



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning and
Transportation on
25 January 2005**

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To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 04/1733/FL/E2

Case Officer: Ron Moss

Application Type: Full application

Telephone Number: 01922 652420

Applicant: Mr A Waheed

Agent: Cadman Design Ltd

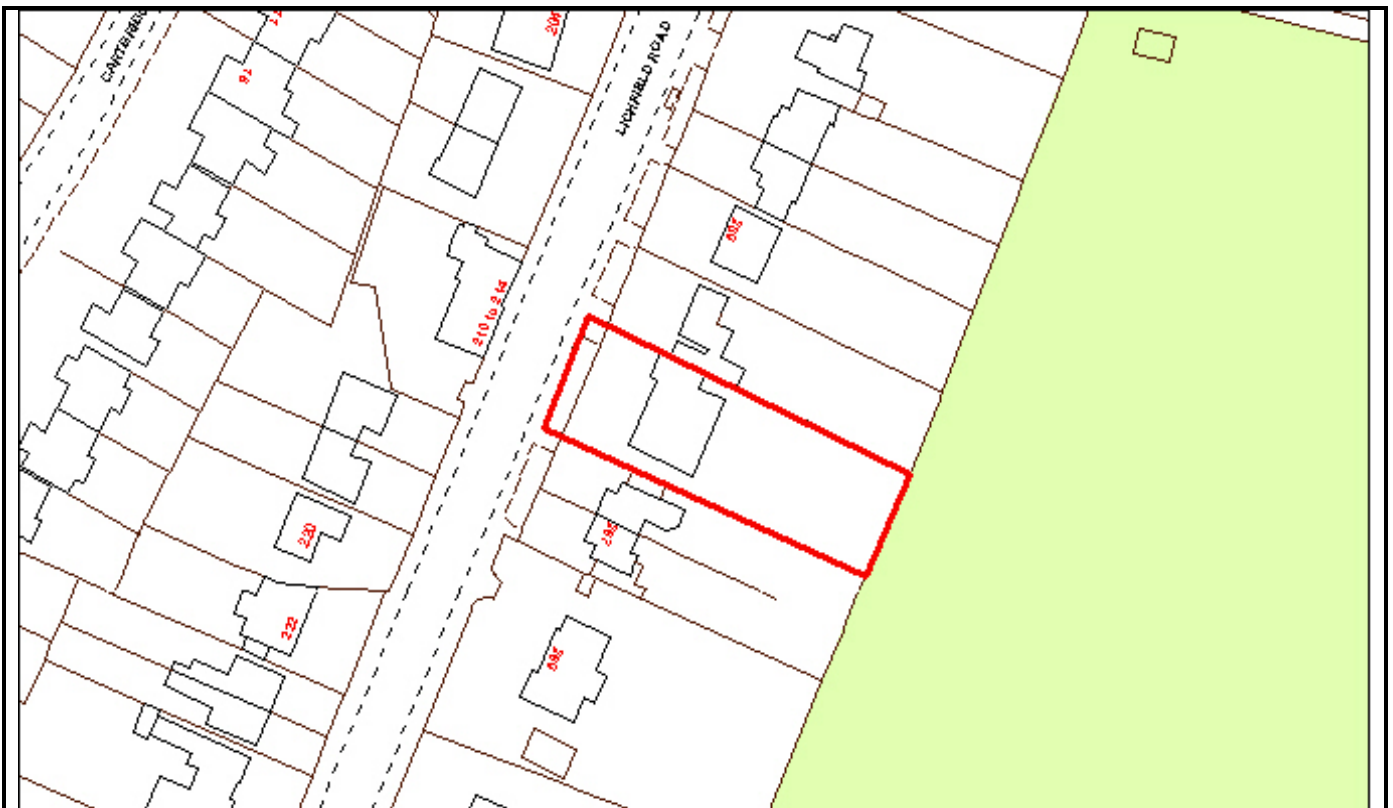
Proposal: Proposed 6 No 2 Bed Flats & 2 No
1 Bed Flat

Location: 263, LICHFIELD
ROAD, WALSALL, RUSHALL, WEST
MIDLANDS, WS4 1EB

Ward: Rushall-Shelfield

Expired: 07 October 2004

Recommendation Summary: Grant Permission Subject to Conditions and a Section 106 Agreement



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Application and Site Details

The application site is located on the eastern side of Lichfield Road. Lichfield Road is a classified road with predominantly residential properties on both sides of it. To the rear of the site lies Green Belt land. The site itself contains a bungalow.

The application is for the demolition of the bungalow and erection of three storey building, with the third floor accommodated in the roof space, to provide 6 two bedroom flats and 2 one bedroom flats. The design of the building incorporates 2 large front gable features and hanging bays. The majority of the building would be in brickwork to match existing dwellings in the street, but with timber cladding and white render at the top of the two front gables. Parking provision for the development would be provided under the building in the form of 2 parking spaces each for the flats and 2 visitor spaces. Access would be from Lichfield Road. The applicant has made a revision to the originally submitted scheme to show the flank elevations brought in 0.5 m from each flank boundary, the ridgeline dropped 100mm and the front feature gables dropped in height by 0.4m.

Relevant Planning History

No relevant site planning history.

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

Policy 3.6 - redevelopment schemes to contribute towards the environmental improvement of the area.

Policy 6.6 - provision of a satisfactory residential

Policy 6.8 - schemes to be well integrated into the existing pattern of settlement and surrounding land use and to provide adequate open space.

Policy 8.4 requires new developments to provide open spaces to meet their own requirements. Where this is not possible or appropriate, improvements to facilities in the wider area may be required.

Policy H4 gives guidelines for the layout and design of residential development and protection of residential amenity.

Appendix 2 'Development Control Guidelines' then provides a clear statement to prospective developers of the Council's normal requirements.

UDP REVIEW

Policy GP2 states that the Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations will be taken into account in the assessment.

Policy 3.6 reiterates policy 3.6 of the adopted UDP.

Policy ENV15 encouragement of the reclamation and development of derelict and previously developed land.

ENV34 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

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

Policy H3 states that the Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

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

Policy H10 - residential developments should create a high quality living environment, well - integrated with surrounding land uses and local character.

Policy 8.8 - residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

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

Government Policy

Planning Policy Guidance Note 1: General Policy and Principles:
paragraph 13) '*...The appearance of proposed development and it's relationship to it's surroundings are material considerations in determining planning applications...*'

Planning Policy Guidance Note 3: Housing, promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments. Aims to achieve more efficient use of land and to increase the density of development above that generally achieved to date, it is also stated in paragraph 56 that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

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

Consultations

Transportation - No objection, subject to retention of 2.4 x 90m visibility splays, which should be kept clear of landscaping over 600mm in height and structures over 1.05m in height.

Pollution Control - No objection, but would request the following conditions on any approval:

- 1) Due to position of proposal on the busy Lichfield Road a noise survey and assessment need to be undertaken, and then any necessary mitigation measures installed before occupation of the apartments.
- 2) Restriction on hours of operation for demolition and construction due to proximity of neighbouring residential dwellings.

Fire Officer - No objection

Drainage - No objection

West Midlands Fire Service - No objection

Representations

1 letter requesting to know when application is to go to committee and requesting the right to speak. Petition of 61 signatures against the proposal, but giving no grounds for opposition and 12 letters objecting to the proposal on the following grounds:-

- a) Proposal for 8 apartments would exacerbate existing traffic problems on Lichfield road.
- b) Construction vehicles would exacerbate existing traffic problems on Lichfield road.
- c) Development would not be in character with the street scene, with mainly Edwardian housing.
- d) An underground car park could lead to subsidence in the area, particularly with limestone workings in area.
- e) Too many high quality traditional homes in road being knocked down for flat developments.
- f) Proposal would be overbearing - 4 storey if you include the car park area.
- g) New occupiers may be a nuisance to existing occupiers.
- h) Proposal would not be affordable housing.
- i) Not space in development for refuse bins and bin collection would be detrimental to highway safety.
- j) Proposal would have detrimental effect on wildlife in the area.
- k) Lack of adequate notification
- l) Over development of the site.
- m) Loss of privacy
- n) Pollution from additional traffic.
- o) Would hate Walsall to end up like 'ugly' Sandwell.
- p) Loss of trees.

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

Determining Issues

The determining issues are whether:-

- The development is in keeping with the character and appearance of the area.
- An acceptable living environment would be created without impacting unacceptably upon the amenities of neighbouring occupiers.
- Adequate access and parking would be provided.
- Other material considerations raised by consultation response /representations can be satisfactorily resolved.

Observations

Character and appearance of the area

Whilst it is accepted that properties on this side of Lichfield Road are quite prominent in that they are in a raised position in relation to the road, the applicant has sought to ensure that the height of the building would respect the heights of neighbouring buildings. The design of the frontage of the building with its two symmetrically balanced protruding front gable elements gives the appearance of two semi detached properties within the street scene, rather than a typical block of flats. Although the building is shown at a width of 15.5 m, this is similar to the plot width coverage of 2 semi -detached dwellings, which the proposal seeks to mirror and gives some 1.6m separation distance between the building and the flank boundaries. The introduction of a hanging bay window in the centre of the front elevation also adds interest to the street scene. The provision of an undercroft for parking further ensures that the frontage can maintain a front garden area , rather than being shown covered in parking , which as well as being more visually acceptable, helps to give a 'domestic' appearance to the development.

Acceptable living environment be created without impacting unacceptably upon the amenities of neighbouring occupiers.

No .261 Lichfield Road has only secondary windows and windows to non habitable rooms in its flank elevation adjacent to the proposal at a distance of 5 metres away from it. The proposal shows only windows to ensuite bathrooms and small galley kitchens in it's flank elevations at first and second floor level. Any approval would be subject to a condition that these windows be obscure glazed with only high level opening. The rear of the proposed development would extend some 4.5 metres beyond the rear elevation of no.261, but due to the separation distance of 5m, the proposed development would not cause loss of light to windows in the rear elevation of 261.

With respect to 265, this neighbouring dwelling has landing, toilet, and a primary kitchen window in the adjacent elevation. It is accepted that the proposal would take light from the kitchen, however light is still obtained from a smaller secondary source on the opposite side. Furthermore the reason that the primary window is on the flank elevation is due to the erection of a single storey extension to the rear of 265. Overall it is considered that a reason for refusal on grounds of loss of light to this window could not be substantiated. The proposed development would extend only to a similar depth as the ground floor extension on no.265, whilst although it would extend 3.5m beyond the first floor rear elevation, there would be a distance of 4.5m from the first floor of this neighbouring property to the proposal. This relationship is also considered acceptable.

With respect to the amenity space for the occupiers of the proposal, the rear garden would provide some 300 square metres, which is a high level of provision. Although there is no public open space within the scheme, a financial contribution towards off site public open space provision would be obtained via a section 106 agreement on any approval.

Adequate access and parking be provided.

The proposal shows 2 parking space each for the flats, which accords with Council standards as well as 2 additional visitor parking spaces. The Transportation Officer is satisfied with this level of parking along with the access off Lichfield Road to the spaces. He also does not consider that the introduction of 8 flats here in place of 1 dwelling house would cause material harm to traffic flow and safety along Lichfield road.

Other material considerations raised by consultation representation responses The Council's bat consultant has confirmed that the submitted bat report is satisfactory. He accepts that there is little evidence to suggest that bats roost in the building or that the garden would be a foraging area for them. However to make absolutely certain there is no harm to bats, a condition is suggested to provide details of the method of demolition of the bungalow to ensure the safety of any bats that may exist in the building. With respect to subsidence, it should be noted that the proposal is outside the zone of consideration for limestone workings. There would be no impact on any trees of any significant importance.

Conclusion

In conclusion, it is recommended that planning permission be granted subject to conditions and a section 106 agreement for a financial contribution in lieu of the lack of public open space.

Recommendation: Grant Permission Subject to Conditions and a Section 106 Agreement**List of Possible Conditions**

1. This development must be begun not later than 5 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 a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought in to use or other such period as may be agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the development

4/ No demolition of the dwellings shall take place until full details of the method of demolition have been submitted to and approved in writing by the Local Planning Authority. This method

statement shall demonstrate the measures to be undertaken to ensure the safety of any bats that may exist or be found in the building , and shall include details of ridge tile removal and informing site personnel of their obligations should bats be found. The development shall be carried out in accordance with these approved details.

Reason:

To ensure the safety of any bats on the site.

5. No development shall be carried out until details of proposed retainment walls are submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason:

To ensure the stability of the ground on the site.

6. No development shall be carried out until details of levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with these approved details.

Reason

To protect the visual amenities of the area.

7. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

Reason

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

8. The site access shall maintain 2.4m x 90m vehicular visibility splays onto Lichfield Road. These splays shall be kept clear of landscaping over 600mm in height and structures over 1.05m in height from carriageway level.

Reason:

In the interest of highway safety

9. No windows other than those shown on the approved drawings shall be inserted in the flank elevations of the proposed development.

Reason: To prevent overlooking of neighbouring properties.

10. Notwithstanding the submitted details, no development shall be carried out until full details of the proposed boundary treatment of the site, including any internal boundary treatments, have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter retained in accordance with these approved details.

Reason

To safeguard the appearance of the development.

11. No development shall be carried out until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority . The development shall be implemented in accordance with these approved details.

Reason

To ensure the satisfactory drainage of the site.

12. No development shall be carried out until a noise survey is undertaken to include daytime and night time monitoring in accordance with the guidance and procedures contained in PPG24 and BS 7445: 1991 'Description and Measurement of Environmental Noise ' Details of necessary noise insulation measures, shall then be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before this development is brought into use.

Reason: To safeguard the amenities of the occupants.

Summary of reasons for granting 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 3.6, 6.6, 6.8, H4 of Walsall's Unitary Development Plan (UDP) and policies GP2, 3.6, ENV34, and H10 of the UDP Review Revised Deposit Draft and on balance, having taken into account all material planning considerations, the proposal is acceptable.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 04/2402/OL/E2

Case Officer: Ron Moss

Application Type: Full application

Telephone Number: 01922 652420

Applicant: Pastroom Ltd

Agent: David Owen Associates

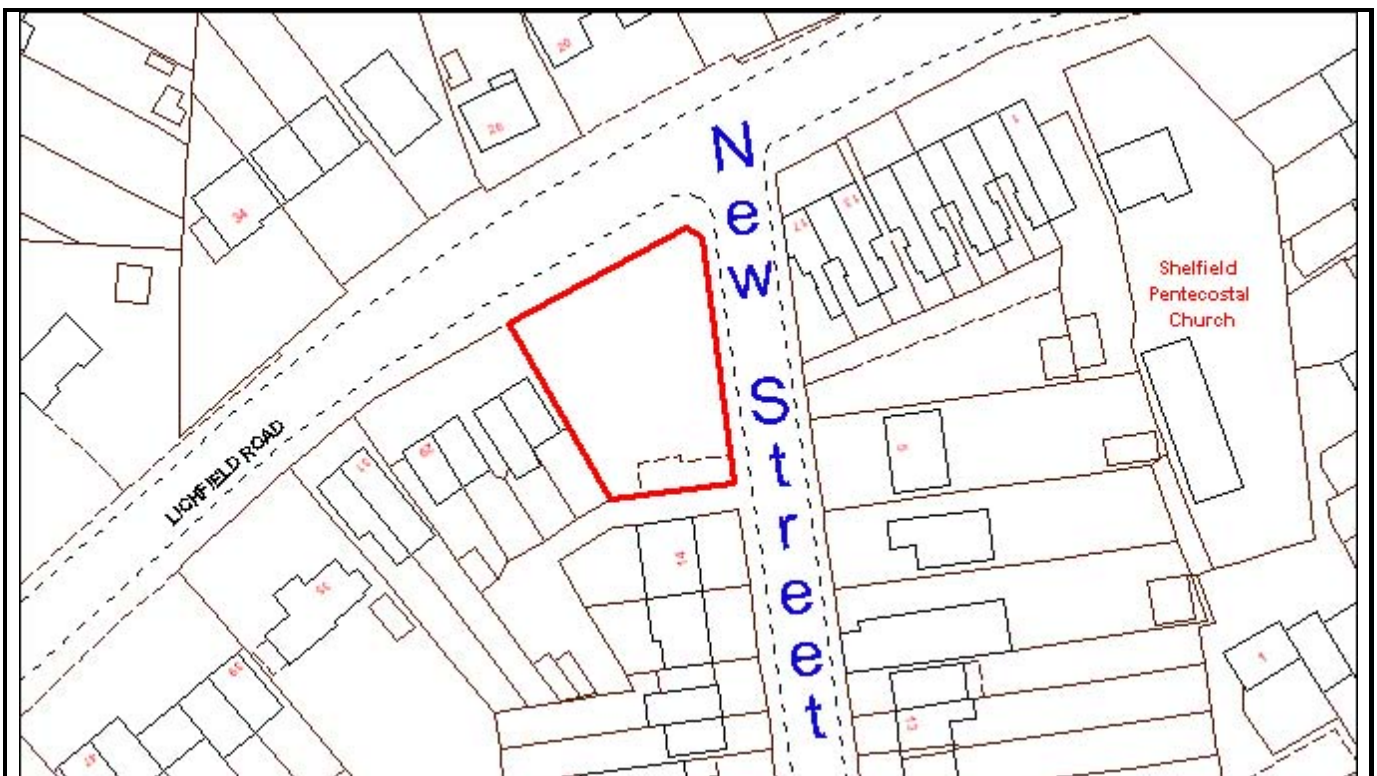
Proposal: OUTLINE: Residential of 15
Apartments And Associated Parking

Location: LAND CORNER OF, NEW
STREET / LICHFIELD
ROAD, SHELFIELD, WEST MIDLANDS

Ward: Rushall-Sheffield

Expired: 08 February 2005

Recommendation Summary: Refuse Permission



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Application and Site Details

The application site is located on the corner of New Street and Lichfield Road. It currently contains predominantly scrub trees, with a large Poplar tree on the frontage corner. The area is residential in character and the site is bordered by two storey dwellings, although a couple of bungalows face the site across Lichfield Road.

The application is an outline application for 15 apartments and associated parking with all matters reserved for subsequent approval. Illustrative drawings have been submitted, showing a 3 storey building containing 12 x 2 bedroom units and 3 x 1 bedroom units with underground parking for 15 cars accessed from New Street.

The site is 753 square metres in area and the proposal would have a density of 199 dwellings per hectare.

Relevant Planning History

No relevant planning history.

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

Policy 3.6 - redevelopment schemes to contribute towards the environmental improvement of the area.

Policy 6.6 - provision of a satisfactory residential

Policy 6.8 - schemes to be well integrated into the existing pattern of settlement and surrounding land use and to provide adequate open space.

Policy 8.4 requires new developments to provide open spaces to meet their own requirements. Where this is not possible or appropriate, improvements to facilities in the wider area may be required.

Policy H4 gives guidelines for the layout and design of residential development and protection of residential amenity.

Policy 7.23 requires compliance with parking standards

Appendix 2 'Development Control Guidelines' then provides a clear statement to prospective developers of the Council's normal requirements.

UDP REVIEW

Policy GP2 states that the Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations that will be taken into account in the assessment.

Policy 3.6 reiterates policy 3.6 of the adopted UDP.

Policy ENV15 encouragement of the reclamation and development of derelict and previously developed land.

ENV34 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

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

Policy H3 - the Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

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

Policy H10 - residential developments should create a high quality living environment, well - integrated with surrounding land uses and local character.

Policy 8.8 - residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

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

Government Policy

Planning Policy Guidance Note 1: General Policy and Principles:

paragraph 13) '*...The appearance of proposed development and it's relationship to it's surroundings are material considerations in determining planning applications...*'

Planning Policy Guidance Note 3: Housing promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments. Aims to achieve more efficient use of land and to increase the density of development above that generally achieved to date, it is also stated in paragraph 56 that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

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

Consultations

Transportation - No transportation objections to principle of residential development on this site, however there would be transportation objections if the reserved matters were to be submitted with the shown access arrangement and parking provision. The proposal generates a need for 23 parking spaces to meet parking standards, while only 15 are shown on the illustrative plans to be provided. Failure to comply with these standards is likely to lead to environmental and road safety problems caused through proliferation of on street parking. The access is shown to be gained off an existing access which can only support single file

traffic movements. The proposal would therefore result in the intensification of use of a substandard access to the detriment of road safety.

Pollution Control - No objection subject to conditions on any approval requiring submission of a noise survey, details of noise insulation, facilities to prevent waste entering water courses, to prevent ground fires, and an hours restriction on construction.

Drainage - No objection, but bring attention to storm water drain running along Lichfield Road , very close to boundary of site.

