



Contents Sheet

Item	Page	App No	Site Address	Proposal	Recommendation
1	1	08/1438/FL	73 COLLINGWOOD DRIVE,WALSALL,B43 7JW	Change of Use A1 Retail to A5 Hot food take away.	Grant Subject to conditions
2	8	08/0326/OL	LAND AT THOMAS STREET & BIRCHILLS STREET,BIRCHILLS, WALSALL,WS2 8NE	Outline residential development (with access and scale taken into account) for 103 houses and flats with associated works (northern site only).	Refuse Permission
3	20	08/1352/FL	LIDL, RAILWAY LANE OFF NEW ROAD,WILLENHALL, WALSALL,WV13 2BU	Retrospective: Removal of Condition 18 (relating to highway works at New Road/Bilston Street) of planning permission 06/0537/FL/W2 for erection of new Lidl Store off New Road	Grant
4	25	08/0901/FL	HIGHGATE BREWERY,SANDYMOUNT ROAD,WALSALL,WS 1 3AP	Proposed demolition of redundant boiler house and replacement with bottling plant and tankroom building.	Grant Subject to conditions
5	32	08/0898/LB	HIGHGATE BREWERY,SANDYMOUNT ROAD,WALSALL,WS 1 3AP	Listed Building Consent: Proposed demolition of redundant boiler house and replacement with bottling plant and tank room building.	Grant Listed Building Consent

6	37	08/1273/FL	116 LICHFIELD ROAD,SANDHILLS,W S9 9PF	New Detached Dwelling Adjacent to 116 Lichfield Road	Refuse
7	47	08/1181/FL	214 CASTLE HILL ROAD,STONNALL,W ALSALL,WS9 9DB	Demolition of Existing House and Garage and Erection of Two Storey House (Resubmission following refusal of 08/0572/FL)	Grant Subject to conditions
8	57	08/0896/FL	14 CORNWALL ROAD,WALSALL,WS 5 3PD	Two-Storey Rear Extension	Refuse
9	61	08/1415/FL	LAND BETWEEN WOOD STREET, UPPER LICHFIELD STREET, AND LOWER LICHFIELD STREET EXTENDING TO WALSALL STREET, WILLENHALL, WEST MIDLANDS	Removal of Condition 26 of Planning Application 07/0639/FL/W2 (Retention and Re-Use of Facade of Yale Works)	Grant



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 08/1438/FL

Application Type: Full application

Applicant: Mr Peter Marinou

Proposal: Change of Use A1 Retail to A5 Hot
food take away.

Ward: Pheasey Park Farm

Recommendation Summary: Grant Subject to conditions

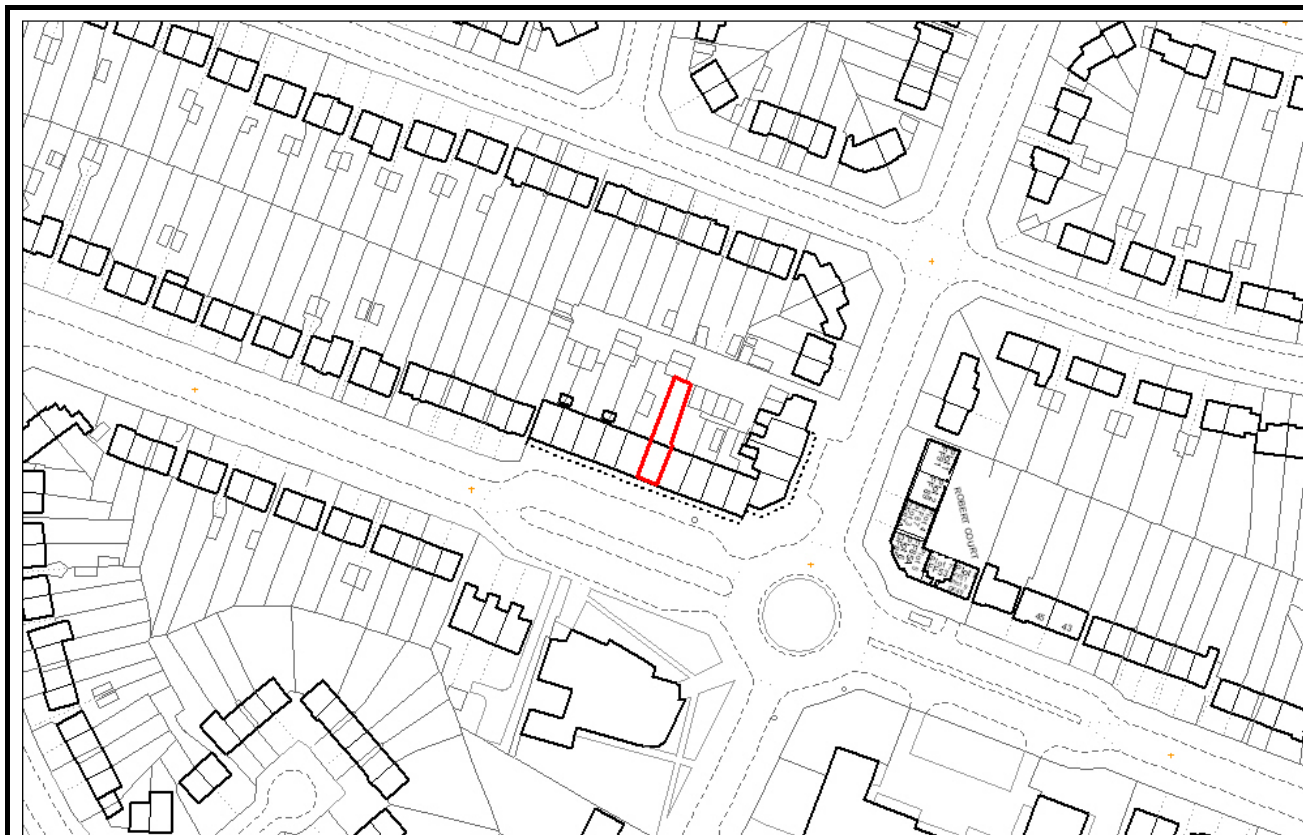
Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: Mr Tony Marinov

Location: 73 COLLINGWOOD
DRIVE, WALSALL, B43 7JW

Expired: 30/10/2008



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The site comprises a vacant retail shop at ground floor with two storey residential accommodation above, situated within a block of 10 shops fronting Collingwood Drive and 4 fronting Hillingford Avenue. The site is situated within the Collingwood Drive, Pheasey local centre.

Vehicle and pedestrian access (to the flats above the shops) is provided off Hillingford Avenue to a service area to the rear of the shops. On street chevron parking for customers of the shops is situated on the frontage on Collingwood Drive and Hillingford Avenue.

Residential properties are situated to the rear (north) in Raeburn Road and in Collingwood Drive to the west of the block of shops, with flats and St Chad's Church opposite the site. Further residential properties are situated in Hillingford Avenue.

Collingwood Drive is a bus route and terminus for 6 different bus routes and is a busy main route through the Pheasey estate.

The application proposes the change of use of the ground floor from A1 retail to A5 hot food takeaway. The takeaway would be open 1100 – 2100 hours Mondays – Saturdays and 1700 – 2100 hours Sundays. No alterations are proposed to the existing shopfront, but the proposals do include installation of fume extraction equipment and ducting to the rear elevation, to vent 1m above the eaves level of the building.

Relevant Planning History

There is no planning history for the premises themselves.

67 Collingwood Drive

BC42937P, change of use from butchers to Indian balti takeaway and provision of extractor flue, refused 03-01-95.

Reason for refusal:

Likely to adversely affect the amenities of adjoining residents in particular upper floor flats, through increase noise, nuisance, litter, smell and inadequate parking.

02/0919/FL/E6, change of use to fish and chip shop, refused 28-06-02.

Reason for refusal:

Adverse affect on the amenities of the occupiers of the surrounding area, particularly the upper floor flats, by reason of increased noise, nuisance and litter and potential cooking smells.

118 Hillingford Avenue

BC27877P, change of use to hot food takeaway, refused 05-12-89.

Reason for refusal:

Detrimental to the amenity of nearby residents through increased noise, activity, smell, visual intrusion and litter.

BC33604P, change of use to hot food takeaway, refused 10-09-91

Reason for refusal, as previous.

BC56279P, change of use to pizza takeaway, refused 06-10-98.

Reason for refusal, as previous.

Relevant Planning Policy Summary

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

Walsall's Unitary Development Plan (2005)

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment.

S2: The Hierarchy of Centres

(c) Local Centres, to meet the day to day convenience shopping and local service needs of their community.

S5: The Local Centres

The retention, enhancement and further development of shops, services and other town centre uses will be

S10: Hot Food Takeaways

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

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

T13 Parking Standards

Hot food takeaways - 4 car park spaces for establishments with a gross floor space up to 50sqm

Consultations

Transportation - No objections. The proposed use would require 4 parking spaces and the present A1 use would require either 3 spaces (non food) or 4 spaces (food or convenience store), there is therefore no significant increase in car parking requirements. There is public on street car parking available fronting the site and there is also car parking for the residents above the shops to the rear of the site. The proposed use would therefore be unlikely to have any significant detrimental impact on the operation of the local highway network.

Environmental Health – no adverse comments. The proposed extraction system appears to be adequate for the purpose venting at a very high level, which is likely to carry cooking fumes (already filtered) away into the air above the roof and away from the residential properties above the application premises. This would significantly reduce any risk of odour nuisance. The previous reason for refusal in 2002 on an application for hot food use in the block included, noise nuisance, litter and odour. Litter and smell can easily be controlled, and anti social behaviour and gathering of youths should be controlled by the police. Therefore on current policies no valid reasons for refusal of the proposals.

Fire Officer – Satisfactory for fire service access.

West Midlands Police – No adverse comments. A number of offences have been recorded in the vicinity of the site in the last 12 months, of varying types. There is evidence of occasional issues with local youths gathering around the shops and bus shelter, but it is difficult to say whether the proposed use would make things any worse. It could be argued that customers visiting the premises would act as a capable guardian providing a deterrent for unruly or anti social behaviour by their mere presence.

Pollution Control – Contaminated Land Team – no specific contaminated land requirements

Public Participation

Twenty seven letters of objection and one letter of support for the proposals have been received.

Support:

- Use of a vacant shop better than it sitting empty.

Objections:

- Already problems with youths hanging around particularly at night and anti social behaviour, likely to be exacerbated.
- Adverse impact of fumes on bridal shop at ground
- Already too many hot food takeaways in the area in very close proximity
- Increase in traffic and parking
- Increase in refuse to the rear of the shops and possible vermin
- Too close to the church and accommodation for the elderly
- Unacceptable noise, disturbance and fumes
- Increase in litter
- Adverse impact on the community centre who serve hot food and beverages.
- Property devaluation

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

Determining Issues

The determining issues are:-

- The appropriateness of the use in a local centre
- The impact on the amenities of surrounding occupiers
- Parking and highway safety
- Other issues and response to representations

Observations

The appropriateness of the use in a local centre

The application site is situated within the Collingwood Drive, Pheasey local centre, and situated within a block of 14 retail units on the corner of Collingwood Drive and Hillingford Avenue.

Policies S10 of the UDP indicates that Town, District and Local Centres are appropriate locations for such uses where there is existing activity, subject to key considerations.

The principle of the proposed use is therefore considered appropriate in this location.

The impact on the amenities of surrounding occupiers.

Whilst the property is situated within a local centre, there are residential units above the shops. Collingwood Drive, is a busy route through the Pheasey estate with 10 bus routes and a bus terminus for 6 different buses which operate on a regular basis from early morning till almost midnight. The Collingwood Centre is situated diagonally opposite the site which is open for community use in the evenings. The local centre is therefore considered a busy, noisy and active location.

The application proposes opening hours of 1100 – 2100 hours Mon – Sat and 1700-2100 hours on Sun, well within the opening hours recommended within Policy S10 to restrict evening opening and ensure no adverse impact on the amenities of surrounding occupiers. The existing off licence at No 83 Collingwood Drive is open till 2230 hours and the video shop at 122 Hillingford Avenue is also open during the evening. No 83 is situated at the end of the block, next to residential properties and late opening of this unit is likely to have far more adverse impact on the neighbouring properties than the proposed use that is situated in the middle of the block. The proposed restriction on opening hours would allow for increased activity during the early evening but prevent any adverse impact from the use during more sensitive late night hours.

Parking for the shops is situated on street on the frontage of Collingwood Drive and Hillingford Avenue and use of this parking is unlikely to have any additional adverse impact on the amenities of the residents above the shops through comings and goings. The pedestrian and vehicle access to the flats above the shops is situated to the rear of the building in the service yard. It is considered that residential occupiers are unlikely to be adversely affected by the proposed use in terms of noise, disturbance of traffic or late night opening over and above the existing situation.

The application includes the installation of extract ducting and fume extraction equipment to the rear elevation of the property. The ducting would be situated between the upper floor windows of the flat above with the vent level 1m above the eaves height, thereby reducing the risk of any odour nuisance to the residents. Environmental Health have raised no objections to the application and consider the proposals would have no adverse impact on the surrounding occupiers.

Parking and highway safety

On street chevron parking bays are provided to the frontage of the premises in Collingwood Drive and Hillingford Avenue, for use by customers to the shops. Separate parking is provided to the rear for staff and resident. The existing retail use would require 3 car parking spaces (non food) or 4 spaces (food or convenience store) and the proposed use would require 4 spaces, therefore no increase in parking requirements. Transportation have raised no objections to the proposals and consider that the proposals would have no significant impact on the operation of the local highway network.

Other Issues and response to representations

Existing Hot Food Uses

Local residents have raised the issue of the number of existing hot food uses in the area, however no other hot food uses exist within the block of 14 shops. The other uses referred to by the objectors are situated off Beacon Road and Queslett Road and not within this local centre and not within reasonable walking distance of the local centre. The cumulative impact on hot food uses is therefore not considered an issue in this instance.

History of other hot food refusals

Whilst previous applications for hot food uses within the block (67 Collingwood Drive and 118 Hillingford Avenue) have been refused, the last refusal was in 2002.

Environmental Health however consider that a further refusal would be difficult to sustain. The last refusal identified noise disturbance, litter and cooking smells and their impact on the residential properties above the shops as the reason for refusal. The issue of litter can be overcome by provision of litter bins and control by the applicants (an appropriate condition is attached re provision of litter bins), cooking smells would be overcome by the provision of adequate ducting and venting system above the line of the residential properties and noise disturbance would be minimal in this existing local centre and bus terminus area.

