaries has been improved on this revised layout and subject to conditions to control any cutting back of trees is considered acceptable. Some revisions to the proposed planting schedule is recommended to include more native planting and remove exotic species.

Arboricultural Officer – No objections in principle subject to details of tree protection during construction

Drainage – No objections. The Rough Brook runs between the dismantled railway and the proposed new development that is maintained by the Environment Agency hence a maintenance strip of land may be required to the top of the embankment. Access to the Brook is available from the adjacent land however.

Greenspace Services – No objections. However, the developer is required to provide an Open Space contribution in line with the Supplementary Planning Document of which 10% of the contribution will be used towards restoration of Walsall Arboretum and the remainder will be spent on the enhancement of Rushall Park (including infrastructure and access improvements).

Housing Strategy – This development should provide 25% affordable housing on site. The tenure of affordable units should be a 50/50 split of social rent units and shared ownership units. The affordable housing should be integrated within the development and mixed across the property types and sizes. The offer to provide 20% entirely shared ownership units as the affordable housing provision for this site is therefore below this requirement and unacceptable unless the developer can justify abnormal costs in any financial assessment.

Police Architectural Liaison Officer – Encourages the development to achieve Secured By Design standards and recommends that further information is provided regarding the access points leading to the adjacent open space, good lighting, gated accesses beneath buildings and additional security fencing to vulnerable properties on plots 22, 23 & 24 where the rear garden backs on to the existing private access.

Centro – No objections in principle. However, as the development does not meet the minimum standards for accessibility by public transport the developer should be required to develop a Residential Travel Plan and promote sustainable travel to and from the development. The developer should also be made aware that Centro, the West Midlands Passenger Transport Executive and Walsall Council also have aspirations to develop a new public transport system

along the route of the disused railway alignment and options include the reintroduction of heavy rail, a new light rail system or bus rapid transit system.

Environment Agency – Awaiting response. Comments will be reported in supplementary papers.

British Waterways – No objections.

Public Participation Response

6 letters of objection have been received. The objections are summarised as follows: -

- Already heavy traffic along Station Road the proposals would lead to increased queuing traffic and congestion and a potential highway safety hazard.
- Overloading of the storm drain and sewers capacity which cannot cope with the present dwellings resulting in flooding and raw sewerage in gardens. The proposals would exacerbate the existing flooding problems due to increased number of properties
- Inability of local schools to take more pupils
- Inadequate provision of local medical services to cater for additional residents
- Increased queuing traffic and congestion
- Potential highway safety hazard
- Access to the rear of properties on Station Road should be maintained
- Nuisance problems associated with demolition and construction
- Noise nuisance from parking court which is close to existing residential properties
- Details of boundary treatments should include provision of a 1.8m high brick wall adjacent the boundary with the access road adjacent 84 Station Road to offer security to parked vehicles, prevent theft and create a noise barrier
- Social housing should be integrated throughout the site rather than in one specific area only

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

Determining Issues

- Impact on the Green Belt
- Layout and Design
- Access and parking
- Impact on the amenities of the surrounding occupiers
- Ecological impact
- Affordable Housing
- Flood Risk
- Education/Open Space/Healthcare Contributions

Observations

Impact on the Green Belt

The existing site is well screened from adjacent green belt land by the presence of existing trees and vegetation around its perimeter hence the developed site has little visual impact on the openness and purpose of the green belt. The existing buildings have ridge heights varying between approximately 6.2m and 10m overall, whereas the proposed buildings have overall heights varying between 7.8m and 13.2m. Although higher than the existing buildings it is considered that the scale and mass of the proposed dwelling units will have less visual impact than the present industrial units. The existing buildings, covered loading areas and canopy

cover an area, and equate to approximately 9176m² and the proposal replaces this with 7525m² of floor space. The developed area on site is less. The proposal equates to a density of 53 dwellings per hectare. Generally, the change from industrial to residential use on this developed site will not have any adverse effect upon the openness of the green belt and is in accordance with Development Plan Policy ENV4.

Layout and Design

The proposal introduces buildings that establish a continuous built form along the Station Road frontage and form perimeter blocks within the site giving greater potential for improved surveillance of the public realm, including the Green Belt, than the existing industrial units. The relationship with the Green Belt and Sustrans Route has been greatly enhanced over and above the industrial buildings providing surveillance of the Green Belt and Sustrans Route and allowing for landscaping and improving the security of the proposed dwellings. The proposals also provide safe and secure links to the Green Belt and Sustrans Route that are overlooked.

In order to construct the buildings on the Station Road frontage and achieve adequate visibility to the proposed access road requires removal of several of the mature trees along the Station Road frontage and this will have an impact on the character of the area as the proposed flats will be more visible than the existing industrial buildings. However, the Arboricultural Officer has accepted that the Poplar trees at the front of the site have a short useful life expectancy and they may be removed. The improved design and quality of the proposed new buildings along this frontage together with replacement landscaping to counterbalance this loss and enhance the character of the area.

Since refusal of the previous application, 06/1020/FL/E11, there have been several improvements to the layout and design of the site. The layout has been adjusted to create clearly defined public and private spaces as all properties now directly face the street scene, dwellings have secure private rear gardens, some private amenity space is provided at the rear of the flats and parking courts are also located at the rear of the buildings to provide added security and prevent their over-dominance within the street scene.

Although very little shared amenity space is provided for the proposed flats, the layout does offer improved landscaping and incorporates pedestrian linkages to the adjacent open space areas, which have a greater amenity value. In this instance, reduced private amenity is considered to be acceptable as the development provides secure links to the Green Belt which provides a valuable amenity resource. The level of private amenity space could be improved by placing some parking provision within the turning head in front of flats 45-50 and liberating space at the rear of these flats. A response from the applicants is awaited.

Flats 92 to 106 forming one block at the front of the site would be below the Residential Development Standard separation distances at 15 metres. This is because of the importance of providing a presence in the street that allows for active frontages to improve security, enclosure to the parking court, surveillance in a westerly direction that provides surveillance of the brook and open space whilst providing a face for people travelling in an easterly direction. It is therefore considered to be acceptable in this instance in securing a quality regenerative outcome.

The proposed layout does not achieve Residential Development Standards separation distances between all properties. For example, there is only 13m separation between plots 54 & 33 and 73 & 56, 14m separation between plots 59 & 28, 58 & 29 and 53 & 36/37, 18m between plot 68 and the most westerly flats on plots 74-91 and 19m separation between plots 25 & 22. However, the public highway separates these units and the relationship between

facing plots is off-centre in some instances. It is considered therefore that potential for overlooking will not have an adverse impact on residential amenities of potential occupiers and the layout creates an attractive appearance to the street scene that takes into account the surrounding context.

The proposals have taken the opportunity to introduce a modern interpretation of some traditional features of local housing within the surrounding area such as projecting gables, simple window design and use of traditional materials such as brick, tiles and render. The more contemporary design of the apartment buildings is considered acceptable as they provide a key frontage and important entrance feature into the site and the use of a taller building at the head of the access will also act as a focal point. These factors combined provide a sense of place through high quality design that improves surveillance of the street scene to improve security.

The proposed layout also allows buildings to provide greater surveillance of the adjacent Green Belt land and public footpath, gives sufficient space to allow for retention of the existing dense screening around the perimeter of the site and takes the opportunity to create a greater open space buffer adjacent to Rough Brook.

The Noise Assessment submitted by the developer addresses the potential for noise disturbance if the disused railway line were to be reinstated. However, the Pollution Control Officer is satisfied that the measures proposed to mitigate noise within the report are adequate.

Access and parking

The proposed access point to the site is more centrally located than the existing access in order to provide improved visibility. The drawings show a 2.4m X 90m visibility splay. The first section of the highway is 7.3m wide in order to ensure satisfactory fire service access and has been revised in accordance with the Fire Officer's comments on the previous application.

The proposal identifies the extent of the proposed adopted highway which as well as a traditional carriageway design with footways along both sides, incorporates use of shared surfaces at highway junctions to act as a traffic calming measures and use of block paving near the entrance to the site to enhance its overall appearance and add to the sense of place. The introduction of pedestrian routes to the adjacent Green Belt land will also improve permeability.

The proposed layout includes 163 parking spaces (equal to 1.53 spaces per unit) but shows 2 parking spaces per dwelling house and shared communal parking for the flats. The parking for the proposed flats is located at the rear of the buildings where it is secure and overlooked and conveniently located to encourage use rather than parking on-street. Parking for the dwellings is either within a garage or on a driveway or both. Only two parking spaces are provided for the proposed 4 bedroom houses whereas policy T13 recommends 3 spaces (leaving a shortfall of 19 spaces). Policy T13 would require provision of 231 spaces. However, the provision of 2 spaces for all houses is considered acceptable and in the interests of encouraging sustainable travel the layout does allow for cycle storage for the flats and the Transport Assessment includes for provision of a Residential Travel Plan to encourage occupiers to use alternative means of travel other than the private car. It is considered that provision of additional parking to the houses would have an adverse impact on the proposals character and balance, in the interests of establishing good urban design principles; this reduced level of parking is considered acceptable.

Many neighbouring properties are concerned that the proposal will increase traffic and congestion problems in the area. A Transport Assessment has been provided by the developers to address such issues. However, it is considered that replacing the existing heavy commercial traffic on site with domestic traffic will be of benefit to the amenities of nearby occupiers and reduce any potential adverse impact on traffic and highway safety.

Impact on the amenities of the surrounding occupiers

The proposed change from industrial premises to residential properties will be more compatible with the surrounding properties on Station Road as it will reduce the potential noise and disturbance from commercial operations for existing residents. The siting of the proposed dwellings does not present any potential for overlooking, loss of privacy or daylight to the existing dwellings to the east of the site on Station Road given the separation distances comply with those specified in RDS.

There is an existing vehicular access between the application site and 84 Station Road that leads to private garages at the rear of properties fronting Station Road. Although residents have expressed concern that the proposal will have an adverse impact on the use of this access, the proposal does not include any revisions to this access that would prevent or restrict access. However, it is considered that a wall would be the most appropriate form of boundary treatment along this boundary to provide added security.

Neighbours have expressed concern regarding potential for noise and disturbance during demolition and construction phases, noise from parking adjacent to the boundary and made comments regarding details of boundary treatment. However, conditions are recommended restricting hours of demolition/construction and requiring details of boundary treatments to safeguard neighbour's amenities.

Ecological impact

The developer has provided a Protected Species Report in support of the proposals that identifies bat foraging over the vegetation at the edges of the site and the adjacent tree belt. The report recommends protection of the tree belt and creation of new opportunities for bat foraging and roosting within the development. The tree belt around the perimeter of the site is to largely remain as part of the proposals and conditions are recommended to ensure its protection throughout the development process.

Affordable Housing

The developer proposes 20% of the total housing units as affordable accommodation. This equates to 21 units and the developers are offering 21 X 2 bedroom flats as the affordable housing provision to be owned and/or managed by an Affordable Housing Provider accredited by the Housing Corporation (shared ownership). The developers advise that the delivery of affordable dwellings will occur in phases as part of the construction of the market properties to ensure the location of affordable accommodation is spread across the site. Objectors have commented that affordable housing needs to be spread throughout the site which is the intention as referred to above.

The offer of 20% affordable housing is below the 25% normally required by policy H4 and relevant Supplementary Planning Document. The developers have raised the issue of abnormal costs to the development including flood compensation, sewer diversions, asbestos removal, gas protection and site remediation amongst others. The developers are required to identify any abnormal costs to the development in order to consider them as justification for reduced contributions and reduced affordable housing provision. These matters have been

considered assessing the developers Financial Assessment as to whether this reduced level is acceptable or not.

Flood Risk

The Environment Agency's indicative flood risk maps indicate that the eastern and south eastern parts of the site are within potential flood zones. The developer has provided a Flood Risk Assessment and the Environment Agency has yet to comment but their response will be reported in supplementary papers.

Many objectors have raised the issue of flooding and incapacity of the storm drains and sewers to cope with the current demand let alone that of potential increased number of properties. However, a Flood Risk Assessment has been provided by the applicants to address flooding issues and the Environment Agency will be reviewing the proposals in light of this.

Education/Open Space/Healthcare Contributions

In order to secure contributions towards provision for Education, Open Space and Healthcare created by the additional demand the development places on these facilities in the area a Section 106 Agreement is required under the principles of policies GP3, H4, 8.8, 8.9 and LC1 of the UDP. A contribution of £162,272.44 would be required towards secondary school education. A contribution of £228,810.00 would be required towards urban open space and a contribution of £101,070.90 required towards healthcare provision. The total figure is therefore £492,153.34.

The developer has provided a Financial Assessment of the scheme that has been forwarded to the District Valuer for assessment in order to determine the developer's case for reduction in the required contributions. A response is expected before the committee meeting. The developer is offering a total contribution of £190,000 towards education, open space and healthcare and is offering 20% affordable housing to be entirely shared ownership. Any advice secured from the District Valuer will be reported to Committee as a Supplementary Paper.

Objectors are concerned that the level of new housing will add pressure on to existing schools capacity and medical practices in the area. However, the S106 contributions should help towards improving services in the area.