Severn Trent Water - No objection subject to condition on submission of details for disposal of both foul and surface water, and for there to be no buildings erected or trees planted within 2.5m of the sewer that crosses the front of the site.

West Midlands Fire Service - Satisfactory access for fire engines.

Energis - No installations affected by proposal.

National Grid - No installations affected by proposal.

Centro - No objection as none of infrastructure is adversely affected and the development site is within the Passenger Transport Authority's minimum standards for accessibility by public transport.

Black Country Archaeologist - No archaeological implications

Education Walsall - Comments to be reported.

Centro - No objection to proposal as none of infrastructure is adversely affected and the development site is within the Passenger Transport Authority's minimum standards for accessibility by public transport.

Regeneration, Landscape Services – No objection to removal of Poplar tree, which is inappropriate at this location

Representations

1 letter received, objecting on the following grounds:

a) Proposed development would overlook property.

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

Determining Issues

The determining issues are whether:-

- The development is in keeping with the character and appearance of the area.
- An acceptable living environment would be created without impacting unacceptably on the amenities of neighbouring occupiers.
- Adequate access and parking would be provided.
- Other material considerations raised by consultation response/ representations can be satisfactorily resolved.

Observations

Is the development in keeping with the character and appearance of the area.

Along Lichfield Road there are a variety of different housing types including flats in 3 storey blocks, however within this immediate section around the application site there are predominantly two storey dwellings, with 2 bungalows actually fronting the site. Neighbouring the application site along New Street are further 2 storey residential dwellings. Although the application is an outline application only, the applicant has submitted an illustrative drawing showing how the development could be accommodated on the site. These drawings show a 3 storey building projecting some 4 metres beyond the front of 25 Lichfield Road, with a staggered footprint coming at points to within 0.5m to the back of pavement along New Street, a street characterised by properties set back with front gardens and driveways.

Notwithstanding the illustrative nature of this drawing, it does show that to obtain the 15 dwelling units on the site would require a building that would be out of keeping with the character and appearance of the area, by reason of its height, scale, bulk, and obtrusive forward projection in to both Lichfield Road and New Street.

The density of the scheme at 199 dwellings per hectare is also an indication of the overdevelopment of the site and is well above the 30 -50 dwellings per hectare stated as a suitable guideline in PPG3.

Can an acceptable living environment would be created without impacting unacceptably on the amenities of neighbouring occupiers.

With respect to the amenities of no.25 Lichfield Road, although the illustrative proposal would project some 4 metres in front of this dwelling and would be 3 storey in height, the 2.8m gap between the properties, angling away of the building and orientation would make it difficult to sustain a reason for refusal on this ground. There are no windows to habitable rooms in the adjacent flank wall of no.25, whilst the rear element to the proposal would be some 10 metres from the common flank boundary. With respect to vehicle movements, the proposal would utilise an existing access and any noise from vehicles accessing/egressing the underground car park would need to be read in conjunction with the background noise from Lichfield Road. No .17 Lichfield Road does however have windows in the flank elevation, both in the main 2 storey element and single storey rear protrusion at a distance of only between 13m and 16.5m from the illustrative building. The Council standard requires 21.5m for two storey dwellings and it is considered that at the indicated distances overlooking would take place. Notwithstanding the illustrative nature, to get this number of units on the site, the building would be likely to require windows in this elevation to get light to habitable rooms.

In terms of amenity space for the residents of the proposal, there is an area shown to the rear of around 100 square metres, which is considered acceptable, though the proposal does not show any public open space nor has the applicant indicated any financial contribution.

Can adequate access and parking would be provided.

The proposal is shown with underground parking for 15 vehicles. The Council's parking standards would require a parking provision at 150%, therefore the proposal under provides by 8 spaces. The Transportation officer also considers that the access would be substandard for the number of vehicles to use it, with no ability for vehicles to pass each other along it. It should also be noted that although underground parking is more acceptable in relation to the visual amenity of the area, there would be insufficient space on the site for surface parking. The necessity to utilise underground parking is another indication of the cramped nature of the development whilst there is also some actual concern at the economic feasibility of providing underground parking.

Can other material considerations raised by consultation responses/ representations can be satisfactorily resolved.

The proposed building would be a sufficient distance from the public sewer that crosses the front of the site.

Conclusion

In conclusion, the illustrative drawings indicate that the site is not of adequate size to support a residential development of 15 units. The cramped nature of the scheme can be seen from the illustrative drawings in the necessity to provide underground car parking and a building of excessive bulk, height and scale, with obtrusive protrusion on to both the Lichfield Road and New Street frontages to the detriment of the street scene and character of the area as well as showing the potential for overlooking between the proposed building and no. 17 Lichfield Road. The inadequate access road and parking provision would also be detrimental to highway safety. The problems are inherent in the proposal. The illustrative nature of the drawings does not prevent reaching these conclusions.

The application is therefore recommended for refusal.

Recommendation: Refuse Permission

1) The submitted illustrative drawings demonstrate that to provide 15 residential units on this site would lead to a cramped form of development, with a likely building of excessive height, scale and bulk, obtrusively protruding on to both the Lichfield Road and New Street frontages to the detriment of the character and appearance of both street scenes, as well as being likely to lead to overlooking between the proposed building and no. 17 Lichfield Road. The proposal is therefore contrary to policies 3.6, 6.6, 6.8, and H4 of the Adopted Unitary Development Plan and policies 3.6, GP2, ENV34, LC1, H3 and H10 of the Unitary Development Plan Review - Revised Deposit Draft and Planning Policy Guidance Notes 1 and 3.

2) The access road as shown on the illustrated drawings would be of inadequate width to allow 2 vehicles to pass, leading to situations where vehicles could be required to reverse on to the public highway to the detriment of highway flow and safety. The inadequate on site parking provision would further lead to on street parking to the detriment of highway flow and safety. The proposal is therefore contrary to policy 7.23 of the Adopted Unitary Development Plan

3) The proposal and its occupants are also likely to put unacceptable pressure on open space facilities in the area in the absence of either on site provision nor a financial contribution towards facilities in the area. The proposal is therefore contrary to policy 8.4 of the Adopted Unitary Development Plan.

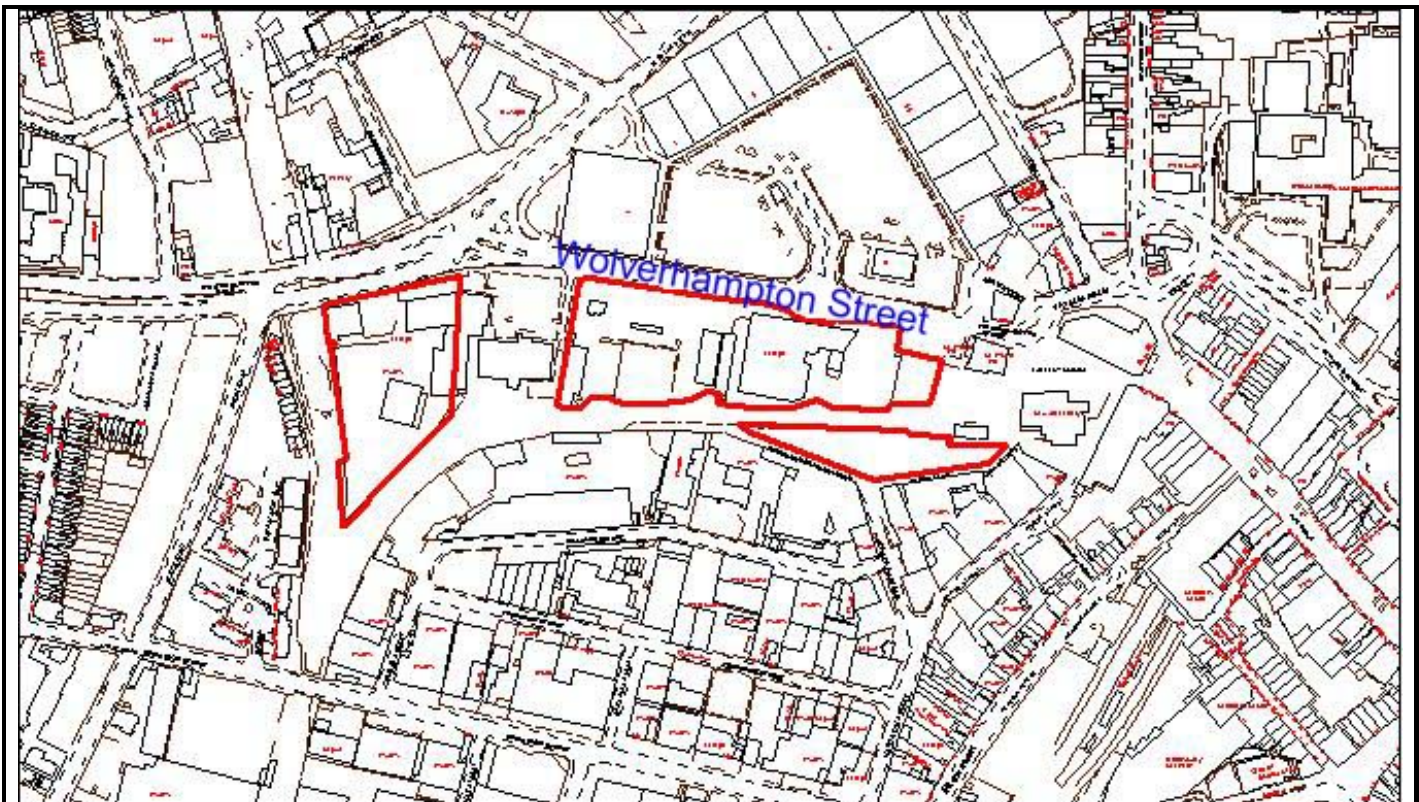


To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Major development

There are two applications on the site
Details are overleaf and there is a common report



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Application Number: 04/2555/FL/W1

Case Officer: Bob Scrivens

Application Type: Full application

Telephone Number: 01922 652488

Applicant: Advantage West Midlands

Agent: Johnson Poole & Bloomer

Proposal: Creation of new surface by laying demolition rubble, new steel palisade fence, bollards.

Location: THE WATERFRONT,
WOLVERHAMPTON STREET,
WALSALL, WEST MIDLANDS

Ward: St. Matthews

Expired: 04 March 2005

Recommendation Summary: Grant Permission subject to conditions

Application Number: 04/2566/CA/W1

Case Officer: Bob Scrivens

Application Type: Conservation Area

Telephone Number: 01922 652488

Applicant: Advantage West Midlands

Agent: Johnson Poole & Bloomer

Proposal: Conservation Area Consent:
Demolition of Building, Floor Slabs & Walls

Location: THE WATERFRONT,
WOLVERHAMPTON STREET,
WALSALL, WEST MIDLANDS

Ward: St. Matthews

Expired: 27 January 2005

Recommendation Summary: Grant Conservation Area

Application and Site Details

These two applications relate to the same site. It comprises three parcels of land either side of the canal arm. They are referred to as

- Lex - the old Lex car showroom / garage
- Omega - the Tildesley Ford site
- Isis - land on the south side of the canal adjoining Marsh Lane

Taken together these applications provide for:-

1. demolition of all buildings on the Lex site (the skate park and the boxing club are on the Omega site and not affected at this time)
 - one of the proposed demolitions is the last survivor of the gas works previously on the Lex site - it is known as the retort building
2. demolition of some walls around the site (stated to be dangerous) and the erection of a fence on the western end of the Lex site adjacent to the canal (to close the gap created by the demolition of a building)
3. site investigations and remediation of poor or contaminated ground (this is expected to be modest on much of the site and concentrated in hot spots, but the Lex site may require more extensive remediation)
4. regrading / improving the surface
5. Materials capable of salvage will be offered to appropriate bodies such as British Waterways (subject to agreement of terms).

Bollards would be installed in appropriate places to control vehicle access, and wooden railings in other locations to control pedestrian safety etc.

The objective of the application is the first step in creating the Waterfront development.

Relevant Planning History

The land either side of the canal arm has been used for a range of activities over time. The most significant have been the gas works on the western end of the Wolverhampton Street frontage and use of some of the old canal wharfs as coal yards. These uses leave a legacy of contaminated ground of varying degrees of severity.

More recently, parts of the site featured in the Council's City Challenge programme. The Art Gallery, and the Crown Wharf Retail Park were implemented. Leisure use for the south side of Wolverhampton Street was not implemented.

The current proposal is to use both sides of the canal arm for the Waterfront development. The scheme is emerging, but there are no firm proposals yet.

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

2.1 Economic revitalisation and urban regeneration underlie all of the UDP

2.2 Importance of environmental improvement to future of Borough

2.3 Promote strong local economy

3.9 Concentrate improvements in town centres and other important areas

3.11 Promote land reclamation

3.18 Protect the built heritage

TC30 Opportunity area at Town Wharf

UDP Review

2.1 Economic revitalisation and urban regeneration underlie all of the UDP

3.9 Promote land reclamation

3.13 Protect the built heritage

WA12 Promote Waterfront

National Policy

This supports the reclamation of this land, and in general supports the creation of schemes such as Waterfront.

In the context of these applications, the critical issue is the demolition of the retort building, and in that context, PPG 15 on planning and the historical environment, proposes that the physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record. The Courts have held that consent for the demolition of a building may involve consideration of what is to take its place. However, it is the quality and interest of areas, rather than that of individual buildings, which should be the prime consideration in identifying conservation areas. There has been increasing recognition in recent years that our experience of a historic area depends on much more than the quality of individual buildings - on the historic layout of property boundaries and thoroughfares; on a particular 'mix' of uses; on characteristic materials, etc.

Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest. As to the precise interpretation of 'preserve or enhance', the Courts have held that there is no requirement that a CA should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved **either** by development which makes a positive contribution to an area's character / appearance, **or** by development which leaves character and appearance unharmed. It is common practise to condition any Conservation Area Consent, that demolition can not be carried out until a replacement building is committed. In the past, ugly gaps have sometimes appeared in conservation areas as a result of demolition far in advance of redevelopment.

A crucial passage for the decision on this scheme is :-

'4.27 The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19 above). In less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.'

Consultations

04/2555/FL/W1 - reclamation

Transportation - no objection. The remediation of Waterfront is inevitable if the scheme is to proceed. The implications of the reclamation for the public highway are therefore a matter of timing. Remediation now, using existing accesses will have few implications for the highway, and simplifies the development of the Town Centre Transport Package improvements.

Pollution Control - no objections - recommend condition controlling hours of work.

Environment Agency - no objections subject to conditions on ground condition study and remediation.

British Waterways - no objections subject to conditions on damage to BW property, not using the canal for storm water drainage, protection measures for vehicles on the edge of the canal, control of pollution entering the canal, locate old canal basins (they would also welcome reinstating them), care over services e.g. in towpaths, details of new fences etc to be agreed, In addition they object to the use of security palisade fencing along the canal.

Inland Waterways Association - object to the logic of fencing the canal side to prevent access to the canal when it is freely available from the other side.

In the remediation, they see the need for an archaeological study (and they refer to the possibility of a water supply tunnel from the early days of the canal being on the site). *The applicants are investigating this as part of the archaeological investigation.*

Signs (proposed after completion) should be sympathetic to the area.

Drainage - satisfactory.

Fire Service - padlocks on gates should be long hasp to facilitate access.

Building Control - any permission should identify the need for a demolition application under Building Act.

04/2566/CA/W1 - demolition

Transportation - no objections.

Pollution Control - no objections - recommend condition controlling hours of work.

Assistant Director - Regeneration - Built Heritage / Urban Design

Re-use / salvage of materials is welcomed.

PPG15 states permission should not be given unless there are acceptable plans for replacement work. There are not in this case and such an application would not normally be approved.

The most recent submissions about ground contamination bring us to accept the demolition application, for health and safety reasons, but this does not affect the normal position, which remains the correct test.

British Waterways - no objections subject to conditions on damage to BW property, not using the canal for storm water drainage, protection measures for vehicles on the edge of the canal, control of pollution entering the canal, locate old canal basins (they would also welcome reinstating them), care over services e.g. in towpaths, details of new fences etc to be agreed,

In addition they object to the use of security and palisade fencing along the canal.

Inland Waterways Association. No objection to demolitions on Isis. On Omega they have no objections but seek the removal of anti-climbing devices on boundaries as these are redundant.

On the Lex site they object to the demolition of the retort building (arguing it is suitable for conversion). It is the last original building in the CA.

Fire Service - no access issues.

Building Control - any permission should identify the need for a demolition application under Building Act.

Representations

None.

Determining Issues

Timing

Demolition of retort building

Remediation

Finished surface

Observations

Timing

The works are proposed to be substantially completed in this financial year. An early decision is necessary, provided the application can properly be determined.

Demolition of retort building

Conservation Area Consent (one of the two applications submitted) is only necessary for demolitions within a CA, and the application needs to be determined in that light. The retort building is the only one to be considered.

The CA is drawn tightly around the canal basin, three buildings, and the flight of locks to the north. Walls in some places are on the boundary of the CA. Other wall demolitions are outside the CA.

An archaeological study has been commissioned and is continuing. It will include a recording programme for the retort building.

Planning policy sets out that the character of a CA as an area is what is to be protected. In this case, the loss of this building would have little effect on the area. However, policy also seeks retention of all buildings unless replacements can be shown to enhance the CA. No replacement is shown in this case.

There is a loss of heritage from this demolition, but the building has not been well treated during its life. Only one external wall can be seen as built. The others have been rendered, or clad. A large concrete ramp for vehicles has been added on one wall. However, all of these things are amenable to repair and restoration at a price.

The applicants argue that even if restored it will have little prospect of a viable use:-

1. it is only about 25 metres in each dimension
2. it is of a Victorian, industrial design, which would be difficult to convert to modern uses
3. some of the arched 'window' openings which appear to be bricked up were never windows - the bricking up is original - creation of windows to serve a new use (even in those openings) changes the heritage of the building
4. it would be expensive to convert, for little gain

I consider the contribution of the building to the conservation area is modest, given the damage done to it in the past. Restoring the building would improve this situation. Conversely, no replacement is proposed for the building, at this time.

It follows that the only feasible justification for demolition is that the remediation can not be done with the retort building in place.

The applicants have responded on this issue as follows:-

Environmental Reasoning for Demolition

In any former gas works site, one expects to encounter ground and groundwater contamination by a range of hazardous elements and compounds, not least tars, cyanide, heavy metals and a range of hydrocarbons. Such contaminants have already been identified by the ground investigation works undertaken by JPB and others on site. Additionally, on any former gas works site, particularly one of this age, the retort house is the most affected areas with regard to contamination due to the nature of the processes that took place there (i.e. tar wells). The investigation works to date on site have identified ground and groundwater contamination around the retort house and it is therefore considered reasonable to expect that there are sources of contamination beneath this building. Therefore, we consider there is an existing risk to the environment from any contamination beneath the retort building and a potential risk to human health to future site users including those persons using the site before its final development. In its present form, it is not possible to investigate beneath the building without its demolition.

If the retort building is not demolished there is a real possibility that any contamination present could affect those areas around the retort building that will be remediated as part of the

proposed works, thus re-contaminating them and therefore requiring future additional expenditure to mitigate this.

Health & Safety Reasoning for Demolition

If the retort building is not demolished as part of the proposed works, it will be the sole structure on the Lex site. On completion of the proposed works, vehicular access onto the site will be prevented, but pedestrian access will be possible. In its present form, and particularly the concrete ramp up to the second storey, there is a health and safety risk from falls from a height to those parties on site, which are very likely to include children. Notwithstanding this, the building is also at best in a fair state of repair externally and there are therefore additional potential health and safety risks present from loose guttering, flashings etc.

At present, the building is secured by hoarding across doors and windows. In the site's present form having the boundary fences, this hoarding is considered sufficient to reasonably mitigate entry into the building in which there is asbestos, spent hypodermic needles and other potentially hazardous materials. If the retort building is not demolished, we consider there is a significant increased potential for unauthorised entry into the building by others, particularly children and therefore an increased risk of injury from the deleterious materials described.

On balance, I support the demolition, for these reasons, and because of the modest contribution of the building to its area.

Remediation

Information on ground contamination is yet to be submitted. (Some studies have been done, and laboratory tests are in hand.) I suggest conditions to control the matter.

Finished surface

The applicants have indicated ground levels will be such as to prevent water run-off from the site. In any event, they point out that the land will be more permeable after the regrading.

The proposed fence on the Lex site is a security measure. (It is possible that the gable wall of the demolished building - which is not the retort building - could be retained instead, but this depends on its stability after demolition.)

I doubt the need for the fence (as the site has low levels of security anyway). However, I do not see the presence of the fence as a refusal reason.