Anti Social Behaviour

Objectors have expressed concerns about the number of youths who already congregate at the shops and bus stops, particularly in the evening, which they consider would be exacerbated by the proposed use. West Midlands Police have confirmed that there have been a number of reported offences in the area in the past 12 months, but it is difficult to say whether the proposed use would make this any worse. It can be argued that customers visiting the premises may act as a capable guardian, providing a deterrent for unruly or anti social behaviour, by their mere presence.

Youths may be attracted to the site in the evening currently as the existing solid roller shutters in place when the shops are closed provides no natural surveillance or overlooking. The unit is currently vacant, with solid roller shutters in place 24 hours providing no natural surveillance of the frontage. Use of the premises, especially in the evening may deter further anti social behaviour through natural surveillance and comings and goings of customers.

A balanced judgement needs to be made. Successful local centres can accommodate well managed hot food takeaways and can bring a level of activity in the evening that can deter anti social behaviour, as the police have suggested in their comments. This local centre currently presents a wall of solid rollers shuttered shops during the evening which can itself create a security risk and threat to passers by through lack of surveillance. Introduction of an additional evening use would increase activity and surveillance of the area. In recognition of the increase in activity likely to arise from the proposed use the opening hours of the premises would be restricted to 2100 hours to ensure no adverse impact at more sensitive late evening hours.

Recommendation: Grant Subject to conditions

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

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

2. The premises shall not be open for business outside the hours of 11.00 to 2100 Mondays to Saturday and 1700 – 2100 hours on Sundays.

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

3. No development shall be carried out until details of the ventilation equipment and fume control measures including their siting, design and appearance have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use and thereafter retained in working order.

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

4. Prior to first use of the premises for the use hereby approved details of a litter bin outside the property (including mechanisms for emptying) shall be submitted to and approved in writing by the Local Planning Authority and once agreed the bin shall be installed and thereafter retained and operated in accordance with the approved details.

Reason: In order to safeguard the amenities of surrounding occupiers.

5. No development shall commence until details of a method to prevent greases entering the drainage system have been submitted to and approved in writing by the Local Planning Authority. The premises shall not be open for business until this approval has been given and approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirement.

Reason: To prevent grease entering into the drainage system in the interests of the free flow, capacity and the prevention of pollution of the system.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, S2, S5, S10 and T13 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 the application is approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: major application

Application Number: 08/0326/OL

Application Type: Outline Application

Applicant: Dawkins Development Ltd

Proposal: Outline residential development
(with access and scale taken into account) for
103 houses and flats with associated works
(northern site only).

Ward: Birchills Leamore

Recommendation Summary: Refuse Permission

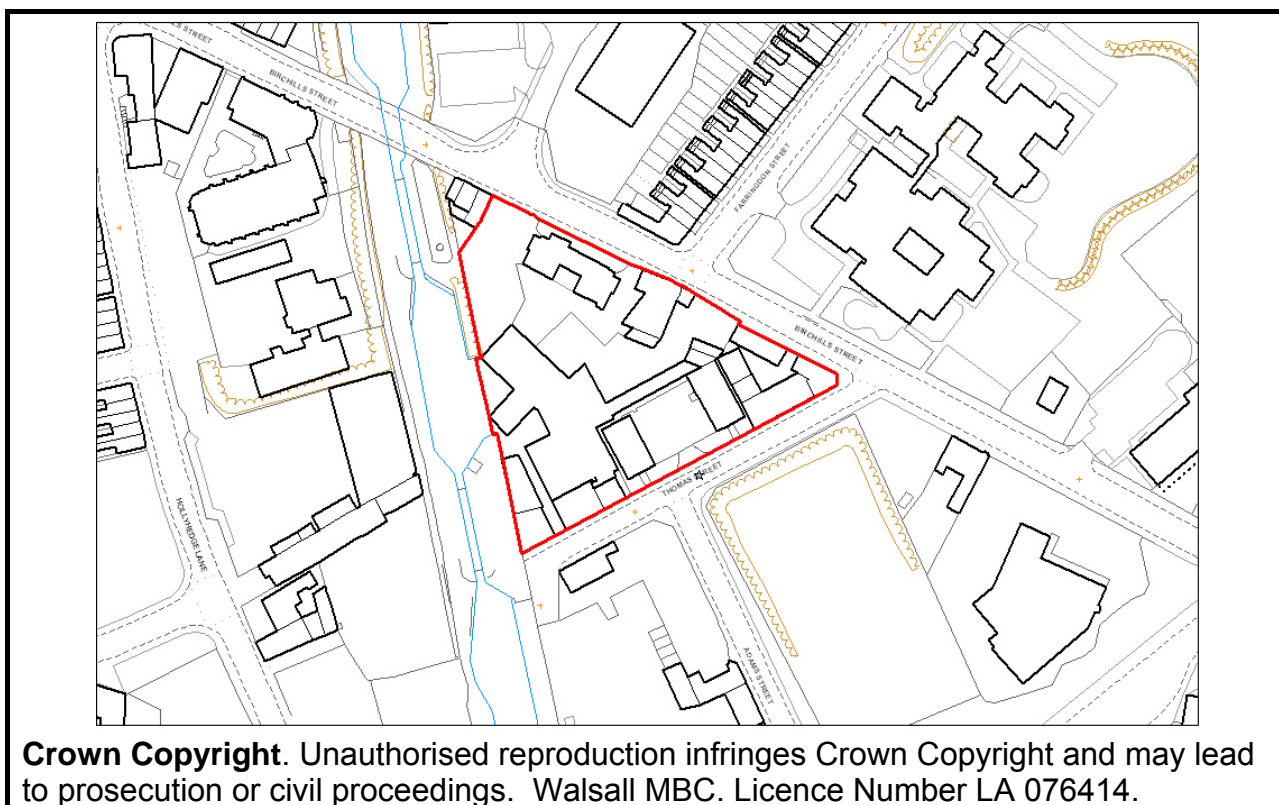
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: I D Architects (Midlands) Ltd

Location: LAND AT THOMAS
STREET & BIRCHILLS
STREET, BIRCHILLS, WALSALL, WS2
8NE

Expired: 04/07/2008



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application is in outline, specifically for 103 dwellings, with only access and scale being taken into account at this stage. Layout, appearance and landscaping are reserved. Layout was originally included in the application but the plan is to be now used for illustrative purposes only.

The site is a triangular parcel of land bounded by Thomas Street to the south, the Walsall Canal to the west and Birchills Street to the north east. Access is to be from Birchills Street.

A companion application was intended, for further land to the south, down to Blue Lane West. It has not proceeded, but some of the supporting documents in the present application were common to both, and some of the conclusions reached reflect this.

The application proposes 103 dwellings, both flats and houses, and 100% of the units will be affordable of mixed tenures to be managed by a Housing Association. Parking is proposed at 100%. Density will be 129 dwellings per hectare.

Various documents have been submitted with the application including:-

Design and access Statement

This includes an assessment of the site in physical, social and economic terms, evaluates the constraints and opportunities and discusses the design objectives.

Landscape Planning Statement

This gives the historical context to the site, a visual appraisal, discusses how the proposal has evolved as part of the regeneration plan for canal side developments in Walsall and discusses how the landscape proposals will aim to enhance the site. It discusses how roof gardens will be part of the scheme.

Report on Environmental Noise Levels

This concludes that through the use of various mitigation measures it is possible to meet the desired design criteria and provide an acceptable level of amenity for future residents.

Air Quality Assessment

The development lies within an Air Quality Management Area for nitrogen dioxide, and concentrations of this pollutant are currently above the annual mean statutory objective at locations close to Wolverhampton Road, though not on the site. The effect on local air quality from additional road traffic will be negligible. Dust raising activities during construction can be minimised through the effective implementation of mitigation measures and industrial processes identified within one kilometre of the development are unlikely to affect air quality in the vicinity of the site.

Transport Assessment and Travel Plan

The Transport Assessment and Travel Plan were undertaken to cover both the north and south sites feeding from Thomas Street onto Birchills Street. It concludes that 200 units can be accommodated without raising issues which cannot be resolved.

Flood risk assessment

This concludes that there is no risk of flooding of, or from, the site.

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)

Unitary Development Plan

2.1 And 2.2 define the overall strategy of the plan. The aims of sustainable development, urban regeneration, & environmental improvement are identified

GP1...principles of sustainable development

GP2, 3.1, 3.6 and 3.16 seek to improve the environment and achieve schemes that do not have an unacceptable adverse impact on the environment

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by development.

These may include transport infrastructure, open space, drainage works, affordable housing, education facilities, health care facilities and other forms of social and community infrastructure

GP7 designing out crime

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

ENV14 encourage the development of previously developed land

ENV32 seeks to prevent poorly designed proposals

ENV33 Good landscape design to be integral part of design

H3 - use of previously developed land for housing, flexibility in standards.

Policy H9 gives advice about housing densities. This supports developments in the range of 30 - 50 dwellings per hectare on most sites.

H10 Layout, Design and Dwelling Mix

7.36 ensure adequate levels of off-street parking...particularly in residential areas to avoid environmental and road safety problems

7.51 Walking and cycling need to be encouraged as an alternative to the car for short journeys. Easy walking/ cycling distance will depend on local circumstances the maximum will normally be regarded as 1000 metres.

T7 and T13 Car Parking standards

T12...access by Public Transport to Residential Developments...walking distance no more than 400 metres to a bus stop

LC9 Canals - Encouragement to provision of canal side facilities and environmental improvements to enhance the attractiveness and recreational potential of the canal network. Development alongside canals should positively relate to the opportunity presented by the waterway, achieve high standards of design and be sensitively integrated with the canal.

The main site is adjacent to the Walsall Locks Conservation Area and SLINC the far north of the site area is within the Conservation Area; there are policies in protection of the environment and the history of the Borough.

The site also lies within the Walsall Regeneration Company "Canal Communities" regeneration area, though there are no specific UDP policies on this issue.

Designing Walsall SPD

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

DBW1 - Sustainability, new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DBW2 - Safe and welcoming places. All new development must contribute towards creating places that feel safe, secure and welcoming for everyone

DBW3 - all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 - new development must seek to ensure it creates places with attractive environmental quality

DBW10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development Open Space SPD

Healthcare SPD

A contribution will be necessary but the calculation depends on the number of bedrooms and this information is not known at this stage

Education SPD

A contribution will be necessary but the calculation depends on the number of bedrooms and this information is not known at this stage

Affordable Homes SPD

25% affordable is required

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Walsall Locks Conservation Area Appraisal and Management Plan (2005)

It is important that the canal's character and landscape is considered as required by the Walsall Locks Conservation Area Appraisal and Management Plan.

Regional Spatial Strategy for the West Midlands

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

A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)).

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

National Policy

PPS1 promotes sustainability and good design.

PPS 3 (Housing) promotes use of previously developed land for housing... flexibility in the application of standards to achieve development, housing to meet the needs of the whole community, create sustainable patterns of development, more efficient use of land, promote good design and reduce car dependence.

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

Other related documents are PPG25 Development and Flood Risk, 'By Design' the companion to PPG3, Urban Design Compendium, Safer Places, The Planning System and Crime Prevention and By Design - Urban Design in the Planning System: Towards Better Practice.

Consultations

Transportation – No objection as layout has now been removed from the proposal and is to be treated as a reserved matter. 100% parking is supported in this sustainable location on the edge of the town centre. Bin lorry turning manoeuvres shall take place within the confines of the site. A waste management strategy will be required as part of the reserved matters submission. A travel plan will also be required for the development. There are currently ongoing discussions to signalise the Birchills Street/Blue Lane West Junction. Walsall Council will require a contribution for the upgrade of the junction for those developments that will impact on the junction.

Pollution Control – Scientific Team No objection, subject to conditions

Noise currently associated with AGS Alloys is unlikely to present an insurmountable barrier to development and could be resolved by mitigation measures involving design, layout and engineered solutions (e.g. barriers and enhanced glazing/ventilation).

The scheme locates sensitive receptors in an area of potentially poor air quality should AGS (a non-ferrous foundry opposite the site, on Thomas Street) remain in situ. Best practise is that a robust air quality assessment should be conducted prior to outline permission. In this case, an air quality assessment to inform the design and layout of the development and take account of emissions of the foundry should be required, by condition, to determine any constraints which may be necessary.

Pollution Control – Contaminated Land Team - Support the development subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the works/factories. Conditions to address these concerns have been provided.

Built Environment Team (Conservation and Urban Design) – No objection subject to conditions. The overall principle of development on this site and use of contemporary architecture is acceptable.

Further consideration should be given to exploring traditional patterns of development fronting Birchills Street. The acceptability of the layout and building form cannot be fully assessed yet. Apartments should be discouraged given the overly high numbers coming forward in Walsall town centre. Careful consideration must be given to designing the roof gardens to ensure safety and security is balanced with aesthetic quality. The Golden Lion PH on Birchills Street should be

protected from demolition. Any reserved matters development will be eligible for Section 106 contributions towards public art payable at £350 per dwelling.

British Waterways – No objections subject to the imposition of suitably worded conditions regarding the positive treatment of the waterway.

The scheme is exciting in terms of residential quality in the Birchills area. The key to the development is the upgrading and incorporation of the waterway into this urban design concept. The concept designs which are illustrated with this outline application and the proposed linkages through to the Smiths Flour Mill site are commended. Vehicles and road ways should not form a barrier between the residences and the amenity of the waterway.

A S106 agreement should be in place which will ensure new canalside residential developments and landscaping proposals will include the improvement of the tow path for pedestrians and cyclists as an integral part of the scheme. The development could contribute to the overall enhancement of the canal environment in this area, for example, through provision of a suitable lighting scheme in the vicinity, and towpath surface enhancements.

An access way to the locks for a crane would need to be provided though the site.

A pedestrian/cycle route and an area of open space should be provided given the likely increase in footfall in this area as a result of the development.

It is noted that many of the canal improvements are for illustrative purposes only. It is therefore imperative that section 106 agreements are in place to secure contributions to the agreement which will add value to the regeneration of the area which will affect the quality of the development. The necessary estates agreements will be required for any works/access to/on British Waterways' property both during construction and, in terms of the access, for the duration of the use. The third party works team at British Waterways will need to be involved at the detailed design, preparation and the construction phases of this development.

Strategic Housing - Houses are needed in this location so the mix is supported. 25% affordable housing will be required on site, this should be 75% social rent and 25% shared ownership. No apartments are required for the affordable housing, it should be all houses.

Drainage – No surface water to be discharged into the canal, check with Severn Trent regarding the capacity of the existing sewers in the area and Environment Agency.

Police Architectural Liaison Officer – supported with reservations

The design and access statement demonstrates a good approach to physical security and most of the Secured by Design principles.