Recommendation: Grant permission subject to conditions and a planning obligation providing a satisfactory response is received from the district valuer and all outstanding consultees

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 (drwg. no. 4738/01) received 8/6/07
- Planning Layout (drwg. no AAH4738/46 Rev B received 18/7/07
- Indicative Street Scenes (drwg. no. AAH4738/49) received 8/6/07

- House Type A Sketch Design (drwg. no. AAH4738/50) received 8/6/07
- House Type B Sketch Design (drwg. no. AAH4738/51) received 8/6/07
- House Type B+ Sketch Design (drwg. no. AAH4738/52) received 8/6/07
- House Type C Sketch Design (drwg. no. AAH4738/53) received 8/6/07
- House Types E, E1 & D Sketch Design (drwg. no. AAH4738/54) received 8/6/07
- House Type F Sketch Design (drwg. no. AAH4738/55) received 8/6/07
- House Type G Sketch Design (drwg. no. AAH4738/56) received 8/6/07
- House Type H Sketch Design (drwg. no. AAH4738/57) received 8/6/07
- House Type J Sketch Design (drwg. no. AAH4738/58) received 8/6/07
- House Type K Sketch Design (drwg. no. AAH4738/59) received 8/6/07
- House Type L3 Sketch Design Sheet 1 of 3 (drwg. no. AAH4738/60) received 8/6/07
- House Type L3 Sketch Design Sheet 2 of 3 (drwg. no. AAH4738/61) received 8/6/07
- House Type L3 Sketch Design Sheet 3 of 3 (drwg. no. AAH4738/62) received 8/6/07
- Apartment Type L4, 4 storey special Sketch Design Floor plans sheet 1 of 2 (drwg. no. AAH4738/63) received 8/6/07
- Apartment Type L4, 4 storey special Sketch Design Elevations sheet 2 of 2 (drwg. no. AAH4738/64) received 8/6/07
- Single & Double Garage (drwg. no. 33) received 8/6/07
- Large Refuse Vehicle Movements (drwg. no. 06-262-SK1) prepared by CTM received 8/6/07
- Supporting Statement prepared by George Wimpey received 8/6/07
- Protected Species Report prepared by CSa Environmental Planning received 18/6/07
- Impact of Noise on Proposed Residential Development received 8/6/07
- Landscape Proposals Plan (drwg. no. LA3200/3) prepared by John Challoner Associates received 8/6/07
- Tree Survey (drwg. no. LA3200/1 Rev A) prepared by John Challoner Associates received 8/6/07
- Flood Risk Assessment prepared by WSP received 8/6/07
- Transport Assessment prepared by JMP Consulting received 8/6/07
- Desk Study on Site Investigation Report prepared by Wardell Armstrong received 8/6/07
- Design & Access Statement prepared by George Wimpey received 8/6/07

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

3. No demolition 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 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

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

4. Following demolition of existing structures and prior to built development commencing additional site investigation and assessment of ground contamination and landfill gas as set out in Report Reference Tenacres Industrial Estate, Station Road, Rushall Reference WM02864 shall be undertaken to the satisfaction of the Local Planning Authority. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available. Prior to built development commencing details of remedial measures to deal with any identified or potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Approved remedial measures shall be completed to the satisfaction of the Local Planning Authority in accordance with an agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Note for applicant

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings" (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..

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

Reason: To ensure the satisfactory development of the site

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

Reason: To ensure the satisfactory appearance of the development.

6. All planted and grassed areas and associated protective fencing shall be maintained for a period of 24 months from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

7. No development shall be carried out until a schedule of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments (including details of surface treatments), has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

8. No development shall be carried out until full details of the design of the accesses to the open space to the west of the site have been submitted to and approved in writing by the Local Planning Authority. The accesses shall be a dual cycle/pedestrian design of a minimum width of 3 metres, with the benefit of street lighting and anti motorcycle barriers shall be installed at the outer limit of the dual path. The development shall then be implemented and maintained in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: In the interests of the amenity.

10. Notwithstanding the submitted plans, the access ways, vehicle parking areas and manoeuvring spaces shall be hard-surfaced in materials to be agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the access drives, vehicular turning areas and garage parking have been provided as shown on the approved plans. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory development of the site.

11. Prior to the commencement of the development a revised drawing shall be submitted showing a visibility splay of 2.4m x 70m at the existing, retained access road junction with Station Road (adjacent to No.84 Station Road).

Reason: To maintain highway safety.

12. Visibility splays on driveways and access roads must be kept clear of landscaping over 600mm in height from carriageway level. No railings or other form of boundary treatment shall be erected so as to encroach into any visibility splay required as part of this permission, on to Station Road. Railings or other boundary treatment shall be located behind the splay, and any areas within the splay shall be consolidated and surfaced to a standard to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To maintain highway safety.

13. Prior to the commencement of the development full details of bin storage to serve all flats and apartments shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall demonstrate there is sufficient space to accommodate sufficient numbers of bins and recycling facilities.

Reason: To ensure the satisfactory development of the site and encourage recycling.

14. Prior to the first occupation of the development full details of secure covered cycle storage shall be provided for flats and apartments, to ensure there is a minimum of one cycle bay per unit shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details and maintained throughout the life of the development unless the Local Planning Authority agrees to any variation.

Reason: To ensure the satisfactory development of the site and encourage sustainable travel alternatives.

15. Prior to the first occupation of the development hereby approved the existing industrial access shall be permanently closed, and constructed to the level of the adjacent footway to a specification to the approval of the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

16. Notwithstanding the submitted plans all parking spaces shall be 4.8m x 2.5m, driveway lengths in front of garages shall be 6m and disabled parking provision should be incorporated within unallocated parking courts.

Reason: To ensure the satisfactory development of the site and maintain highway safety.

17. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

18. Prior to any construction or demolition works taking place on site tree protection measures shall be implemented in accordance with BS: 5837 2005 in order to protect the trees to be retained on site and around the edges of the site throughout the life of the development unless the Local Planning Authority agrees to any variation.

Reason: To safeguard trees protected by Tree Preservation Order and preserve the visual amenities of the area.

19. No demolition, construction, or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall commence on site until a bat mitigation plan has been submitted to and approved in writing by the Local Planning Authority to include the following: -

- a) Bat foraging habitat and flight lines incorporated into a landscape scheme for the development
- b) Replacement roosting places for bats incorporated within the development to offset the loss of industrial buildings
- c) Full details of proposed roosting sites for bats, or other mitigation measures, full construction details and the precise location of all such features

The recommendations included in the approved report shall be implemented prior to the commencement of development on site subject to confirmation by the Department for Environment, Food and Rural Affairs, if a license is required.

Reason: To safeguard protected species and ensure the satisfactory development of the site

20. Prior to the commencement of the development a Residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details.

Reason: To ensure the satisfactory development of the site and encourage sustainable travel alternatives.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, ENV14, ENV32, H3 and H10 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes for applicant:

1. You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 07/1156/FL/W6

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Millbridge Developments Ltd

Agent: Millbridge Developments
Limited

Proposal: Demolition of existing buildings and
erection of 22 houses and apartments.

Location: GEORGE CARTER
PRESSINGS LTD, CLOTHIER STREET,
WILLENHALL, WV13 1BG

Ward: Willenhall South

Expired: 09/08/07

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



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Application and Site Details

The site is on the corner of Wednesfield Road and Clothier Street. It is presently a small factory complex. The site has a frontage to Wednesfield Road, although about half of that frontage is behind a car sales outlet and a small office building which take up approximately half of the Wednesfield Road frontage. Much of the rest of the area is residential.

The proposal is redevelopment to form a small cul-de-sac from Clothier Street. Twenty two dwellings are intended (4 flats and 18 houses). The layout provides for 8 houses fronting Wednesfield Road and Clothier Street, with a corner two storey block of flats facing the road junction. The remaining 10 semi-detached houses face onto the central cul-de-sac, from where frontage, courtyard and sheltered parking are provided. Some of the houses are two and half storeys with a bedroom in the roof with a dormer window.

Parking is allocated, with 45 spaces provided mostly as parking adjacent to the curtilage of each house or apartment. One apartment and two houses have parking that is separated from the dwelling by the access road/cul de sac. However the parking spaces are overlooked by or near to other dwellings.

The houses and flats on the street frontages are close to back of pavement (between 1m and 2.5m) and present a strong frontage. Gardens for houses are generally narrow, related to the house type and 12m or more in length. The four flats have a shared amenity area of approximately 60 m².

Density is 50 dwellings per hectare.

A Design and Access Statement is included. This analyses the area for design cues, and identifies the decline in the company's fortunes on the site (the site is heavily under-utilised). Sale of the site will help fund relocation of this activity to their larger site nearby in Park Road. It identifies the site is in walking distance of local shopping.

Relevant Planning History

06/2144/FL/W6 for 6 flats and 18 houses, refused for reasons related to unsatisfactory provision of gardens, inactive frontages to Wednesfield Road with a lack of surveillance for parking areas and lack of relationship to the character of the area. The design of the access provided inadequate turning area for refuse vehicles and no agreement in principle to S106 contributions was made.

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

Unitary Development Plan

2.2: Lists six key strategic themes that will be used to evaluate development proposals. These include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design.

GP1: Relates to sustainable development- the location of facilities where they are accessible to everyone and minimise the need to travel.

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

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

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

3.6: Development schemes should help to improve the environment.

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

ENV32: Development to take account of context and surroundings

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

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

JP7: To consider alternative use of employment sites for housing;

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

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

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

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

7.1: Seeks to promote an efficient highway network;

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

T7: All development should satisfy the car parking standards set out in Policy T13. and be well designed and sensitively integrated into the townscape

T13: Advises on parking requirements.

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

Residential Design Standards

Guidelines relating to design and space around dwellings.

Regional Policy

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

Supplementary Planning Document for Urban Open Spaces

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

Supplementary Planning Document for Education

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

National Policy

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

Consultations

Transportation – No Objection subject to conditions as recommended. The UDP Parking Standard for the 22 units with allocated spaces is 44; the applicant looks to provide 42 parking spaces which are considered acceptable at the current location.

Pollution Control - No objection subject to conditions as recommended. Due to the proximity of the site to Wednesfield Road and other residential accommodation, and its current industrial use however, there is potential for impact on both present and future occupants.

.Education Walsall -. The level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore a contribution of £43 331.60 towards secondary school provision is necessary.

Fire Service - satisfactory.

Environmental Health - no objection.

Tree officer- No objections.

Representations

None.

Determining Issues

- principle of development
- design
- Reasons for refusal
- obligations

Observations

Principle of development

The Unitary Development Plan recognises the scope for such sites to cease to be commercial. The proposal is consistent with that. The site is in a mixed area, but there is a significant residential component and there is no reason to resist the proposal on this basis. The proposed development is therefore considered acceptable.

Design

The scheme is centred on a courtyard style interior, containing the cul-de-sac and most of the parking. As a result it is able to deliver a strong presence on the street frontages, including doors into dwellings for all the properties on the main street frontage- Wednesfield Road. This design choice creates a strong building line to the main road with a varied street elevation which is characteristic of the area. However there is little scope for landscaping of any significance.

On Clothier Street a terrace of three houses would replace part of the factory and office buildings set at back of footpath. The proposed dwellings are at a similar scale to adjacent properties, with frontage parking and buildings set 3.8m from back of footpath. The space about the proposed units meets Residential Development Standards, including the 45 degree code.

The proposal would create houses and flats fronting Wednesfield Road with front gardens between 1.2m and 2.2m in depth. Characteristically the built form of frontages on Wednesfield Road is very varied, ranging from 2m walls at back of footpath, open land that is unused and used to park cars, the blank gable elevation of the factory and terraced houses with small gardens similar to the proposed development. Therefore the proposal is, in part, similar to existing development. It will create a strong identity, presenting houses with front doors onto the street as a distinct and continuous building line. This will bring activity onto Wednesfield Road and Clothier Street creating a safer street.

The scheme provides 6 different house types as well as the apartment block. The elevations to Wednesfield Road vary across three house types with a strong and continuous line at eaves level. The varied design of the proposal will create an interesting street scene, with a mixture of brickwork and render to elevations, some of which will have dormers in roofs. The design of the scheme and car shelters will give the scheme a distinct character.

Rear garden spaces for plots 6-13 and 14, 15, 17 and 18 are below Residential Development Standards guidelines. However separation distances between overlooking rear and front elevations in excess of 30m are achieved in the proposed layout and the pattern of development follows the urban grain of the context. Consequently it is considered that the layout and provision of private garden spaces is acceptable.

The applicant has proposed covered parking for some of the flats and houses which, as a tiled roof and timbered structure, will add to the activity, distinctiveness and street scene within the cul-de sac.

Overall, the scheme is supported in these terms.

Reasons for refusal

The applicant has amended the layout and reduced the number of units proposed for the scheme by two. This has allowed for a much improved layout where activity to streets is secured and opportunities for natural surveillance will occur by design. The scale of the development now satisfactorily relates to context and character of the locality.

Transportation has no objections to the scheme, as now submitted.

The applicant has agreed to make the contributions required by Supplementary Guidance in respect of Urban Open Space and Education.

The reasons for Refusal have therefore been addressed.

Obligations

Contributions to Urban Open Space (£42,966.00) and Education (£43 331.60) have been identified as necessary and appropriate. These need to be addressed through a section 106 agreement.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. This development shall not be carried out other than in conformity with the -Design and access statement dated June 2007 and the site plan reference *(not yet received)*and elevations reference.....

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

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

Reason: In the interests of securing the development.

7. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of hard landscaping. The approved

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

Reason: To ensure the satisfactory appearance of the development.

8. All planted and grassed areas and associated protective fencing shall be maintained for a period of 24 months from the full completion of the approved scheme. Within this period:
- (a) grassed areas shall be maintained in a tidy condition and any areas that fail to establish shall be reinstated;
 - (b) planted areas shall be maintained in a tidy condition;
 - (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
 - (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

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

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

Notes for applicant

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

- a). *internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;*
- b). *internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(16 \text{ hours})}$, of 40 dB between the hours 07.00 to 23.00.*

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard

*BS 7580 ‘ Specification for the verification of sound level meters’ Part 1: 1996
‘Comprehensive procedure’ within a preceding 2 year period.*

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

Planning Policy Guidance Note PPG 24 ‘Planning and Noise’. 1994;

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

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

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;

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

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.

British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

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

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

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

of 08.00 to 18.00 weekdays and 09.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason; In the interests of the amenity of nearby occupiers

Note for Applicant

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

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

11. 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 and thereafter maintained and the site shall operate in accordance with the agreed statement throughout the duration of demolition operations and activities.

Reason; to ensure the development does not cause pollution.

14. Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available. Prior to built development commencing details of remedial measures to deal with any identified or potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Approved remedial measures shall be completed to the satisfaction of the Local Planning Authority in accordance with an agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason; to ensure the development does not cause pollution.

Note for applicant

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings" (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.

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated

Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

17. Prior to the occupation of any part of the proposed development, the existing vertical traffic calming on the Clothier Street frontage of the site shall be removed, and replaced with a raised junction for the access cul de sac to the site, to Walsall Council specification Speed Table Detail Ref No. SD7/6. The proposed table shown on plan Dwg. No. 201 will need to extend beyond the tangent point of the road, and a revised plan submitted to the required specification. No works on the site of the development shall be commenced until these details have been approved and a Section 38 of the Highways Act, 1980 agreed

Reason; In the interests of highway safety

18. Prior to the occupation of any part of the proposed development, the existing lowered access facility including dropped kerbs and lowered pavement, on Clothier Street, shall be permanently closed, to a specification to be approved by the Local Planning Authority which shall particularly provide for the reinstatement of pavement levels and kerbs.

Reason; In the interests of highway safety

19. The parking areas shown on the approved plans to serve the occupiers of the site shall be provided and available for use before the related residential unit is brought into use.

Reason; In the interests of amenity and safety.

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

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

21. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and a Section 278 of the Highways Act 1980 agreed.

Reason; In the interests of amenity and safety.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV10, ENV 32 and H3 of Walsall Unitary Development Plan 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes for applicant

1. If it is the developers intention to request the Walsall Council, as the Highways Authority, to adopt the proposed roadwork's as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed road works, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all the necessary drainage arrangements and run off calculations to incorporate the raised junction, shall be submitted to Walsall Council.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/0471/FL/W7

Case Officer: Andrew Thompson

Application Type: Reserved Matters

Telephone Number: 01922 652403

Applicant: Manor Park Homes

Agent: Mr C E Timothy

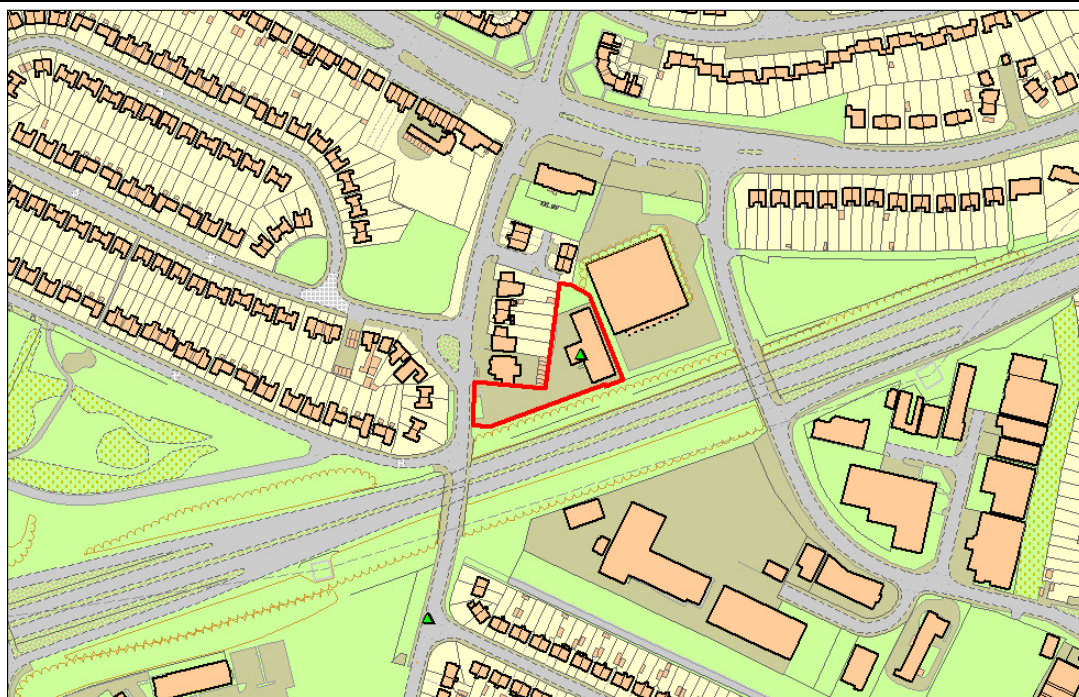
Proposal: Erection of 30 no. 1 & 2 bed flats and associated works (Reserved Matters application to outline planning permission 04/1197/OL/W7)

Location: LAND ADJACENT
15, BENTLEY ROAD
NORTH, WALSALL, WEST
MIDLANDS, WS2 0BZ

Ward: Bentley & Darlaston North

Expired: 15/06/07

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



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Application and Site Details

The site is north of the Black Country Route comprising 0.28 hectares of vacant buildings and land. It has been vacant for over 3 years and was last used for the manufacture of kitchens.

The site is located between the rear of semi-detached properties on Bentley Road North (including some converted to shops) and, to the east, a warehouse and its service yard.

To the north is a small cul-de-sac of residential properties at Ridgeway Court.

The majority of the site is hardsurfaced with a building to the eastern boundary. There are self set trees and landscaping to the northern and eastern boundaries.

The proposals are for 28 2-bedroom flats and 2 1-bedroom flats in three buildings. At the front of the site would be a block of 6 units (4, 2-bedroom and 2, 1-bedroom) with two blocks of 12 units to the rear. The development density, previously agreed at outline stage, is 107dph and it is proposed to include 37 car parking spaces distributed throughout the site at a provision of 124%.

The original plans have been amended to show a development which relates better to the site frontages, particularly the opportunity to present a modern residential development to the Black Country Route which is an important corridor both within and into the Borough and the Walsall Regeneration Company area.

Relevant Planning History

04/1197/OL/W7 - Outline: Erection of 30 no. 1 & 2 bed - 2, 3 and 4 storey flats & associated works – Granted 28th June 2004. S106 signed to provide Open Space contribution.

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

Walsall Unitary Development Plan March 2005

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

Policy GP 2 expects development to make a positive contribution to the environment and considers (VI) overlooking and the effect on daylight and sunlight.

Policy ENV18 ; existing trees- development would not be permitted if it would damage or destroy trees protected by a Tree Preservation Order.

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted and refers at (b) to aspects of design such as appearance, height, proportion, scale, massing, relationships to external space, safety and security, effect on the local character, integration of existing built and natural features of value. Policy ENV 33 refers to good landscape design

Policies T7 and T13 relate to car parking standards, setting out that parking should be well designed and sensitively integrated into townscape and landscape, respecting the character of the area, to meet operational needs.

Regional Spatial Strategy for the West Midlands (RSS11)

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

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

Relevant policies include:

CF1: focus new home building in the Major Urban Areas. In Walsall the MUA is limited to the built-up areas and excludes the Green Belt.

CF3: C - make the most efficient use of land within the Major Urban Areas.

CF4: optimise opportunities for recycling land and buildings for new housing development.

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. The Draft Phase 1 Revision has recently published its Panel Report into its Examination in Public. The Draft Revision seeks to take the approach in the current RSS further forward in the design and delivery of high quality environments.

National policy

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraphs 33 to 39 state the importance of good design.

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

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

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) are all relevant to the application.

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

Consultations

Transportation – No objection.

Pollution Control – No objection subject to conditions.

Land Drainage – No objection

Centro – No objection

Housing – requirement for 25% affordable housing

WM Police – Concern at the lack of amenity space for young children within the development and stress the need for appropriate boundary treatment.

Representations

None

Determining Issues

- previous outline approval
- creation of a satisfactory residential environment and the integration of development into existing pattern of settlement and surrounding land use
- impact on neighbours
- traffic and parking implications
- the loss of employment land
- S106 agreement

Observations

Previous outline approval

The previous outline application report concluded:

“The scale of development in this site has been reduced to 30 units of residential accommodation on a vacant site. While all matters are reserved for future consideration the planning authority must be able to properly assess whether this level of development is considered acceptable given the information submitted.

The amended plans submitted resolves issues regarding the foot print and layout of the development being appropriate in terms of the relationship of a residential development to adjacent uses. The proposed level of development is serviced by adequate parking spaces to meet reasonable parking requirements and also has good links to public transport facilities.

I am satisfied that servicing for refuse disposal and access for fire appliances can be addressed through the submission of the reserved matters on this proposal.”

The plans indicate a turning area for larger service vehicles (both emergency and refuse appliances). Bin storage and cycle storage facilities are also indicated on the plans.

Creation of a satisfactory residential environment and the integration of development into existing pattern of settlement and surrounding land use

It is noted that the application site is close to the Black Country Route and therefore the provision of qualitative amenity space would be difficult to obtain in this section. Each unit proposes individual amenity space in terms of balconies, and amenity space can be found surrounding each block. Overall it is considered that the proposals will create a safe, inclusive environment which will meet the aspirations of high quality design.

Impact on Neighbours

There are two principal neighbouring developed areas to this site - Bentley Road North and Ridgeway Court to the north and west and the repository building to the east. The amended plans show a sympathetic relationship to both neighbouring boundaries by aligning the main blocks of development to the southern boundary of the site adjacent to the Black Country Route.

There is a three storey block of development adjacent to the site access which is aligned against the gable of the 13-15 Bentley Road North. No habitable room windows would be affected by this relationship. The property at 13-15 Bentley Road North is a general store with associated living accommodation and a garage court to the rear. The development suggested in proximity to the southern boundary of this property is three storey and principally about 10 metres distant. The amended plans also show the main aspect of these units overlooking the Black Country Route. It is therefore considered that there will not be an overbearing impact on the amenity of neighbouring properties on Bentley Road North.

To the eastern boundary the development is in a block adjacent to the south east corner of the site. The repository building site is set in excess of one metre above the application site and the building is set back beyond the line of development shown on the amended drawings. It is considered that given the comments of pollution control officers, although the development will be visible from the adjacent site the key issue in terms of impact is any potential for future conflict with residential users with regard to noise from adjacent to industrial buildings. It is considered that this issue can be addressed by suitable conditions attached to any permission and that the principal concern of any future occupier in this respect is likely to be the Black Country Route, which can similarly be addressed.

Traffic and parking implications

The amended plan shows a parking arrangement of 37 spaces, a rate of 1.24 spaces per flat unit. There are also public transport facilities provided by two bus stop in close proximity to the site entrance on Bentley Road North and additional facilities within 250 metres of the site access, on Wolverhampton Road West. The latter is a principal public transport corridor between Walsall and Wolverhampton. Given this parking and public transport provision it is considered that the site is capable of accommodating the level of development proposed by this outline application without any adverse impact on

highway safety or the amenity of residents. The proposal will also provide future residents the opportunity to access alternative means of transport to the private car.

The plans indicate a turning area for larger service vehicles (both emergency and refuse appliances). Bin storage and cycle storage facilities are also indicated on the plans.

Loss of Employment Land

The site compares poorly, at present, against the criteria within the Adopted UDP, regarding the continued commercial use of windfall employment sites.

While the employment use of the site relates well with the adjacent repository site the main access point and relationship of the site is from and to the frontage development along Bentley Road North which where residential uses are prevalent.

Conclusion

It is considered that the proposed development is acceptable considering the previous outline approval and neighbouring uses.

Recommendation

That planning permission be GRANTED subject to conditions and revised a Section 106 agreement

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

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

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

Reason: To ensure the satisfactory condition of the site, for future occupation, and

to protect the local environment.

4. No development shall take place until details have been submitted to and approved by the local planning authority indicating the proposed height of dwellings adjacent to industrial noise sources and the Black Country Route incorporating the separating land and height and type of any proposed acoustic barriers.

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

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

Reason: To safeguard the amenity of the area.

6. No development shall take place until a protocol has been submitted to and approved in writing by the Local Planning Authority to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site. (This may involve the use of a wheel wash, road sweepers, etc.)

Reason: In the interests of highway safety.

7. Before development commences:

a. A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to the advice and guidance contained in British Standard BS10175:2001 "Investigation of potentially contaminated sites - Code of Practice"; British Standard BS5930:1999 "Code of practice for site investigations"; Waste Management Paper No. 27 "Landfill Gas"; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Any surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants), and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases.

b. A copy of any ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination shall be submitted to the Local Planning Authority within 1 month of completion.

c. Remedial measures to address ground contamination and ground gases have been approved in writing by the Local Planning Authority. Any agreed measure shall be implemented in full unless otherwise agreed in writing by the local planning authority.

d. The design and specification of foundations and sub floor structures for the purpose of preventing the ingress of ground gases to buildings shall be agreed in writing with the Local Planning Authority.

e. The design, specification and location of boreholes for the purpose of ground gas monitoring shall be agreed in writing with the Local Planning Authority prior to their installation.

Reason: To prevent the possibility of surface and/or ground water pollution.

8. The development hereby permitted shall not commence until details of foul and surface water drainage have been submitted and approved in writing by the Local Planning Authority. The approved works shall be carried out concurrently with the development of the site.

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

9. Prior to the first occupation of the development the bin as shown on the approved plans shall be completed in accordance with the approved details.

Reason: To ensure satisfactory provision of refuse disposal facilities.

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

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

11. 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.

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

Reason: To ensure the satisfactory appearance of the development.

13. The landscaping scheme shown on the approved plans shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

Note for Applicant

A Noise Survey - In view of the topography of the site, monitoring positions used for the survey may need to be at the height of the receiver, this would entail locating the microphone at the same height of the proposed 4 storey flats and the monitoring

must include the night-time period. The development may need to incorporate either one or a combination of the following measures to afford adequate acoustic protection to the future occupants: courtyard style development to include all non-habitable rooms located on the external façade facing potentially noisy activities, brick only (i.e. 'single aspect') façade to face potential noise sources and the layout of individual buildings to act as a noise barrier to neighbouring properties.