I would be more concerned at the retention of a wall from a demolished building (it could look shabby) so I have recommended a condition on that issue.

Conclusion

The planning application for remediation raises no significant issues, and I support it.

The application for Conservation Area Consent is more complex.

The poor present appearance of the retort building and the problems identified by the applicants lead me to support demolition.

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 years after the date of this decision.

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

2. This permission does not approve any uses for the land, though the land remains entitled to any lawful uses established prior to this application.

Reason: To define the permission.

3. No development shall be carried out on any parcel of land within the site until full details of the proposed boundary treatment of that parcel have been approved in writing by the local planning authority. The approved scheme shall be implemented within 3 months of the commencement of remediation and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development, and provide suitable levels of safety for users of adjacent land and the public highway.

4. Before remediation begins on the site, the applicant shall secure the implementation of a programme of archaeological observation and recording during development in accordance with a brief written by the council's archaeologist, and a written scheme of investigation which has previously been submitted to and approved by the Local Planning Authority. One copy of the results of the scheme shall be deposited with the Local Planning Authority, within 3 months of commencement of remediation.

Reason: To ensure recording of any archaeological material.

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

Reason: To ensure the satisfactory appearance of the development, and the safety of people and vehicles.

6. Unless otherwise agreed in writing by the Local Planning Authority, no areas of the site shall be remediated until

- A) a survey and site investigation of that area has been carried out to assess the likely hazards to likely development of any contamination of the land resulting in the presence of potentially toxic substances or combustible fill materials, the possibility of chemical attack on building materials, the emission of toxic and flammable gases, or general problems of stability, drainage, odour, leachate production, and surface run-off.
- B) a copy of the survey and site investigation, together with a report setting out any remedial measures proposed to deal with the hazards from any contamination of the land, have been approved in writing by the Local Planning Authority.

The remedial measures identified shall be implemented as approved, during the remediation process.

Reason: To ensure the satisfactory remediation of the site.

7. For the duration of the reclamation works, the accesses from the site to the public highway will include wheel washing equipment (or such other arrangements as may be agreed in writing by the Local Planning Authority) to prevent material being deposited on the public highway.

Reason: In the interests of highway safety.

NOTE FOR APPLICANT

The Local Planning Authority has a preference for a submission under this condition showing the use of a long internal roadway with a surface hard enough to allow the mud to fall off, as with a wheel washer / spinner there is a tendency for wet mud to be thrown onto the bodywork of the lorry, falling off later, often on the road.

8. The finished surface of the sites shall be such that it avoids the risk of damage to vehicles, tyres etc, and avoids any significant risk of people tripping or otherwise being injured as a result of the surface as they drive or walk over the surface.

Reason: To ensure the satisfactory appearance of the development, and the safety of people and vehicles.

9. If the boundary to the canal on the west of the Lex site is to be anything other than palisade fencing, the proposed details, including any decorative finishes or improvements to the remainder of the buildings, shall be submitted to and approved in writing by the Local Planning Authority, before the demolition of the buildings in that area.

Reason: To ensure the satisfactory appearance of this part of the site.

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

Reason: To define the permission.

NOTE FOR APPLICANT

The Council would expect the submission under this condition to demonstrate, among other things:-

1. that surface water will not run off the site
2. that there will be no sudden drops sufficient to offer a risk of falling or tripping, either around the site adjacent to the public highways, or on the site, which would offer the risk of accidents.

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, 2.3, 3.9, 3.11, and TC30.1 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

A) The Environment Agency and British Waterways have been consulted on this application and your attention is drawn to the attached reply.

B) If 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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 04/2618/FL/E2

Case Officer: Ron Moss

Application Type: Full application

Telephone Number: 01922 652420

Applicant: David Wilson Homes (WM) Ltd

Agent: David Wilson Homes (WM) Ltd

Proposal: Erection Of 30 No. 2 Bed
Apartments And 9 no. 3 Bed Houses Together
With Associated Works.

Location: LAND AT,SILVER
STREET,BROWNHILLS,WS8

Ward: Brownhills

Expired: 07 March 2005

Recommendation Summary: Grant Permission subject to conditions



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Current Status

This is a re-submission following a refusal, in December last year, on the sole ground that the end of the proposed terrace of houses would have an unacceptable impact on the existing house at 49 Bullrush Close. The property at the end of the proposed terrace has now been removed to increase the separation distance to the existing house.

Application and Site Details

The site forms the northwest corner element of a larger development scheme for predominantly housing. It was originally identified for leisure/ commercial development and community use, but revisions to the Revised Deposit Draft Review UDP accept some residential development on it. The currently vacant site is very prominent, facing the Silver street roundabout entrance to the development and forming the front 'edge' to the overall development site. Directly across Silver street lies a large food store and its car parking area, while to the east, the boundary is formed with the disused railway line.

The applicants state that they have actively marketed this leisure land for well over 2 years with no success. They further state that there is no demand for leisure use within the locality. The overall site is 3 acres in size, the applicant seeks residential development on 2 acres of this site, leaving 1 acre to be dedicated to Walsall Council for community use.

The submitted proposal shows the following residential accommodation: -

1) Thirty 2 bedroomed flats within a 3 storey building wrapping round the frontage of the site, adjacent to the Silver street roundabout, sited between 1m and 7m from the back of the pavement.

2) Nine 3 bedroomed 3 storey in two terraces of 5 units to front Watermead Grange.

Parking for the flats is shown to the rear of the building. Provision is shown for 45 spaces to be accessed via an internal road way from Silver Street into the north east corner of the site. Each of the townhouses would have an internal garage and hardsurfaced parking space to the front. A manoeuvring area is then shown to the front of the properties, with 2 separate access points on to Watermead Grange to service the 2 sets of terraces.

The land for the community centre is shown outside the application site, on land to the rear of both the townhouses and apartment block,

Relevant Planning History

BC61817P - Outline: Proposed 7 hectares of housing, 1.6 hectares of leisure /commercial development and 0.4 hectares Community Use. Grant subject to conditions 26 September 2000

BC61849P - Erection of 228 dwellings consisting of 3 storey apartments, 3 and 2 storey terraced and semi-detached houses, and 2 storey detached houses.
Grant subject to conditions 10 November 2000

03/0275/FL/E2 Construction of 30 No Flats, 10 No Houses, Roads and Associated Works
The applicant appealed against non - determination and the Development Control committee of 6 April 2004 agreed that should they have had the opportunity to determine the application, then they would have refused it for the following reasons. This formed the Council's case at appeal.

'The proposed development on this prominent site, by reason of its location, layout and massing would constitute overdevelopment, with the failure of the proposed apartment block

to relate sympathetically to the rest of this scheme and the existing pattern of development in the area. The cramped nature of the development also leads to the development showing inadequate amenity space provision for the potential residents and no public open space provision. The scheme further fails to adequately define public /private space within it, increasing the potential risk of crime and to the detriment of the amenity of the residents. The proposed development would also both jeopardise the visibility splay into Watermead Grange and would fail to provide adequate visibility splays from the western access onto Watermead Grange, to the detriment of highway safety. The inability to turn a service vehicle within the site, could then lead to off site servicing to the detriment of highway flow and safety. The proposed development would then prejudice the proper planning of the area, ensuring that any leisure/community facility on the remainder of the overall development site would be left with no street frontage nor clear linkage to the Brownhills town centre. The proposal is therefore contrary to policies 3.6, 6.6, 7.2, 8.4 and H4 of the adopted Unitary Development Plan and policies 3.6, GP2, GP7, LC1 and ENV34 of the Unitary Development Plan Review - Revised Deposit Draft Plan and Planning Policy Guidance Notes 1 and 3. ' Appeal against Non - Determination Dismissed 16 September 2004.

04/2299/FL/E2 Erection of 30 No. 2 Bed Apartments and 10 No. 3 Bed Houses Together with Associated Roads and Sewers.

Refused on 10 December 2004 for the following reason:-

'The proposed development would have a detrimental impact on the level of amenity that the occupier of no.49 Bulrush Close can reasonably expect to enjoy, arising from the siting, proximity, massing, height, and overbearing nature of the proposed dwelling at plot no. 347. As such the proposal is contrary to policies 3.6, 6.8, and H4 of the Adopted Unitary Development Plan and policies GP2, 3.6, and H10 of the Unitary Development Plan Review - Revised Deposit Draft as well as central government advice contained in Planning Policy Guidance Note 3.

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

ADOPTED UDP

The land, including this site is allocated for housing and leisure/commercial uses under proposal H2.1 of the adopted UDP.

Part d) of this policy then states that:-

Leisure/commercial uses adjacent to Silver Street and the canal basin arm of the Wryley and Essington Canal will be encouraged

Policy 3.6 - redevelopment schemes to contribute towards the environmental improvement of the area.

Policy 6.6 - provision of a satisfactory residential environment

Policy 6.8 - schemes to be well integrated into the existing pattern of settlement and surrounding land use and to provide adequate open space.

Policy 8.4 requires new developments to provide open spaces to meet their own requirements. Where this is not possible or appropriate, improvements to facilities in the wider area may be required. (This matter was covered under the section 106 agreement on the outline application BC61817P)

Policy H4 gives guidelines for the layout and design of residential development and protection of residential amenity.

Appendix 2 'Development Control Guidelines' then provides a clear statement to prospective developers of the Council's normal requirements.

UDP REVIEW

Policy GP2 states that the Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations will be taken into account in the assessment.

Policy 3.6 reiterates policy 3.6 of the adopted UDP.

Policy ENV15 encouragement of the reclamation and development of derelict and previously developed land.

ENV34 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

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

Policy H3 states that the Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

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

Policy H10 states that residential developments should create a high quality living environment, well - integrated with surrounding land uses and local character.

Policy BR9 and paragraph 15.12 identifies this site, and generally refers to Silver Street as an opportunity for leisure, service and community developments.

As part of Pre - Inquiry changes to this plan in October 2002 Policy BR9 was amended to read:-

'V1 Land at Silver Street - with residential development on part

Reason: To reflect a change of Council policy on the future use of this site'

Further Pre -Inquiry changes were made in February 2003. To make clear that the residential development was not being sought on the neighbouring canal side parcel of land, the policy was further amended to read:-

'V1 Land at Silver Street - with residential development on part, excluding the canal side site'

Policy 8.8 then states that residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

Policy LC1 d) states that residential developments will be required to make a financial or other contributions which will enable the provision of new, or the improvement of existing, urban open spaces. (This matter eas covered

Government Policy

Planning Policy Guidance Note 1: General Policy and Principles:

paragraph 13) '*...The appearance of proposed development and it's relationship to it's surroundings are material considerations in determining planning applications...*'

Planning Policy Guidance Note 3: Housing, promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments. Aims to achieve more efficient use of land and to increase the density of development above that generally achieved to date, it is also stated in paragraph 56 that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

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

Consultations

Transportation No objection to the proposal. In view of the appeal decision on the previous similar proposal, the two accesses off Watermead Grange should be provided with those parts of the 2m x 70m vehicular visibility splays that can be achieved within the site curtilage and should be kept clear of landscaping over 600mm in height and structures over 1.05 m in height from carriage way level and maintained thereafter.

Pollution Control. No objection in principle to the proposed development. The ground investigation report submitted in support of the original application to develop this site identified contamination in a number of areas, some of which would be contained in the boundary of this application. A condition requiring how the contamination would be remediated needs to be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction.

The Inland Waterways Association - No objection

British Waterways. No objection to the proposal, but feel that this is a missed opportunity to provide a strong and good contemporary design on this prominent corner.

Environment Agency - No objection subject to a condition requiring the submission of details of the drainage works for approval in writing by the Local Planning Authority and all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained. The applicant should also be informed to use sustainable drainage techniques where possible.

Severn Trent Water - No objection subject to the submission of details for the disposal of surface water and foul sewage, to be approved in writing by the Local Planning Authority before work is commenced.

The Wildlife Trust for Birmingham and the Black Country. - No comments received

Drainage Section - No objection

Education Walsall - No contributions towards education provision required

Walsall Teaching Primary Care Trust - Comments to be reported

Lifelong Learning and Community - No objection.

West Midlands Fire Service - Satisfactory access for fire appliances

Representations

1 letter received objecting on the following grounds:-

- a) The application site was to be used for retail purposes therefore housing proposal constitutes a departure from the plan.
- b) The development is the last part of the H-2-1 outline residential development and therefore should bear a proportion of the cost of the junction and road upgrading in the area as it will cause a material increase in traffic.
- c) Object to any developments in area that could cause increase in traffic until have compensation as per contract the authority entered in to for the purchase of their garden land.

Determining Issues

The determining issue is whether the application has addressed the reasons for refusing the previous application.

Observations

The previous application was refused planning permission solely due to the detrimental impact on the residential amenity of the occupier of no.49 Bulrush Close from the siting, proximity, massing, height and overbearing nature of the proposed dwelling at plot 347. The current application has resolved this concern by showing the deletion of this dwelling from the scheme, thereby reducing the number of three bed houses from 10 to 9. The separation distance between the nearest proposed dwelling and no.49 Bulrush Close is now shown at 18.4m rather than 13m as previously shown, which is considered to provide a satisfactory relationship.

The application is then identical to the previous application, except that the north eastern section of the block of apartments are shown raised by a metre. The applicants have indicated that this is required to receive to achieve an economic foundation. This alteration would have no impact on any neighbouring occupiers.

With respect to the letter of objection, the application is for planning permission on part of a site identified in the adopted UDP for housing purposes, whilst your Transportation officer has not requested any funding towards highway upgrading in the area and any request in relation to this application would be unreasonable. The third concern is not relevant to this planning application.

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 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 a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought in to use , or other such period as may be agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the development

4. No development shall be carried out until details of the means of lighting have been submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid any undue light spillage and the development shall be carried out and retained in accordance with these approved details.

Reason

To protect the general amenities of the area and of neighbouring residential occupiers

5. No development shall be carried out until details of levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with these approved details.

Reason

To protect the visual amenities of the area.

6. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

Reason

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

7. The footway crossings serving the two private drives off Watermead Grange shall be provided with those parts of the 2m x 70m vehicular visibility splay that can be achieved within the site cartilage. These splays shall be kept clear of landscaping over 600mm in height and structures over 1.05m in height from carriageway level.

Reason:

In the interest of highway safety

8. No development shall be carried out until full details of the proposed boundary treatment of the site, including the internal boundary treatments, have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter retained in accordance with these approved details.

Reason

To ensure the satisfactory appearance of the development

9. No development shall be carried out until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

Reason

To ensure the satisfactory drainage of the site.

10. No development shall be carried out until a survey and site investigation has been carried out to assess the likely hazards to the proposed development of any contamination of the land resulting in the presence of potentially toxic substances or combustible fill materials, the possibility of chemical attack on building materials, the emission of toxic and flammable gases, or general problems of stability, drainage, odour, leachate production, and surface run-off.

A copy of the survey and site investigation, together with a report setting out any remedial measures proposed to deal with the hazards from any contamination of the land, shall be submitted to the Local Planning Authority and no development shall be carried out until remedial measures have been approved in writing by the Local Planning Authority. The remedial measures identified shall be implemented prior to the development being brought into use.

Reason: In the interest of health and safety

11. No development shall be carried out until full details of bin stores have been approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter retained in accordance with these approved details.

Reason :

To ensure the satisfactory functioning of the development.

Summary of reasons for granting 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 3.6, 6.6, 6.8, H4 of Walsall's Unitary Development Plan (UDP) and policies GP2, 3.6, ENV34, and H10 of the UDP Review Revised Deposit Draft and on balance, having taken into account all material planning considerations, the proposal is acceptable.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 04/2391/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Homeservice (GB) Ltd

Agent: J.S.P Architects

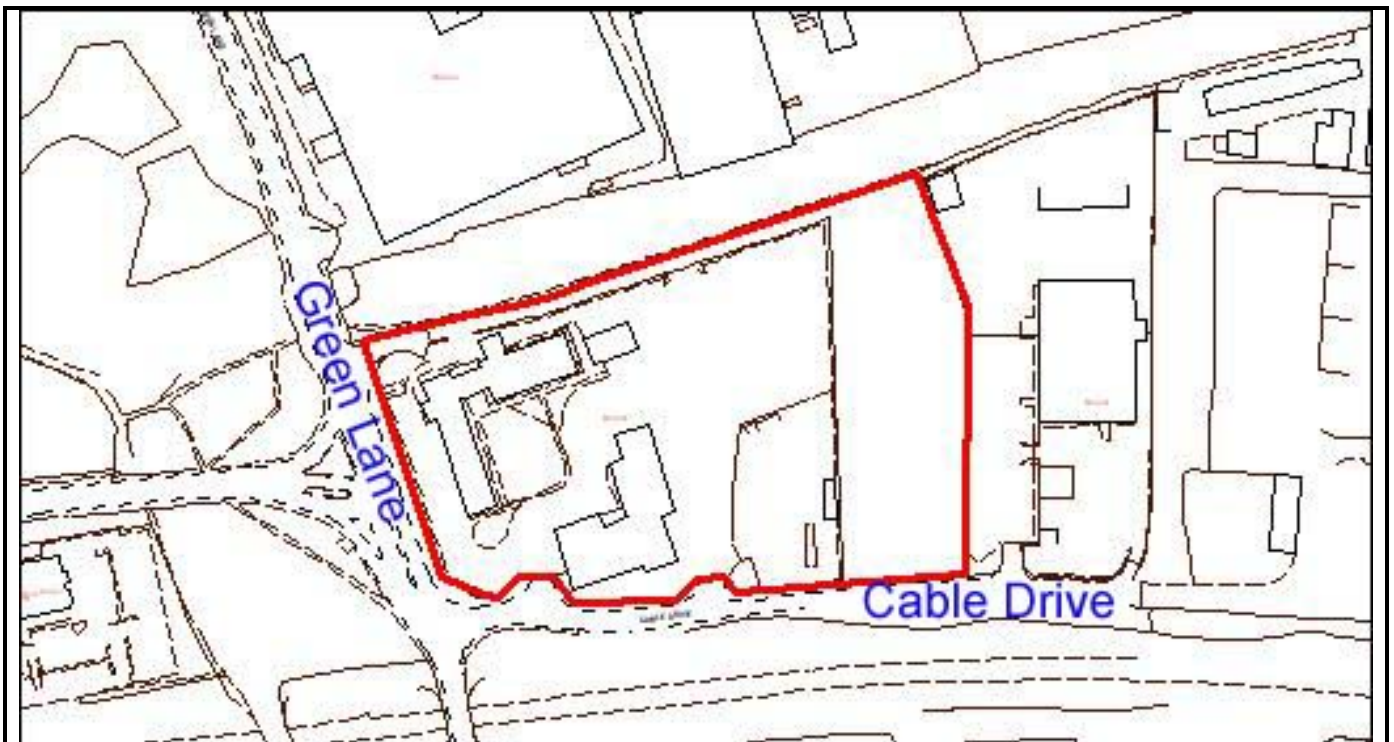
Proposal: 3 - Storey Office Extension

Location: HOME SERVICE (GB)
LTD,CABLE DRIVE,WALSALL, WEST
MIDLANDS

Ward: Birchills Leamore

Expired: 04 February 2004

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application seeks consent for the erection of a three storey extension to the rear of existing offices on Green Lane, Walsall.

The site is occupied by Home Service head quarters and call centre, previously a subsidiary company of South Staffs Water on Green Lane. It was formerly the Midlands Electricity Board Depot.

The extension would be attached to the end of an existing two storey wing located close to the north boundary of the site along the canal. This part of the site is currently occupied by a detached building (single storey) which has been utilised as a staff gymnasium. The new extension would accommodate an extension to the existing canteen facilities, improved access for disabled persons, training rooms and additional office space which is currently being provided in temporary buildings on the site.

The application also includes an extension to the existing car parking to provide for an additional 75 parking spaces. This will be located on the site which is currently vacant between the site and the GPU site.

Relevant Planning History

The site was originally the Midlands Electricity Board district offices, depot, and sports facilities, which was approved in 1965. Further offices were constructed in 1970 with a series of minor extensions and alterations to provide further office space between 1970 and 1985.

To the east of the site, on the boundary with the Local Authority Depot, GPU Power UK was granted permission in June 2000 for single storey industrial unit and offices, external delivery and storage areas and associated parking.

Since the above, the site has been subject to a change of occupier and is now operated by Home Service. As a result of its new occupier the existing buildings have been altered, and extended with the appropriate permissions.

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

2.1...development proposals will be evaluated against Economic Revitalisation and Urban Regeneration

2.2...improvement of environment essential for both economic revitalisation and urban regeneration

3.6...schemes expected to contribute to the environmental improvement of the urban area.