However there are major concerns over the pedestrian route that runs through the heart of the development. It is considered it to be unnecessary and contrary to SBD specifications. The layout of the development is too permeable, and its current design would create opportunities for crime by allowing casual intrusion into the site. Whilst can see that the site will have good natural surveillance, this should not be overly relied on, and believe that people with criminal intent can easily enter the site with little or no chance of being challenged - even if observed by residents. Fail to see how a public footpath that runs through a housing estate such as this will provide the residents with a sense of defensible space, and disagree with the statement in the design and access statement that *'There are no unnecessary paths which could be used to gain access and escape'*. Discounting the impact this layout could have on crime, believe that this proposed walkway creates a fundamentally inappropriate environment where an unhealthy and dangerous mix of vehicles and pedestrians will occur. In its current form, do not feel that the site would achieve the Secured By Design award, and the layout in particular needs to be altered to provide a safe environment for residents and visitors. Understand the desire to provide links to the canal, but this must not be at the detriment of community safety and crime reduction.

Public Rights of Way – No objections.

Walsall Children's Services - Sercol – This is an outline application therefore no detail is available to accurately calculate the contribution. Based on current figures a contribution will be required towards both primary and secondary education.

Inland Waterways Association – No objection in terms of access to and from the highway but concerns about height, lack of attention to the Conservation Area and overshadowing of the canal ecology.

Centro – No objection. The site is within the minimum standards for accessibility for public transport. It will not affect the 5W's Metro alignment. The council should consider whether to require a financial contribution towards the implementation of future transport initiatives. The site is well served by public transport. There are a number of bus services that link the site to surrounding town centres. The developer should develop a residential travel plan and promote sustainable travel to and from the site.

Fire Service - satisfactory.

Public Participation Responses

I have received 9 letters of objection on the following grounds:-

- Will have a direct effect on business and livelihood;
- Alternative property will need to be found to relocate the business this would be expensive;
- Currently employ local staff who would find relocation difficult;
- Bath Street Boxes has been here for over 30 years;
- the plans are misleading as they do not show AGS Alloys;
- The operations of AGS Alloys would be threatened by the proposal;
- The emissions from AGS Alloys need to be taken into account.

Determining Issues

- Conservation issues,
- Transportation,
- Crime reduction,
- Pollution Control Issues,
- Design,
- Eco issues,
- Housing mix,
- Landscaping
- Obligations

Observations

Conservation Issues

The site lies adjacent to, and partly within, the Walsall Locks Conservation Area (CA) . The Golden Lion pub (unlisted locally or nationally) is outlined for demolition as part of the proposal, though this will require separate Conservation Area Consent. The Conservation Officer opposes

demolition in terms of its character and presence in the street scene and how it shows the evolution of the overall site. The building is from the inter-war period, which is unusual and rare in this vicinity which mainly dates from the Victorian period. It features a distinctive 'stepped' gable which is of interest. A condition is proposed which requires the retention of the pub so far as it is practicably possible and viable.

The character of the area is mixed in terms of different uses, as well as buildings dating from different periods. Detailed design should address this issue, though innovative design solutions will be needed due to the shape of the site. It is also surrounded by more formal and cohesive Victorian development, including a church and vicarage over the canal to the north-west, as well as other terraced housing to the east. The Flour Mills development lies just to the south.

The illustrative layout is modern and opens views across the canal to interact with the church and the vicarage over the canal. This is welcomed and encouraged.

It is felt that traditional forms of development should be pursued at the appropriate stage, so that the development fronts onto and interacts with the streets which form the historic street pattern. It is also important that the canal's character and landscape is considered as required by the Walsall Locks Conservation Area Appraisal and Management Plan.

Transportation comments

Since layout has been removed from the proposal the highway authority does not object to the development in principle.

A Waste Management strategy would be required as part of a reserved matters application to ensure that residents can reach a bin collection point within a reasonable distance, and meet Walsall Waste Management guidance. A condition could be used to achieve this and the submission of a residential travel plan.

The signalisation of the Birchills Street/Blue Lane West Junction will require a contribution from the developer for the upgrade of the improvements to junctions affected by the proposed development within the area. This will need to be dealt with through a S106 agreement. Although the developer has verbally agreed to this, it is not yet in place, and the issue therefore appears as a refusal reason, to ensure it is dealt with appropriately.

Crime reduction

The Police Architectural Liaison Officer has concerns about the pedestrian route that runs through the heart of the development on the illustrative layout plan. He feels that it would make the layout too permeable which could lead to anti social behaviour. The developer has responded to the comments by stating that the application is in outline only. He has said that close attention will be given to creating a balance between reducing site permeability and allowing access to the canalside at the reserved matters stage. Nonetheless, as the matter is still unresolved, it appears as a refusal reason.

Pollution Control Issues

The Scientific Team have raised issues about noise currently associated with AGS Alloys, however, they consider that this is unlikely to present an insurmountable barrier to development. At the reserved matters stage it is possible to resolve concerns by mitigation measures involving design, layout and engineered solutions (e.g. barriers and enhanced glazing/ventilation).

Should AGS remain in situ, residential properties (sensitive receptors) will be in close proximity to an area of potentially poor air quality. Pollution Control Scientific team contend that a

comprehensive air quality assessment incorporating AGS must be conducted prior to outline permission being granted. In the event that AGS vacate their current premises, and without compromise on that, the current air quality assessment could be accepted. If AGS do not relocate, a revised air quality assessment to inform the design and layout of the development at the reserved matters stage, and take account of emissions of the foundry will be required to determine any constraints which may be necessary. Conditions have been suggested which will cover either eventuality.

Design

The developer states that the aim of the scheme is to create a landmark development within the wider canalside corridor scheme. The buildings on the illustrative layout plan are sited along the axes of movement corridors with a series of shared courtyard spaces. Pedestrian access points would be limited in order to define defensible space and ownership. The spaces are intended to be categorised by design, materials and landscaping into public, private or shared. The intention of the scheme is to create

- a sense of place;
- create a safe and secure environment;
- provide a series of secondary routes within the site;
- provide active frontages to the canal, Thomas Street and Birchills Street;
- open access to the canal as a valuable community amenity;
- provide feature buildings and
- define public and private space in a legible hierarchy.

It is set out in the design and access statement that focal points will be carefully positioned to act as landmarks. The buildings are to be varied in height to provide an active skyline, building up to key locations, or downwards to respond to adjacent buildings. The buildings are proposed to be arranged in layers of varying depths and silhouettes to create the appearance of surface activity, through the use of changes in materials, cladding and inset balconies. Living walls of high level planting are intended to add to the complexity and richness of surfaces.

In principle these aims are welcomed.

However the developer has described the proposal as providing 103 houses and flats, therefore it is necessary to have confidence that the site is capable of accommodating this number of units. The illustrative layout provided is not convincing in this respect.

The first point to make is that the elaborate spatial description (set out above) does not appear in the illustrative layout which is simplified into 3, 4 and 6 storey buildings. Two blocks of flats are 6 storeys, set across the site. The 3 and 4 storey buildings are houses, linked to the 6 storey blocks. Houses are back to back, and their private gardens are typically 6 metres by 3 metres on average. As a result, window to window relationships in the internal corners of the points where the blocks meet are unacceptable, garden provision is unacceptable (even in this location on the edge of the town centre), and the public spaces will be radically imposed on by the size of the various dwellings.

The indicative building design shows multiple raised gardens but overall, there is very little outdoor amenity space compared to the number of residential units. The design and access statement talks about roof gardens, balconies, terraces and street level spaces. However, it is not known at this stage how much space would be provided in this way. The flats should have 20sq. m. per apartment and the houses should have 68 sq m. Or be at least 12 metres in length,

as recommended in the Designing Walsall SPD. It is unlikely that any of the units will meet this requirement. As a result of the lack of amenity space, not only do the dwellings have inadequate outdoor space, but the development also has a cramped appearance.

Inevitably, facing habitable room windows in many parts of the site will be below the 24m recommended in the Designing Walsall SPD. This will lead to overlooking to the detriment of the amenity of occupiers. There will be little scope within the amenity areas to plant trees of any height. The model submitted with the application, and the layout, are misleading, as they both show mature trees in front of dwelling windows which will overshadow habitable rooms, and can not realistically be planted.

The indicative layout shows proposed building heights of 3, 4 and 6 storey. The 6 storey buildings will overshadow the communal areas which lie to the north. This will, again, produce an adverse affect on the limited outdoor space.

Eco issues

The developer has stated that the building structure and cladding will be designed to enable selection through eco-rating consideration exploring embodied energy,

- recyclable and replaceable components.
- Buildings are stated to be sited separated enough to enable sunlight to penetrate to all dwellings and orientated to maximise their benefit from solar gain.
- The proposal also embodies the environmentally responsible use of rainwater and grey water.
- Material selection would be based on local vernacular and the ability to be recycled.
- The developer is looking to incorporate sustainable source control techniques for surface water disposal (SUDS principles).
- The buildings would be designed to achieve a Code for Sustainable Homes rating Level 3 and this would affect all aspects including energy efficiency, construction materials, water usage, drainage and long term sustainability.

The approach is welcomed.

Housing mix

The application proposes 103 dwellings, both flats and houses, 100% of the units would be affordable of mixed tenures to be managed by a Housing Association. The applicant has stated that the dwelling size and mix may need to be revisited, due to the changing housing market.

Density is anticipated to be 129 dwellings per hectare. This is well above the range recommended in the Unitary Development Plan of 30 – 50 dwellings. Policy H9 (c) allows for significantly higher densities if the proposal is within or close to a town, district or local centre or other location with good accessibility by a choice of means of transport, and provides small units for people such as single persons or the elderly. The scheme is located where it can benefit from such relaxations, all else, e.g. the design, being equal (though it is identified elsewhere that the details of the illustrative design do not meet that test of good design).

Landscaping.

Although this is not to be taken into account at this stage the developer has provided a Landscape concept plan which aims to provide a well designed urban landscape setting. There are character spaces with links to the sites heritage and various expressions of this in the use of paving and bespoke railings. Tree planting is intended to reflect the built forms and space

restrictions. It is intended that trees and green roof areas would attract insects and birds and reduce air pollution and run off. The use of tarmac would be limited to prevent cars dominating the environment. Living walls are proposed to important elevations or as a means of improving end gables. In addition living fences could also be incorporated where space is restricted and along the important canal frontage.

The principles are welcomed, though they are being applied in unsatisfactory spaces.

Obligations

Should the application be approved there would be a need for a S106 Agreement at the reserved matters stage. The contributions would be likely to be for:-

- Public Art
- British Waterways
- Affordable housing (although the whole scheme is affordable a minimum amount of 25% should be required in case the site changes hands and is not to be developed by a Housing Association).
- Education
- Healthcare
- Open Space
- The signalisation of the Birchills Street/Blue Lane West highway junction.

No provision has been made, to date, for such arrangements, and they therefore feature in the refusal reasons.

Recommendation: Refuse Permission

- 1) The proposal is for 103 houses and flats. It is therefore necessary to show that the site is capable of accommodating this number of units. This has not been demonstrated to the satisfaction of the Local Planning Authority. Therefore, the development proposed is considered to be overdevelopment for the following reasons:-
 - a) The illustrative layout shows multiple raised gardens but overall, there is very little outdoor amenity space compared to the number of residential units. The flats should have 20sq. m. per apartment and the houses should have 68 sq m. or be at least 12 metres in length, as recommended in the Designing Walsall SPD. None of the units meet this requirement or otherwise achieve a satisfactory level of amenity.
 - b) The indicative layout shows proposed building heights of 3, 4 and 6 storey. The 6 storey buildings will overshadow the communal areas. This will produce an adverse affect on the limited outdoor space.
 - c) The elaborate spatial description set out in the Design and Access Statement (focal points, landmarks, buildings varied in height to provide an active skyline, layers of varying depths and silhouettes) do not appear in the illustrative layout which is simplified into 3, 4 and 6 storey buildings. The houses are linked to the 6 storey blocks. As a result, window to window relationships in the internal corners of the points where the blocks meet are unacceptable, and the public spaces will be radically imposed on by the size of the various dwellings.
 - d) Houses are back to back, and their private gardens are typically 6 metres by 3 metres on average. As a result, garden provision for the houses is unacceptable (even in this location on the edge of the town centre).
 - e) The development has a cramped appearance and has facing habitable room windows in many parts of the site below 24m apart (the expected dimension in the Designing Walsall SPD. This will lead to overlooking to the detriment of the amenity of occupiers.

- f) The indicative layout shows proposed building heights of 3, 4 and 6 storey. The 6 storey buildings will overshadow communal areas which lie to the north. This will produce an adverse effect on the limited outdoor space.
- g) The proposed footpath ;links on the illustrative plan potentially pose a threat to the security of the development, by allowing uncontrolled use by criminals.