- B Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).
 - C The site is adjacent to a bus shelter, which should be retained in its existing location. If this is not possible and the bus shelter must be relocated a standard 3 x 1.5m enclosed Transit shelter, at an approximate cost. The applicant and/or Council should liaise with Julie Smithers, Centro Bus Infrastructure Manager on telephone number (0121) 214 7123.
 - D If the developer requires any advice on Travel Plans they should contact Louisa Stebbings, Walsall Metropolitan Borough Council's Business Travel Advisor, on 01922 652 561. Kerry Slater, Centro's TravelWise Officer, can also advise on public transport promotion initiatives and journey planning, and she can be contacted on (0121) 214 7409.
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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major application/Departure

Application Number: 07/0938/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Walsall Metropolitan Borough
Council

Agent: Alliance Environment and
Planning Ltd

Proposal: Visitor centre, re-arrangement of
car parking and associated landscape
works

Location: BARR BEACON, BEACON
ROAD, ALDRIDGE, WALSALL, WEST
MIDLANDS, WS9 0QW

Ward: Pheasey Park Farm

Expired: 06/07/07

Recommendation Summary: That planning permission be granted subject to conditions and; the receipt of satisfactory further ecological information and no "call in" from the government office for the west midlands



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Application and Site Details

The proposal is to develop a Visitor Centre building at Barr Beacon off Beacon Road and includes alterations to the car parking and landscaping works at Barr Beacon. The building would be built into the slope of the land to the west of the access road and is crescent shaped. There are footpaths proposed around the edges of the building that lead from the car park to the front of the building and link in with existing footpaths. The front elevation of the proposed building faces west and is glazed in order to take advantages of the views over Walsall. These windows will be louvered to control daylight to the building and provide security when the premises are closed. Alterations are proposed to the parking layout to incorporate disabled parking bays, cycle storage and a pedestrian crossing linking to the building. An earth mound is proposed in front of the terrace created in front of the building. The proposed roof will be level with the existing car park and it is proposed to place natural heathland onto the roof of the building which will also have a glazed balustrade with timber hand rails to enable visitors to walk across the roof of the building and take advantage of the views.

The proposed Visitor Centre will provide a range of facilities including a small café/restaurant, toilet facilities, multi-purpose teaching rooms, exhibition space and ancillary storage space and has a floor space of 450m². The applicant's state the purpose of the proposal is to maximise the potential for this regional landmark and maximise potential uses by providing facilities for visitors.

The internal layout of the building is such that the public rooms (café/display area) are located on the front of the building and the semi-public rooms (education rooms, multi function room, kitchen, toilets, stores and boiler/bins) are located at the rear. The building is 47.5m wide, 13.7m maximum depth and 3.8m in height. Roof lights are incorporated at the rear of the building to provide additional light to these areas.

The site is 0.98 hectares and is under the control of the Barr Beacon Trust. Barr Beacon is an extensive area of open space within the Green Belt that rises to a peak from where there are extensive views across Walsall, Birmingham and the Black Country. The site is also within the Great Barr Conservation Area.

Vehicular access to the site is via a single access way close to the junction with Bridle Lane. This leads up to the ridge of the Beacon where there is car parking for 180 vehicles and then continues down a winding route to the north of the site, passing "The Lodge" a bungalow presently occupied by Countryside Services. The exit then emerges onto Beacon Road, adjacent to 551 Beacon Road. Pedestrian access is also available via a number of footpaths also accessible from Beacon Road and Bridle Lane. There is a War Memorial and a former children's playground to the east of the access at the top of the Beacon but the remainder of the site comprises open parkland including grassy slopes and woodland. There is a significant slope down to Beacon Road. Barr Beacon is the summit of a crescent shaped ridge that curves around farmland to the west, and to the east gently sloping towards Sutton Park.

The Black Country Consortium is co-ordinating a bid for funding under the Big Lottery Fund's National Living Landmarks programme which will award one project up to £50 million via a televised public vote programmed for Autumn this year. The bid is a joint project between Walsall, Sandwell, Wolverhampton and Dudley Council's and the Wildlife Trust. Walsall Council's role in the project is the preparation and

implementation of the “Green Bridge Project” which is a twelve mile linear park stretching between Walsall Town Centre and West Bromwich Town Centre. The provision of a new Visitor Centre at Barr Beacon forms part of this Green Bridge project.

In support of the application the following documents have been submitted:-

Planning Statement & Appendices
Design & Access Statement
Landscape & Visual Assessment
Transport Assessment
Phase 1 Habitat Survey & Ecological Constraints

Relevant Planning History

None.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP1: Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

GP7: Development is expected to design out crime and maintain good urban design.

3.3: The character and function of the Green Belt will continue to be safeguarded as part of the wider West Midlands Green Belt.

3.16: Development will be considered in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

3.21 & ENV1: Defines the purpose of the Green Belt.

ENV2: Seeks to control development in the Green Belt by identifying types of development that may be acceptable such as facilities essential for outdoor sport or recreation, cemeteries and other uses which preserve the openness of the Green Belt and do not conflict with its purposes and limited in filling of major developed sites identifies in policy ENV4.

ENV3: Identifies more detailed considerations for proposals in the Green Belt.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows. Where developments are permitted which involve the loss of trees... developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

ENV19: Discourages development that may destroy, damage or adversely affect a Special Area of Conservation or Site of Special Scientific Interest, Local Nature Reserve or Site of Importance for Nature Conservation unless it can be demonstrated that there are reasons to overrule sites of regional importance.

ENV22: Development needs to demonstrate no adverse impact on species protected by European law.

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

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

ENV25: Proposals for development which affect archaeological sites normally need evaluation of the archaeological resource. This will normally comprise a desk-based assessment and fieldwork.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

3.113, 3.114 & 3.115: New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough. Good design should respond positively and imaginatively to the context, in which development takes place, discourage crime and increase safety and has a major role to play in the creation of an environment which is distinctive and creates a sense of place.

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

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

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

T8: The Council will encourage greater use of walking as a healthy and sustainable form of travel via good pedestrian links.

T9: Improvements should make cycling an attractive alternative to the private car wherever possible.

T10: The standards for public transport, cycles, taxis and disabled car parking are minimum ones and developers are strongly encouraged to improve on them.

Standards for non-residential car parking are maximum ones as required by PPG13.

T12: Encourages access by public transport.

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. Standards for other buildings for public assembly and food and drink are specified as 1 space per 22m² of gross external floor space, 1 bike stand for every 10 parking spaces with a minimum of 2 bike stands and taxi facilities.

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development - promotes sustainable and inclusive patterns of urban and rural development.

PPG2 Green Belts - Seeks to protect against inappropriate development that is harmful to the Green Belt.

PPS6 Planning for Town Centres and Retail Development

PPS9 Biodiversity & Geological Conservation – 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.
PPS10 Planning for Sustainable Waste Management – Aims to protect human health and the environment by producing less waste and by using it as a resource wherever possible.
PPG13 Transport – Promotes sustainable patterns of development which reduce the need to travel, especially by car.
PPG15 Planning and the Historic Environment, PPG16 Archaeology & Planning and PPS23 Planning and Pollution Control are also relevant.

Consultations

Transportation – No objections subject to conditions.

Pollution control – No objections.

Environmental Health – No objections.

Strategic Policy – No objections in principle. The proposed development overall will deliver on the aims to minimise impact on the openness of the Green Belt and maximise sustainability, given the limitations of the site, which has been chosen following evaluation of possible alternatives.

Conservation – No objections in principle subject to details of materials and landscaping.

Barr Beacon Trust – Supports to proposal in principle subject to full consultation with local residents.

Ecology – The three main considerations are the loss of part of the Site of Importance for Nature Conservation and Local Nature Reserve, the potential ecological impacts of any increase in visitor numbers and change in visitor circulation around the site and the way in which these impacts will be mitigated. The proposed location of the building is within an area of unimproved acidic grassland (approximately 0.3 ha of this habitat within the application boundary). Further survey work is therefore required to identify the grassland composition within the site in order to determine the least damaging location for the visitor centre. A survey and assessment of the vegetation is required to identify the most appropriate location for the visitor centre followed by an assessment of the visitor centre in that location and appropriate mitigation proposed based on these detailed investigations.

With regard to the landscape and visual assessment a comprehensive and definitive mitigation programme should be put forward so that it can be enshrined in any planning permission granted. Comment could also be made as to whether any slight adjustments to the siting could have significant visual benefits. Tree planting should take care not to damage acidic grassland plant communities and details of a landscaping scheme are required.

Natural England – No objections provided the Council meet its duties with respect to protected species and biodiversity.

Fire Service – Satisfactory for fire service access.

Public Participation Response

Prior to submission of the application extensive consultation has been undertaken with the local community and key stakeholders in the formulation of the scheme.

One letter of support has been received as a result of publicity of the planning application. This states the following:

- This project can only enhance Barr Beacon and give it the facilities it deserves.

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

Determining Issues

- Principle of Development
- Layout and Design
- Access and Parking

Observations

Principle of Development

The development of new buildings in the Green Belt, other than for purposes specified in policy ENV2 or PPG2, are considered inappropriate development. The applicants must therefore justify that there are very special circumstances to outweigh the harm that the proposed development has upon the character or openness of the Green Belt. Significant effort has been made to reduce the potential impact of the proposed building upon the openness of the Green Belt as it has been designed to have a low profile set into the slope of the land and against a backdrop of existing woodland and is an innovative high quality sustainable design. These factors are considered to reduce any potential harm the proposals have on the Green Belt. The proposed Visitor Centre also supports the recreational use of Barr Beacon and will provide added surveillance throughout its operational times thus improving security.

The site selection process identified in the supporting planning statement also provides adequate evidence of very special circumstances; Barr Beacon is the only satisfactory location for the proposed development, given the aims in the context of the Green Bridge project. In addition, the impact on the openness of the Green Belt will be minimal. The design quality should set an example for other developments, with the opportunity to raise the profile of the borough as a place for good design.

Given the above it is considered that the very special circumstances of the proposed scheme outweigh any harm to the Green Belt and the principle of development is therefore acceptable.

Layout and Design

The position of the proposed visitor centre has been chosen to have least impact on the openness of the site overall. The building is located to the west of the access road and is sunk within the natural slope of the land to reduce the visual impact and to take advantage of the views. Its design is innovative as the building is curved to fit within the natural form of the land although only one façade of the building will be visible, the

glazed frontage. There are ramps around the sides of the building providing a safe pedestrian route from the car park that leads to the terrace in front of the building and links with other existing footpaths. The roof of the proposed building is to be covered in natural heathland from the excavated site and will create a soft landscaped appearance that hides the roof of the building and is capable of providing a flat platform for visitors to gain advantage of the views.

The design is innovative in that it incorporates measures to reduce the carbon footprint of the building such as subterranean heating, a biomass boiler, roof lights and external louvres thus reducing the carbon footprint of the building in the interests of sustainability. The building design incorporates a biomass boiler to produce zero carbon heating for the building, labyrinthine cooling/heating beneath the building and external vertical louvers to prevent excessive solar gain through the glazed façade. Roof lights are also incorporated above the semi-public rooms at the rear of the building to reduce energy consumption and gain natural light. It is clear therefore that the design of the building has taken the opportunity to create a sustainable building that will reduce the carbon footprint and reduce energy consumption in accordance with the policies GP2 and ENV39.

The design of the building is such that only one façade will be visible from the wider area. This façade is glazed and will have louvres which close when the building is closed. The building is single storey only and there is a mound proposed in front of the terrace to mask the building further. It is therefore considered that the proposed building will have minimal impact on the openness of the Green Belt and will enhance the quality of the Great Barr Conservation Area.

The proposed location of the building potentially has an adverse impact on an area of unimproved acidic grassland of ecological value. The proposal is to remove and re-site this grassland on the roof of the proposed building. Whether such translocation would be successful or not is uncertain and therefore it is important that no grassland of high value is unjustifiably lost or put at risk. The Council's ecologists require sufficient ecological information to justify the proposed location of the building. Further survey work will therefore be secured to assist in a final assessment of this matter to confirm that there will be no need to consider an alternative location for the building elsewhere along the ridge line.

Access and Parking

The proposal utilises the existing vehicular access but makes amendments to the parking layout to provide parking spaces for the disabled, provide cycle parking facilities to encourage visitors to use more sustainable means of transport and provide a pedestrian crossing from the parking area to the proposed building to improve pedestrian safety. The Transport Assessment identifies that in accordance with policy T13 of the UDP the proposed Visitor Centre would require 20 car parking spaces. The proposals intend to accommodate these 20 spaces within the existing provision of 180 spaces currently available on site. Formalisation of the existing spaces by marking out parking bays is also proposed and will ensure effective use of the spaces. The proposals include provision of four disabled spaces nearest to the proposed Visitor Centre for ease of access.

The Transport Assessment also highlights that there are bus stops at regular intervals along the B4154 Beacon Road in the vicinity of the Barr Beacon site with an hourly

service running throughout the week which will encourage use of public transport to visit the site.

Access to the site is at present predominantly vehicular, although modifications to be carried out as part of the Green Bridge Route aim to redress the balance and bring more people to the site on foot or bicycle.

The report highlights further mitigation measures which may be required including; provision of a controlled pedestrian crossing point near the southernmost access point, improvement of bus stops in the vicinity, formalisation of the parking arrangement, an amended kerb radii at the southernmost junction of the access to allow larger vehicles expected to visit the site to manoeuvre safely, provision of a turning head, passing bays along the access road and refuse collection points. The Transportation Officer recommends a condition to ensure implementation of these mitigation measures.

Given the above it is considered that the means of access and parking is acceptable.