3.7...new development or redevelopment will protect nearby uses from excessive noise, pollution and other environmental nuisance.'

4.1...the growth of the manufacturing / service sectors not to be held back by physical or planning constraints, whilst protecting / enhancing the environment'

4.3...ensure employment land has good links to highways etc.and is compatible with neighbouring uses

Unitary Development Plan Review

4.2...promotes investment and diversification to meet the needs of both inward investors and existing firms

GP1(sustainable locations)...location of development guided by principles of sustainable development:- a) facilities where accessible to minimise travel, particularly by the private car...developments involving generation of personal trips (including retailing, services, offices, leisure, recreation and other key town centre uses)...adopt a sequential approach requiring location in the following priority order:-

- i. Within the town, district or local centres.
- ii. On the edge of the town, district or local centres.
- iii. Other places with good accessibility by a choice of means of transport

National Policy

PPG4...seeks a positive approach to the location of new business developments and assisting small firms....economic growth and high-quality environment to be pursued together....the importance of industrial and commercial development to be considered with that of maintaining and improving environmental quality.

Consultations

Transportation - no objections on basis the proposal generates the need for 45 parking spaces in addition to 5 disabled parking spaces and 5 bike lockers and an additional 50 are to be provided.

Pollution Control Division - no objections

Walsall Regeneration Company - no objections

Environment Agency - no objections

Fire Service - satisfactory

Inland Waterways - no objections

British Waterways - no objections

Representations

None received

Determining Issues

I consider the determining factors are :

- The principle of use of the site for offices etc.
- Impact on car parking / highways
- Design of the extension

Observations

The site is well presented, tidy and currently operates without any issues.

This application has been submitted following a recent approval for temporary office and training room accommodation in portable type buildings which was approved by way of delegated authority.

This application will provide permanent accommodation required to house the above and an extension to the existing canteen facilities and improved access for disabled persons.

The principle use of the site for offices etc.

This is an established commercial / industrial site with a history for the current site user going back to at June, 2000 when the buildings were transformed from the old MEB buildings to an office/call centre.

The company is well known in Walsall with their origins firmly established on the site (one of the reasons for choosing this site initially was because it had potential to expand and was close to existing premises at South Staffs Water further north on Green Lane). The site is very tidy, well maintained and the current proposals have been designed to both further improve its all round operations and facilities whilst remaining in-keeping with the rest of the existing site.

Policies that offices outside town or local centres should be subject to the sequential approach have been considered, however I judge the existing use will not be intensified to such an extent that it will become unsustainable in terms of traffic generation etc.

Furthermore, it is unlikely that its development will have any impact on the existing vitality and viability of the town centre. It will allow an existing successful business to continue operating from the site and within the Walsall's borough thereby according with policies which aim to enhance and promote diversification etc. within the borough.

Impact on car parking / highways

The site has a large car parking area which can accommodate 463 in total. With the addition of a further 75 spaces this takes the total to 538 spaces.

The proposed extension would generate the need for an additional 45 parking spaces based on the total floor space provided (total of 1350 square metres). Some spaces are lost to the building, so the increase in parking on the site is 50 spaces.

Improvements have previously been made to the access. Access to Green Lane is conditioned to be used for vehicles leaving the site only. The proposed extension will not have any impact on these existing arrangements. However, the parking scheme has not shown any

spaces for disabled parking or cycle storage, therefore any approval should include a condition to require the submission of these details.

Design

The design of the new extension is in keeping with the existing building and is therefore considered to be acceptable.

Conclusion

The proposed extension will allow this local company to continue operating from the site, ensuring that its growth is not held back whilst affording protection and enhancement of the environment, it therefore considered acceptable and recommend approval.

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 years after the date of this decision.

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

2. The materials used shall be match those used in the existing buildings.

Reason: To ensure the satisfactory appearance of the development.

3. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces have been clearly marked out.

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

4. Prior to this development being commenced details shall be submitted to the Local Planning Authority clearly identifying the position of 5 disabled parking spaces and provision of secure cycle storage including 5 bike lockers. The approved details shall be implemented prior to the development being brought into use and shall thereafter be retained.

Reason: To ensure adequate provision for the ease of access for disabled persons and to promote alternative modes of transport.

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

Reason: To ensure the satisfactory functioning of the development.

6. For the duration of the construction period of the approved extension, the existing access onto Green Lane which is currently restricted to an exit only from the site as required by condition 6 of planning approval reference number BC57014P, dated 30th January, 2001 is hereby allowed for egress from the site by all users and ingress to the site from Green Lane by construction vehicles only. Prior to the approved extension first being brought into use any

use of this access for ingress from Green Lane shall cease and will become egress only for those occupiers of the site.

Reason : In order to assist with the safe and satisfactory development of the site and in the interest of highway 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 2.1, 2.2, 3.6, 3.7, 4.1 and 4.3 of Walsall's Unitary Development Plan and 4.2 and GP1 of its review, 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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Major development

Application Number: 04/2098/OL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Carver-Boon Timber Limited

Agent: Carver-Boon Timber Limited

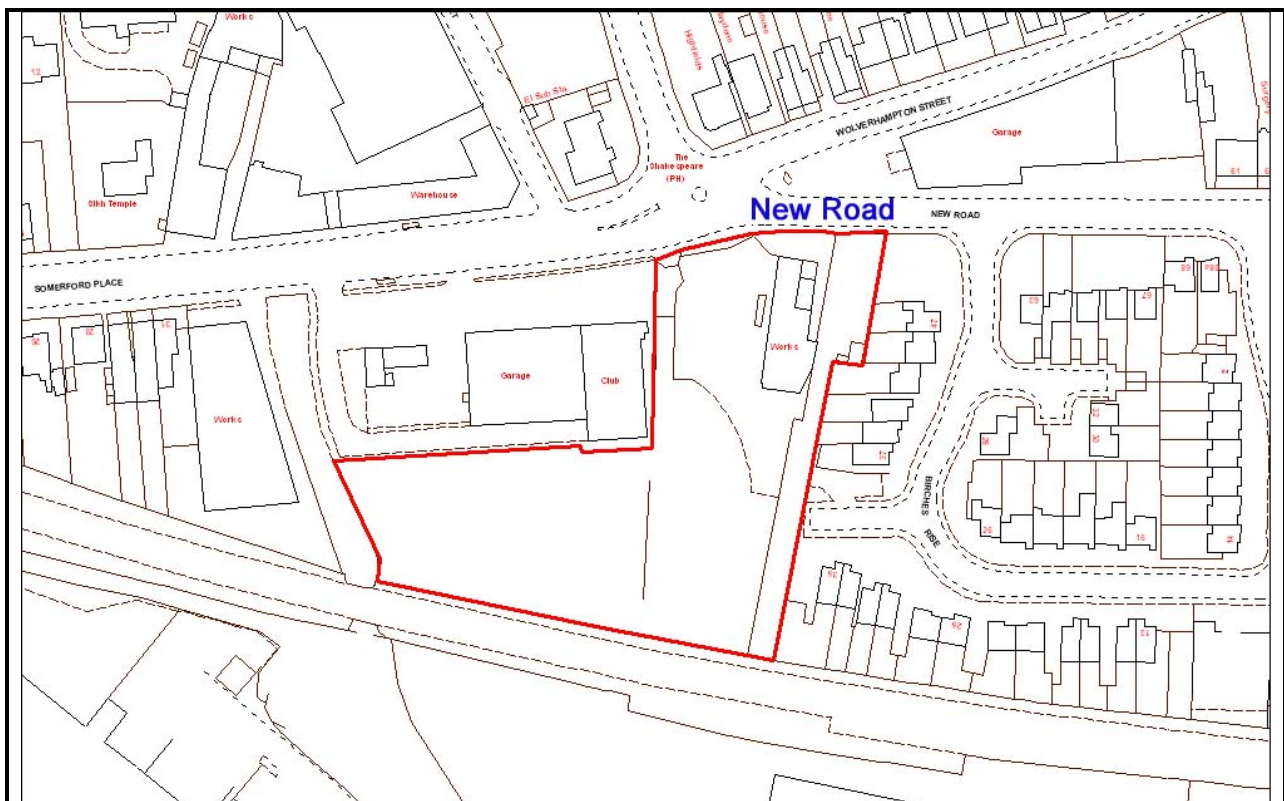
Proposal: Outline: Residential Development

Location: LAND ADJ. J.D. SNOOKER
CLUB, NEW
ROAD, WALSALL, WILLENHALL, WEST
MIDLANDS

Ward: Willenhall South

Expired: 31 January 2004

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This is an outline application to establish the principle and suitability of residential development on land to the rear of New Road, Willenhall. All matters are reserved for future consideration. It is purely for the principle.

Access to the site is from New Road in the vicinity of the existing traffic controlled roundabout junction between New Road / Wolverhampton Street and Somerford Place, Willenhall.

The site is currently vacant, overgrown and untidy, part of it being previously known as Dorsetts Scrap Yard. The application site measures approximately 0.7 hectares and includes the land to the rear of the snooker club.

There is residential to the east (Birches Rise) and immediately north of the road frontage (Wolverhampton Street).

However, the other boundaries of the site are dominated by industrial and commercial premises and the southern boundary is formed by the boundary with the railway line between Wolverhampton and Walsall which is on the same level as the site.

Relevant Planning History

BC31039P - Outline : Residential Development. Grant Subject to Conditions 26th October, 1990

Other applications relate to industrial use and general advertisements etc. which are not relevant to the consideration of this application.

Relevant Planning Policy Summary

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

General

The UDP promotes good development, it seeks to protect employment and employment land and create good residential environments.

The UDP identifies the site as being an incorporated housing site and one which is committed by a planning permission (although this has since expired). Because of this consent the site has been removed from the UDP Review. However the review does set similar general objectives.

Adopted UDP

2.2, 3.6 and 3.7 relates to the improvement of the Borough's environment and the protection of environmental assets.

6.6 - promotes re-use for housing of previously developed sites and development of infill sites

6.8 - schemes well integrated into the existing pattern of settlement and surrounding land use.

H4(a) states that all new residential development should provide a reasonable degree of privacy, daylight and amenity space for residents.

H4(e) sets out that all proposals will be considered against the detailed development and design criteria set out in Appendix 2 of the UDP.

7.2 - protection of the environment and the promotion of safety will be a central aim of all transport planning.

7.23 - requires all development will be expected to provide vehicle parking according to the Council's standards.

Appendix 2 : Development Control Guidelines regarding space around dwellings standards.

Unitary Development Plan Review

Policy ENV15 - encourage the development of previously developed land

GP3 - planning obligations

H3(a) - encourages reuse of previously developed land for housing, provided (l) a satisfactory residential environment can be provided.

H4 - seeks a proportion of new residential development to be affordable.

H9 - density of residential development.

T10 - accessibility standards.

T11 - access for pedestrians and cyclists.

T12 - access by public transport.

National Government Policy

Planning Policy Guidance Note 3 (Housing) promotes the redevelopment of previously developed land for housing within urban areas, and allows for some flexibility in the application of standards to achieve this. Its other objectives are :

- ~ to meet the housing needs of the whole community,
- ~ create more sustainable patterns of development,
- ~ make more efficient use of land,
- ~ promote good design,
- ~ reduce car dependence.

PPG24 on noise is important in this case. It establishes categories of acceptability. The issue is set out in more detail in the Observations section.

Consultations

Transportation - no objections in principle to residential development subject to access arrangement, internal site layout and parking provisions complying with current design guidance/standards.

Pollution Control - no objections subject to conditions in respect of ground contamination, operational hours, noise and vibration

Education – no requirement for new facilities

Fire Service - no objections

Environment Agency - no objections

Energis - no objections

Drainage - no objections subject to access to the river tame for maintenance being secured.

Lifelong Learning and Community - no positive or negative comments. However, should a commuted sum (S106) be involved this should be considered for improvements to Willenhall Memorial Park.

Property and Development - no objection in principle. There is some scope for a wider development area but not to the extent that this should be refused.

Representations

None received

Determining Issues

The application is in outline only to determine the principle use of the site for residential. I therefore consider the following elements to be determining issues :

- Principle of the development
- Noise
- Provision of open space
- Highway / access

Observations

Principle of the development

The Government's current policy position is set out in PPG 3 (Housing) which advocates the re-use of brownfield land for residential use provided a satisfactory residential environment for future occupiers can be secured. This application is therefore consistent with the principles set out in that guidance.

The site has also been subject to an outline residential application in the past (1990) which considered that residential was acceptable at that time. There have been no material alterations to alter that view.

Whilst no details have been submitted in respect of layout, design etc. I consider there to be sufficient scope within the site to adequately provide a scheme which will protect future

occupiers from any external environmental issues such as the proximity to the railway line etc whilst protecting the operations of existing nearby users.

The Unitary Development Plan policies 6.6, 6.8 and 3.7 also relate to providing a satisfactory residential environment; ensuring that schemes are well integrated into the existing pattern of settlement and surrounding land use and the protection of nearby uses from excessive noise, pollution and other environmental nuisance. Residential development will not normally be permitted in locations that experience high levels of environmental nuisance. Again it is considered the site has sufficient scope to be able to achieve this.

It has been suggested that a more comprehensive scheme to include the vacant petrol station, snooker club and industrial unit could be explored, however in the absence of any scheme being submitted I do not think there is sufficient justification for a refusal of this application.

Noise

Whilst Pollution Control has concerns about the noise climate in the area they have suggested conditions which would ensure that the development could be carried out if it is to proceed.

Provision of open space / affordable housing / education facilities

Members will be familiar with the requirement to provide open space as part of a development. In cases where that is impractical, a policy has been agreed for a payment to be made, to be used for improvements to open space provision in the area. As this application is in outline only with all matters reserved for a later stage I consider it appropriate to condition any approval informing future applicants that a Section 106 Agreement will be necessary under certain circumstances. This is adequate to secure a financial contribution as and when the reserved matters are submitted.

Similarly, affordable housing is being sought from developments over 25 units, on present data. A contribution to education facilities can be appropriate.

All of these can be addressed through the same sort of condition.

Highway / access arrangements

Access to the site is a matter for consideration by a future reserved matters application however it is inevitable that any new access would be from New Road in the vicinity of the junction with Somerford Place and Wolverhampton Street (this is the site's only frontage).

It is likely that there will be implications on the highway network in the area (depending on the scale of the development), therefore it is recommended that a Transport Assessment (TA) should be required as part of any Reserved Matters proposal.

Conclusion

This application will make a positive contribution to making more effective use of land within the urban area as promoted in PPG 3

Whilst little information has been submitted in respect of layout etc. the relationship of the site to surrounding industrial and commercial properties could easily be addressed at the reserved matters stage. Its layout and environment for future residential occupiers could be integrated with surrounding land uses in accordance with Policies 6.6 and 6.8 of the Adopted Unitary Development Plan and therefore I consider the principle of the development should be supported.

Recommendation: Grant Permission subject to conditions

1. Application for approval of the Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than:
 - i) 5 years from the date of decision.
 - ii) 2 years from the approval of the Reserved Matters or in the case of approval on different dates the approval of the last reserved matter.

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

2. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-
 - a) The siting of the building(s);
 - b) The design of the building(s);
 - c) The external appearance
 - d) The means of access to the building(s)
 - e) The landscaping of the site

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

3. This development shall not be carried out other than in conformity with the approved plans and documents, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

Reason : Pursuant to the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The Reserved Matters details shall include full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason : To ensure the satisfactory functioning of the development and to safeguard the amenity

5. The Reserved Matters details shall include a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:
 - i) existing and proposed ground levels
 - ii) dimensions of planting beds
 - iii) site preparation
 - iv) plant species/densities; tree species/sizes and locations

- v) arrangements to be made for the disposal of surface water
- vi) hard landscaping works.

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 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 will be maintained for a period of 5 years from the full completion of the scheme approved under condition 5. Within this period:
- (a) grassed areas will be maintained in a tidy condition by regular cutting and any areas that fail to establish will be reinstated;
 - (b) planted areas will be maintained in a tidy condition by regular weeding;
 - (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed will 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 will be made good.

Reason : To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

- 7 The Reserved Matters submission shall include a scheme for external lighting to be submitted and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

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

- 8 The Reserved Matters submission shall include 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 submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

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

9. The Reserved Matters submission shall include a schedule of facing materials to be used in external walls and roofs.

Reason : To ensure the satisfactory appearance of the development.

- 10 The Reserved Matters submission shall include details of a noise survey, carried out in accordance with current guidance and procedures and undertaken to the written satisfaction of the Local Planning Authority. The result of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration test, shall be submitted to the local planning authority within 2 months of completion.

Reason : To safeguard the amenities of the future occupants.

11 The Reserved Matters submission shall include details of a noise control scheme to be submitted to and approved in writing by the Local Planning Authority the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Local Planning Authority. The noise mitigation 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 safeguard the amenities of the occupants.

12 The Reserved Matters submission shall include a Transport Assessment (including a programme for implementation / completion), unless otherwise agreed in writing by the Local Planning Authority. Any details or recommendations to be carried out shall be implemented in accordance with the programme, and shall have been completed prior to occupation of any dwelling on the site.

Reason : To ensure that there will be no impact on the local highway network, in the interests of highway safety and to ensure the satisfactory development of the site.

13 The Reserved Matters shall include details of pedestrian access to the dwellings, car parking and manoeuvring areas to be submitted. The plans shall clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

Reason : To ensure the satisfactory functioning of the development.

14 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 0700 to 1800 weekdays and 0800 to 1300 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 amenities of the occupiers of adjoining premises.

15 The Reserved Matters submission shall include the following :

- (a) a specification for a ground contamination survey and site investigation to assess the likely hazards of all identified contamination on the site to the proposed development (and its future occupants), resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. and having regard to appropriate advice and guidance, particularly that contained in British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practise'; British Standard BS5930:1999 'Code of Practise for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; and the Inter-Departmental Committee on the redevelopment of Contaminated Land' document ICRCL 59/83: Second Edition 1987 'Guidance on the Assessment of Contaminated Land',

Contaminated Land Exposure Assessment (CLEA) model shall be approved in writing by the Local Planning Authority.

- (b) The approved survey and investigation shall be undertaken in accordance with the approved details.
- (c) The results of the 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, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.
- (d) The approved measures shall be implemented in accordance with the approved timetable.

Reason : To ensure the satisfactory development of the site.

16 The Reserved Matters submission shall include a protocol to ensure that the immediately surrounding highways are not adversely affect by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase. (this may involve the use of a wheel wash, road sweepers, etc.)

Reason : To prevent mud being deposited on the public highway and in the interests of highway safety.

17 There shall be no more than 20 dwellings built on the application site, unless the applicant has entered into a section 106 planning agreement to provide appropriate financial contributions towards

- health and education facilities in the area
- affordable housing on the site, or a contribution towards affordable housing off site.

Reason : To ensure that the health , educational and housing needs of the potential occupiers of a large development on the site are met .

18 There shall be no more than 4 dwellings built on the application site, unless the applicant has entered into a section 106 agreement to provide £100 per bedroom towards off site open space provision in accordance with policy 8.4 of the Adopted Unitary Development Plan.

Reason: To ensure adequate amenity space provision for the potential occupiers of the development.

NOTE FOR APPLICANT - It is possible that the works required by the Transport Assessment may need to be subject to a Section 106 agreement, but this can not be defined at this stage. If it is necessary, such an agreement would need to be completed before determination of the Reserved Matters application.