The development is therefore contrary to the Designing Walsall Supplementary Planning Document DW9 and Appendix E: Numerical Guidelines for Residential Development and Unitary Development Plan policies GP2VI, ENV32(b) II, IV, and H10 (a) I, II,

2) The development proposed is required by policy and Supplementary Planning Documents to make provision for contributions (normally controlled by a section 106 agreement) to the provision of:-

- education facilities,
- healthcare facilities,
- percent for art / design
- open space
- affordable housing

No such arrangements have been put in place. In addition, it makes no arrangements for appropriate improvements to the canal (such as those being sought by British Waterways).The development is therefore contrary to Unitary Development Plan policies GP3, 8.8, 8.9, Designing Walsall Supplementary Planning Document, healthcare education, open space, affordable

3) The impact of the traffic generated by the development calls for a financial contribution to junction improvements at Blue Lane West / Birchills Street, and this is likely to need to be controlled by a section 106 agreement. No such arrangements have been put in place. The development is therefore contrary to Unitary Development Plan policies 2.2(f)



To: DEVELOPMENT CONTROL COMMITTEE

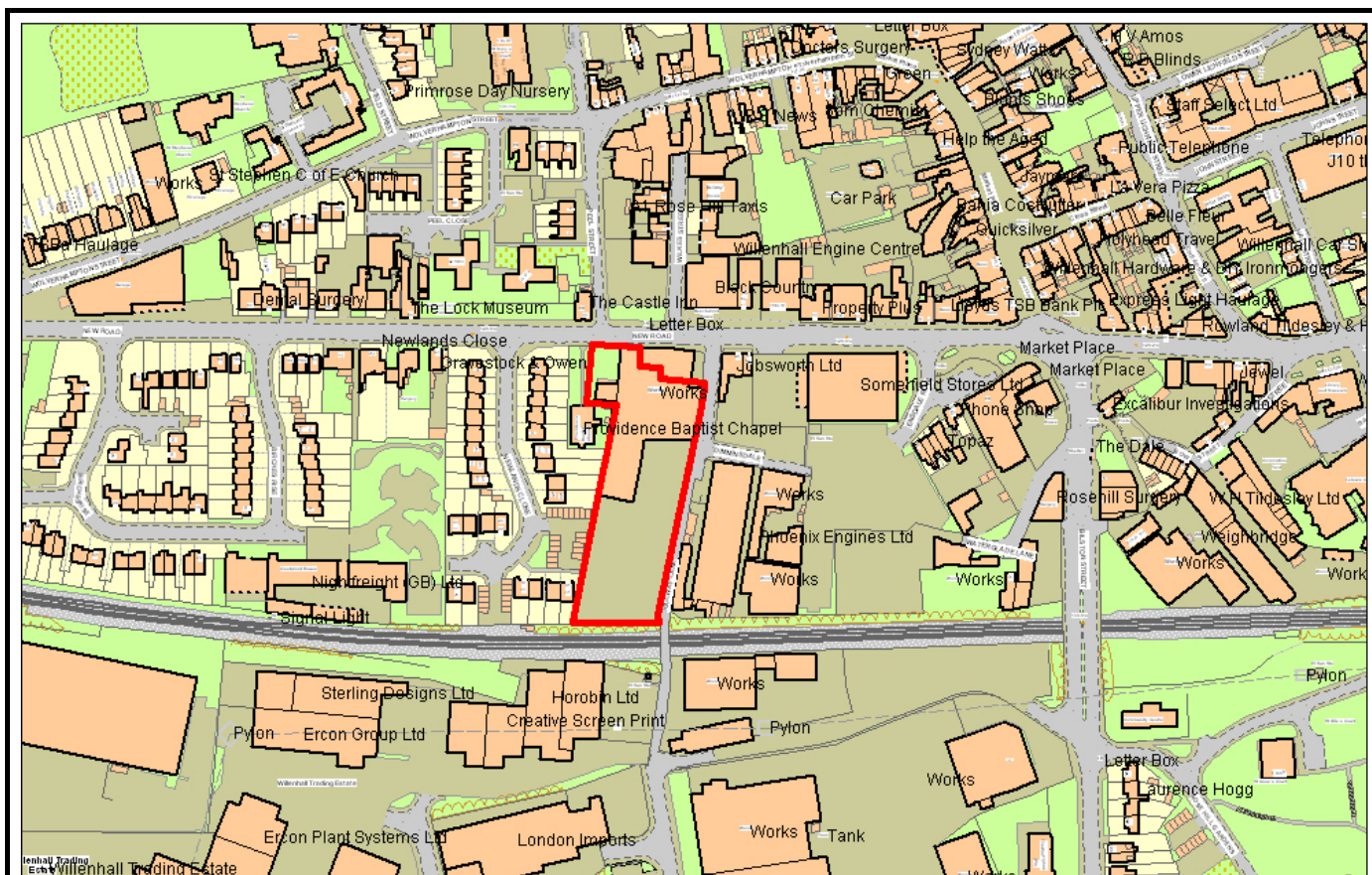
Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 08/1352/FL
Application Type: Full application
Applicant: LIDIL
Proposal: Retrospective: Removal of
Condition 18 (relating to highway works at New
Road/Bilston Street) of planning permission
06/0537/FL/W2 for erection of new Lidl Store
off New Road
Ward: Willenhall South
Recommendation Summary: Grant

Case Officer: Marilyn Kowalski
Telephone Number: 01922 652492
Agent:
Location: LIDL, RAILWAY LANE OFF
NEW ROAD, WILLENHALL,
WALSALL, WV13 2BU

Expired: 13/11/2008



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

Planning permission was granted for the supermarket in June 2007 with condition 18 reading as follows:-

“The development must not be brought into use until details of the proposed traffic light controlled junction at New Road / Bilston Street or other alternate works have been submitted to and approved in writing by the Local Planning Authority. The approved junction works shall have been implemented and completed (unless otherwise agreed in writing by the Local Planning Authority) before the development is brought into use.

Reason: To ensure the proper working of the highway network following the proposed development.”

Permission was granted subsequently for the condition to be varied to allow for the highway works to be implemented and completed within 12 months of the store opening.

The store is now complete and operational.

A supporting statement has been submitted with the application. This concludes:-

- that the assessment submitted with the original application contained a number of errors;
- the store now built is significantly smaller than the size of store which the original assessment was based upon;
- the effects of the Lidl development on this junction will be minimal;
- the planning condition requiring this junction to be improved is unnecessary;
- there would be no objection to the monies already paid to the council for improvements to the highway network in the vicinity of the development being used as a contribution towards the improvement of this junction.

A further letter submitted with the application states:-

“Lidl have already made a contribution of £50,000 for environmental highway improvements to the wider area, the costs involved with the highway improvements in connection with condition 18 would be £150,000 therefore this would make a total of £200,000. This would be contrary to the requirements of Circular 05/2005 in that it would be unreasonable as this would be out of proportion with the size of store proposed. A foodstore four times the size of Lidl has been granted on the Assa Abloy site, yet no financial contribution was imposed on the developer to undertake highway improvements at this junction. The two sites are equidistant from the given junction. “ *(The £50,000 is unrelated to junction improvements as it is for purely environmental works it should not be totalled with the junction work monies and arrangements are being explored on how to use the £50,000 irrespective of any decision on this application).*

Relevant Planning History

07/1860/FL/W2 Variation of Condition 18 of planning application 06/0537/FL/W2 The application was to vary this condition by changing the last sentence to read “The proposed off site highway works are to be implemented and completed within 12 months of the store

opening.” Grant Subject to conditions 26th October 2007 The condition was reworded to read:-

“The proposed off site highway works, having been agreed and approved in writing by the Local Planning Authority, are to be implemented and completed before 30th September 2008”.

06/0537/FL/W2 Erection of Grocery Supermarket with associated servicing, car parking and landscaping arrangements Grant Subject to conditions 12th June 2007

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

Unitary Development Plan:-

7.1 defines the objectives for the highway network

WH4 addresses development / investment opportunities in Willenhall

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Regional Spatial Strategy for the West Midlands (RSS 11)

The Regional Spatial Strategy has been revised and republished on 15th January 2008 to reflect the first Phase of Review. The Strategy seeks to provide broad regional directives and recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region. The next phases of review are underway.

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

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system

Consultations

Transportation – The addendum submitted in support of the original application assessed a gross floor area exceeding that proposed in the application and consequently the estimated

traffic that would be generated. There are errors and omissions in both the Transport Assessment submitted in support of the original application and the statement submitted in support of this application. However, it is concluded that the authority would find it very difficult to sustain refusal of this application at appeal and consequently, Transportation do not object to this application.

Urban Design and Built Conservation – No objections

Natural Environment Team – No objections

Planning Policy, Regeneration Strategy – No objection

Centro - No objection it will have negligible impact on existing public transport services or infrastructure. Whilst there are two bus services, one of them frequent, operating along New Road, there are no bus stops in the immediate vicinity of the site, therefore the bus services should not be unduly delayed by the traffic generated by the development.

Public Participation Responses

None

Determining Issues

The determining issue is whether the removal of this condition is acceptable in highway terms.

Observations

There are two significant retail schemes envisaged in Willenhall, this one and the superstore on Wood Street. It should be noted, in relation to the Wood Street scheme that there is no requirement to improve this junction, all the Wood Street road works are in the Walsall Street and Wood Street area.

The current applicant, Lidl, has submitted a supporting statement with the application, which has been assessed by transportation. The supporting statement contains some errors and omissions but essentially makes the claim that the impact of the store was over estimated, as the Transport Assessment (TA) considered a proposed development of 1884 square metres when the application was for a store of 1642 square metres. The difference is 242 square metres (the development comprises approximately 87% of that assessed in the TA). The estimated traffic generated by a development of this nature is based on gross floor area and, consequently, it would be logical that generated traffic would be proportionally lower.

The statement also states that the assessment of the New Road / Bilston Road / Walsall Street junction with the current application was flawed, resulting in an under-estimation of the capacity of the existing mini-roundabout junction leading to an over-estimation of the impact of the development. The statement also says that no allowance was made for pass by trips in the original assessment (this is not the case, the addendum clearly reduces the trip generation by 30% on weekdays in accordance with industry norms). The addendum to the original TA specifically states that no allowance was made for vehicular trips that were or could be generated by the existing or permitted use on the site - to make the assessment more robust. This is always a contentious issue, particularly if a site has been under-utilised or been vacant for many years. However, to make the assessment more robust was the choice of the applicant's consultants, not a requirement of the authority at that time.

The Department for Transport issued new guidance in March 2007 which clarified the situation by allowing a realistic estimate of traffic generated by a current or lawful use on a site to be taken into account. The original Transport Assessment was prepared under previous guidance in 2005. Consequently, some three years on, it would be difficult to determine a realistic level of the traffic generated by then current uses on the site or a realistic estimate of what traffic could have been generated by the former use and buildings, without the need for planning approval.

There is a considerable difference between the estimated trip generation between the original TA and the statement submitted in support of this application, particularly in respect of the week day evening peak. The original TA forecast a two way trip rate of 12.08 per 100 square metres gross floor area (Friday pm peak) and 12.9 Saturday peak. The information in this application forecasts equivalent two way rates of 6.01 and 10.8.

Transportation have assessed of the trip rates using the TRICS data base, the same data base used by both the original and this application. This analysis would tend to support the trip rates forecast in the original TA. However, the existing movements through the Bilston Road / Walsall Street junction in the evening peak in the original TA is stated as 1595 movements. The estimated generated traffic, allowing for the normally accepted allowance for pass-by trips of 30%, as per the TA, is 80 movements, marginally exceeding 5%. Crucially, the definition of material impact in 2005 was more than 5%. If the original assessment had taken the correct gross floor area, then the impact on this junction would have been less than 5% and regarded as being within normal statistical variations. The condition would not have been applied.

The applicant has stated that they would not object to the monies already paid to the council for improvements to the highway network in the vicinity of the development being used as a contribution towards the improvement of this junction. However, this was a separate requirement for a financial contribution of £50,000 to pay for environmental improvements to the highway (to improve the mainly pedestrian links between the development and the town centre along New Road).

Conclusion

It is concluded that although there appear to be errors and omissions in both the original assessment and the transport statement submitted in support of this application that the authority would find it very difficult to sustain refusal of this application at appeal. The removal of this condition is therefore acceptable in highway terms.

Recommendation: Grant



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 08/0901/FL

Application Type: Full application

Applicant: Highgate Brewery Limited

Proposal: Proposed demolition of redundant boiler house and replacement with bottling plant and tankroom building.

Ward: St. Matthews

Recommendation Summary: Grant Subject to conditions

Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: Jesson Sewell & Swadkins

Location: HIGHGATE
BREWERY, SANDYMOUNT
ROAD, WALSALL, WS1 3AP

Expired: 28/07/2008



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is a joint report dealing with the planning application and the listed building consent.

The single-storey building in question is on the south-west corner of the main building complex. The proposed building replaces an existing building of the same floor area at this point,.

The proposed building will be 11.5 to 14 metres from the rear boundary of houses in Belvidere Road.

The present building is a redundant boiler house. The proposed building is to hold bottling equipment and beer production machinery / tank room. It is partly to be constructed of brick (to match the existing building) and partly of steel sheet (coloured to match the adjoining grain silo).

There is no change in access to the site.

Relevant Planning History

There have been a number of applications on this site, including the new grain silo, but they are not directly relevant, other than creating the setting for the proposal.

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

Unitary Development Plan

GP2, 3.6, and ENV32 seek to create good design, and protect historic sites and buildings (as do 3.13, 3.14, ENV26, ENV27 and ENV28).

The application site is within the Highgate Conservation Area. The Highgate Brewery Building is also a Grade II listed building.

Designing Walsall

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

- DBW3 – all new development must be designed to respect and enhance local identity
- DBW9 new development must seek to ensure it creates places with attractive environmental quality

Regional Spatial Strategy and National Policy

Seek to promote the economy while protecting the environment.

PPG15 'Planning and the Historic Environment' Paragraphs 3.12 - 3.19, 3.30 – 3.34

Consultations

Transportation – No Objection subject to a condition requiring 10% of parking for Disabled users. Twenty parking spaces are currently provided therefore two of these should be demarcated for disabled parking. The proposal will use the existing footprint on the site,

with no changes to the access and general arrangements. Therefore it is considered that the development will not have a significant impact on the highway network.

Regeneration – Built Environment - Conservation – The proposal covers the demolition of an ancillary building poor both in the appearance and design as well as condition. The new building comprises metal sheeting which will match the existing silo and the brick of the adjacent building. The footprint and height of the structure should not exceed that of the existing building and therefore should not have a negative effect upon the character or the appearance. Overall, satisfied that the proposal is an enhancement over the original building.

It is disappointing that the roof lines on the amended plan cannot be sloping, though the adjacent structures are flat roofed, therefore no objections.

Environmental Health –no adverse comments.

Have looked at the noise impact assessment survey - there are four areas which cover the potential for noise to impact upon nearby residents.

1. Hours of operation (bottling plant to be 0800 to 1600)
2. Roof construction.
3. Wall construction.
4. Shutter door construction and insulation.

The hours of operation do not seem excessive for a business of this kind in this location.

The report identifies types of construction for the roof and walls which would not allow the transmission of sound to a level whereby complaints might be expected.

The report suggests door construction which would minimise sound transmission such that complaints would not ordinarily be expected. However, the assessment makes it clear that the doors must remain closed throughout the bottling operation.

Provided the recommendations are adhered to, the assessment protects the residents' quality of life.

Developers should be asked to confirm that they are adhering to the report.

The type of shutter door should be approved by the Council and we should require the shutter doors to be completely closed during the bottling operation.

There is the possibility of additional transportation noise and disruption caused by bringing the bottles to the site, and their times of delivery.

Pollution Control – Scientific Team – no objection – specific conditions recommended.

Pollution Control – Contaminated Land Team – no objection subject to conditions

Rights of Way team – no objections.

Building Control – no objection, Note for Applicant requested (on demolitions).

Regeneration – Arboricultural officer – no objection.