Recommendation: That planning permission be granted subject to conditions and; the receipt of satisfactory further ecological information and no "call in" from the government office for the west midlands

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: -

- Proposed Site Location Plan (P/001 Rev 3) received 11/5/07
- Proposed Site Plan (P/002) received 11/5/07
- Ground Floor Plan (P/003) received 11/5/07
- Site Section (P/005) received 11/5/07
- Section A-A (P/006) received 11/5/07
- West Elevation Daytime & Nighttime Views (P/007) received 11/5/07
- Materials & Construction Section (P/008) received 25/5/07
- Proposed Roof Plan (P/004) received 11/5/07
- Coloured West Elevation (P/009) received 25/5/07
- Design & Access Statement prepared by ADP LLP dated May 2007 received 11/5/07
- Planning Statement prepared by Alliance Environment & Planning dated May 2007 received 11/5/07
- Landscape & Visual Assessment prepared by WSP dated May 2007 received 11/5/07
- Planning Statement Appendices prepared by Alliance Environment & Planning dated May 2007 received 11/5/07.
- Transport Assessment prepared by WSP dated 9 May 2007 received 11/5/07
- Phase 1 Habitat Survey & Ecological Constraints prepared by ADP Architects WLP dated May 2007 received 11/5/07

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

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

Reason: To ensure the satisfactory appearance of the development.

4. All planted and grassed areas and associated protective fencing shall be maintained for a period of 24 months from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

5. No development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and external surface treatments has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

6. Prior to the first occupation of the building hereby approved, the alterations to the access and vehicle parking areas shall be carried out in accordance with the details shown on the proposed site plan P/002 and shall be hard-surfaced in materials to be agreed in writing by the Local Planning Authority. These areas shall thereafter be retained in accordance with the agreed details and used for no other purpose.

Reason: To ensure the satisfactory development of the site.

7. Prior to the commencement of the development hereby approved full details of the proposed cycle stands 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 to any variation.

Reason: To ensure the satisfactory development of the site and encourage sustainable travel alternatives.

8. Prior to the commencement of the development hereby approved details of the following measures shall be submitted to and agreed in writing by the Local Planning Authority: -

- a) Large vehicles to access and egress the site via the southern entrance
- b) Minor amendments to the radii on the kerb line on the northern side of the junction of the site access with Bridle Lane
- c) Introduction of passing places on the road to and from the southern entrance
- d) Construction of a turning head as shown on the submitted plans
- e) Marking out of the parking areas
- f) Introduction of a pedestrian controlled crossing facility on Beacon Road
- g) Upgrading of public transport facilities on Beacon Road

The measures shall then be implemented and maintained in accordance with the agreed details throughout the life of the development unless the Local Planning Authority agrees to any variation.

Reason: To ensure the satisfactory development of the site and encourage sustainable travel alternatives.

9. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

10. No demolition, construction, or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall commence on site until an ecological mitigation plan for the loss of vegetation has been submitted to and approved in writing by the Local Planning Authority. The agreed mitigation measures shall then be implemented in accordance with the agreed details and maintained throughout the life of the development.

Reason: To ensure the satisfactory development of the site and safeguard the nature conservation resource.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, ENV2, ENV3, ENV18, ENV19, ENV22, ENV23, ENV32, 3.113, 3.114, 3.115, ENV39, T7 and T13 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1332/FL/H5

Case Officer: Owain Williams

Application Type: Full application

Telephone Number: 01922 652486

Applicant: Mr A and Miss AT Khara

Agent: G T Designs

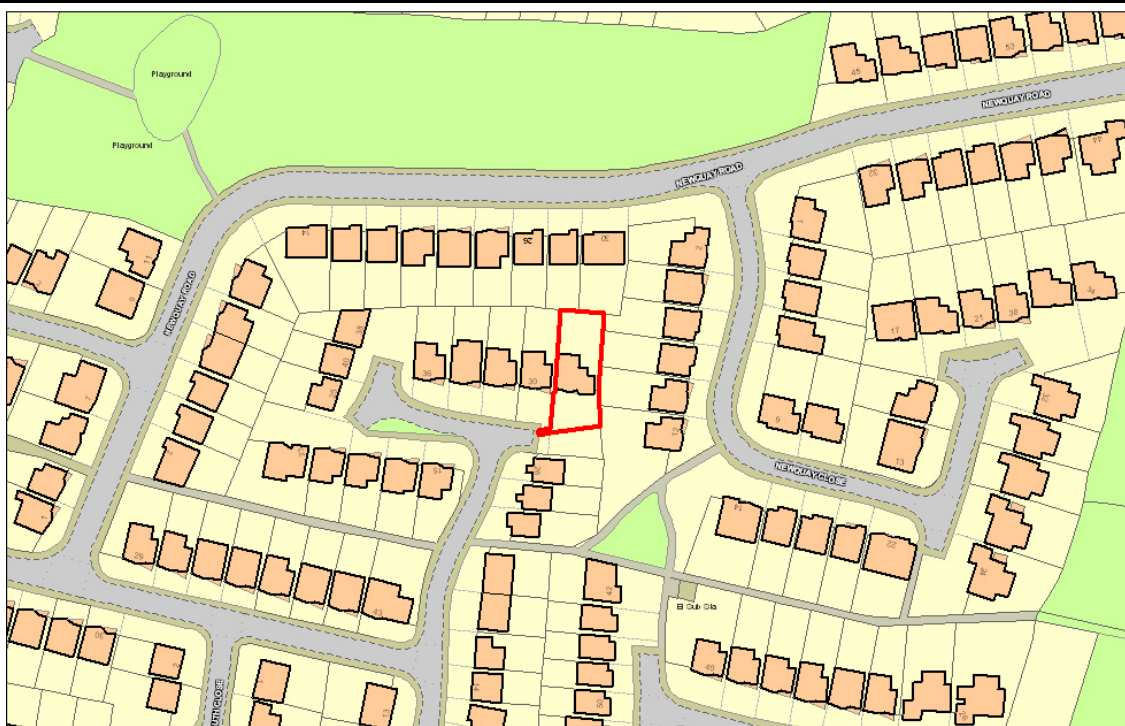
Proposal: Part Two-Storey, Part Single-Storey Side Extension and Front Canopy

Location: 28 BUDE ROAD, WALSALL, WS5 3EX

Ward: Paddock

Expired: 14/08/07

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for an extension to a detached house which lies in a corner at the end of a cul de sac to provide a kitchen, utility and family room on the ground floor in place of the existing double garage, and two additional bedrooms on the first floor, making a total of six habitable rooms at first floor level.

The house is a modern design with a flat roof over the existing garage to the side that continues across the front of the rest of the house as a canopy. The proposed family room is to project 0.6 metres further forward than the existing garage and the canopy is to be extended forward to be in line.

The front of the proposed first floor is to be set back 650mm from the front of the existing first floor. The rear of the ground and first floor is to be in line with the rear of the existing house.

The side of the house faces the rear of 10 Newquay Close. The rear garden of number 10 is 15 metres long. The side of the ground floor of the extension is to lie 1.2 metres from the boundary, the same as the existing garage, whilst the side of the proposed first floor is to be set in a further metre.

The front of the application house faces the side of 26 Bude Road whilst the rear faces the rear of 30 Newquay Road at a separation of approximately 25 metres.

Relevant Planning History

07/0607/FL/H5. Two-storey side extension and front canopy extension. Withdrawn May 2007.

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

- I. Visual appearance.
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Residential Development Standards

These include guidelines concerning design, including roof shapes, canopies and separation distances between facing windows.

The council will generally seek to ensure a minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None.

Representations

Individual letters have been received from the occupiers of six properties in Bude Road, Newquay Road and Newquay Close, together with a circulated letter containing comments from the occupiers of another six properties, making comments on the following main grounds:

- Size of house will be out of keeping with the small cul de sac.
- Object to large extensions in area.
- The size will lead to parking problems.
- Would object if the room designated as a prayer room was changed to a public place of worship.
- Overlooking of the rear gardens of 22, 24 and 26 Bude Road.
- Loss of light, visual amenity and privacy to 28 Newquay Road.
- Building work will cause noise and pollution.
- Potential effect on saleability.

The letters may be viewed in full on publication of this report.

Determining Issues

The determining issues are

- design and character;
- the impact on the amenities of nearby residents; and
- parking.

Observations

Design and Character

The single-storey part of the extension and the enlarged canopy to the front are to retain a flat roof in keeping with the existing house. The two-storey part is to have a hipped roof in contrast to the gable roof of the existing house, however the pitch would match that of the existing house and the use of a hip would reduce the impact on the rear of the houses in Newquay Close. The set back proposed for the front of the proposed first floor would make the extension subservient to the existing house.

The surrounding area comprises modern detached houses of uniform designs, although the different designs have various widths. Many of the houses in Newquay Close and Newquay Road are wider than those in Bude Road and only have narrow gaps between at first floor level. However, the position of the house in a corner at the end of a cul de sac means that there would be little impact on the character of the rest of the street.

Impact on Amenity of Residents

The side of the first floor of the extension would lie 2.2 metres away from the boundary and over 17 metres away from the house itself at 10 Newquay Close, well in excess of the minimum separation of 13 metres required by the Residential Development Standards. Number 10 lies to the east. The hipped roof means that the extension would lie in the outline of the existing house when viewed from number 10. The only windows proposed for the side elevation are to serve en suites.

The windows in the front and rear elevation will lie alongside the existing windows in the application house, so will cause little further overlooking of the houses to the front and rear. The extension will be separated from the houses in Newquay Road by the rear gardens of these houses and the application property. The front of the application property is separated from the side of 26 Bude Road by a gap of 17 metres.

The concern of the neighbours the saleability is not a material planning consideration. Given the nature and limited scale of the works, a condition restricting the hours of building operations would be difficult to justify and other legislation exists to control the matter if it becomes a nuisance.

Parking

No increase in parking provision would be required by the parking standards in the UDP to serve the increase from four to six bedrooms. The application property has a large frontage with plenty of parking space even with the loss of the existing garage.

The room indicated to be a prayer room is the existing box room which measures only 2.7 x 1.8 metres and would not be suitable for public use.

Recommendation: Grant Subject to conditions

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

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

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

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

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

4: This permission relates to the amended drawing received on 19 July 2007. No columns or other additions shall be inserted beneath the enlarged front canopy.

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

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Disposal of Council owned land

Application Number: 07/0285/OL/W7

Case Officer: Andrew Thompson

Application Type: Full application

Telephone Number: 01922 652403

Applicant: Mr Singh

Agent: Mr A S Taylor

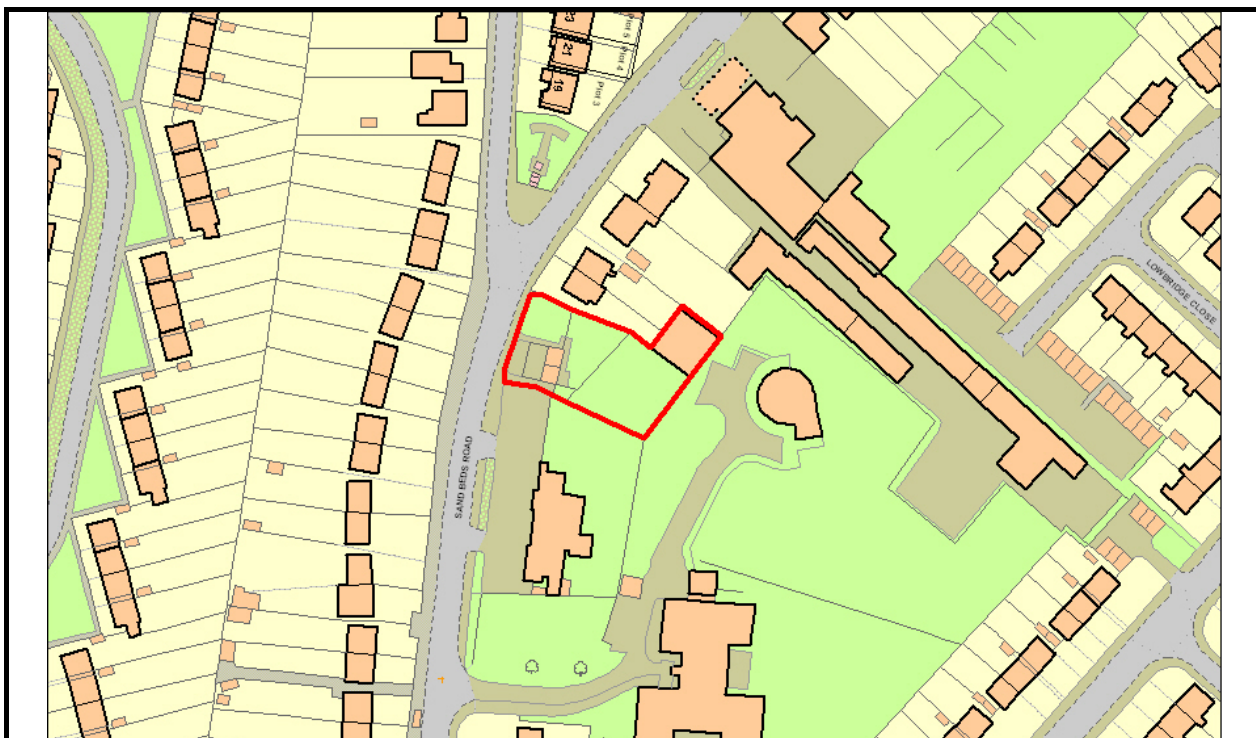
Proposal: Proposed 4 semi detached houses

Location: SITE ADJACENT TO
BROWN JUG P H, SANDBEDS
ROAD, WILLENHALL, WV12 4HH

Ward: Short Heath

Expired: 13/07/07

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application is a full application for four, 3-bedroom semi-detached houses on land adjacent to The Brown Jug Public House. The site comprises, in part, a former single storey toilet block that is no longer in use and associated open space. Further to the rear there are also some derelict single storey industrial and storage buildings that form part of the application site. These and the toilet block would be demolished as part of the application.

The proposals comprise two houses fronting Sandbeds Road and two at the rear perpendicular to the frontage properties. The rear properties and one of the frontage properties would be accessed off a private drive and the remaining unit would be accessed directly off Sandbeds Road. The rear properties would look out onto the pub's beer garden and gardens relating to Short Heath House. The proposals would be a traditional pitched roof design.