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 2.2, 3.6, 3.7, 6.6, 6.8, H4(a and e) of Appendix 2, 7.2

and 7.23 of Walsall's Unitary Development Plan and also ENV15, GP3, H3(a and i), H4, H9, T10, 11 and 12 of its review, 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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Major development

Application Number: 04/2264/FL/E5

Case Officer: Della Templeton

Application Type: Full application

Telephone Number: 01922 652487

Applicant: T J M Holdings Ltd

Agent: Phillip Taylor Associated

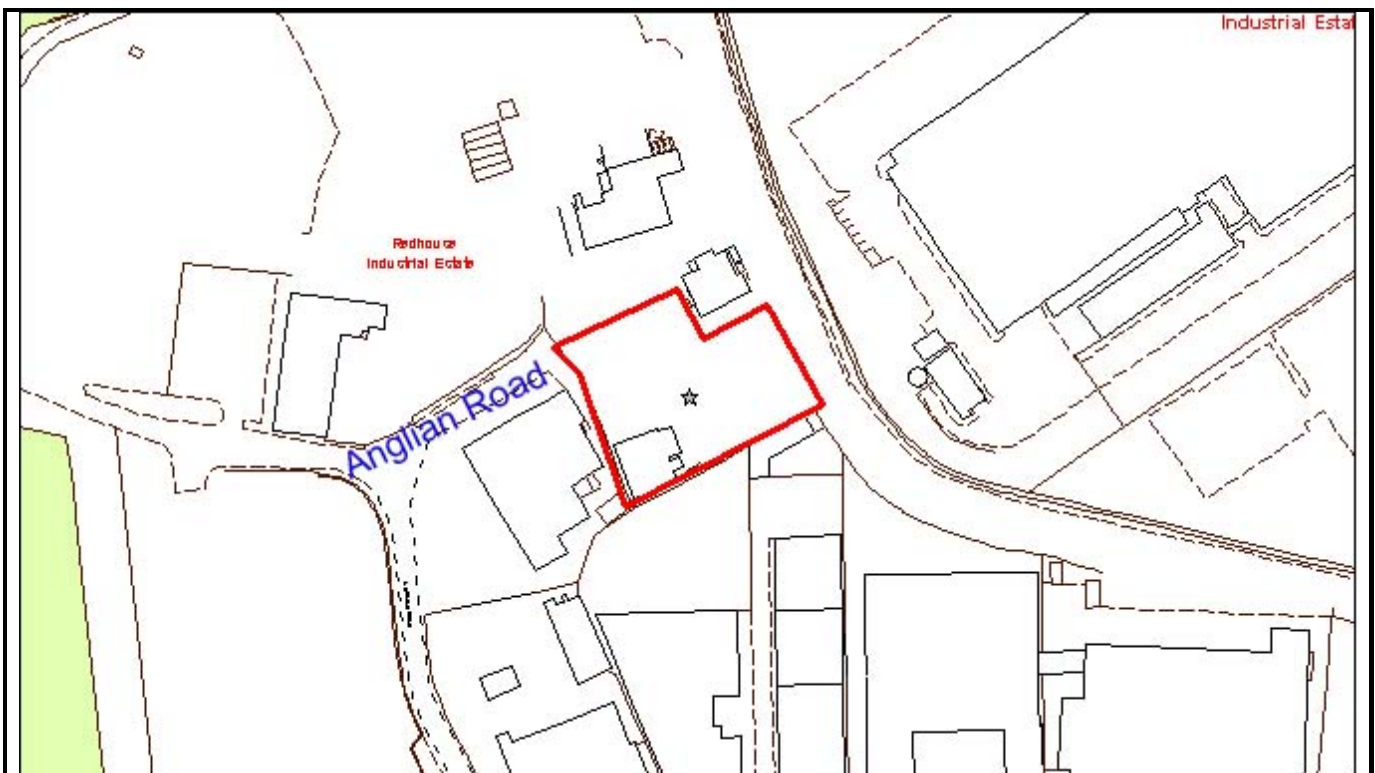
Proposal: Workshop & Ancillary Offices With
Forecourt And Parking Spaces

Location: ANGLIAN
ROAD, WALSALL, WEST
MIDLANDS, WS9 8EP

Ward: Aldridge/Central & South

Expired: 18 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Walsall MBC. Licence Number LA 076414.

Application and Site Details

The application relates to part of a larger commercial site currently operating as a transport depot/offices. It is proposed to re-classify the southern end of the site for general industrial uses falling within Class B2 as defined in Schedule 2 to the Town and Country (Use Classes) Order 1987.

The proposals involve the erection of a portal framed industrial building measuring 54.5m in length by 28m wide at its south-western end and 24.7m wide at its north-eastern end (closest to the Canal). The building would have a shallow pitch roof with a height of 8.4m at eaves and 10m to the ridge line. The majority of internal floorspace would be workshop with offices/store and toilet facilities to the rear in a single storey 'lean-to' type structure of 108.35 square metres. There would be four loading bay doors, 6.3m wide by 6.6m high along the north-west elevation opening onto a car parking and manoeuvring area providing 45 car parking spaces.

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

Policy 3.6 expects development to contribute to the environmental improvement of the urban area.

Policy 3.7 seeks to protect neighbouring uses from environmental nuisance.

Policy 3.9 seeks to concentrate environmental improvement initiatives in locations such as industrial areas which fail to meet the expectations of modern industry and prominent transport routes which create an important impression on travellers to the Borough.

Policy 3.15 encourages extensive woodland planting as part of greening strategy/to contribute to wildspace for informal recreation throughout the Borough.

Policy 3.16 promotes the establishment of new areas of planting and extension to existing with particular emphasis in locations such as transport corridors, existing and proposed employment areas and wildlife corridors and greenways.

Policy ENV16 states that the Council will require evidence that sites suspected to be affected by instability, contamination or landfill gas are suitable for development.

Policy 4.1 aims to ensure that the growth of the manufacturing and service sectors are not held back by a lack of suitable sites or by other physical or planning constraints.

Policy 4.5 identifies B2 uses as ones acceptable in principle on most employment sites.

UDP Review

Policies GP2 and 3.6 seek environmental improvements associated with development.

Amongst the considerations to be taken into account in assessing development are:- susceptibility/creation of pollution; problems of land stability/contamination or landfill gas; impact on open spaces and outdoor recreation facilities, including footpaths, cycleways and

bridleways; implications for water resources and any other factors of environmental significance.

Policy 3.18 requires development to provide for the creation/enhancement of water bodies as a positive environmental asset and/or a resource for water based sport/recreation.

Policy ENV10 echoes adopted policy 3.9.

Policy ENV15(c) relates to assessment of potentially contaminated or unstable land.

Policy ENV34 will not permit poorly designed development adjacent to canals.

Policy ENV42 is concerned with ensuring adjacent development contributes towards the conservation, protection and use of canals.

The site is within a Core Employment Area - Policy 4.4 defines core employment uses as industry and distribution in Classes B1b, B1c, B2 and B8.

Policy JP5 seeks to safeguard core employment areas for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses, such as Class B1a offices.

Policy T13 sets a requirement for 1 car space per 50 square metres up to 250 square metres then 1 space per 100 square metres thereafter plus a bike locker per 10 car spaces and facilities for taxis. These are maximum standards in accordance with Government guidance.

National Policy

PPG23 Planning and Pollution Control - Contamination may give rise to hazards which put at risk people working on the site, the occupiers and users of the buildings and land, and the buildings and services per se. A balance has to be struck between these risks and liabilities and the need to bring the land into beneficial use.

Consultations

Transportation - No objection subject to a condition to the effect that the servicing arrangements and parking layout are to be agreed with the LPA before the development is brought into use.

Pollution Control - Due to the current industrial use and previous unknown use of the site, which may have given rise to ground contamination, conditions are recommended requiring ground contamination survey and site investigation and the implementation of any necessary remedial measures.

Environment Agency - No objection in principle subject to conditions relating to land contamination and site investigation.

British Waterways Board - No objection subject to the details of the scheme being designed so as to minimise any adverse impact on the canal environment and respect the rights of BWB as an adjoining landowner.

Inland Waterways Association - The building is of an uninspiring utilitarian design and its proximity means that the canalside elevation will be prominently visible and will diminish the canal environment. Therefore the IWA objects the application unless it is made conditional on a dense planting screen between the building and the site boundary.

Drainage - No objections however, there are 2 Severn Trent sewers close to the site boundary.

Fire Service - No objection, access satisfactory.

Representations

None.

Determining Issues

- Employment policy.
- Car parking.
- Impact on the canal environment.
- Land contamination.

Observations

The site lies within an established industrial area. It is not specifically allocated in the adopted Development Plan but is defined as a Core Employment site in the UDP Review. In view of the advanced stage of the Review Plan this policy allocation can be given significant weight. The change of use to Class B2 would conform to employment policies.

Car parking provision, at 45 spaces is more than double the maximum required standard. This is unacceptable in terms of national and local policy, however, it could be controlled by condition, although an amended plan showing reduced provision is expected.

The site is adjacent to the Daw End Branch Canal which is recognised as an important amenity and informal recreation facility. Both the British Waterways Board and the Inland Waterways association are concerned that the proposed development should not be allowed to have any detrimental impact on the visual amenity of the canal. The proposed building would have a significant impact as this would be seen atop the existing canalside embankment with its apex approximately 15m above towpath level. There is some tree and hedgerow planting already along this boundary and there would be a 7m wide strip of land adjacent to the building which could be planted with larger species to screen the development when viewed from the canal. This could be required by condition as part of a landscaping scheme. BWB made other comments relating to the protection of the canal environment and their rights as an adjoining landowner which should be copied to the applicant should planning permission be granted.

The longstanding history of the site suggests that there have been previous uses which could give rise to ground contamination. Both the Environment Agency and the Council Pollution Control Division recommend ground contamination surveys and site investigation prior to commencement of development. It is therefore proposed to include conditions relating to this.

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 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 ground contamination survey and site investigation approved in writing by the local planning authority shall be undertaken, having

regard to current advice and guidance. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupation) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases].

- I. 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.
- II. No development shall take place until remedial measures to address ground contamination and ground gases have been approved in writing by the local planning authority.
- III. 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.
- IV. 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 prior to installation.
- V. The buildings hereby approved shall not be occupied until all approved remedial measures have been completed to the satisfaction of the local planning authority.

Reason: In the interest of public safety and health and to prevent environmental pollution.

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 submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, no gates, fences, walls or other means of enclosure, except those included on the approved plans, shall be moved or erected without the prior approval of a planning application. The means of enclosure shown on the approved plans shall not be removed or moved without the prior approval of a planning application.

Reason: To ensure the satisfactory appearance of the development.

5. No development shall be carried out until a detailed landscaping scheme for the site, (including 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.

The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

- i) existing and proposed ground levels
- ii) dimensions of planting beds
- iii) site preparation

- iv) plant species/densities; tree species/ sizes and locations
- v) arrangements to be made for the disposal of surface water
- vi) hard landscaping.

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

8. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, such arrangements to have been previously approved in writing by the local planning authority.

Reason: To ensure that the site can be satisfactorily drained.

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

Reason: To ensure the satisfactory appearance of the development.

10. No development shall be carried out until details of car parking, access, servicing and manoeuvring areas have been submitted to and approved in writing by the local planning authority. The plans shall clearly show the proposed surfacing materials, vehicle parking layout and the means of surface water drainage. The approved scheme shall be fully implemented before the development is brought into use and the areas shall thereafter be retained and used for no other purpose.

11. The car parking shown on the approved plans shall only be used in association with the building which is the subject of this planning permission.

Reason: To ensure the satisfactory functioning of the development.

Reasons: To ensure the satisfactory appearance and functioning of the development and the satisfactory provision of vehicle parking in the interests of sustainable development.

12. No materials, goods or refuse shall be stored or deposited in the open within 10m of the north-eastern (canal side) boundary of the site.

Reason: To ensure the satisfactory appearance of the development and maintain the visual amenity of the canal corridor.

13. This development shall not be carried out other than in conformity with drawing number 0440-00 submitted on 18 October 2004 and drawing number 0440-01c submitted on 19 November 2004, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

Reason: To define the permission and ensure that the development undertaken 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.)

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 3.6, 3.7, 3.9, 3.15, 3.16, ENV16, 4.1 and 4.5 of Walsall's Unitary Development Plan, and policies GP2, 3.6, 3.18, ENV10, ENV15, ENV34, ENV42, 4.4, JP5 and T13 of the UDP Review, 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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Disposal of council owned land

Application Number: 04/2431/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Mr David Glen Pritchard

Agent: Mr David Glen Pritchard

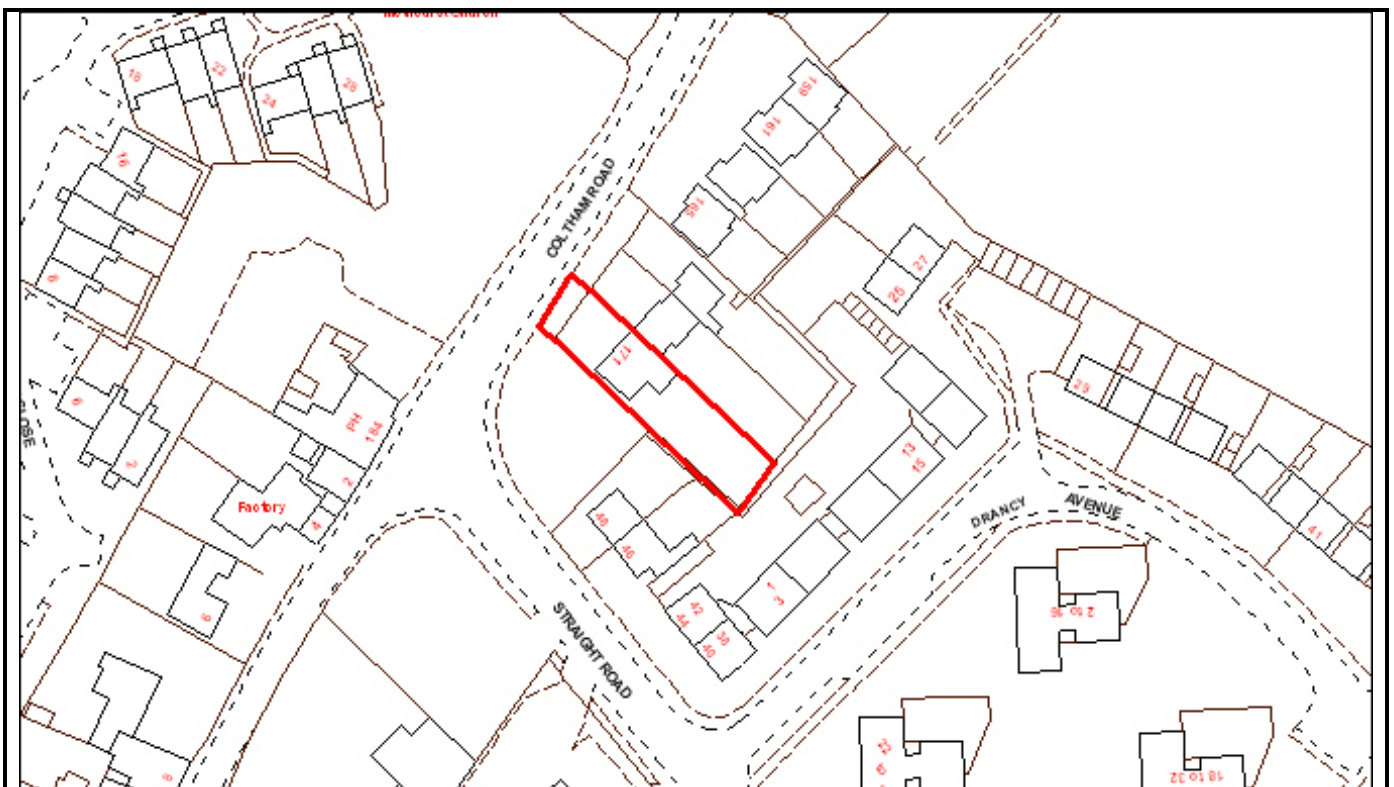
Proposal: Vehicle Access

Location: 171, COLTHAM
ROAD, WILLENHALL, WALSALL, WEST
MIDLANDS, WV125PZ

Ward: Short Heath

Expired: 06 January 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application is for a change the use of a strip of land along the side of 171, Coltham Road to create a new driveway. The site is currently a grassed area on the corner between 171 Coltham Road and 48, Straight Road, Willenhall.

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)

Unitary Development Plan

3.6... contribute in terms of their layout, design and landscaping towards the environmental improvement

3.7...protect nearby uses from excessive noise, pollution and other environmental nuisance

Policy T4 identifies the Council's policies for the highway network

Unitary Development Plan Review

Policies generally support those of the Unitary Development Plan

Consultations

Transportation - no objections (no highway implications as the vehicular access already exists)

Pollution Control Division - no observations

Fire Service - no objections

Representations

None received

Determining Issues

Loss of open land

Observations

This application seeks permission for a change in the use of a strip of land along the side of 171, Coltham Road to create a new driveway. The site is currently a grassed area on the corner between 171 Coltham Road and 48, Straight Road, Willenhall. Whilst its appearance creates an open environment in this particular location it does not serve any particular

purpose and its use as a driveway will not impact directly on that openness as there will still remain a large proportion of the open land fronting to the highway.

The application does not propose any new vehicular access to the highway, the existing one would be utilised. The development will involve the removal of existing fencing along the side boundary, it is not clear what if any treatment will be erected along the line of the new boundary but I would suggest a condition requiring details to be submitted.

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 years after the date of this decision.

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

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

Reason: To ensure the satisfactory appearance of the development.

3. There shall be no vehicular access to the site other than through the existing access, without the prior submission and approval of a planning application.

Reason: In the interests of highway safety.

4. Before this development is brought into use, the driveway and vehicle parking shall be surfaced in tarmacadam (or alternative impervious hardwearing material). The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6 and 3.7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Previous History

Application Number: 04/2486/AD/W5

Case Officer: Karon Hulse

Application Type: Advertisements

Telephone Number: 01922 652492

Applicant: Signature Outdoor Ltd

Agent: Signature Outdoor Ltd

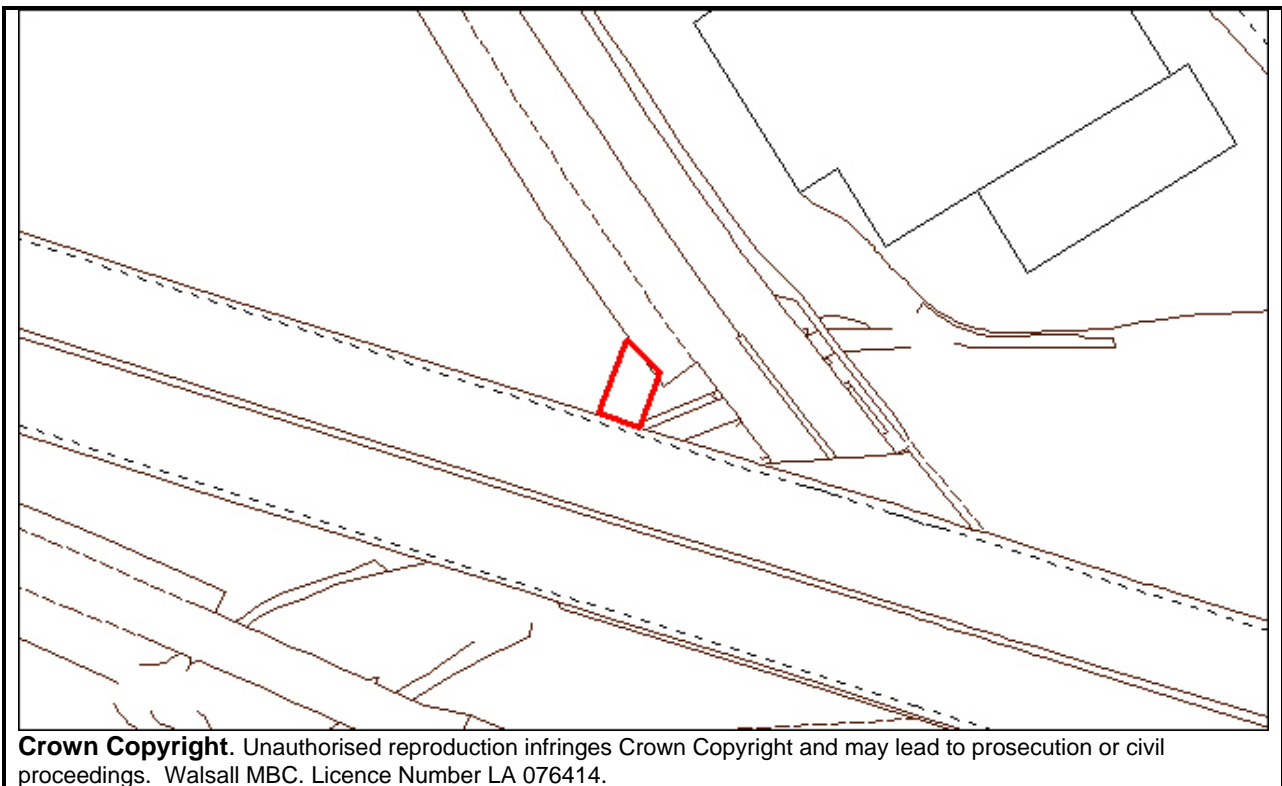
Proposal: 1 X 96 Sheet Twin Sided Monopole

Location: DSM DEMOLITION
FORMER SEWERAGE
WORK, BESCOT
ROAD, WALSALL, WEST MIDLANDS

Ward: Palfrey

Expired: 17 January 2005

Recommendation Summary: Approve Advert 5 Years



Application and Site Details

This application seeks consent to erect a twin sided poster hoarding on a monopole on land between the motorway and William Sharp building on Bescot Crescent, Walsall.