Public Participation Responses

Eleven letters / e-mails have been received from residents in Belvidere Road, Highgate Road, Drayman Close and Emery Close (the roads bordering the site) raising the following issues:-

- noise from bottling plant will destroy peace and quiet of the area
- all previous permissions have added to the noise and nuisance affecting residents
- roller shutter doors will face houses allowing noise to escape from the building
- proposed extended opening hours will aggravate nuisance

- brewery have no consulted neighbours, simply interested in over-riding neighbours well being
- adverse visual impact
- construction noise and disruption is unwelcome
- existing plant (e.g. chiller) causes noise problems
- loss of value of houses

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

2 Additional letters commenting on the noise survey have been received making the following comments:-

- Concerned with the assessment and doubts as to whether the doors can be closed at appropriate times (*A condition is suggested which deals with this*);
- Noise from fork lift trucks;
- The report is not impartial as it has been commissioned by the Brewery (*the report has been assessed by the Pollution control officer and Environmental Health*);
- the Brewery have gone some way to meet noise concerns;
Not clear when the new build will be constructed and the times of the work (*a condition restricting this is suggested*);
- the often opening and closing of the roller doors during the working day will cause noise;
- queries about operating times 8.00 - 4.00 pm is acceptable Monday - Friday only
- Drayman Close will hear most of the noise.

Determining Issues

- appearance / implications for Listed Building
- noise
- highway issues

Observations

Appearance / implications for Listed Building

The application site is within the Highgate Conservation Area. The Highgate Brewery Building is also a Grade II listed building. The new extension will be attached to another ancillary building. Both are in the curtilage of the Listed Building and therefore included in the listing.

The conservation officer supports the demolition of the redundant boiler house, as the building is in poor repair, has little historic or architectural merit and is detracting from the Conservation Area as a whole. The building does not serve any useful practical purpose at present (nor likely to in the future) and does not contribute to the operations of the brewery.

The site overall has a range of differently aged buildings, each adapted and built to meet the changing needs of the brewery over time. The new building will be single storey and will not exceed the footprint or height of the present building, and this is supported in design terms. The windows and the roller shutter are to be constructed in metal as stated within the Design and Access Statement. As for the pedestrian access doors the material is not stated, though this should be either painted timber or metal (aluminium) to match the rest, a condition is suggested .

The main contrast in design terms will be the roof design, which was originally proposed as mono-pitched as opposed to the existing barrel shaped. This has been amended to flat roof in order to incorporate sound mitigation measures as recommended in the environmental noise impact assessment. The conservation officer does not object to this as it will be a modern contrast to the main principal listed building. The proposal is therefore in compliance with policies.

Noise

The application makes no statement about general operating hours for the whole brewery, other than recording those currently being worked. There are no planning restrictions in the hours the hours it may operate. The noise assessment for the bottling plant sets out hours for that activity.

Environmental Health have assessed the application in terms of noise implications and the affect these could have on residents adjoining the site, and their conclusions are set out above. They are satisfied that the hours of operation are acceptable and can be controlled via condition.

The noise report identifies types of construction to control noise and avoid complaints from residents. As part of this, the doors must remain closed throughout the bottling operation. The residents should therefore be protected.

Pollution Control have also suggested conditions regarding hours restrictions on loading and unloading and noise levels.

Highway issues

Transportation have requested a condition, should the application be approved, requiring that 10% of parking should be made available for Disabled users. A total of 20 parking spaces have been provided, two of these should be for the disabled. As there are no changes to the access and general arrangements it is considered that the development will not have a significant impact on the highway network. The scheme is therefore satisfactory in term of transportation issues.

Recommendation: Grant Subject to conditions

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

Reason: Pursuant to the requirements of Section 921 of the Town and Country Planning Act, 1990.

2. The external surfaces of the development hereby permitted shall match those used in the existing building, in colour and finish, before the development is brought into use (metal sheeting to match the silo, bricks to match the attached ancillary building, including the brick plinth), and shall thereafter be retained as such. Windows and doors shall be of painted wood or metal. Roller shutters shall be powder coated in green to match the silo. Rainwater foods and gutters shall be painted aluminium.

Reason: To ensure the satisfactory appearance of the development.

3. Bottling operations shall not take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise shall only take place between the hours of 07.00 to 19.00 weekdays, and 08.00 to 13.00 Saturdays. Doors must remain closed during bottling operations.

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

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

4. No loading or unloading activities shall take place in respect of the permitted operations outside of the permitted operating hours.

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

5. Mitigation measures shall be employed to ensure that noise levels associated with bottling operations shall not exceed:

a Continuous Equivalent Noise Level **LA_{eq} (1hour) 50 dB** together with **LA_{max, F} 65 dB** and an Octave Band Noise Rating **NR45** between the hours of **07.00 and 19.00** at 1 metre from the façade of any occupied residential premises and at a microphone height above ground level of not less than 1.2m.

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

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

☐ Prior to demolition a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement produced detailing actions and time scale to be taken to prevent localised contamination.

Reason: To ensure the satisfactory development of the site.

☐ Following demolition and removal of the building a validation report shall be provided to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building.

Reason: To ensure the satisfactory development of the site.

8. Before the development hereby permitted is brought into use, 10% of parking on the site shall be demarcated for disabled parking to the satisfaction of the Local Planning Authority. Twenty parking spaces are currently provided therefore this equates to two spaces.

Reason: In the interests of highway safety.

9. No construction, demolition or engineering works (including land reclamation, stabilisation preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday and otherwise such works shall only take place between the hours of 07:00hr to

18:00hr weekdays and 08:00hr to 16:00hr Saturday, 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 occupants in the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, 3.13, 3.14, ENV26, ENV27, ENV28 and ENV32 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 website at www.walsall.gov.uk.

Note for Applicant.

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 than 6 weeks before commencement of the demolition work. Help line number 01922 652408



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 08/0898/LB

Application Type: Listed Building Consent to Demolish (D)

Applicant: Highgate Brewery Limited

Proposal: Listed Building Consent: Proposed demolition of redundant boiler house and replacement with bottling plant and tank room building.

Ward: St. Matthews

Recommendation Summary: Grant Listed Building Consent

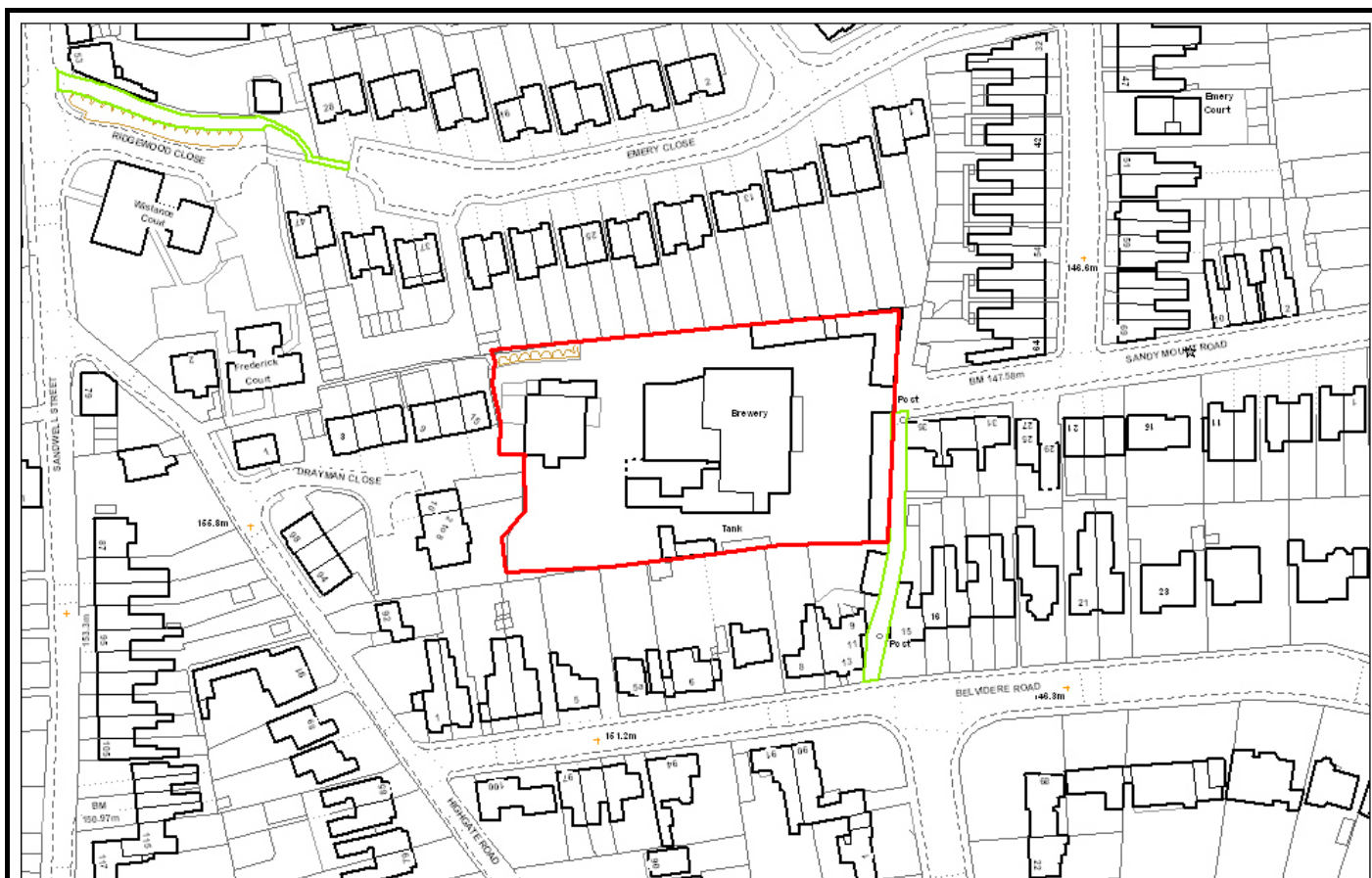
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: Jesson Sewell & Swadkins

Location: HIGHGATE
BREWERY, SANDYMOUNT
ROAD, WALSALL, WS1 3AP

Expired: 28/07/2008



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is a joint report dealing with the planning application and the listed building consent.

The single-storey building in question is on the south-west corner of the main building complex. The proposed building replaces an existing building of the same floor area at this point,.

The proposed building will be 11.5 to 14 metres from the rear boundary of houses in Belvidere Road.

The present building is a redundant boiler house. The proposed building is to hold bottling equipment and beer production machinery / tank room. It is partly to be constructed of brick (to match the existing building) and partly of steel sheet (coloured to match the adjoining grain silo).

There is no change in access to the site.

Relevant Planning History

There have been a number of applications on this site, including the new grain silo, but they are not directly relevant, other than creating the setting for the proposal.

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

Unitary Development Plan

GP2, 3.6, and ENV32 seek to create good design, and protect historic sites and buildings (as do 3.13, 3.14, ENV26, ENV27 and ENV28).

The application site is within the Highgate Conservation Area. The Highgate Brewery Building is also a Grade II listed building.

Designing Walsall

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

- DBW3 – all new development must be designed to respect and enhance local identity
- DBW9 new development must seek to ensure it creates places with attractive environmental quality

Regional Spatial Strategy and National Policy

Seek to promote the economy while protecting the environment.

PPG15 'Planning and the Historic Environment' Paragraphs 3.12 - 3.19, 3.30 – 3.34

Consultations

Transportation – No Objection subject to a condition requiring 10% of parking for Disabled users. Twenty parking spaces are currently provided therefore two of these should be demarcated for disabled parking. The proposal will use the existing footprint on the site,

with no changes to the access and general arrangements. Therefore it is considered that the development will not have a significant impact on the highway network.

Regeneration – Built Environment - Conservation – The proposal covers the demolition of an ancillary building poor both in the appearance and design as well as its condition. The new building comprises metal sheeting which will match the existing silo and brick (of that of the adjacent building in which it is to be attached). The metal sheeting and brick should match the existing. The footprint and height of the structure should not exceed that of the existing building and therefore should not have a negative effect upon the character or the appearance. Overall, satisfied that the proposal is an enhancement over the original building.

Environmental Health – have looked at the noise impact assessment survey - there are four areas which cover the potential for noise to impact upon nearby residents.

1. Hours of operation.
2. Roof construction.
3. Wall construction.
4. Shutter door construction and insulation.

The hours of operation do not seem excessive for a business of this kind in this location.

The report identifies types of construction for the structure, both roof and walls, which would not allow the transmission of sound to such a level whereby complaints might be expected.

The report suggests door manufacturers and types of cladding/door construction which would minimise sound transmission such that once again complaints would not ordinarily be expected. This section of the assessment also, however, makes it clear that the doors must remain closed throughout the bottling operation.

Provided that the survey's recommendations are adhered to, the assessment protects the residents' quality of life so far as noise intrusion is concerned.

No adverse comments to make on that basis.

Developers should be asked to confirm that they are adhering to the report.

The type of shutter door should be approved by the Council and we should require the shutter doors to be completely closed during the bottling operation, as identified in the report.

There is the possibility of additional transportation noise and disruption caused by bringing the bottles to the site, and their times of delivery.

Pollution Control – Scientific Team – no objection – specific conditions recommended.

Pollution Control – Contaminated Land Team – no objection subject to conditions

Rights of Way team – no objections.

Building Control – no objection, Note for Applicant requested (on demolitions).

Regeneration – Arboricultural officer – no objection.

Representations

Eleven letters / e-mails have been received from residents in Belvidere Road, Highgate Road and Emery Close (the roads bordering the three sides of the site) raising the following issues:-

- noise from bottling plant will destroy peace and quiet of the area
- all previous permissions have added to the noise and nuisance affecting residents
- roller shutter doors will face houses allowing noise to escape from the building
- proposed extended opening hours will aggravate nuisance
- brewery have not consulted neighbours, simply interested in over-riding neighbours

- well being
- adverse visual impact
- construction noise and disruption is unwelcome
- existing plant (e.g. chiller) causes noise problems
- loss of value of houses

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

Determining Issues

- appearance / implications for Listed Building
- noise
- highway issues

Observations

Appearance / implications for Listed Building

The application site is within the Highgate Conservation Area. The Highgate Brewery Building is also a Grade II listed building. The new extension will be attached to another ancillary building that is curtilage listed.

The conservation officer supports the demolition of the redundant boiler house, as the building is in poor repair, has little historic or architectural merit and is therefore detracting from the Conservation Area as a whole. The building does not serve any useful practical purpose at present (nor likely to in the future) and does not contribute to the operations of the brewery.

The site overall has a fair degree of differently aged buildings, each adapted and built to ever changing needs of the brewery over time. The new building will be a reinstatement of a one-storey building and will not exceed the footprint or height of the present building, this is supported in design terms. The windows and the roller shutter are to be constructed in metal as stated within the Design and Access Statement. As for the pedestrian access doors the material is not stated, though this should be either painted timber or metal (aluminium) to match the rest, a condition is suggested. The main contrast in design terms will be the roof design, which will be mono-pitched as opposed to barrel shaped. The conservation officer does not object to this as it will be a modern contrast to the main principal listed building. The proposal is therefore in compliance with policies.