Each proposed unit would have the benefit of two parking spaces (plots 3 and 4 have integral single garages). The application site is 0.1ha (1,117square metres) which equates to a density of 36 dwellings per hectare.

Relevant Planning History

None relevant

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

Adopted UDP

Policies GP1, Env32, Env33, H9, H10 and T13 seek to ensure that proposals deliver high quality residential development on previously developed land that takes account of its context and the surrounding area and does not compromise the amenity of existing residents.

Regional Planning Policy

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

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. The Draft Phase 1 Revision has recently published its Panel Report into its Examination in Public. The Draft Revision seeks to take the approach in the current RSS further forward in the design and delivery of high quality environments.

National policy

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

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

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

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

Consultations

Transportation – No objection subject to conditions.

Pollution Control – No objection subject to a condition being added in relation to noise attenuation and dust.

Fire Service – Satisfactory Access

Representations

One letter received welcoming regeneration efforts in the area.

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

Determining Issues

- the principle of the re-use of the site
- the relationship to the Brown Jug Public House
- other design and layout considerations

Observations

The principle of the re-use of the site

It is considered that the reuse of the site would regenerate and positively reuse a derelict site that is currently in a poor state of repair. The proposed residential use

would be the most appropriate use as the site is largely surrounded by residential properties and the location of the site would not lend itself to retail or commercial uses.

The relationship to the Brown Jug Public House

The proposed private drive would act as a buffer between the Brown Jug Public House and the proposed houses which would improve the opportunity for a positive relationship to be developed. The relationship would be similar to residential properties that are directly opposite the public house.

The outlook from Plots 3 and 4 would be towards the beer garden and towards the gardens associated with Short Heath House. This would allow for a positive relationship to develop and yet maintain the amenity and a positive residential environment. Suitable noise attenuation in all the properties would allow for traffic noise from Sandbeds Road and the public house to be designed out of the proposals.

Other design and layout considerations

It is noted that the length of the gardens for plots 1, 2 and 3 are slightly shorter than that sought under Residential Design Standards guidance document, however the gardens are of a reasonable size, approximately 40sqm on plot 1; 35sqm on plot 2; 75sqm on plot 3 and over 100sqm on plot 4. It is noted that the size of the gardens on Plots 1 and 2 are of a similar size to other residential properties on Sandbeds Road and that the proposals incorporate a sizeable area at the front of the properties. It is therefore considered that these areas would create a satisfactory residential environment.

The design of the proposals matches the built form of the surrounding area and the residential properties at the rear of the site (Plots 3 and 4) would present an appropriate replacement for the derelict storage buildings. In addition, the relationship would create a positive residential environment.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

4. The landscaping scheme shown on the approved plans shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

6. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion.

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

7. Prior to the first occupation of the units suitable noise mitigation measures shall be installed so that internal noise levels of each dwelling, unless otherwise agreed in writing by the Local Planning Authority, measured in accordance with British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 (or relevant subsequent legislation) shall not exceed:-

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

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

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

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

8. 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 and thereafter maintained throughout the duration of demolition operations and activities.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, T13, ENV10, ENV32, ENV33, H9 and H10 and Policies QE3, QE4 and QE5 of the Regional Spatial Strategy for the West

Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

NOTES FOR APPLICANT

A) Building works may not be undertaken, and a public highway may not be closed in the absence of the appropriate consent, which must be obtained through the Local Highway Authority. Those consents may require a public local inquiry if there are objections.

B) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

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

D) Your application includes demolition work, it may be necessary for you to also notify **Building Control Services** of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but **not less than** 6 weeks before commencement of the demolition work. Helpline number 01922 652408.

E) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191. Fax. 0181 694 0099.

F) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0435/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Kia Properties Ltd

Agent:

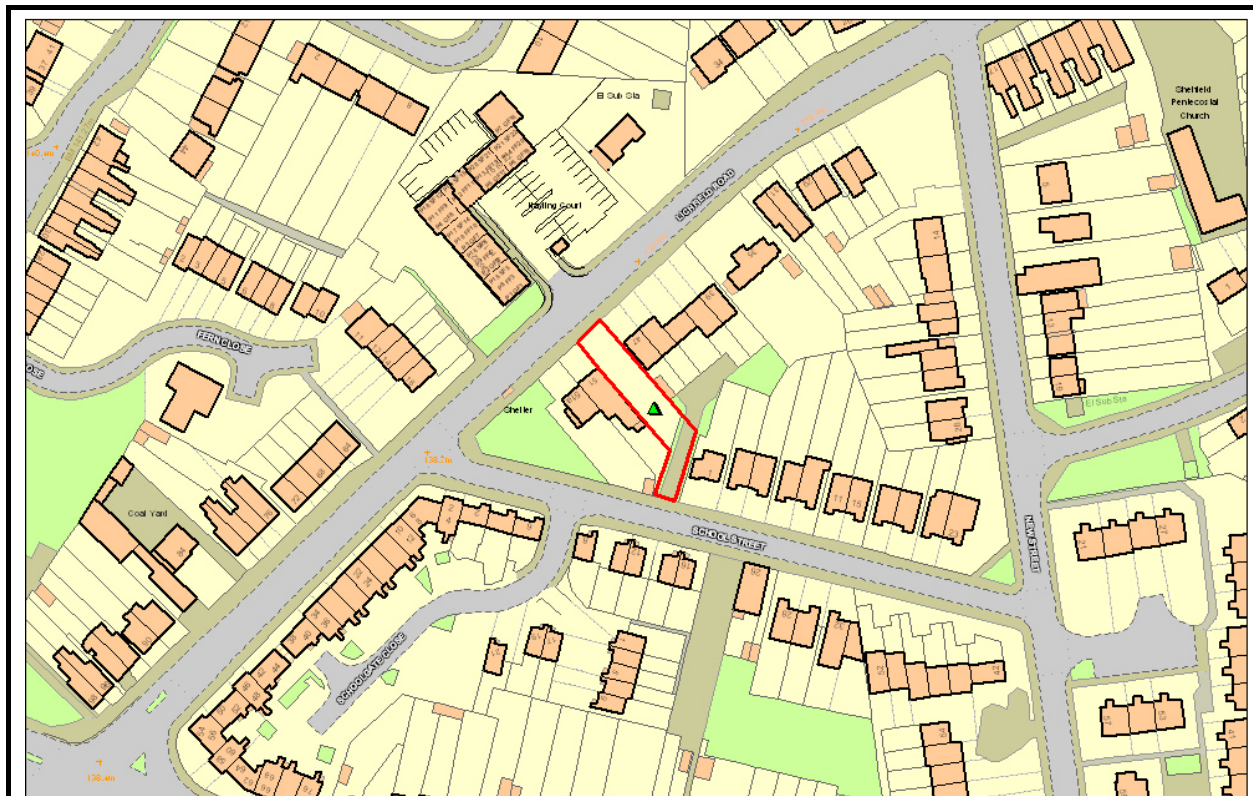
Proposal: Proposed New Dwelling House,
On Side Garden to No 51

Location: 51, LICHFIELD
ROAD, SHELFIELD, WALSALL, WEST
MIDLANDS, WS4 1PZ

Ward: Rushall-Shelfield

Expired: 09/08/07

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application relates to a semi-detached property and side garden land at 51 Lichfield Road, Shelfield, near the junction with School Street. There is a row of modern terraced dwellings to the north-east of the site continuing along Lichfield Road and new apartments on the opposite side of Lichfield Road. Vehicular access to this row of dwellings on Lichfield Road is a private drive at the rear off School Street. The existing dwelling is a two storey building with a large two storey wing at the rear and conservatory to the side. It is presently vacant and has been vandalised. The side garden land is not secured. Fly tipping has occurred making the site untidy.

The proposal is to erect a three bedroom detached house on the side garden land of no.51, between 47 and 51 Lichfield Road, with off street parking spaces accessed from the rear off School Street. The application shows a three bedroom dwelling positioned on the same building line as no.51 and the same length as the adjacent dwelling 47 Lichfield Road. The footprint of the building is 5.9m wide and 9.8m long. It has a pitched roof, 8.8m to the ridge height. A small porch, bow window and canopy are incorporated on the front elevation.

Revised plans have been received that include the existing property within the application boundary as the application includes alterations to the existing property. These include demolition of the conservatory, removal of an internal wall and chimney to create a through lounge, removal of an existing garage within the rear garden and installation of open grid paving, seeded with grass, within the rear garden to provide 3 parking spaces.

Relevant Planning History

None.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance
- VII. Overlooking, loss of privacy, and the effect on daylight and sunlight.
- VII. Adequacy of access and parking facilities.

GP7: Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design.

3.113, 3.14 & 3.115: Encourages high quality architectural and landscape design that responds positively and imaginatively to the context in which development takes place, discourages crime and increases safety and creation of an environment which is distinctive and creates a sense of place.

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'.

ENV32: 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.

H3: Encourages housing provided through windfall opportunities provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H10: (a) The Council will expect the design of residential developments, including residential extensions, to:-

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

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

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

T13: Parking Provision: 1, 2 & 3 bedroom houses 2 spaces per unit

Residential Development Standards

These include guidelines relating to design and space around dwellings. A private garden size of 68m² is normally sought.

Regional Policy

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

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPG13 Transport, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No objections subject to conditions.

Pollution Control – No objections.

West Midlands Fire Service - Satisfactory.

Public Participation Response

Five letters of objection received and a petition containing 6 signatures. The objections are summarised below:

1. Unsuitable proposal for the area
2. Obstruction of current view
3. Loss of light
4. Additional access off the access drive at the rear for the new or existing property would disrupt access to the existing properties
5. Disturbance, intrusion and disruption to residential amenities
6. Limited visibility creates a potential safety hazard on the access

7. Invasion of privacy
8. The proposed plans intend to utilise the council owned driveway allocated to serve existing properties 39-47 Lichfield Road and an unauthorised opening in the existing wall
9. Increased traffic levels and noise

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

Determining Issues

10. Layout and Design
11. Impact on neighbour's amenities
12. Access and Parking

Observations

Layout and Design

The position of the proposed dwelling respects the position of adjacent buildings. The scale and depth of the building is also in keeping with the surrounding properties. The design of the building draws on the design of adjacent 1970's dwellings rather than no. 51 which is a Victorian house. This is considered to fit better within the surrounding context. The proposal incorporates provision of a front and rear garden for the proposed property and creation of a pedestrian only access for the existing and proposed dwellings off Lichfield Road.

The removal of the conservatory on the existing dwelling and internal changes to create a through lounge are necessary to enable the proposed new dwelling to be positioned where it is and to reduce the potential impact the new dwelling has upon the amenities of the existing property.

The proposed new dwelling has a garden area to the front and rear which is considered adequate to cater for a three bedroom family home (the rear garden is approximately 55m² - excluding the parking areas). Although the rear garden area for the existing dwelling is reduced, there does remain some space along the side wing and the incorporation of grass block paving to the rear will ensure that space is available for amenity use when vehicles are not parked within the garden.

Impact on neighbour's amenities

There is a bay window on the side elevation of the existing property that faces the proposed dwelling. The internal changes at this property to create a through lounge will ensure that there is an alternative light source to the through lounge as the main window is located in the front elevation of the building. In terms of outlook from this window, this will be onto a boundary fence with the gable wall behind but there is a gap between the properties. Again, the main outlook would be from the bay window in the front elevation of the house.

Objections have been received from adjoining occupiers relating to loss of view, loss of light and loss of privacy. However, the position of the proposed dwelling does not project in front of the adjacent dwellings and projects only marginally behind them (400mm) hence it will not be prominently visible from habitable room windows in the front or rear elevations. First floor landing windows are included in the first floor side

elevations of the proposed dwelling but a condition is recommended that these remain obscurely glazed fixed light windows to prevent overlooking. As far as overlooking the garden areas of the adjacent dwellings from the first floor windows of the proposed dwelling, this will be no different to the situation between existing adjoining properties.

In light of the above it is considered that the proposed new dwelling will have no adverse impact on neighbour's amenity and will in fact improve the amenities of the area in general as this untidy site will be developed for a compatible residential use.

Access and Parking

All vehicular access to the site is proposed from the shared access at the rear and the existing vehicle access off Lichfield Road is to be closed and boundary wall reinstated. This will have a positive effect on the Strategic Highway Network as vehicles will not be slowing traffic to turn into the site and will provide a visual improvement along this important frontage.

The proposal shows provision of 2 off-street parking spaces for the proposed dwelling and 3 off-street spaces for the retained dwelling which accords with the UDP parking standards. The proposed layout also allows for vehicle turning within the site. The Transportation Officer is satisfied with the parking arrangement subject to stopping up the existing vehicular access off Lichfield Road and provision of pedestrian visibility splays to the proposed vehicle accesses at the rear of the site.

Objectors are concerned that additional vehicles using the private access at the rear will cause a highway safety hazard and may disrupt access to their properties. However, the layout shows a turning facility for the proposed new dwelling which means vehicles will be able to enter and exit the site in a forward gear thus improving safety. The existing dwelling already has a vehicle access off the private access drive as demonstrated by the presence of access gates and the existing garage. The ability of the existing property 51 Lichfield Road to utilise the rear access will therefore have little difference to the impact on use of the existing access arrangement.

Recommendation: Grant Subject to conditions

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

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

2. This development shall not be carried out other than in conformity with the following approved plans: -

- 13. Site Location Plan (drwg. no. K3.0706) received 11/06/07
- 14. Proposed Rear Car Parking to Proposed New Dwelling received 11/06/07
- 15. Existing North Elevation 51 Lichfield Road received 11/06/07
- 16. Proposed Alterations to Ground Floor Plan at 51 Lichfield Road received 11/06/07
- 17. Proposed Elevation Alterations to 51 Lichfield Road received 11/06/07
- 18. Photo Montage received 02/03/07

19. Proposed Floor Plans, Elevations and Section (drwg. no. K3.0706) received
20/03/07

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

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

Reason: To ensure the satisfactory appearance of the development.