The site is to the north of the motorway and currently a demolition materials contractor compound (which would continue). Each advertisement display board would measure 12 metres long by 3.0 metres high (96 sheet) sited on top of a monopole 12 metres in height. It would be twin sided and internally illuminated and visible from the M6, as a result.

Relevant Planning History

There is considerable history in respect of signage of varying types, design and scale around this area. The following are considered the most relevant in the consideration of this application.

02/0363/AD/W5 - 2 x 96 sheet advertisement display panel on monopole structure. Approved following council representation hearing (ref no. BC58082P) 4th April, 2002

02/0718/AD/W4 - 3 sided display mounted on top of a monopole adjacent to William Sharp building. approved following council representation hearing (ref no. BC58684P) 28th May, 2002

03/2212/AD/W4 - 12mt by 65 mts advert on the south stand of Bescot stadium. Approved 16th March, 2004

Other general applications are as follows :

02/1925/AD/W3 - 96 sheet poster hoarding at the gasometers north west of the M6. approved 16th December, 2002

Relevant Planning Policy Summary

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

Adopted UDP

The site is not specifically allocated for any purpose in the UDP (although this area is predominately commercial and industrial in nature).

Policy ENV 14 (b) states that poster hoardings will generally be acceptable in areas of mainly commercial character, providing they do not seriously affect the amenity of the area or public safety.

Policy 2.2 relates to the environmental improvement of the Borough and the protection of environmental assets.

Policy 3.6 also relates to the environmental improvement of the urban area.

Policy 3.7 states that in considering proposals for new development, the Council will seek to protect nearby uses from excessive environmental nuisance.

UDP Review

2.1 & 2.2 set out the overall strategy of the plan. There is emphasis on sustaining and enhancing the environment.

GP2...environmental protection...developments expected to make positive contribution to quality of environment...not permitted where unacceptable adverse impact on the environment.

3.1, and 3.6 policies regarding environmental improvement.

ENV 38(a)...poster hoardings / structures not permitted where they have a detrimental effect on either amenity of an area and its residents or public safety... most appropriate locations will be mainly commercial character... hoardings unlikely to be permitted on sites visible from motorways and on prominent sites on classified roads. (b)...acceptable in principle but high standard of design and maintenance be required, and scale should be appropriate to setting.

National Policy

Planning Policy Guidance 19...adverts considered in terms of public safety and visual amenity.

Consultations

Transportation - no objections however the proposed sign may have an adverse impact on the M6 motorway

Pollution Control Division - No Observations.

Fire Service - No access issues

Highways Agency and Motorway Police - At the time of writing this report I had not received any comments, however in previous applications of this nature comments from both have been in respect of the location of the sign to the motorway would provide a distraction to vehicles travelling south and illuminated signs cause potential glare and distraction. I will update as necessary.

Representations

None received

Determining Issues

The determining issues are impact on highway safety and visual amenity.

Observations

Highway Safety

The proposed sign will be seen from the motorway above its safety barrier at a significant distance. It would also be viewed against a background of other signs and adverts which have been granted planning permission in the past.

In view of the significant distance and the fact that several are already clearly visible from the motorway I am of the opinion that the sign is unlikely to be encountered suddenly and therefore unlikely to cause any significant distraction to motorists (such considerations have been important in previous cases). Furthermore, its proposed siting would be within a natural gap amongst those which exist and would be viewed as a continuous succession of adverts rather than as a sudden proliferation in any one place which could create confusion.

Visual Amenity

The immediate surroundings are Bescot Football stadium, nearby RAC centre and other commercial/industrial premises as well as the M6 and its associated infrastructure. In view of this I do not consider the display will be out of context with its surroundings.

Also because of the spacing created by its proposed locations between those which already exist visually it will not be cluttered or complicate the area with too many adverts in the same vicinity.

The addition of this display unit will not impact on the character of the area.

The display will not have any significant effect on houses, as there are none nearby.

Recommendation: Approve Advert 5 Years

1. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: To ensure the satisfactory appearance of the development.

3. Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. The brightness of the advertisement(s) shall not cause glare to users of the highway.

Reason: In the interests of highway safety.

5. Illumination of the sign(s) shall not be intermittent.

Reason: In the interests of highway safety.

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

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

7. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, water

Reason: Standard condition required by Schedule 1 of the Town and Country Planning (Control of Advertisement) Regulations 1992.

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 ENV 14(b), 2.2, 3.6 and 3.7

of Walsall's Unitary Development Plan, and 2.1, 2.2, GP2, 3.1, 3.6 and ENV 38(a and b) of its review 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 Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Significant community interest.

Application Number: 04/2279/OL/W3

Case Officer: Jan Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Mr A. Singh

Agent: The Architectural Consultancy
Ltd

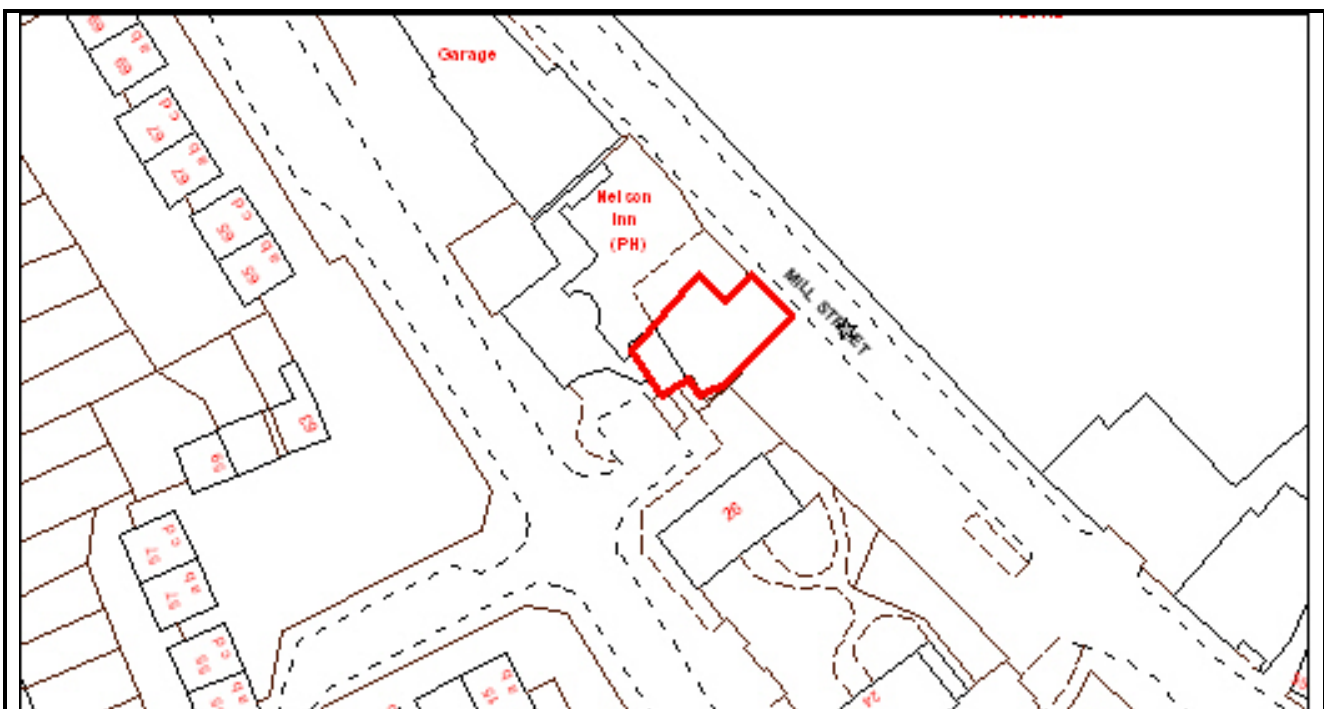
Proposal: OUTLINE : Detached 3 Bedroom
House (New Build)

Location: LAND AT REAR OF & TO
SIDE OF, 28 WOLVERHAMPTON
STREET (THE REAR
GARDEN), (FORMER NELSON
INN), DARLASTON

Ward: Darlaston South

Expired: 21 December 2004

Recommendation Summary: Refuse Permission



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Application and Site Details

This application is in outline with siting and means of access to be considered at this stage.

The application proposes the erection of a three bedroom house on part of the rear garden of dwelling no 28, Wolverhampton Street, Darlaston, which was formerly a public house. This property fronts Wolverhampton Street and its garden and vehicular access are to Mill Street at the rear. Its existing parking would be supplemented by two additional spaces as part of this application.

The proposed dwelling would front to, and have access from, Mill Street. Two parking spaces would be provided for the new house and two for the existing house.

It would have an irregularly shaped garden of between 3 and 7.5 metres length at the rear plus an enclosed side garden. The rear of the dwelling would overlook a landscaped area adjacent to no.28 which is part of an adjoining flat development.

The nearest block of flats to the site would face the proposed rear garden at a right angle at a distance of 10 metres. This view would be interrupted by garages and trees within the curtilage of the flats.

New residential development is under construction on the opposite side of Mill Street and planning permission has recently been granted for the erection of two dwellings to the south east of the application site. The nearest dwelling would have a dining room window facing the side of the proposed dwelling at a distance of approximately 8.5 metres.

Relevant Planning History

The site.

03/1353/FL/W3. Change of use from public house to residential use. Granted subject to conditions 15.8.03.

Land adjacent to site.

04/1991/FL/W3 1 no.3 bed dwelling plus 1 no.4 bed dwelling. Granted subject to conditions 9.11.04

Land opposite the site.

03/2424/FL/W2 erection of 68 dwellings. Granted subject to conditions 8.7.04.

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

Paragraph 3.6 requires development to improve the urban environment.

Paragraphs 6.6 and 6.8 support the re-use for housing of previously developed sites and set out guidance on layout, density and design.

Policy H4 and appendix 2.6 provide guidance for the layout and design of residential development.

Paragraph 7.23 and appendix 2.12 relate to car parking. Two spaces are required for three bedroom dwellings and three spaces for dwellings with four or more bedrooms.

UDP Review

Paragraph 3.6 and Policy GP2 require development to make a positive contribution to the urban environment.

Policies ENV15 and H3 support the re-use of previously developed sites.

Policies H9 and H10 relate to density, layout and design.

National Policy

Planning Policy Guidance Note PPG3: Housing supports the re-use of previously developed sites for housing.

Consultations

Transportation: No objections. Pedestrian visibility splays are required

Pollution Control: No objections. Recommend a condition restricting working hours to protect adjoining residents.

Fire Service: Satisfactory

Drainage: Satisfactory

Representations

A letter from six occupiers of the flats at no.26 Wolverhampton Street indicates that they do not consider that the ground is suitable for the building outlined.

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

Determining Issues

The determining issues of this application are the effect of the proposal on:

- i) highway safety
- ii) the amenities of future occupiers of the site
- iii) the effect of the proposal on adjacent properties.

Observations

Parking would be provided for both the existing and proposed dwelling in accordance with Council standards and pedestrian visibility (the issue raised by Transportation) can be secured by appropriate conditions.

Although there would be additional private amenity space at the side of the property its rear garden would be much less than 13 metres in length. The internal layout of the property, although indicative, proposes living room windows facing the garages for the adjacent flats at a distance of 3 metres, which would give an unsatisfactory outlook for these rooms. The site currently has an open aspect at the rear which would mitigate any loss of light to the first floor rear of the proposed dwelling.

If the proposed siting was to be approved it would however restrict the future development of the adjoining flat site because of the potential effect on the windows of this dwelling.

The application site has an open outlook to the front and rear and the adjoining garages and trees would minimise any overlooking by and towards the adjacent flats. The proposed dwelling would be sited to the side and forwards of the flats at 26 Wolverhampton Street and would have no adverse effect on their amenities.

The side wall of the proposed dwelling would however be approximately 8.5 metres from the dining room window of the nearest dwelling approved on the adjacent site, which is 4.5 metres less than Development Plan standards require. A two storey dwelling with the siting proposed would adversely affect the outlook of this property.

Recommendation: Refuse Permission

1. The siting of the proposed dwelling, having the illustrative layout provided, would fail to provide a satisfactory outlook and amenity space for its occupiers or a satisfactory outlook for the future occupiers of the dwelling approved on the adjacent site, to the detriment of the amenities of both. The approval of this application would be contrary to policies H4 and appendix 2.6 of the adopted Development Plan and Policy GP2 of the Development Plan Review Revised Deposit Draft.
 2. The siting of the proposed dwelling, having the illustrative layout proposed, could prejudice any future development on the site of the adjacent flats, to the detriment of the satisfactory development of that site. The approval of this application would be contrary to policies set out in paragraphs 6.6 and 6.8 of the adopted Development Plan and to Policies H3 and H10 of the Development Plan Review Revised Deposit Draft.
-



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Significant community interest.

Application Number: 04/2665/FL/H1

Case Officer: Neville Ball

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Mr Choudry

Agent: The Space Studio

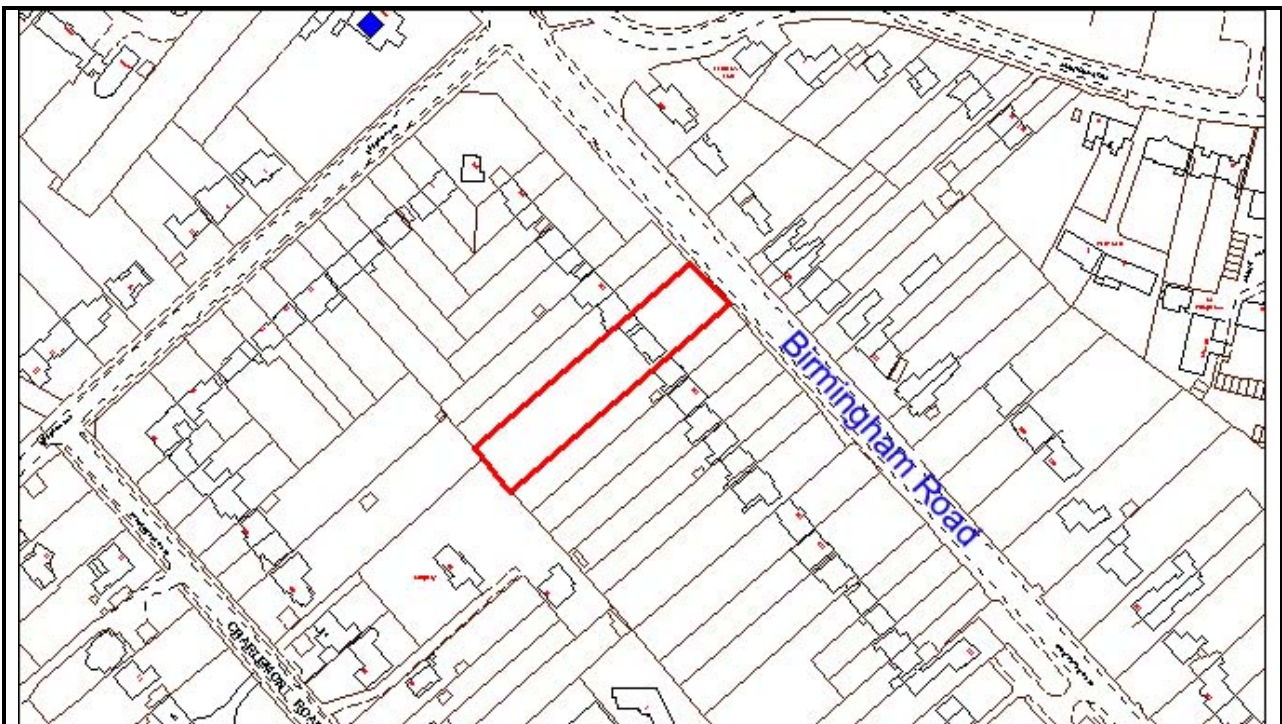
Proposal: Part Two Storey, Part Single Storey
Extension And Enlarged Roof.

Location: 354,BIRMINGHAM
ROAD,WALSALL,WEST
MIDLANDS,WS5 3NX

Ward: Paddock

Expired: 14 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is an amendment to an application refused by your committee in October 2004.

The main changes from this refused application in the current application are as follows:

- the width of the gap to the boundary with 352 has been increased;
- the width of the two two-storey bays to the front has been reduced; and
- the length of the projection of the rear balcony has been reduced from 2.0 to 1.5 metres, it has been reduced in width and set in further away from the boundaries with the houses to either side, and the corners have been angled in.

The current application is for extensions to a large detached house to provide enlarged rooms on the ground floor and increase the total number of bedrooms on the first floor from 3 to 4, together with additional bathrooms. A study and 5th bedroom are to be provided in the roof space.

The house is to be remodelled internally with the insertion of an open double height entrance hall and dining room, and substantial areas of glazing are to be provided on the front and rear elevations. A first floor balcony is to be added across part of the rear elevation. The sides of the balcony are to lie 6 metres away from the boundary with the adjoining house number 356 and 4.5 metres away from number 352.

The entrance hall is to project 1.5 metres to the front. The ground floor is to be extended by up to 7.3 metres to the rear, whilst the first floor is to be extended by 2.3 metres to the rear, with the balcony projecting a further 1.5 metres.

The ridge height of the main roof is to be increased from the current 7.2 metres to 8.2 metres.

The existing garage to the side currently abuts the side of the adjoining house number 352. There is a gap of 5.6 metres between the side of number 352 and the side of the first floor part of the application property. The garage is to be removed and a new two-storey section built to the side with a 1 metre gap to the side of number 352.

Number 352 has a two-storey flat roof extension with a false pitch to the front along the side boundary with number 354. The rear corner of number 354 as extended would be in line with the rear corner of the extension to 352. 352 is 1 metre lower than 354.

The existing gap of over 2 metres between the side of the application property and the house on the opposite side number 356 is to be retained. The rear corner of 354 nearest to 356 as extended is to project 1.8 metres beyond the adjoining rear corner of 356. The ground floor section is to project a further 5 metres beyond this, but this ground floor section is to lie 4.5 metres away from the boundary with 356. A high level kitchen window is to be inserted in the side elevation of 354 facing the side of 356.

The ground floor of number 356 is approximately 1.5 metres higher than that of number 354.

Relevant Planning History

04/1073/FL/H1. Part Two-Storey, Part Single-Storey Extensions and Enlarge Roof. Refused July 2004 on the grounds that:

- the design and size of the extension, with large glazed areas on the front elevation and the substantial increase in the roof height, especially relative to the neighbouring house number 352, would be out of character with the design of the existing house and would have an over-dominant appearance that would disrupt the rhythm of the street;
- the rear balcony and side-facing kitchen windows would have the potential to overlook the adjoining properties and would have an over-bearing impact that would be detrimental to the amenity that neighbouring occupiers might reasonably expect to continue to enjoy; and
- the rear part of the extension would have an overbearing impact on the rear of the adjoining number 356 because of its length and height relative to number 356, and the relatively small size of the rear garden of number 356.

04/1525/FL/H1. Part Two-Storey, Part Single-Storey Extensions and Enlarge Roof. Refused October 2004 on the grounds that the extension would, by reason of its size and design, be out of keeping with the street scene and would comprise overdevelopment that would be detrimental to the amenity of neighbouring properties.

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

UDP Policies

H4(c)

The design of extensions to dwellings should be compatible with the existing dwelling and the character of the wider area. Proposals which would have an unacceptable impact on the amenities of nearby residents will not be approved.

Appendix 2

Section 8. Design of Residential Extensions

(c) Ground floor extensions at the rear of houses will normally be expected to be restricted to a maximum length of 3.5 metres and a maximum height of 3.0 metres where constructed along or close to the boundary of the property with another house, except where there are exceptional circumstances. This will be measured from the adjoining house.

(d) Balconies should be avoided on the roofs of extensions where they would result in overlooking of adjoining property and loss of privacy.

(e) First floor extensions to the side of a property should avoid creating a terracing effect, or the potential for such, if repeated on other houses, where this would detract from the appearance of the area. It may be necessary in these circumstances to vary the form of roof to avoid terracing.

Section 12. Car parking standards

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

Consultation Replies

None

Representations

Representations had been received at the time of writing from the occupiers of 7 properties in Birmingham Road, including numbers 352 and 356 to either side. The neighbour consultation period expires on the day of the committee, so any further representations will be reported in the supplementary paper.

Five of the letters are copies of an identical letter objecting on the following grounds:

- The development is totally out of proportion in scale and mass to adjoining properties and others in the surrounding area;
- The new development would have a significant and adverse effect on the character and appearance of Birmingham Road. The contemporary design of full height glazing is totally out of character with the traditional appearance of neighbouring properties;
- The development would harm the amenities of neighbouring properties.
- There are no significant changes from the previous application.