Noise

The Environmental Health Officer has assessed the application in terms of noise implications and the affect these could have on residents adjoining the site. He is satisfied that the hours of operation can be controlled via condition. A request for consideration for Saturday morning working has been received from the applicant. The hours asked for are 07.30 to 12.30, the pollution control officer has agreed to the principle of Saturday morning working but is only prepared to allow 08.00 to 13.00. A suitable condition has been suggested by pollution control.

The noise report identifies types of construction which would not allow the transmission of sound to such a level whereby complaints from residents might be expected, providing that the doors must remain closed throughout the bottling operation. The quality of life of residents regarding noise intrusion should therefore be protected. Pollution control have also suggested conditions regarding hours restrictions on loading and unloading and noise levels.

The application makes no statement about operating hours other than recording those currently being worked.

Highway issues

Transportation have requested a condition, should the application be approved, requiring that 10% of parking should be made available for Disabled users. A total of 20 parking spaces have been provided, two of these should be for the disabled. As there are no changes to the access and general arrangements it is considered that the development will not have a significant impact on the highway network. The scheme is therefore satisfactory in term of transportation issues

Recommendation: Grant Listed Building Consent

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

Reason: Pursuant to the requirements of Section 921 of the Town and Country Planning Act, 1990.

2. The external surfaces of the development hereby permitted shall match those used in the existing building, in colour and finish, before the development is brought into use (metal sheeting to match the silo, bricks to match the attached ancillary building, including the brick plinth), and shall thereafter be retained as such. Windows and doors shall be of painted wood or metal. Roller shutters shall be powder coated in green to match the silo. Rainwater foods and gutters shall be painted aluminium.

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 GP2, 3.6, 3.13, 3.14, ENV26, ENV27, ENV28 and ENV32 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 website at www.walsall.gov.uk.

Note for Applicant.

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 than 6 weeks before commencement pf the demolition work. Help line number 01922 652408



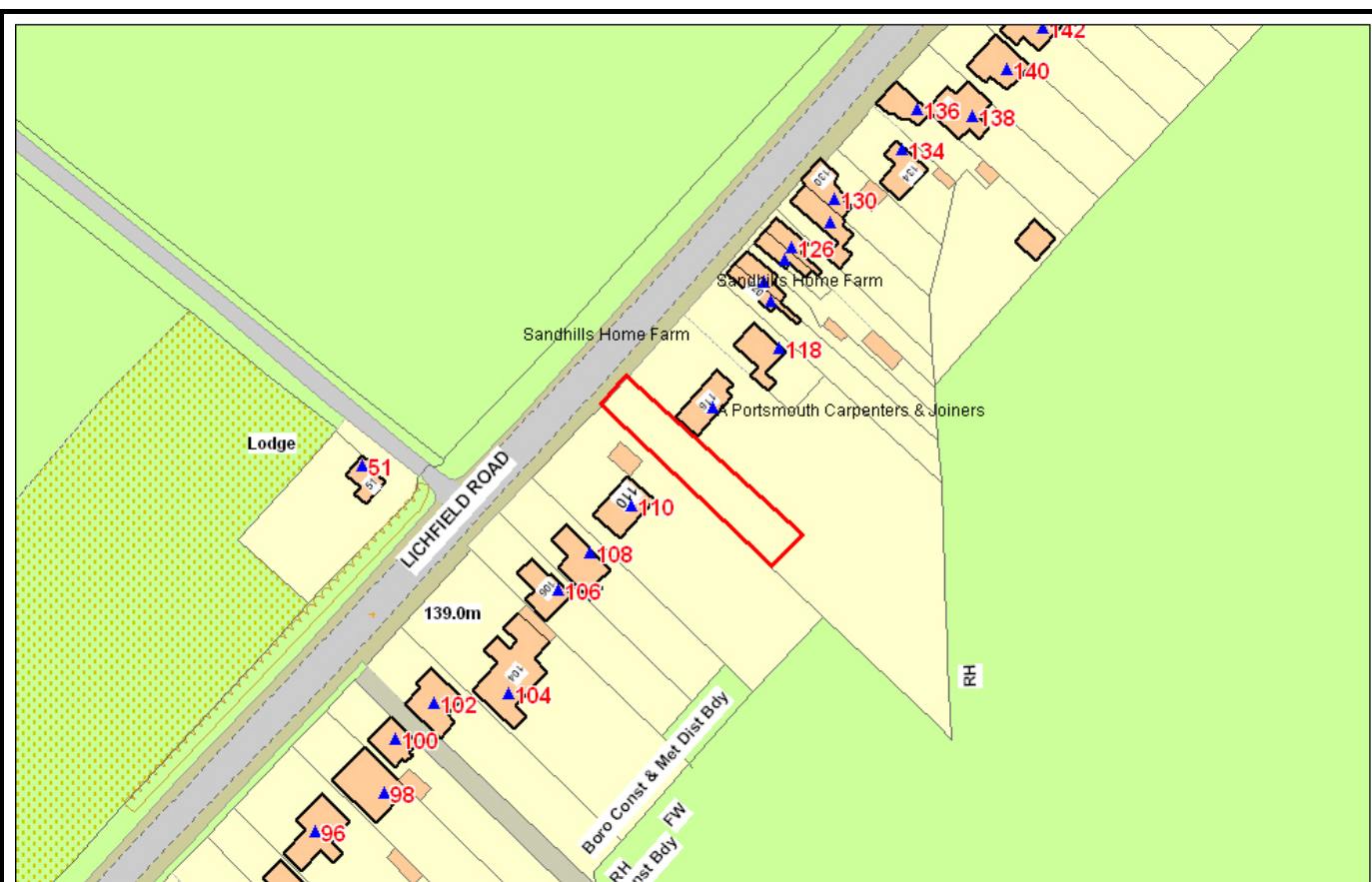
To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Sears

Application Number: 08/1273/FL
Application Type: Full application
Applicant: Mr & Mrs A Portsmouth
Proposal: New Detached Dwelling Adjacent to
116 Lichfield Road
Ward: Aldridge North and Walsall Wood
Recommendation Summary: Refuse

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Agent: Mr Roger Palmer
Location: 116 LICHFIELD
ROAD, SANDHILLS, WS9 9PF
Expired: 29/09/2008



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Current Status: The application has been called in by Councillor Sears in order to assess the impact on the character of the area and inappropriateness of development in the Green Belt

Application and Site Details

The proposal is for the erection of a 4 bedroom detached house on present garden land to the side of the existing detached house at 116 Lichfield Road, Sandhills, by subdividing the land to create a separate plot. The site falls within the green belt and sits between existing houses extending along this side of Lichfield Road with the land opposite predominantly open countryside.

The site was originally occupied by a bungalow and operated as a market garden as it has extensive rear land that projects beyond the rear of adjacent gardens. The dwelling was extended in 2004 (planning permission 04/0399/FL/H4) to form a larger two storey house, that included creation of an in/out access onto Lichfield Road. Although the vehicle crossover has been implemented the works to accommodate the in/out access drive within the front garden of the existing house have not yet been implemented. The current proposal intends to utilise the new vehicular crossover to serve the proposed new dwelling and the older one to serve the existing dwelling. There is a bus shelter, lighting column and advance directional traffic sign adjacent the access.

The proposed two storey dwelling is positioned in line with the adjacent dwellings and is 9.9m wide and 13m in overall length (including a 3.5m projecting two storey gable) and has a barn hip roof, 9m in overall height. The suggested ground level is the same as the existing dwelling on the site which is lower than the adjacent dwelling 110 Lichfield Road.

An integral garage is included plus extensive driveway that could accommodate two further vehicles making provision for 3 vehicles in total.

The proposed rear garden is 25m long and 11.6m wide giving a total area of 290m². The total site area is 0.056 hectares which equates to almost 18 dwellings per hectare.

In support of the application the applicant states that this is an infill plot within the green belt as outlined in paragraph 3.4 of PPG2 and would not cause further prejudice to the green belt. They also state that it would allow development of a much needed family home and provide a high quality development through good design and efficient use of resources to support the existing community and contribute to the creation of a safe, sustainable liveable and mixed community with excellent access to jobs, key services and public transport. Further they state that the proposal would not encroach upon the countryside or lead to towns merging into one another and would not impact upon the openness of the green belt or be prominent on the landscape and that careful landscaping and planting could reduce any potential impact. They highlight that the site sits between a line of existing housing and would not adversely affect the openness. They also state the ground level would be reduced as much as possible and the development would be partially obscured by the bus shelter and level of the road and that the access was already approved under application 04/0399/FL/H4. They consider the proposed new dwelling would improve visual amenities compared to the existing garden fence that it would replace and would provide local jobs during its construction.

Relevant Planning History

04/0399/FL/H4 - Ground & First Floor Extensions & Alterations and New Access Driveway –
Granted subject to Conditions 12/05/04

05/0537/FL/H4 - New Garage – Refused 10/05/05 due to the scale and design of the garage resulting in disproportionate additions to the original dwelling that would harm the openness of the site and the character of the Green Belt.

05/0538/OL/E4 - OUTLINE: Demolition of existing garage and erection of 3 no. new dwellings and access – Refused 24/05/05 on 3 grounds. 1. Inappropriate new development in the green belt, for which no very special circumstances have been put forward sufficient to outweigh the harm it would cause to the character and openness of the Green Belt. 2. Failure to satisfactorily demonstrate that adequate access can be achieved with appropriate visibility splays provided at the site. 3. Failure to demonstrate there would not be an adverse impact on the amenity of the occupiers of the existing dwelling due to the creation of an access alongside the gable elevation of the existing dwelling, which has several secondary windows to habitable rooms which overlook the site.

Relevant Planning Policy Summary

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

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment including visual appearance, adequacy of access and parking facilities and the effect on the environment of the countryside and Green Belt.

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

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

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

ENV2: There is a presumption against construction of new buildings in the green belt except for specified purposes. All other development would be inappropriate.

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

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

ENV17, ENV18, 3.64: encourages new planting as part of landscape design and seeks to protect existing vegetation.

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

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

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

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

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

7.1: Seeks to promote an efficient highway network;

T4(a): Gives high priority to improvements and traffic management measures to assist traffic flows on the Strategic Highway Network.

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

T13: sets maximum car parking standards, account should be taken of the location of development in relation to local facilities and public transport and unless demonstrated 4 bedroom houses and above – 3 spaces per unit.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Submission to the Secretary of State is anticipated in October/November 2008 following a further period of public consultation. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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

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

DW4- Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

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

DBW 10 – new development should make a positive contribution to creating a sustainable environment.

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

Natural Environment SPD

Policy NE1 and NE4: all relevant applications to be supported by an adequate impact assessment.

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

Regional Spatial Strategy for the West Midlands (RSS 11)

The Regional Spatial Strategy has been revised and republished on 15th January 2008 to reflect the first Phase of Review. The Strategy seeks to provide broad regional directives and recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region. The next phases of review are underway.

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

National Policy

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

PPG2 Green Belts: Seeks to protect against inappropriate development that is harmful to the Green Belt. Construction of new buildings is inappropriate unless for specified purposes. Inappropriate development is by definition harmful to the Green Belt and paragraph 3.1 states inappropriate development should not be approved except in very special circumstances.

PPS3 Housing - Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. It promotes high quality housing that is well-designed and built to a high standard; a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. Consideration of design and layout must be formed by the wider context.

PPS9 Biodiversity & Geological Conservation – seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

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

Consultations

Transportation – Objects. The applicant looks to utilise an existing vehicular access onto the A461 which forms part of the Strategic Highway Network. This access was previously approved as in/out access to serve a single dwelling under permission 04/0399/FL/H4 and has clearly not been fully implemented. The use of this access as the sole access point to a single dwelling under this application would be an intensification of this access contrary to its original purpose and unacceptable in this location. The proposed access would require a Sight Stopping Distance of 2.4m x 70m in both directions and pedestrian visibility splays of 2.4m X 3.4m. The position of the existing bus shelter immediately adjacent to the access would significantly compromise the pedestrian and vehicular intervisibility in a south westerly direction particularly when pedestrians are standing outside the shelter and when buses are waiting at the stop, to the detriment of highway safety.

Pollution Control (Scientific Team) – No objections in principle. However, an air quality screening assessment to assess nitrogen dioxide should be requested, and given the locality a noise survey should be undertaken. Traffic noise issues (if arising) would typically be dealt with via an appropriate sound insulation scheme by way of conditions. An hours restriction to control noise and vibration associated with the site clearance and construction phase should also be conditioned.

Pollution Control (Contaminated Land) – No objections.

Policy – Objects. The proposed development would not be acceptable in principle in planning policy terms as the applicant has not demonstrated that there are very special circumstances

that outweigh any harm to the green belt caused by inappropriate development. The arguments put forward by the applicant in order to demonstrate very special circumstances could be repeated for any ribbon development anywhere in the green belt and reference to “infill” development are only applicable to major existing developed sites identified in the UDP of which this site is not one. The reasons put forward by the applicant do not constitute very special circumstances therefore.

Ecology – No objections in principle subject to retention of hedges along the boundary and provision of satisfactory landscaping.

Arboricultural Officer – No objections. The proposed development would result in the loss of several trees situated along the boundary with 110 Lichfield Road, however, they are of low amenity value.

Landscape – A landscape plan is required, including tree planting and/or boundary treatment to help mitigate against the large parking area in front of the site and loss of a row of sycamores along the site boundary.

Centro – No objections in principle. The bus shelter should be retained in its existing location and format. If the shelter is affected whilst works take place or relocation is necessary details should be first agreed in writing by Centro and the LPA then full costs should be borne by the applicant.

Public Participation Responses

Four letters of objection have been received which are summarised as follows:

- Noise disturbance from building work throughout the early morning and evening
- Objections to works already carried out at 116 Lichfield Road i.e. erection of garage and fencing and potential fire hazards
- Further building creates additional traffic existing driveways and potential additional parking on-street
- Any potential relocation of the bus shelter in front of adjacent properties would adversely affect safety on this fast hazardous road
- Unwanted precedent would be set if development of a new dwelling is allowed as there are other properties with large gardens in the vicinity
- Loss of privacy and outlook if houses are developed in back gardens

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

Determining Issues

- Whether there are very special circumstances to justify inappropriate development within the green belt
- Impact on the openness and character of the Green Belt and amenities of the surrounding area
- Impact on surrounding residential amenities
- Trees and Landscaping
- Access

Observations

Whether there are very special circumstances to justify inappropriate development within the green belt

The application proposes a new dwelling which is inappropriate and harmful to the character and openness of the green belt. Very special circumstances have to be demonstrated to outweigh the likely harm that would be caused by the proposal.