4. Prior to commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority and the works shall only be carried out in accordance with those details so 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.

5. 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 0800 to 1800 weekdays and 0900 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.

6. Before this development is brought into use, the first floor side windows indicated on the approved plan shall be glazed in obscure glass, and permanently fixed. Thereafter the windows shall be maintained in that condition throughout the life of the development.

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

7. Prior to first occupation of the dwelling hereby approved the parking and turning areas for the proposed new dwelling and existing dwelling 51 Lichfield Road shall be laid out in accordance with the approved drawing received on 11/06/07 and thereafter maintained in accordance with the approved details throughout the life of the development unless the Local Planning Authority agrees to any variation in writing.

Reason: To ensure the satisfactory development of the site and ensure adequate parking is maintained.

8. Prior to first occupation of the dwelling hereby approved the vehicular access off Lichfield Road shall be stopped up and reconstructed to footway level in accordance with a specification to be first agreed in writing by the Council.

Reason: To ensure the satisfactory development of the site.

9. Prior to the commencement of the development hereby approved a revised plan showing a pedestrian visibility splay of 1.0m X 1.0m within the site, from the kerb edge, to serve the proposed access arrangements to the rear of the application site shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the approved details throughout the life of the development.

Reason: To ensure the satisfactory development of the site and pedestrian visibility.

10. Prior to commencement of the development of the new dwelling, the alterations to the existing dwelling 51 Lichfield Road shall be completed in accordance with the approved drawing received on 11/06/07 and shall remain in accordance with the approved details throughout the life of the development unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory development of the site.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP7, ENV32, H3, H10 and T13 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1330/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant:

Agent:

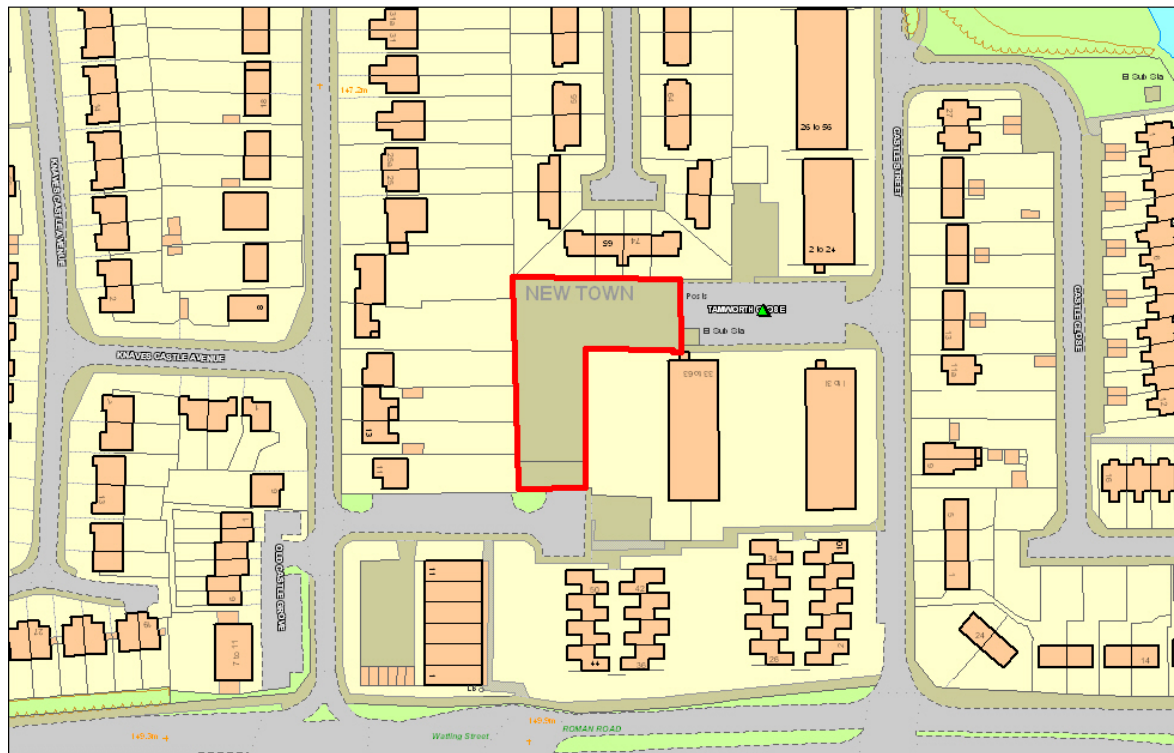
Proposal: The erection of 6no. 3 bedroom and 1no. 2 bedroom dwellings in 2 separate blocks with landscaping and vehicular access

Location: LAND AT, TAMWORTH CLOSE, BROWNHILLS, WALSALL, WS8 7QQ

Ward: Brownhills

Expired: 13/08/07

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The site is situated at the eastern end of Tamworth Close and comprises an area of hardstanding, formerly occupied by 63 lock up garages, now blocked off by concrete bollards and palisade fencing.

The site is situated to the north of Walting Street (A5 part of the Strategic Highway Network) north of Brownhills and is in a predominantly residential area.

To the north of the site are terraced houses in Castle Street, to the east two storey flats (owned by the applicant), to the south, an access drive and parking to the local shopping parade, to the south east, bungalows for the elderly and to the west two storey residential properties in Howdles Lane.

The application is made by a Registered Social Landlord and proposes the erection of 7 two storey houses (6 x 3 bed and 1 x 2 bed), situated within two blocks running from north to south of the site, fronting Tamworth Close. A new access drive would be created as a continuation of Tamworth Close with 15 parking spaces provided (214%) and rear private amenity space for each unit.

Site area 0.195 hectares, providing 36 dwellings per hectare with garden lengths ranging from 9.6 metres to 11.8 metres: all are in excess of 68 square metres.

Relevant Planning History

None.

Relevant Planning Policy Summary

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

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

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

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

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

ENV14: Development of Derelict and Previously-Developed Land.

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

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal

including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV39: Renewable Energy and Energy Efficiency

Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

ENV40: Conservation, Protection and Use of Water Resources

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

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

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

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

H4: Affordable Housing

(j) The Council will encourage direct provision of affordable housing in specific developments by registered social landlords, often on small sites below the affordable housing policy threshold.

H9: Minimum Densities

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

H10: Layout, Design and Dwelling Mix

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1,2 and 3 bedroom houses	2 spaces per unit
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Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings, with an overall objective to ensure that space provides adequate private amenity space and an acceptable level of privacy and daylight.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and 68 sqm.

National Policy

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

PPS3: Housing (released December 2006 and recently superseded PPG 3. The objective of the revised guidance is to:

- Support further increased housing needed across the country

- Bring additional brownfield land back into use
- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

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

Consultations

Transportation – No objections, subject to conditions regarding details of a refuse management scheme and to ensure the access drive and turning heads are in place prior to first occupation of any part of the development.

Pollution Control – No objections, subject to condition to restrict hours of working on site.

Fire Officer – No objections in terms of fire service access.

Representations

Six objections received from Howdles Lane and Castle Street and a petition against the proposals from six residents in Castle Street

Objections include:

- Existing problems in the vicinity from the tenants of the existing housing association flats in Tamworth Close, including untidiness, litter, high noise levels and anti social behaviour.
- Concern regarding the future residents
- Loss of privacy and overlooking
- Additional noise
- Security of rear gardens and the safety of children in gardens
- Extra pollution from increased traffic
- Loss of trees
- Property devaluation
- Closeness to existing properties
- Inadequate separation distances
- Disruption during construction

Determining Issues

- The principle of residential development
- Design and Layout and Impact on surrounding occupiers

Observations

Principle of residential development

The site sits within a predominantly residential area, set to the north of the main A5, with a block of local shops to the south and can be considered a sustainable location. The surrounding area is predominantly a mix of two storey houses and flats with some single storey accommodation to the south.

The site comprises of previously developed now derelict/vacant land and would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP, which encourage

the reclamation and development of derelict and previously developed land. Policy H3 encourages reuse of previously developed windfall sites.

The proposal would provide a density of 36 dwellings per hectare which would comply with both UDP and National Policy guidance for development and would make efficient use of the land.

The principle of residential development on the site is therefore considered appropriate and in line with policy.

Design and Layout and Impact on surrounding Occupiers

The proposed layout would provide a block of 3 houses (plots 1-3) facing the entrance to Tamworth Close, which would be visible and provide an end stop to the close, replacing a vacant/derelict former garage site.

All 7 houses would face east (Tamworth Close) with rear gardens back to back with the houses in Howdles Lane to the west. The habitable room separation distance between the proposal and the Howdles Lane properties is 40 metres and would exceed the 24m required by the RDS. The distance separation to the houses in Castle Street to the north of the site would meet the 13m requirement of the RDS reflecting the wider context for minimal separation distances and can be considered to exceed the local context.

Plots 4-7 to the south of the site would face the existing two storey flats at 33-63(odd) Tamworth Close, owned by the applicants. The distance separation from the frontage of plots 4-7 to the flats would be approx 23m, just below the 24m required by the RDS between habitable room windows. The existing flats have a single access point to the north of the building, with open space to either side, blurring the definition between the public and private realm. The proposals would result in fronts overlooking fronts with landscaping (including trees) interrupting the views. The 1m shortfall in distance separation is considered acceptable in this instance.

Each of the 7 houses would have a private rear amenity space exceeding the 68sqm required by the RDS. The length of the gardens would range from 9.6m to 11.8m, below the minimum 12m required by the RDS. The gardens of the properties in Howdles Lane that back onto the development are extensive at approx 30-34m in length allowing appropriate separation distances and no direct overlooking with existing houses because the proposed trees along the boundary would provide screening. The rear gardens of the existing houses in Castle Street immediately to the north of the site are small, ranging from 6m – 7.5m in length. Small gardens are considered to be a characteristic of the area. It is considered that the proposals would provide a satisfactory residential environment with an adequate level of amenity area that exceeds RDS requirements and acceptable level of privacy and daylight to the neighbouring properties would be provided, complying with the overall aims and objectives of the RDS. An appropriate condition is attached to remove permitted development rights to ensure that the Council have control of any further development of the houses.

The overall design of the houses and the access, parking layout and parking provision is considered acceptable and appropriate within this location. It is considered that the proposals would have no adverse impact on the amenities of the surrounding residential occupiers.

Other Issues

With respect to alleged problems associated with existing tenants and fears regarding future occupiers of the proposed houses, the future occupiers of the houses are not a planning consideration. Problems with existing tenants are an issue for the Housing Association to address. The removal of a derelict area of hardstanding currently used for anti-social behaviour, causing noise and disturbance to surrounding residents would be a positive contribution to the vicinity. The proposals would provide better security to the rear boundaries of the existing properties in both Howdles Lane and Castle Street, which are currently exposed.

Regarding concerns about additional noise and pollution, the site was previously occupied by 63 lock up garages for the adjacent flats. This would have had more intensive vehicular movements and disturbance potential than the current proposals.

Loss of trees are raised as a concern. The proposals would result in the loss of 11 unprotected trees, currently situated between the flats at 33-63(odd) Tamworth Close and the site. The proposals however include the planting of 16 new trees and shrub beds around the site to mitigate the loss and an appropriate condition is attached to ensure the submission and approval of a satisfactory landscaping scheme. Property devaluation is not a planning consideration and neither is disruption during construction. However, a condition can be imposed on the approval to control the hours of construction.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

4. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced

building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

5. 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.

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

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

7. No development shall take place until details of a refuse management scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon the first occupation of any part of the development and maintained thereafter.

Reason: In the interests of securing the site.

8. Prior to first occupation of any part of the development, the access road and both turning heads shall be constructed and completed.

Reason: In order to ensure satisfactory access to all properties within the development.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, C, D and E shall be carried out to the bungalow hereby approved, without the prior approval of a planning application.

Reason: In order to safeguard the amenity of the surrounding residential occupiers.

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

Reason: To safeguard the visual amenities of the area.

11. 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 0800 to 1800 weekdays and 0900 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.