The occupiers of numbers 352 and 356 also make the above comments and claim in addition that:

- the roof height has been increased by 300mm from the previous application;
- the gap of 1 metre to the boundary will still block the gable window of number 352;
- due to the overall size of the proposal, a terracing effect will still occur due to the size of the gap being too small;
- the new plans show the entrance hall to be wider, and both it and the two window bays to protrude 200mm further;
- the length of the rear extension has not been decreased and therefore will still affect the visual amenity of 356; and
- the rear balcony will still have the potential to overlook number 356.

All LETTERS OF representations are available for inspection upon publication of this committee report.

Determining Issues

The determining issues are whether the design of the extension would be compatible with the existing dwelling and the character of the wider area, the impact on the amenities of nearby residents, and parking, and in particular whether the current application has addressed the reasons for refusal of the previous applications.

Observations

The houses in this part of Birmingham Road are of individual designs but are generally of a traditional style. Although the extensions would nearly double the floor area of the house and the alterations would substantially change the appearance of the house, especially at the rear, the two new two-storey bays that are to be provided to the front elevation, one of which is to be a replacement for an existing bay, would reflect the existing character.

The house is already a unique design in the street, and occupies a plot that is double the width of others nearby.

Some of the adjoining houses, notably numbers 350 and 352, have been extended to the sides at first floor level to close the gap with the neighbouring houses. There is currently no gap on the ground floor between numbers 352 and 354. The reduction in the width of the gap to number 352 at first floor level would not therefore cause harm to the character of the street, whilst the proposed 1 metre gap to be provided on the ground floor would improve the current situation. The existing gap between the side of the house and number 356 is to be retained.

The neighbouring houses have a stepped appearance going along the street, with 354 being higher than 352 and 356 being higher than 354, reflecting the rising ground level. Although the ridge height of 354 is to be increased, the stepped effect would remain.

The fronts of the neighbouring houses are generally in line with each other. The length of the proposed front projection relative to the width of the plot would be minor and would be acceptable.

The rear of the extension would be in line with the rear corner of number 352 and would have no impact on 352. The side window to number 352 is not a primary window to a habitable room.

The gap between the rear part of the extension and the boundary with 356, the orientation of number 356 to the south and higher in level than 354, means that the impact of the rear part of the extension on 356 would be acceptable.

The windows to be inserted in the side of the extension would be high level ones and would serve a kitchen, which is not classed as a habitable room by the UDP. Their position in the current application means that they will only overlook the blank side wall of 356.

The reduction in the size of the rear balcony and its separation from the neighbours means that, provided its the sides are retained with opaque panels, it will have little impact on the amenity of the neighbours.

The house has a large front drive with plenty of parking space.

On balance I therefore consider the current application is acceptable.

Recommendation: Grant Permission subject to conditions

Conditions and Reasons for conditions, including relevant policies and proposals in the development plan

1. This development must be begun not later than 5 years after the date of this decision.

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

2. No development shall commence until a schedule of facing materials to be used for the external surfaces of the development have been submitted to and approved in writing by the

local planning authority. The development shall be completed in accordance with the approved materials and thereafter retained as such.

Reason: To ensure the satisfactory appearance of the development and to comply with policy H4(c) of Walsall's Unitary Development Plan.

3. The sides of the proposed balcony shall be fitted with solid, opaque panels before the balcony is first brought into use and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy H4(c) of Walsall's Unitary Development Plan.

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

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with policy H4(c) of Walsall's Unitary Development Plan.

Summary of reasons for the grant and a summary of 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 policy H4(c) and Sections 6, 8 and 12 in Appendix 2 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Disposal of Council Owned Land

Application Number: 04/2557/FL/H5

Case Officer: Owain Williams

Application Type: Full application

Telephone Number: 01922 652403

Applicant: Mrs D Adams

Agent: Mrs D Adams

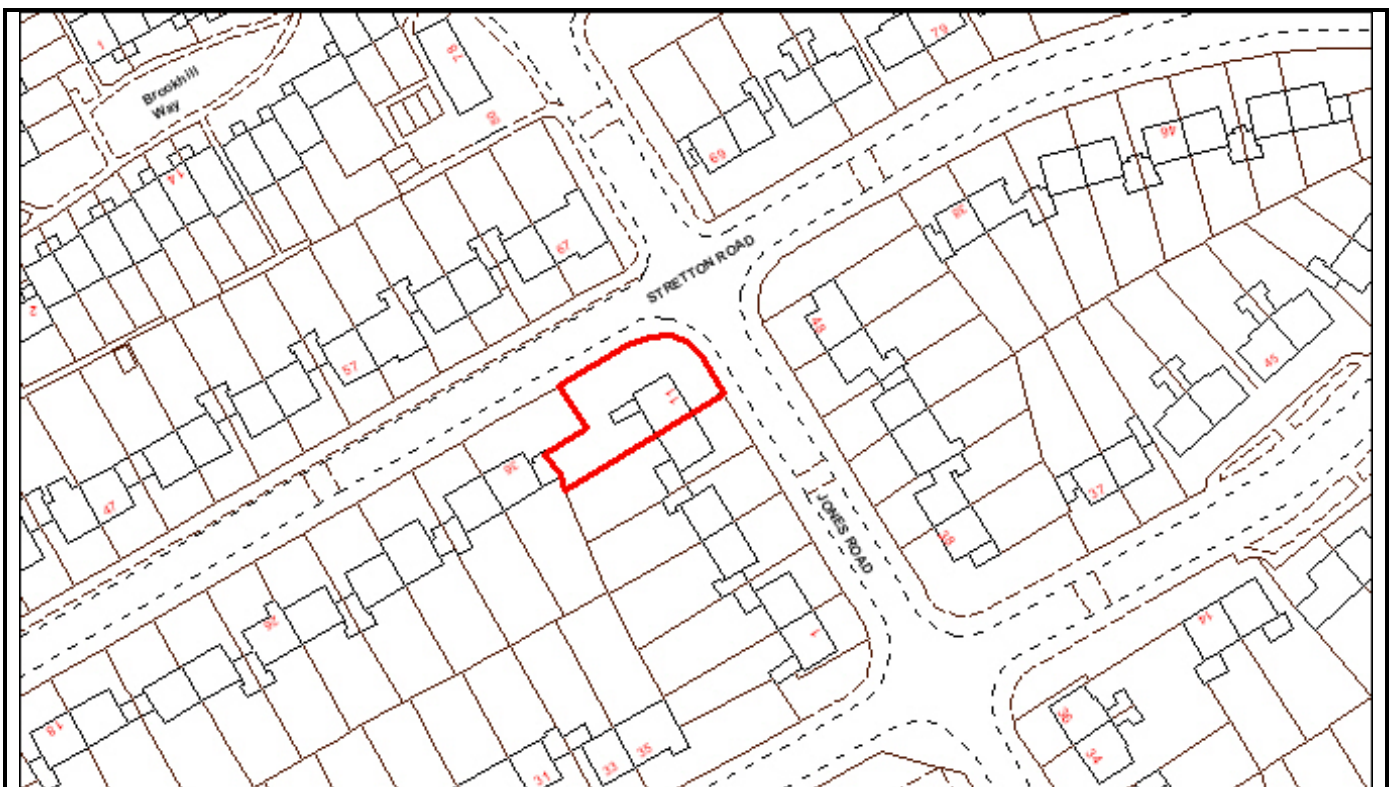
Proposal: Change Of Use To Private Garden,
and erection of 6' Fence Panels

Location: 11, JONES
ROAD, WILLENHALL, WALSALL, WEST
MIDLANDS, WV12 5EL

Ward: Willenhall North

Expired: 26 January 2005

Recommendation Summary: Refuse Permission



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Application and Site Details

The site is located on the corner of Jones Road and Stretton Road. The house faces Jones Road and has the area of amenity land to the side located within Stretton Road.

The proposal is to erect a 6 foot panel fence around the area of land to the side of the house to use as a private garden. The area of land is 7 metres wide and the fence would abut up to the back of the pavement.

There is an area of land identical to that which is to be changed opposite to the side of number 48 Jones Road. There are no other fences or walls which are above 6 foot in height in the streets apart from one concrete panelled fence. This fence adjoins the rear of number 11 Jones Road at number 36 Stretton Road

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)

Adopted UDP

3.6 New development and redevelopment schemes will be expected to contribute in terms of their layout, design and landscaping towards the environmental improvement of the urban area.

7.2 Protection of the environment and the promotion of safety will be a central aim of all transport planning and particular attention will be given to 'traffic calming' at the local level where the balance needs to be shifted more in favour of pedestrians and cyclists

Appendix 2

Section 1(e)

- i) the Council will require the provision of 1.8 metre high screen walls on corner plots to secure the privacy of rear gardens and the satisfactory long term appearance of developments

UDP Review

3.6 Development and redevelopment schemes should, as far as possible help to improve the environment of the Borough. Relevant considerations to be taken into account are set out in Policy GP2.

Consultations

Transportation - The proposal would obstruct the 4.5m x 60 vehicular visibility splay required at the junction of Stretton Road/Jones Road. The applicant may overcome the objections to the proposal by relocation the fence outside the visibility splay

Environmental Health - No objections

Fire Officer - No objections

Representations

None

Determining Issues

Impact on the neighbouring amenities, the wider area and highway safety

Observations

The proposed boundary fence will consist of larch lap panels mounted on concrete posts. This fencing is suitable for rear gardens but is not particularly robust or visually suitable for prominent frontages. The Unitary Development Plan expects a wall to be used to give satisfactory long term appearance of developments in prominent locations.

The fence would enclose an area of land which along with a similar piece land opposite adds to the openness of the street giving it character. The appearance of the fence itself and removal of the land from the public domain would have a detrimental impact on the visual appearance of the area.

The fence at 6 foot high would obstruct the vehicular visibility splay required at the junction of Stretton Road/Jones Road leading to a negative impact on highway safety. The 6 foot high concrete panel fencing to the rear of number 11 at number 36 Stretton Road is not within the visibility splays of drivers when at the junction so would not influence the decision of this application

Recommendation: Refuse Permission

The fence to be erected around the land to the side of 11 Jones Road will have a detrimental impact on the character of the area due to the loss of openness and the unsuitability of the fence both visually and physically. Furthermore the fence would obstruct the visibility splays of drivers therefore having a negative impact on highway safety. The proposal will therefore be contrary to policy 3.6 and 7.2 of Walsall's Unitary Development Plan.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Applications to fell a tree protected by a TPO have to be determined by this committee.

Application Number: 04/2244/TR/T3

Case Officer: Ian McDermott

Application Type: Application to fell protected trees in conservation area.

Telephone Number: 01922 652447

Applicant: P. R. Anelli

Agent: P. R. Anelli

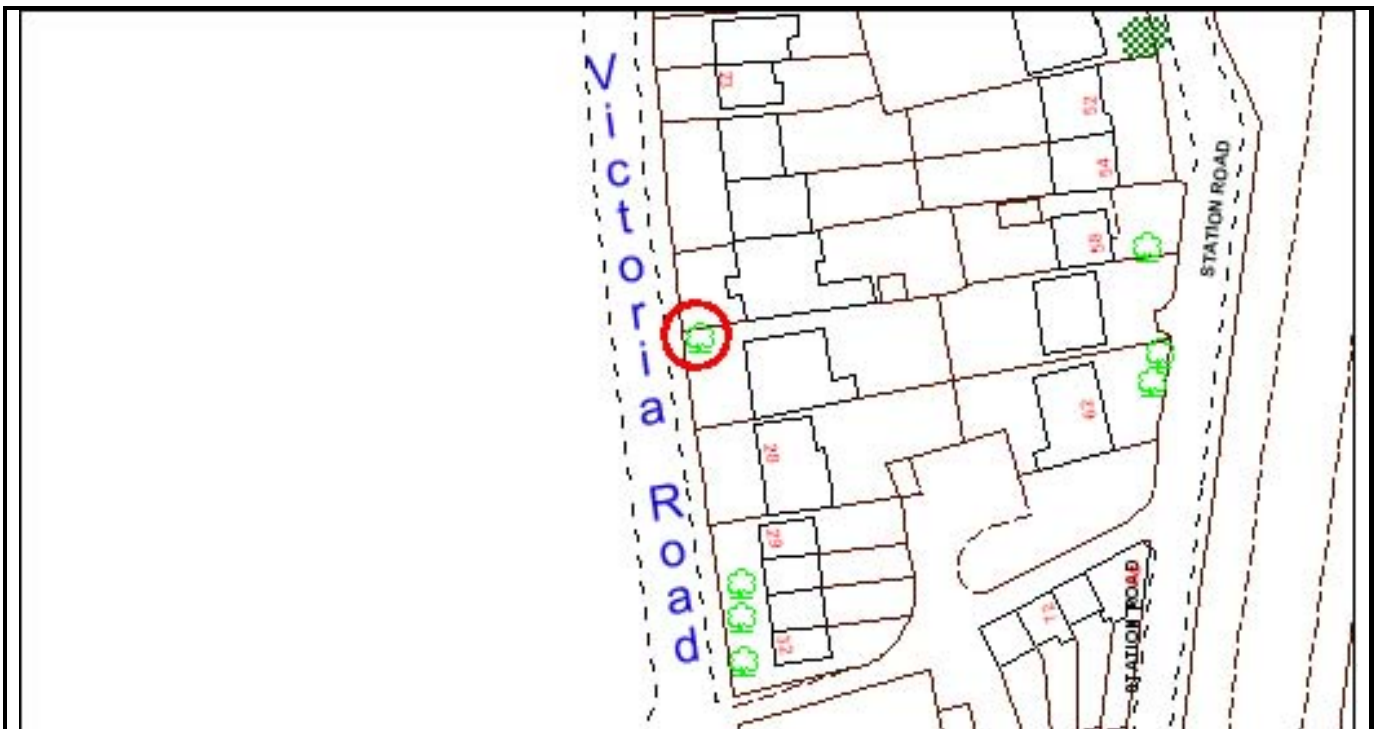
Proposal: Fell beech tree between No 26 & No 27 Victoria Road

Location: 27, VICTORIA ROAD, WALSALL, PELSALL, WEST MIDLANDS

Ward: Pelsall

Expired: 09 December 2004

Recommendation Summary: Refuse Tree Consent



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Current Status

Application and Site Details

This application fell a mature copper beech has been made by the resident at 26 Victoria Road, Pelsall because of the mess that birds roosting in the tree make on his car and because it causes shading of his property.

Relevant Planning History

This tree has been subject to three previous applications for work; 1992 - Pruning, 1993 - Pruning, 2000 - Felling.

Relevant Planning Policy Summary

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

National guidance relating to trees in Tree Preservation Orders or Conservation Areas is found in 'Tree Preservation Orders. A guide to the law and good practice'. March 2000.

Adopted UDP: Has no policies for the specific management and protection of trees.

UDP Review: Policy ENV19: Existing woodlands, trees and hedgerows, states:

- (a) 'The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows'.

Consultations

Neighbours on both sides.

Representations

There have been representations made in person at the Civic Centre by the owners of the tree expressing a desire to keep the tree. To date there have been no written representations.

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

Determining Issues

The tree is located in the front garden of 27 Victoria Road, Pelsall.

Height; 20m Spread; 25-30m Condition; Vigorous

Observations

This tree is a healthy, attractive specimen which contributes greatly to the character of Pelsall Common and the surrounding residential area. It is visible from all sides of the Common. It appears to be causing no damage to the surrounding area. The position of the tree is such that the trees on the common itself contribute more to the shading of the applicants property throughout the day than the tree in question.

The reasons given for felling the tree are not, in the councils' view, adequate to support the felling of an otherwise healthy tree.

This application was made without the consent or knowledge of the owners who have expressed a degree of resentment.

Conclusion

It is contrary to central government advice and good arboricultural practice to fell healthy trees for fulfilling their biological functions e.g. dropping fruit/berries, dropping leaves, providing a habitat for wildlife.

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

Recommendation: Refuse Tree Consent

This application has been refused for the following reasons;

It is contrary to Central Government advice to fell healthy trees for fulfilling their biological function. e.g dropping leaves/fruit, shading or providing a habitat for birds.

This tree is causing no apparent damage to its surroundings.

This tree constitutes an important aspect of the street scene and the wooded character of Pelsall Common.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Delegation for decisions on felling trees protected by TPO is currently unavailable to council officers.

Application Number: 04/2552/TR/T3

Case Officer: Ian McDermott

Application Type: Application to fell protected trees

Telephone Number:

Applicant: Robin Horton

Agent: Robin Horton

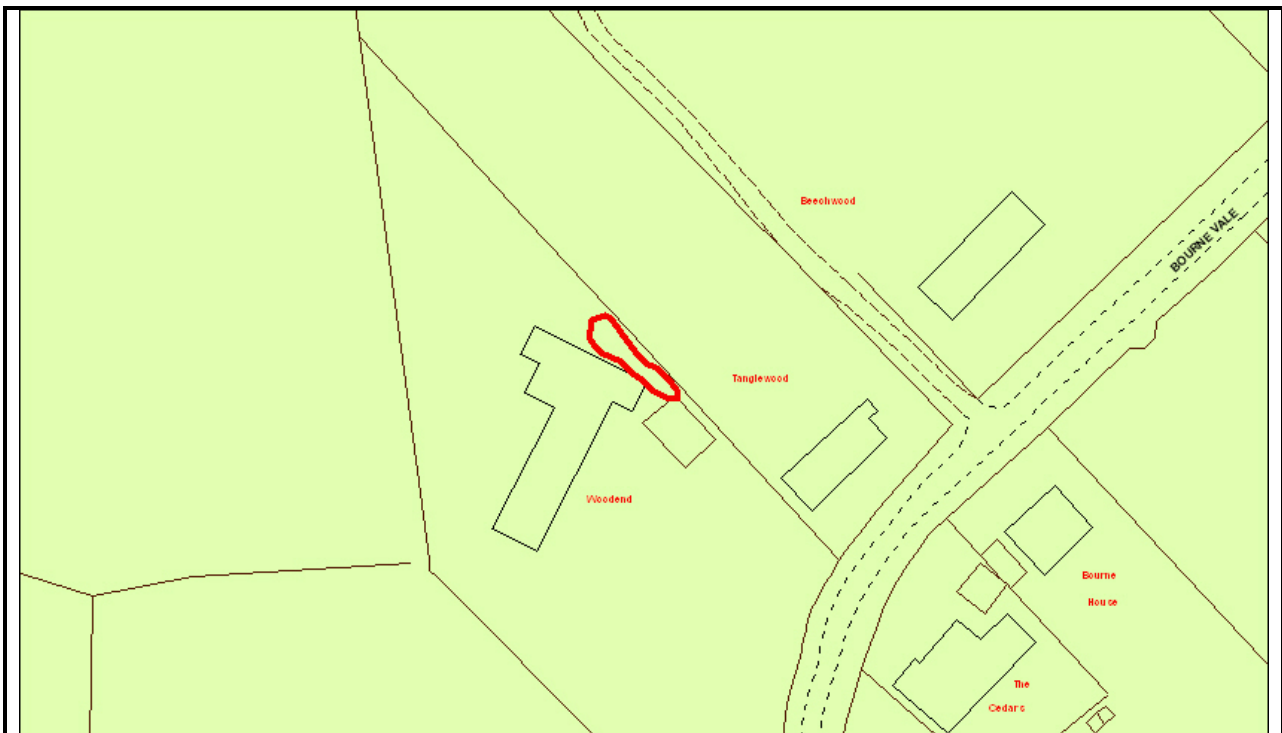
Proposal: Felling a sycamore at the rear of Tanglewood

Location: TANGLEWOOD, BOURNE VALE, WALSALL, WEST MIDLANDS, WS9 0SH

Ward: Aldridge/Central & South

Expired: 26 January 2005

Recommendation Summary: Grant Permission for Work to Protected Trees



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Application and Site Details

Felling sycamore in rear garden at;
Tanglewood, Bourne Vale, Aldridge, WS9 OSH

Relevant Planning History

Application received in Oct 2004 for work to trees on boundary.

Relevant Planning Policy Summary

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

National guidance relating to trees in Tree Preservation Orders or Conservation Areas is found in 'Tree Preservation Orders. A guide to the law and good practice'. March 2000.

Adopted UDP: Has no policies for the specific management and protection of trees.

UDP Review: Policy ENV19: Existing woodlands, trees and hedgerows, states:

- (a) 'The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows'.

Consultations

Immediate neighbours

Representations

None.

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

Determining Issues

Poor form resulting from previous pruning. Exposure to wind loading in current position. New planting would broaden the age diversity in this area.

Observations

Tree is not visible at present from road way, only to surrounding properties. Removal would not unduly detract from the appearance of the area until the replant establishes.