The applicant's evidence given is not sufficient to outweigh the harm to the green belt by reason of inappropriateness. The applicant refers to the proposal as an infill development that would have no adverse impact on the character or openness of the green belt which they consider to be in accordance with paragraph 3.4 of PPG2. However, this paragraph refers to "*limited infilling or redevelopment of major existing developed sites identified in the adopted local plans...*". This site is not a major developed site identified in the Unitary Development Plan; hence this exception to construction of new buildings in the green belt does not apply in this instance.

The application supporting information makes reference to the criteria for new residential development set out in PPS3 and the opportunity the site offers in providing a high quality family home to meet essential accommodation requirements for the area. However, the green belt policy prevails and this clearly states new buildings are inappropriate development unless for specified purposes such as agriculture or forestry.

The Inspector's report into the Unitary Development Plan Review in considering inclusion of the existing ribbons of development fronting Lichfield Road and Chester Road within the green belt stated that there was "*no reason to disagree with the judgements made nearly 20 years ago to include these ribbons within the green belt...and to do so now would open up a series of opportunities, within the context of PPG3, to intensify the current form of development. This would be likely to increase the visual impact on the surrounding countryside contrary to the third purpose (of including land within the green belt) given in paragraph 1.5 of PPG2 and detracting from investment in other parts of the urban area deserving a higher priority, contrary to the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land)*". This clearly supports the protection of this site under the terms of the green belt policy.

An earlier application to erect three dwellings in the rear garden of 116 was refused in May 2005 as detailed earlier in the report. One neighbour has highlighted that proposed development within back gardens could open the flood gates for similar proposals in the area and set an unwanted precedent. Although the current proposal is for a new dwelling in the side garden of the existing house between exiting dwellings it nevertheless is considered contrary to green belt policies and approval would indeed set an unwanted precedent.

In the circumstances the applicant has not demonstrated that there are very special circumstances sufficient to outweigh the harm caused by inappropriate development of the new dwelling in the Green Belt contrary to policies GP2, 3.3, ENV2, ENV32 and ENV33 of the Walsall UDP.

Impact on the openness and character of the Green Belt and amenities of the surrounding area

The proposal would inevitably have an adverse impact upon the openness of the green belt as it proposes a new building that would fill almost the entire gap presently between numbers 116 and 110 Lichfield Road. Despite the applicant's claim that the proposed dwelling would have a reduced ground level and would be partly obscured by the existing bus shelter, the supplied drawings clearly show the height of the proposed dwelling is greater than the existing dwelling at

116 and at 9m high would be unlikely to be obscured by the bus shelter. In order to achieve required visibility splays the bus shelter may also have to be relocated. For these reasons the proposed dwelling would again have a greater impact on the openness and character of the green belt and therefore upon the visual amenities of the surrounding area.

The formation of the plot for the proposed new dwelling would also require fencing off from the remainder of the original garden and installation of fencing is considered to have an adverse impact upon the openness of the green belt. In addition, the remaining garden for 116 wraps around the rear garden of the proposed plot which is likely to be detrimental to residential amenities as it reduces privacy.

An earlier application for erection of a double garage with dormer rooms above in the same location as the proposed dwelling was refused in May 2005 due to the scale and design of the building, loss of the space between 116 and 110 Lichfield Road and as it would result in disproportionate additions to the original dwelling that would harm the character and openness of the green belt. The proposed dwelling is much larger than the earlier proposed garage hence it is considered to have a greater adverse impact upon the green belt and visual amenity of the surrounding area.

No details of landscaping or planting have been provided as suggested by the applicant that this could help reduce any visual impact. The proposals nevertheless fill a current gap in the street scene with a large dwelling, may adversely affect existing trees on the boundary between 116 and 110 that may require removal and introduces an extensive hard landscape driveway in front of the dwelling. It is considered that compared to the existing garden area this would have an adverse impact upon the character and openness of the green belt and visual amenities of the surrounding area.

Impact on residential amenities

Although the siting of the proposed dwelling partially projects beyond the front elevations of the adjacent houses 116 and 110 Lichfield Road, and partly beyond the rear elevation of 116 it does not exceed the 45 degree code and in this respect would not adversely affect residential amenities. The neighbours at 110 Lichfield Road also have a detached garage that projects in front of the main dwelling that partly obscures direct views of the projecting gable. There are numerous windows in the gable elevation of 116 facing the proposed dwelling, including secondary windows to habitable rooms. Although the applicant currently occupies 116 Lichfield Road and there are no facing windows in the side elevation of the proposed dwelling the proximity and overall height of the proposed dwelling would have an overbearing impact and result in loss of light to these windows to the detriment of residential amenities contrary to policies GP2 and ENV32.

Objectors have raised issues regarding potential for noise and disturbance during construction. However, if the application were being recommended for approval conditions could be imposed to limit the hours of construction to address the neighbour's concern.

Neighbours have also objected to works already carried out at 116 Lichfield Road including erection of a garage and provision of fencing. However, these are not material planning considerations in relation to the current proposal as they do not form part of the current proposals.

Trees and Landscaping

There is a group of sycamore trees along the boundary between 110 and 116 Lichfield Road that are likely to be affected by the proposed development given the proximity of the proposed

building to this boundary. The Arboricultural Officer has states that these are multi stemmed Sycamore and some Hawthorn that are of low amenity value. Nevertheless, they are visible within the street scene given their significant height and potential loss would have an adverse impact upon the character of the green belt. No details of landscaping have been provided despite the applicant assuring careful planting and landscaping could mitigate against the impact of the development on the green belt. In the absence of any details of landscaping it is also not possible to determine whether replacement planting could be accommodated on the site. It is considered that despite the principle objection to development of new buildings within the green belt, the absence of details in respect of landscaping renders the proposals contrary to policies GP2, ENV18, ENV32 & ENV33 of the UDP and the SPD's Designing Walsall and Conserving Walsall's Natural Environment.

Access

Planning permission 04/0399/FL/H4 for extensions to the dwelling granted in May 2004 included creation of an in/out access onto Lichfield Road. Although the vehicle crossover has been implemented the works to accommodate the in/out access drive within the front garden of the house have not yet been implemented. Whilst permission for the access was granted in the knowledge that there was already a bus shelter in this location at the time the access was granted as part of an in/out access for the existing dwelling, not as a separate access for an additional dwelling. The use of this access as the sole access point to a single dwelling under the current application would be an intensification of this access contrary to its original purpose and unacceptable at this particular location.

The proposed access would require a Sight Stopping Distance of 2.4m x 70m in both directions. The position of the existing bus shelter immediately adjacent to the access would significantly compromise this visibility splay in a south westerly direction particularly when pedestrians are standing outside the shelter and when buses are waiting at the stop, to the detriment of highway safety. The proposed access would also require suitable pedestrian visibility splays (2.4m x 3.4m). The position of the existing bus shelter immediately adjacent to the access would significantly compromise this visibility splay in a south westerly direction to the detriment of pedestrian and vehicular intervisibility.

A concern has also been raised by Centro and neighbours regarding the potential need to relocate the existing bus shelter which has not been indicated on the supplied drawings. It is assumed that the applicant does not intend to relocate the bus shelter at this stage. If the application were being recommended for approval it is likely that the bus shelter would need to be relocated in order to improve pedestrian and vehicular visibility from the proposed access to the new dwelling that would be recommended by way of a condition to seek prior approval for its relocation. This would give the opportunity to re-consult Centro and neighbours regarding its relocation in order to address concerns.

Objectors are concerned that a further building will increased demand for parking and could potentially lead to on-street parking. However, the proposed parking for the new dwelling accords with the UDP policy as there are at least 3 spaces available for this 4 bedroom house in accordance with policy T13.

Recommendation: Refuse

1. The applicant has failed to demonstrate that there are very special circumstances or justification for the proposed buildings that outweigh the harm the proposed inappropriate built

development would have on the character and openness of the green belt. The building would close an existing gap between dwellings within the street scene and result in loss of trees along the boundary between 116 and 110 Lichfield Road which would further impact on the street scene. The proposal is therefore contrary to the policies 3.3, GP2, ENV2, ENV3, ENV32 and ENV33 of the Walsall Unitary Development Plan and to Planning Policy Guidance Note 2 Green Belts.

2. The proximity and overall height of the proposed dwelling would have an overbearing impact and result in loss of light to the side facing habitable room windows in the gable elevation of 116 Lichfield Road detrimental to the residential amenities of these adjacent occupiers contrary to policies GP2 and ENV32 of the Walsall Unitary Development Plan and to Supplementary Planning Document: Designing Walsall.

3. The proposed utilisation of the existing access as the sole point of access to the proposed new dwelling would be contrary to its original purpose resulting in intensification of the access in a position where vehicular and pedestrian visibility is restricted due to the presence of the bus shelter and required sight stopping distance and pedestrian visibility splays would be restricted when pedestrians are standing outside the bus shelter or when buses are waiting at the stop. The proposal is therefore detrimental to highway safety and pedestrian and vehicular intervisibility contrary to policies GP2, ENV32 and T4 of Walsall Unitary Development Plan.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Requires delicate judgement

Application Number: 08/1181/FL

Application Type: Full application

Applicant: Ms L Allen + Mr M Hall

Proposal: Demolition of Existing House and
Garage and Erection of Two Storey House
(Resubmission following refusal of 08/0572/FL)

Ward: Aldridge North and Walsall Wood

Recommendation Summary: Grant Subject to conditions

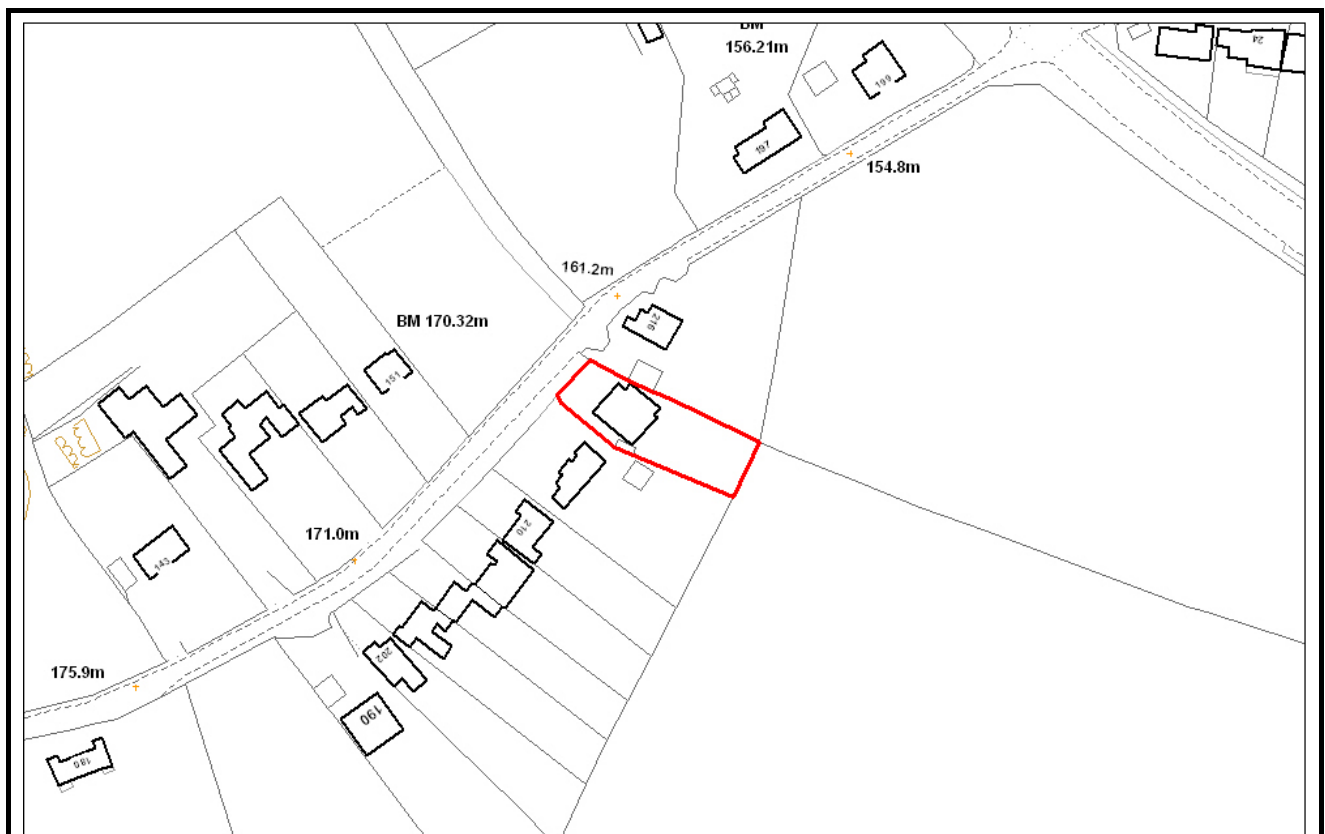
Case Officer: Paul Hinton

Telephone Number: 01922 652420

Agent: Partington Associates

Location: 214 CASTLE HILL
ROAD, STONNALL, WALSALL, WS9 9DB

Expired: 15/09/2008



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application seeks planning approval for the demolition of an existing one bedroom dwelling and its replacement with a four bedroom house and follows the refusal of the same proposal in May this year on the grounds of failing to demonstrate that the replacement house would not have an impact upon protected species and failing to demonstrate that no damage or loss would occur to trees within the site.

The application site is located within the Green Belt, with residential properties of differing designs but of traditional construction along Castlehill Road, with open fields to the rear. Castlehill Road rises from Northgate and drops down towards Chester Road. Properties have staggered roof heights, 204 to 212 are all higher than the application site. The levels also drop from the road, with a downward gradient across the drive, with the rear garden dropping steep towards the adjacent fields. The existing dwelling is vacant and in a structural report submitted with the application it states that the ground floor is at the same level as the external ground level leading to rising damp causing the floor to decay. The report says that the roof structure has shifted off the walls, the ground floor is collapsing and the walls and floors are severely affected with damp and degradation.

The existing dwelling has a single storey appearance from the road frontage and a two-storey appearance from the rear. It has a side garage and a detached garage with an open plan front driveway. The area is characterised by large two-storey houses when viewed from the street, which generally fill their plot width with generous rear gardens.

The proposed house would be a height of 7.9m above ground level at its street frontage elevation with front and rear projecting gables, small dormer windows to the front and rear and gable roof design. At the rear the dwelling would be 9.3m above ground level. A single storey garage is shown to the side of the dwelling which is articulated by stone cills and heads around the windows. The proposal would have a width of 13m, with a depth of 9m. In the applicants design and access statement it is stated that roof tiles and metals salvaged from the demolition will be recycled and masonry will be crushed and graded for use as hardcore. Rainwater is proposed to be collect and recycled as grey water for use in flushing toilets.