12. The works hereby approved shall only be carried out in accordance with details contained within amended drawing numbers 05031/4A, 05031/06B and Design and Access Statement submitted on 18th June 2007 and drawing numbers 05031/LOCA, 05031/2F, 05031/3A, 05031/5B and 05031/7B submitted on 18th July 2007.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, ENV14, ENV32, ENV39, ENV40, H3, H4, H9, H10 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1079/FL/H1

Case Officer: Neville Ball (H1)

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Mr & Mrs D Jones

Agent: Mr NM Massey

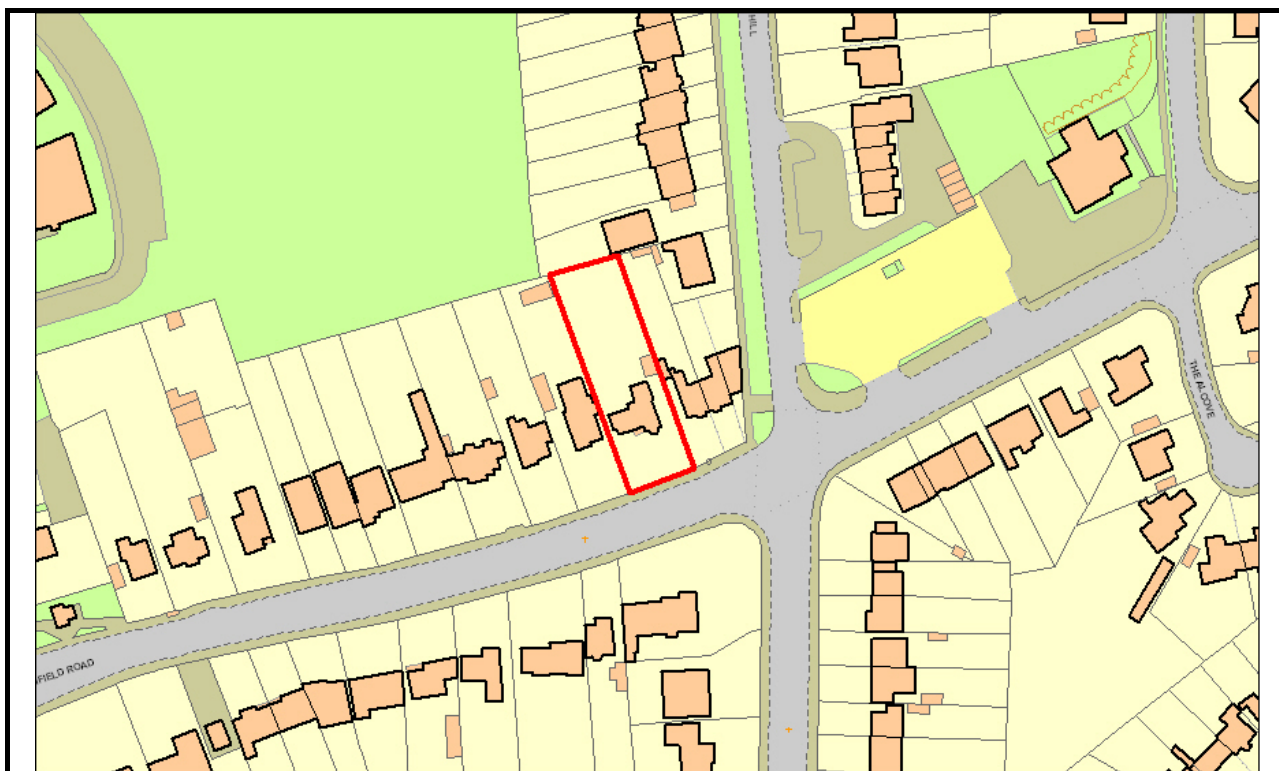
Proposal: Roof Extension, Loft Conversion &
Elevation Alterations

Location: 125 LICHFIELD
ROAD, WALSALL,

Ward: Bloxwich East

Expired: 12/07/07

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for an amendment to an existing permission (06/0556/FL/H10 for an extension to the side and rear of a detached house. The existing permission allows a two-storey and single-storey rear extension: the two-storey part includes two rear-facing gables with a valley between, and the single-storey part consists of a wide rear-facing gable with a smaller lounge projection alongside.

The current application repeats the approved extensions and seeks to add a 5th bedroom in the roof space, to be lit by a rear-facing dormer inserted in the valley between the two gables of the roof to the approved two-storey extension. A single large window is to be added in place of the two smaller windows in the single-storey extension and link the lounge projection to the single-storey extension. Two side-facing roof lights are to be inserted in the roof of the extension already approved.

The face of the dormer was originally proposed to be flush with the main rear elevation of the extension, but amended plans have been received that show the dormer stepped back by 1 metre.

The application property lies between the house at number 127 and the bungalow at number 123. The rear garden of the application property is over 30 metres long and backs onto the side of the rear garden of 1A Selmans Hill.

Relevant Planning History

06/0556/FL/H1. Single-storey side and rear extension, and two-storey rear extension. Granted subject to conditions June 2006.

Three applications for side and rear extensions were refused between June 2004 and December 2005 on the grounds that they would be out of scale with the existing house and the character of the wider area, and the overbearing impact on adjoining dwellings.

Relevant Planning Policy Summary (*Note the full text version of the UDP is available from the Civic Centre Reception and on the Council's web site*)

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. A 5 bedroom house requires 3 spaces.

Residential Development Standards

These include guidelines concerning design, including roof shapes, dormers, the length of extensions in relation to adjoining dwellings, and separation distances between facing windows.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

No consultations were necessary.

Representations

Representations in respect of the original plans were received from the occupiers of 127 and 129 Lichfield Road, and 1 and 1A Selmans Hill, objecting on the grounds of overdevelopment, overbearing impact and overlooking from the proposed rear and side windows, and possible future use of the property for a business or letting.

The occupiers of 127 commented that they would have no objections to the loft conversion if only Velux windows were used and the house was never used for multiple occupancy.

The occupier of number 1A also objected on the grounds of noise during construction.

Following notification of the amended plans, the occupiers of the four properties have written to repeat their earlier concerns.

Determining Issues

The determining issues are, compared with the extension already approved,

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

Observations

Design and Character

The rear dormer would lie between the two gables of the extension already approved and would only be visible from the rear. The dormer would have little further impact on the appearance of the dwelling. The area comprises a wide variety of house types and there would be no impact on the character of the area.

Amenity of Nearby Residents

The revised design of the dormer shown on the amended plans would prevent any potential for overlooking of the gardens to either side. The 30 metre length of the rear garden means there would be little impact on the properties in Selmans Hill.

The enlargement of the lounge projection would lie between the existing projection and the side of the single-storey extension that has already been approved. These additions would not be visible from the street or from the dwellings to either side.

The side-facing roof lights would face across the roof of number 123 and the garage of number 127, so would have little potential to allow overlooking of the habitable parts of the adjoining dwellings.

Parking

No additional parking spaces would be required by the UDP parking standards to serve the increase from 4 to 5 bedrooms.

Recommendation: Grant Subject to conditions

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

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

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

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

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

4: This permission relates to the amended plans deposited on 29 June 2007.

Reason: To define the permission.

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control,
Regeneration
On 07 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1298/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Craig Webb

Agent: J.T. Associates

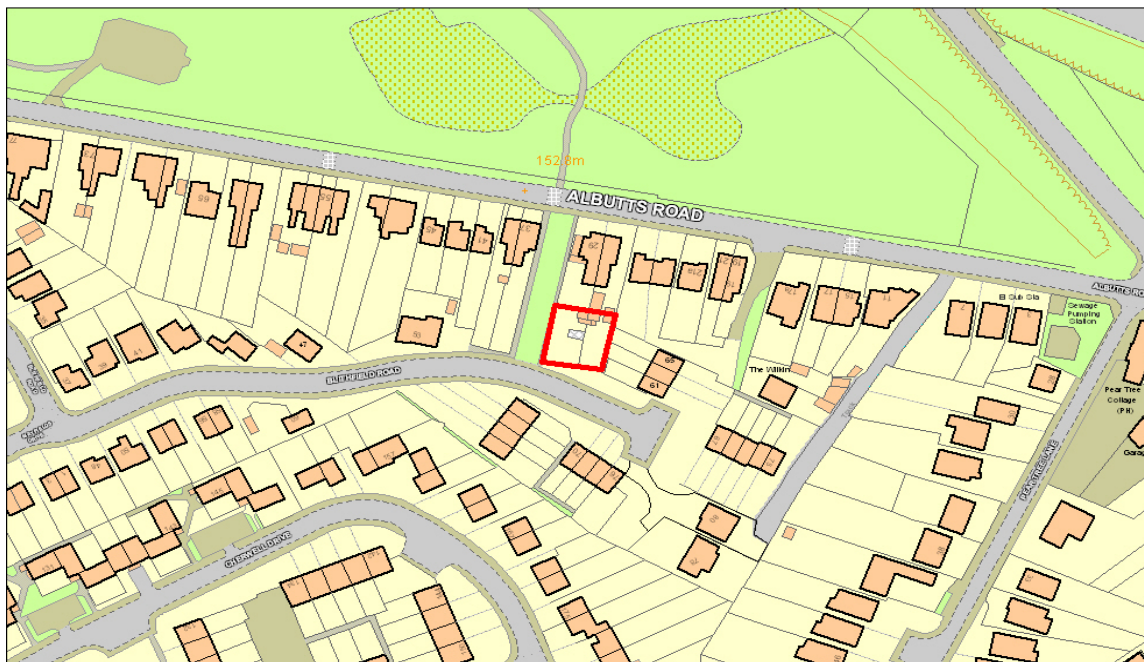
Proposal: Erection of 3 bedroom detached
dormer bungalow.

Location: 27 ALBUTTS
ROAD,WALSALL,WS8 7ND

Ward: Brownhills

Expired: 10/08/07

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The site currently forms part of the rear gardens of Nos 27 and 29 Albutts Road, backing onto Blithfield Road. Nos 27 and 29 comprise of a pair of semi detached Victorian houses with traditional single storey rear wings, providing a kitchen and bathroom.

Blithfield Road is not a through road and comprises a modern housing estate (1990's) of semi detached and terraced two storey houses and bungalows, characterised by communal parking areas and small rear gardens.

A pedestrian and emergency vehicle access way is situated immediately to the west of the site, running between Albutts Road and Blithfield Road.

The application proposes the erection of a detached three bedroom bungalow fronting Blithfield Road, with an integral garage and front driveway. The proposals would provide a bedroom (with ensuite) and study within the roof space, with two dormer windows to the frontage and 4 roof lights to the rear.

A rear private amenity space of 120sqm and two parking spaces would be provided.

Relevant Planning History

None.

Relevant Planning Policy Summary

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

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

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.16 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 the built and landscape 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.

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

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings.
Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H10: Layout, Design and Dwelling Mix

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1,2 and 3 bedroom houses 2 spaces per unit

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings, with an overall objective to ensure that space provides adequate private amenity space and an acceptable level of privacy and daylight.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and 68 sqm.

National Policy

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

PPS3: Housing (released December 2006 and recently superseded PPG 3. The objective of the revised guidance is to:

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

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

Consultations

Transportation – No objections.

Fire Officer – No objections in terms of fire service access.

Representations

Six letters of objection and 1 letter of support received.

Objections include:

- Excessive height and size of the proposals, despite being a bungalow
- Loss of light and shadowing
- Loss of privacy from the roof lights and dormers
- Adverse impact on local parking facilities
- Danger to pedestrians and children playing from additional vehicles
- Property devaluation
- Out of character with Blithfield Road
- Closeness of proposal to boundary
- Loss of trees/shrubs
- Disruption during construction
- Vehicle access would be adjacent to existing residents parking.
- Obstruction to emergency access

Determining Issues

- The principle of residential development
- Design and layout
- Impact on the street scene and surrounding occupiers
- Additional issues

Observations

Principle of residential development

The site sits within a modern (1990's) residential housing estate on Blithfield Road, which has a mix of houses and bungalows, and more traditional residential properties within Albutts Road. No 53 Blithfield Rd is an existing bungalow situated to the west of the proposed site in a similar situation to the application site.

The principle of residential development on the site is therefore considered appropriate and in line with policy H3 of the UDP which encourages the provision of additional housing through windfall sites.

Design and Layout

The bungalow would have an integral garage and driveway to the frontage to provide the two off street parking spaces required to comply with policy T13 of the UDP.

The bungalow would be set back from the road with a garden area to the frontage and private rear garden.

Sixty-one - 65 Blithfield Road are situated at right angles to the site to the east with rear gardens adjacent to the boundary of the site and would comply with the minimum 13m distance separation required by the RDS for windowed elevation to blank gable, which is considered acceptable in this context because it reflects local characteristics.

A distance separation of 24m would be provided between the rear facing windows of the proposed bungalow and the rear facing habitable room windows of both 27 and 29 Albutts Road, and 13m to the end elevation of the single storey rear wings of both 27 and 29 which provide obscure glazed bathroom windows.

Small rear private amenity space is a characteristic of the modern estate to the south of the development site, with average rear gardens of approx 9m – 10m in length and a number below the 68sqm area.

Whilst garden areas of over 110sqm would be provided for the existing houses at 27 and 29 Albutts Road and the proposed bungalow they exceed the RDS requirement of 68sqm, a reduced length of garden would be provided, 9.1m for the proposed bungalow and 15.6m reducing to 8.6m for the existing houses at 27 and 29 Albutts Road. Whilst this falls below the 12m requirement of the RDS, it is considered that a satisfactory residential environment would be provided, with an adequate level of amenity area that exceeds the RDS requirement and acceptable level of privacy and daylight to neighbouring properties, complying with the overall aims and objections of the RDS. An appropriate condition is attached to remove Permitted Development Rights to ensure that the Council have control of any further development to the bungalow.

Impact on the Street Scene and surrounding Occupiers

Fifty-three Blithfield Road to the west of the site is a bungalow set to the rear of 43 and 45 Albutts Road, in a similar situation to the application site. 53 Blithfield Road provides a precedent for single storey development within the vicinity, set within rear gardens of existing traditional dwellings of Albutts Road, fronting onto Blithfield Road. The proposed development is therefore not considered to be out of character within the general street scene.

The proposals would comply with all the separation distances contained within the RDS and it is considered would have no adverse impact on the amenities of the surrounding occupiers.

Additional Issues

The maximum height of the development would be 6m, with the dormer windows set well below this and a reduced height towards the rear of the building. This height is not considered excessive and would not have any adverse impact on the amenities of the surrounding occupiers.

There would be no loss of light or of privacy from dormer windows and roof lights. The proposals would comply with the RDS distance separations and the dormer windows would be situated on the front elevation looking onto Blithfield Road. The roof lights to the rear would follow the roof plain and the roof light to the eastern elevation would be obscurely glazed to avoid any overlooking. Property devaluation is not a planning consideration.

Loss of trees and shrubs

The proposals would involve the clearance of the site, currently part of the rear gardens of 27 and 29 Albutts Road. The proposals include planted shrub beds to the frontage of the proposed bungalow and a landscaped rear garden, which is considered would compensate for the loss of any existing planting. An appropriate condition is attached to ensure the submission and approval of a satisfactory landscaping scheme.

Issues arising from disruption during construction from this small scale development can be best addressed under other legislation.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

4. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, C, D and E shall be carried out to the bungalow hereby approved, without the prior approval of a planning application.

Reason: In order to safeguard the amenity of the surrounding residential occupiers.

6. The works hereby approved shall only be carried out in accordance with details contained within amended drawing number JMD 241-01 submitted on 17th July 2007.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, GP2, ENV32, ENV39, ENV40, H3 and H10 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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