Conclusion

In the interests of sustaining woodland residential areas, removal of poor specimens and replacement with younger, healthier trees promotes bio-diversity and sustainable urban forests.

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

Recommendation: Grant Permission for Work to Protected Trees

This application has been granted subject to the following conditions;

No felling shall take place until the species, size and location of a replacement tree has been agreed in writing by the Local Planning Authority, and the replacement tree shall be planted within the next planting season. The Local Planning Authority shall be notified in writing when the replacement tree has been planted. Should any replacement tree be removed, die or become seriously damaged or diseased within 12 months of planting, it shall in the next planting season be replaced with a tree of a similar size and species to that originally planted.

Reason: Pursuant to the requirements of Section 197 of the Town and Country Planning Act 1990.

All tree surgery shall be carried out by a contractor approved by the General Manager, Planning Services, or a person who is appropriately insured and competent in such operations.

Reason: To ensure a satisfactory standard of work.

All surgery shall be completed in accordance with British Standard B.S. 3998.

Reason: To protect the health and appearance of the tree(s) in the interest of maintaining the amenity of the area.

This permission expires 2 years from the date of the decision and any works not undertaken by the date of expiry shall be the subject of a further application.

Reason: In order to give the Local Planning Authority an opportunity of reassessing the condition of the tree(s) in the event of these works not being carried out.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Called in by Councillors H. Withnall and I. Shires.

Application Number: 04/2426/FL/W3

Case Officer: Jan Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: O2 (U.K) Ltd

Agent: Glen Allen

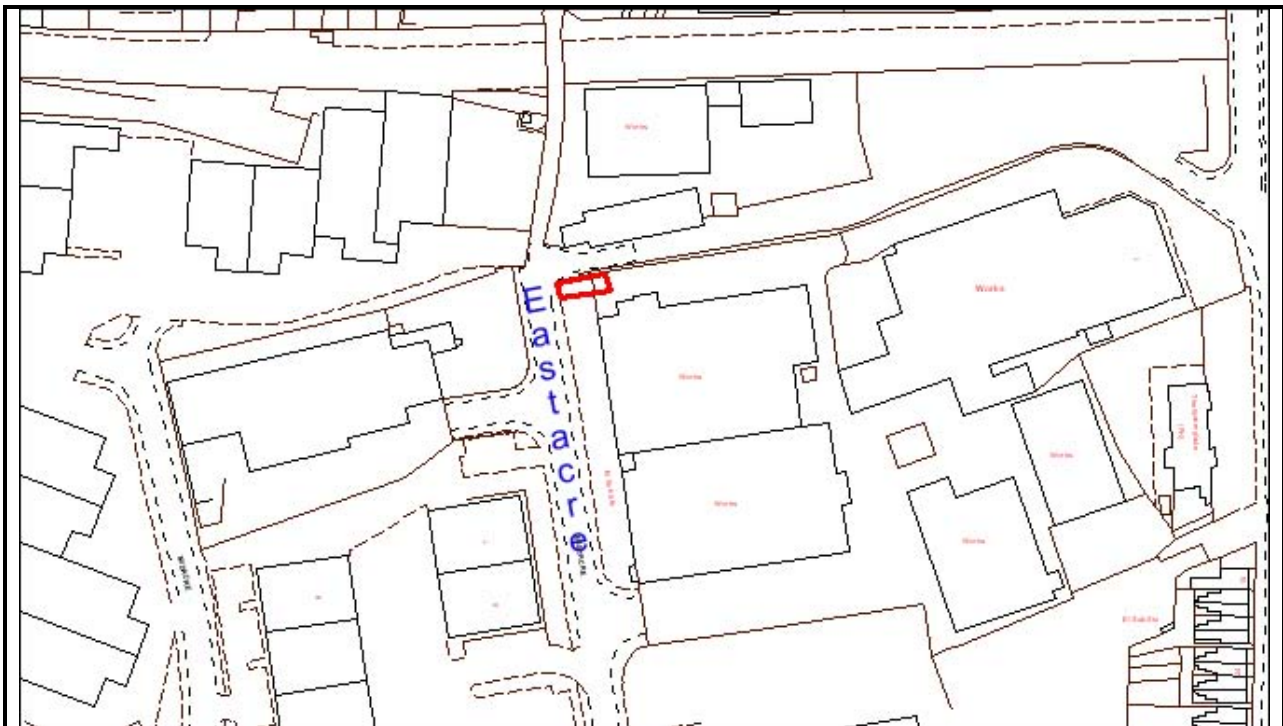
Proposal: Temporary Consent For A 15 Metre Mast For A Period Of 12 Months To Provide A Limited Coverage Whilst Appeal Is Under Consideration

Location: BOMET U.K,RAILWAY LANE,WILLENHALL,WALSALL,WEST MIDLANDS,WV13 2JK

Ward: Willenhall South

Expired: 16 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application proposes the installation of telecommunications equipment on land at the junction of Railway Lane and Eastacre adjacent to Knowles and Russbrook. The site is within the Longacre Industrial Park and proposes:

- i) 15 metres high streetworks pole (the antenna would be shrouded in GRP)
- ii) two cabinets sited within the existing palisade fence
- iii) two 600mm diameter dishes

The following information has been supplied in support of the application:

- i) supplementary information including details of pre-application consultations, details of the proposed development, technical justification, and site selection information. The site is required to provide in-building coverage for a 3G cellular network for the Willenhall area.
- ii) plans showing 3G network coverage with and without the proposed mast
- iii) declaration that the equipment and installation complies with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP).

The equipment would be enclosed by an existing 2.1 metre high palisade fence.

The area is predominantly industrial/commercial in nature and there exists a line of electricity pylons nearby which provide additional tall structures within the area generally.

Newlands Close is the nearest residential development, approximately 100 metres to the northwest of the site.

The application is a revised submission following the refusal of 04/0986/FL/W5 for the installation of a 17 metre high mast and ancillary equipment on the same site (as being detrimental to the amenity of residents of Newlands Close). This proposal is intended to provide a more limited service, pending the outcome of the appeal lodged against the that refusal.

The application requests a temporary consent of 12 months duration.

Relevant Planning History

04/0986/FL/W5 Installation of 17 metre lattice mast, one equipment cabinet and ancillary development. Refused 16.7.04. Ministry appeal lodged October 2004 but not yet determined.

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

ENV14 and appendix 2.4. Telecommunications apparatus should be appropriate to its setting. It should be sited so as not to have an adverse effect on the visual amenities of adjoining occupiers.

UDP Review

ENV40 . Operators have to demonstrate that they have investigated the possibility of site sharing.....Measures to reduce the impact of the equipment will be required where necessary...All proposals should comply with the requirements of the International Commission on Non - Ionising Radiation Protection (ICNIRP).

National Policy

Planning Policy Guidance PPG8: Telecommunications (revised). Government policy is to facilitate the growth of telecommunications systems. Sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health.

Consultations

Transportation: No objection.

Pollution Control: Recommends that

- a) when the equipment becomes fully operational, post installation tests are carried out to confirm that the equipment complies with ICNIRP limits and written verification is supplied to the Local Planning Authority within 8 weeks of conducting the tests.
- b) should future upgrades of the equipment occur then tests should be conducted to confirm that the equipment continues to comply with ICNIRP guidance.

Fire Service: No objections regarding access.

Representations

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

Three letters have been received from residents of Newlands Close and one letter from Councillor I. Shires, objecting to the proposal on the following grounds:

- i) proximity to a residential area
- ii) proximity to centre of Willenhall, with possible adverse effects on businesses if customers are concerned about potential health risks from the mast
- iii) appearance (one writer, but refers incorrectly to the mast as a lattice tower)
- iv) the screening trees on the railway embankment are due to be removed.
- v) interference with satellite TV
- vi) the application fails to demonstrate that this mast is necessary
- vii) the mast will benefit the applicants/ site owner, not the people of Willenhall.
- viii) the proposal conflicts with PPG8 in that the applicants should have discussed the proposal with residents; should have considered mast sharing; health considerations and public concern can be material considerations in the determination of applications
- ix) the proposal conflicts with council policy (UDP ENV40(b)(ii)) on mast sharing and siting in a visually sensitive area.

Determining Issues

- i) the effect of the equipment on the visual amenity and character of the area
- ii) potential health risks

Observations

I recommended the previous scheme for approval.

The currently proposed mast has been sited approximately 100 metres away from the nearest residents. The current application proposes a lower mast (by 2 metres) than that previously refused. It would also be of a different construction, which resembles a streetlight. It would therefore have no immediate visual impact and would not be detrimental to the character of Newlands Close.

Government guidance set out in PPG8 advises that it should not be necessary for a local planning authority to consider the health effects of telecommunications equipment provided that the application is accompanied by a Declaration of Conformity with ICNIRP public exposure guidelines, as in this case.

While perceived health risks can be a material planning consideration these concerns would need to be supported by specific evidence of risk, rather than generalised concern, where an ICNIRP certificate has been supplied.

With regard to the other issues raised;

- i) PPG8 advises that local authorities should not question the need for the services provided by telecommunications companies.
- ii) There is no evidence that the mast would cause interference with satellite TV
- iii) Alternative sites and site sharing were investigated.
- iv) There was pre-application consultation with local Councillors.

Conclusion

The current application represents a reduced proposal from the previous refusal and is satisfactory in terms of its location and appearance.

Recommendation: Grant Permission subject to conditions

1. The development hereby permitted shall be removed prior to the expiration of 1 year from the date of this decision, unless a further planning application for its retention or removal of this condition has been approved by the Local Planning Authority. All materials arising from the demolition shall be removed and the site left in a neat and tidy condition.

Reason: At the request of the applicants.

2. Within one month of this equipment being brought into use tests shall be carried out to confirm that the equipment complies with the requirements of the radio frequency public exposure guidelines of the International Commission on Non - Ionising Radiation (ICNIRP). In the event that the equipment is upgraded further tests should be carried out within one month of the upgrade to confirm that the equipment continues to comply with ICNIRP guidance. The results of any test required to be carried out under this condition shall be submitted to the Local Planning Authority within one month of the date of the test unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out and maintained in accordance with the terms of the application on the basis of which this decision is made.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 25 January 2005**

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Shires

Application Number: 04/2585/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652488

Applicant: The BP and Safeway Partnership

Agent: Rapleys LLP

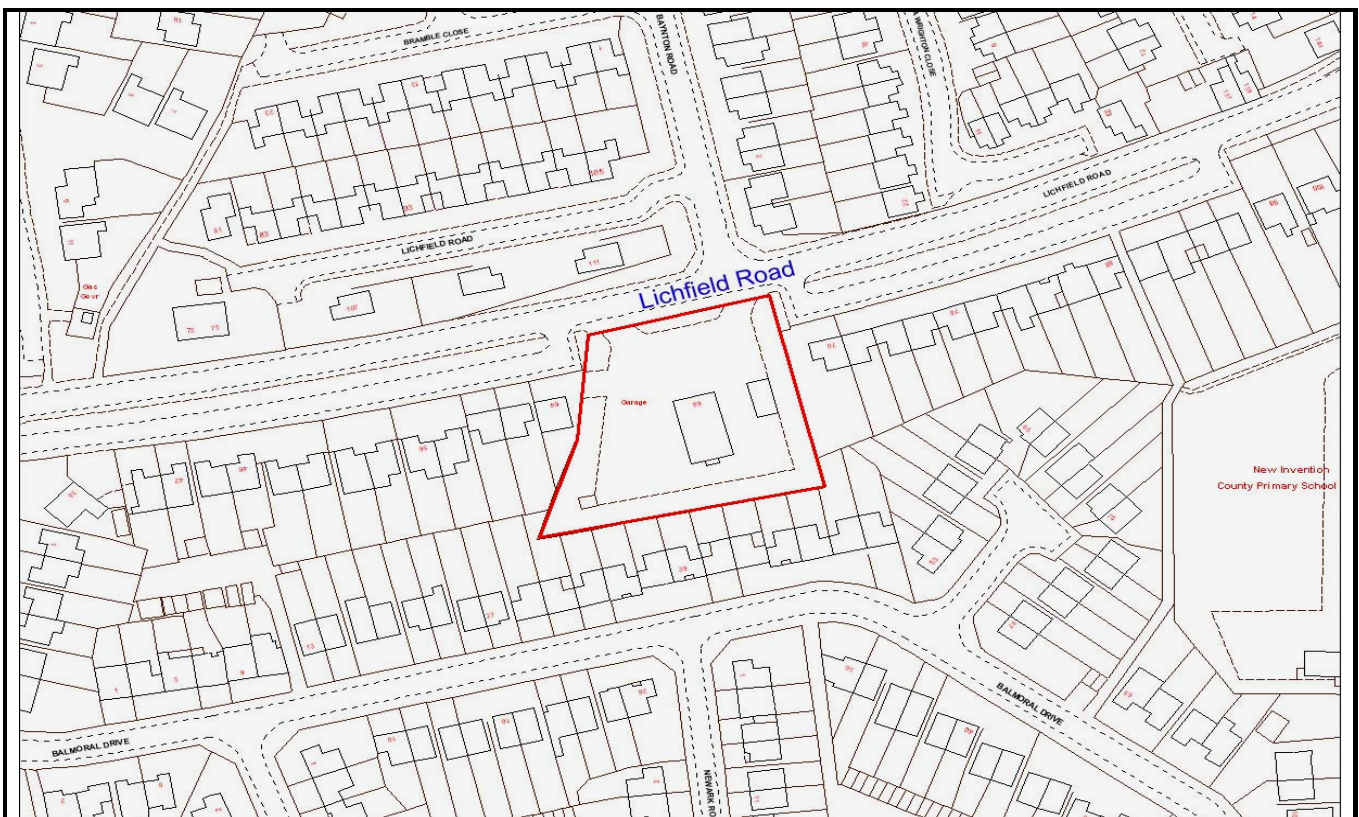
Proposal: Variation of Condition 10 of
planning permission Ref 03/0306/FL/W4 dated
25th March 2003

Location: POOLE HAYES SERVICE
STATION, LICHFIELD
ROAD, WALSALL, WEST MIDLANDS

Ward: Willenhall North

Expired: 27 January 2005

Recommendation Summary: Grant Permission subject to conditions



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Walsall MBC. Licence Number LA 076414.

Application and site details

Pool Hayes Service Station is located on the A4124 Lichfield Road. There are residential properties adjacent to and opposite the application site.

Planning permission was granted in March 2003 for redevelopment of the then existing petrol filling station subject to the following condition numbered 10:-

'The premises shall not be used, in whole or part, as a post office or pharmacy or for the sale of alcohol'

The applicants seek to amend the wording of this condition to remove reference to the sale of alcohol. They state that this application has been submitted in response to the needs of existing customers, and that the sale of such items is common to most local convenience shops. I am informed that the alcohol to be sold will be limited. It is not intended that there will be any other change, physical or operational, to the shop, as such there is no increase in retail trading area of the proposed store.

Relevant Planning History

This is the latest chapter in a series of applications proposing the redevelopment of this petrol station, which can be summarised as:-

1. scheme allowed at appeal in 2001 (BC54144P).
2. changes to that approved scheme (BC58032P)
3. amended application refused last year (02/1311/FL/W4)
4. 03/0306/FL/W4 Amended application for the redevelopment of a petrol filling station following the refusal in 2003. (Condition 10 on this permission forbids the sale of alcohol, and is the one at issue.)

Relevant planning History on a similar site elsewhere in the Borough

An application (03/1761/FL/E2) was made for deletion of a similar condition at the Shell Moorcroft Filling Station, Chester Road, Streetly. It was refused, but allowed at appeal in June 2004. There was an award of costs against the Council.

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

There are policies on directing shopping to centres, but these are of little relevance to the current application.

UDP Review

Policy S12 states that retailing at petrol filling stations should be ancillary to the principal use of the site for the sale of fuel and confined to motoring accessories, newspapers and magazines, tobacco and confectionery, and a limited range of basic food and convenience goods. In part b) it continues by stating that although it is accepted that some petrol filling stations have a walk in trade from local people, the shop should not seek to trade as a

significant retail destination in its own right. Again, this is of little relevance, beyond identifying the role of such shops.

National Policy

Planning Policy Guidance note 6 'Town Centres and Retail Development ' states in paragraph 3.19 that Local Planning Authorities should seek to retain post offices and pharmacies in existing district and local centres, and in village shops, and discourage their inclusion in 'out of centre' retail developments, by imposing appropriate conditions. Yet again, this is of only marginal relevance.

Consultations

Transportation - No transportation objections to the removal of the condition prohibiting alcohol sales at the above service station.

Pollution Control - No objection

Fire Service - No access issues

Representations

I have received 3 letters of objection from nearby residents on the following grounds:-

- a) fear that the store will become a gathering place for local youths in the evenings;
- b) potentially dangerous mix of drinking and driving selling alcohol from a service station will increase the risk;
- c) increased litter;
- d) the inspectors report stated that no alcohol would be sold on these premises;
- e) enough outlets selling alcohol in the area already;

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

Determining Issues

- Highway safety
- Concerns of local residents

Observations

Highway Safety

The condition was originally imposed by the inspector when determining BC54144P, the planning application which was allowed at appeal in February 2001. The inspector referred to PPG6, paragraph 3.19, which advises on the use of conditions to encourage the retention of post offices and pharmacies in local centres. In the light of this advice the main part of the condition was imposed to prevent these at the site. (They are not at issue in this application.)

He included the prevention of the sale of alcohol in the condition in the interests of highway safety. (Alcohol was not a central issue in the appeal, so there is no more elaborate justification for the condition than that statement.)

Transportation have no objections to the removal of the condition prohibiting alcohol sales at the service station. They do not consider that an increase in traffic from the proposed alcohol sales would be detrimental to highway safety in the context of the overall vehicular movements at the petrol filling station.

In determining the appeal at Shell Moorcroft Filling Station, the inspector pointed out that there is no specific policy at local or national level, relating to allowing the sales of alcohol. He concluded that the percentage increase in activity which the sales of alcohol would generate (in that case) would not be so great as to amount to a serious threat to highway safety, in a situation where there is no evidence to suggest that the site is operating above its capacity. He stated that there is no sound basis for concluding that the addition of some alcohol sales at the appeal premises would lead to an unacceptable increase in Highway dangers. Consequently there would be no conflict with any relevant UDP policy.

However, whilst the inspector recognised that the appellants had no desire to create an off licence at the premises he recognised that a different balance between alcohol and food sales could change the pattern and character of activity at the site leading to an increased level of traffic, which could bring with it an unacceptable increase in highway dangers. He therefore felt it reasonable to impose another condition which specified an area of 5 sq. m. of floorspace for such sales. As the applicant has specifically stated that alcohol sales will be limited, I propose to limit the floorspace area for sales of alcohol to a maximum of 5 sq. m.

The significance of the Moorcroft decision is intensified by the ward of costs. Costs are awarded where there is unreasonable behaviour. The failure to produce evidence of the Council's position is unreasonable behaviour and the costs of fighting the appeal are "reimbursed" to the appellants from Council coffers.

In the Moorcroft case the Inspector, in awarding costs concluded:-

"The Council's sole reason for refusal was ... highway safety. However, this was contrary to the advice of their own highway officers. ... Member's knowledge of the locality and of local concerns was the only explanation given for the decision. In my view, ..., that is an insufficient basis on which to take an important planning decision which has the effect of preventing, inhibiting or delaying development which, on the face of professional advice, could have reasonably been permitted. "

In the present case, professional advice is clear, and the parallels will be apparent.

It can be argued that the difference of opinion between two Inspectors makes it unclear which is right. Such cases can arise, but in this case, the more diffuse consideration of the original appeal on the application site would be outweighed by the more specific considerations given in the Moorcroft case. I would fully expect the approach in the Moorcroft case to prevail if the current application were to be refused.

Concerns of local residents

Concerns raised by the local residents with respect to anti-social behaviour are matters that can only be given limited weight within the planning legislation and are principally matters for the licensing system. The issue of numbers of outlets selling a certain type of goods is not a planning matter but one for market forces to determine.

Recommendation: Grant Permission subject to conditions

That Planning Permission to vary Condition 10 on the previous consent (03/0306/FL/W4) be allowed, and the condition varied to read:

'The shop hereby approved shall not be used , in whole or in part , as a post office or pharmacy.'

That an extra condition be imposed as follows:

'The total floorspace for the sale of alcohol shall not exceed 5 square metres.'

Reason: To define the permission and to restrict the sales of alcohol, to prevent the use of the shop as a whole being altered to a specialist alcohol outlet, with consequent likely changes to traffic flows.

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 policy S12 of Walsall's Unitary Development Plan Second Deposit Draft, 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