Relevant Planning History

190 Castlehill Road

BC63937P - Erection of 1 detached dwelling and garage. Granted subject to conditions. 4th December 2001

214 Castlehill Road

08/0572/FL – Demolition of existing house and garage and erection of two-storey house. Refused for the following reasons 29th May 2008:

1. The application fails to demonstrate that the proposed development would not have an adverse impact on protected species. The lack of information submitted with the application fails to confirm or deny the presence of roosting bats within the existing building. The development is therefore contrary to Walsall's adopted Unitary Development Plan policies ENV22 and ENV23 and guidance given in PPS9 and Circular 06/2005.

2. The application has failed to demonstrate that no damage or loss would occur to trees within the site and has failed to provide details of appropriate tree protection measures in accordance with the requirements of BS: 5837 2005. On the basis of this uncertainty and the significant landscape value attached to these trees, the loss of these trees would have an adverse impact on the character and amenity of this area to the detriment of the street scene. The proposal is therefore contrary to policies GP2, ENV18, 3.64 and ENV32.

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

Unitary Development Plan (UDP)

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

Strategic Policy 3.3 safeguards the Green belt as part of the wider West Midlands Green Belt.

ENV2 in the Green Belt there will be presumption against the construction of new buildings except for:

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

ENV3 need to assess proposals for their impact on the Green Belt in terms of layout, siting and design.

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

GP2: Environmental Protection

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

I. Visual appearance.

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

XII. The effect on woodland or individual trees on or near the site.

Policy 3.114 good design can discourage crime and increase safety as well as accommodating the access requirements of all sections of the community.

Policy 3.115 the design of buildings and structures together with landscape design have a major role to play in the creation of an environment which is distinctive and creates a sense of place.

Policy ENV18 seeks to ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV23: Nature Conservation and New Development – The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV33: Landscape Design

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

Policies 6.3 and H3 - encourage the provision of additional housing through the re-use of previously developed windfall sites provided a satisfactory residential environment can be achieved.

H10: Layout, Design and Dwelling Mix.

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

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

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

T7: Car Parking

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

T13: Parking Provision

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

Designing Walsall SPD

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

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

DW3 – all new development must be designed to respect and enhance local identity

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

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

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

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding

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

Conserving Walsall's Natural Environment SPD - advises on the information requirements and survey standards for protected species to accompany planning applications.

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

Policy QE1 - Environment

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

National Policy

Planning Policy Statement 1: Creating Sustainable Communities a key principle is that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Planning should seek to maintain and improve the local environment. The general approach should be to enhance as well as protect landscape and townscape character. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Local planning authorities should not attempt to impose architectural styles or particular tastes.

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt. The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces.

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

In considering high quality design, PPS3 (paragraph 16) guides that matters to consider for proposed development are:

- Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.
- Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
- Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.
- Takes a design-led approach to the provision of car-parking space that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.
- Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

- Provides for the retention or re-establishment of the biodiversity within residential environments.

PPS9 on biodiversity and geological conservation says that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

Consultations

Transportation – no objection subject to a condition to ensure that the visibility splay is kept clear of all obstructions and landscaping over 600mm.

Natural Environment – no objection subject to the use of recommended conditions relating to the provision of bat roosting sites and appropriate landscape scheme.

Arboricultural Officer – no objections. The proposed plan shows tree protection details, which are acceptable, however should the hardsurfacing around the tree be removed it will be necessary to employ additional tree protection measures. Conditions are recommended.

Landscape – no objection subject to the use of a landscape condition.

Building Control – no objection. Recommended note for applicant.

Fire Service – satisfactory access for fire appliances.

Public Participation Responses

None.

Determining Issues

- Needs to overcome previous reasons for refusal
- Impact on the character and appearance of the Green Belt
- Residential amenity
- Highway safety
- Landscape

Observations

Needs to overcome previous reason for refusal

The application overcomes the previous reason for refusal as tree and bat concerns have been resolved. An appropriate bat survey has been provided. Natural Environment no longer object to the application as the bat survey is satisfactory, identifying that the site is significant for local bat populations. Conditions are recommended that steps are taken to ensure that the site continues to provide a good habitat for bats, in both the building and landscape plans for the development. The building design needs to include bat bricks or similar features to enable the roosting of bats in the new development and the landscape plan should incorporate planting beneficial to bats.

In relation to trees the re-submission provides details of protection to the sycamore tree located to the front of the site and the applicant has confirmed that the existing hardsurface is not proposed to be removed. The Arboricultural Officer does not object to the application subject to tree protection

measures being undertaken as shown on the submitted plan and that if the driveway were to be re-laid, further tree protection measures are provided. Appropriate conditions are recommended.

The impact on the character and appearance of the Green Belt

PPG2 and UDP policy ENV2 says that the replacement of existing dwellings need not be inappropriate providing the new dwelling is not materially larger than the dwelling it replaces. The proposed dwelling would have a reduced footprint of approximately 103m² compared to the existing footprint of 138m². The volume of the building however, would be increased from 565m³ to 705m³. The details on the submitted plans suggest a proposed volume of 649.3m³; however, detailed measurements show a greater figure. Therefore, the proposed dwelling would be 25% larger than the existing. It is considered that an increase by a quarter would normally be inappropriate as the dwelling would be materially larger than the dwelling it replaces. However, it is considered that special circumstances exist in this situation.

The character of the area is defined by large two-storey family houses that generally fill the width of their plots. The proposal would reinforce the stepped affect along Castlehill Road, being lower than number 212 and higher than number 216. The reduction in the depth of the building by setting back the front of the proposal to provide an improved building line relationship coupled with a dwelling more in keeping with the character of the area by having similar roof heights and building massing provides a property more in keeping with the context of the area having an improved relationship with adjacent dwellings. The existing building has little architectural merits. The design of the proposed building would introduce architectural detailing more in keeping with the character of the area. The increase in volume within a setting of large dwellings, which restrict views of the fields behind the dwellings in Castlehill Road, would not have a further impact upon the openness of the Green Belt. The proposal would not impact upon the purposes of the Green Belt (and would bring forward a derelict site), nor would it impact upon the use of the Green Belt as this is an existing residential site.

Therefore it is considered that while the proposal would be materially larger than the existing dwelling, the design and massing would not injure the visual amenities of the Green Belt, providing an improved street scene.

Due to its Green Belt setting, removal of permitted development rights for extensions, garden buildings and boundary fences would be appropriate and can be secured by condition. The types of materials are also required by condition to ensure a quality development.

Residential amenity

The proposal has been designed to ensure that there is no impact upon the adjacent dwellings, maintaining appropriate separation distances and providing an adequate garden length and area for potential occupiers. There is a lounge and bathroom window to the side of 212 Castlehill Road. The lounge window is secondary with the primary window on the front with the bathroom window being frosted glass. There would be minimal impact upon these windows as a result of this proposal. The proposed lounge balcony would be sufficiently distant from adjacent houses and proposes a privacy screen. It is therefore considered that the proposal would have no impacts upon residential amenity of adjacent dwellings.

Highway safety

The Transportation Officer does not object to the application, but recommends that a condition ensuring no obstructions or landscaping above 600mm takes place within this splay. It is also recommended that a condition is used to retain the garage as a garage.

Landscape

The Landscape Officer does not object to the application, but due to the character of Castlehill Road considers that the new building would blend in better with a hedge along the front or alternatively a full planting plan for the front garden is recommended. It is considered that a hedge would be appropriate in the circumstances which would be required to be no greater than 600mm in height to ensure highway visibility is maintained.

Sustainability

The application proposes the use of grey water recycling. Details of this system and its retention are recommended to be controlled by condition.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. No development shall commence until details for a hedge to be located to the front of the dwelling hereby permitted, or alternatively an appropriate planting plan for the front garden has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in this Green Belt location.

4. Nothing shall be planted, erected or allowed to grow within the vehicle visibility splay, over a height of 600mm that would obstruct intervisibility

Reason: In the interest of highway safety.

5. No development shall commence until full details of the design and construction of bat roosting sites both within proposed buildings and elsewhere on the application site are approved in writing by the Local Planning Authority. The approved details shall be incorporated into the development and retained thereafter.

Reason: To enhance the area for European Protected Species in accordance with UDP policy ENV23.

6. No development shall commence until full details of a landscape scheme which contains elements beneficial to bats is approved in writing by the Local Planning Authority. The approved plan shall be implemented in the first planting season following completion of the building works and retained and managed thereafter.

Reason: To enhance the site for bats in accordance with UDP policy ENV23 as they are known to be present.

7. The tree protection measures as shown on approved drawing AH05B received by the Local Planning Authority on 21st July 2008 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. During demolition, site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of the Sycamore tree to be retained.

Reason: To safeguard the tree on the site.

8. No digging of trenches or changes in ground level shall be undertaken within the canopy of the Sycamore tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the tree on the site.

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

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

Reason: In the interests of adjacent residential occupiers.

10. The dwelling shall not be occupied until a satisfactory scheme for the recycling of greywater within the completed dwelling has been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the agreed details and retained thereafter.

Reason: In the interests of reducing the need of water consumption.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no dwelling hereby permitted shall be altered or enlarged so as to deprive it of an existing garage or its drive or parking area as approved and first constructed, except with the express permission of the Local Planning Authority.

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

12. 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: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

13. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations to the dwellings

hereby permitted, as defined in Schedule 2, Part 1, Classes A to E of the Order, shall be constructed without the prior submission and approval of a planning application.

Reason: To ensure the Local Planning Authority has control over the development and in the interests of the occupiers of adjacent dwellings

14. This permission relates to the approved plan drawing number AH05B received by the Local Planning Authority on 21st July 2008. The development shall be constructed in accordance with these details.

Reason: In order to define the permission

Note for applicant

In regards to conditions 6 elements beneficial to bats would include: night scented planting, pond or wetland, mixture of trees, shrubs and herbaceous planting and native hedge planting.

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 than 6 weeks before commencement of the demolition work. Help line number 01922 652408.

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 3.16, GP2, ENV2, ENV3, ENV23, ENV32, H3, H10 and T13 of Walsall Unitary Development Plan, Supplementary Planning Document Designing Walsall and guidance given in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Guidance 2 : Green Belts and Planning Policy Statement 3: Housing; and having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

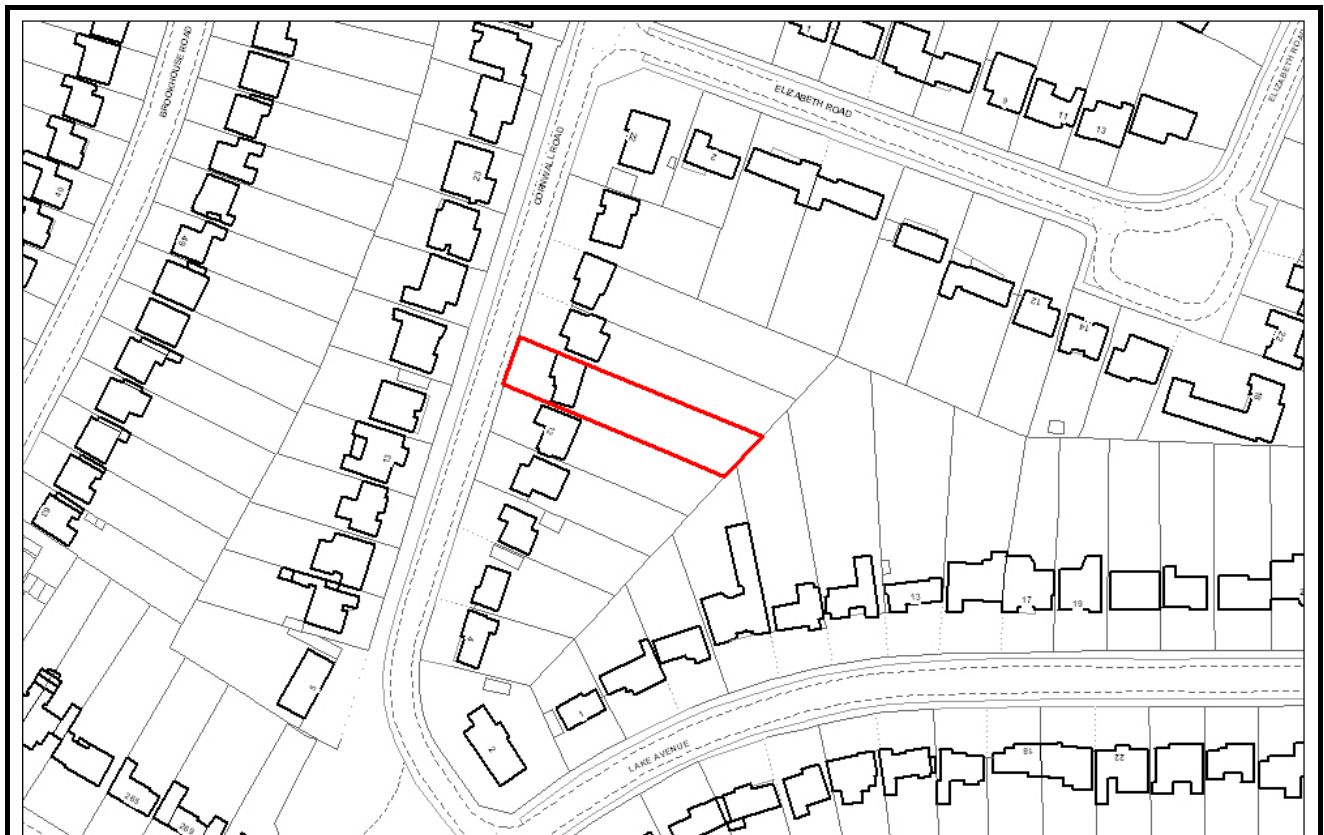
Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Arif

Application Number: 08/0896/FL
Application Type: Full application
Applicant: Mr. Rahman
Proposal: Two-Storey Rear Extension

Case Officer: Helen Smith
Telephone Number: 01922 652486
Agent:
Location: 14 CORNWALL
ROAD, WALSALL, WS5 3PD
Expired: 28/07/2008

Ward: Paddock
Recommendation Summary: Refuse



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Status

This application has been called in by Councillor Arif who has commented that the recommendation appears to be a borderline decision.

Application and Site Details

This application is for an extension to project 4.8 metres out across the full width of the rear of a detached house to provide a kitchen and dining room on the ground floor with two bedrooms, en suites and a bathroom above. The total number of bedrooms would increase from three to five.

The sides of the extension are to be in line with the sides of the existing two-storey part of the house, so the existing gaps between the application house and the houses to either side, numbers 12 and 16, are to be retained. Number 12 projects 4 metres beyond the existing rear of number 14, whilst the two-storey part of number 16 projects approximately 0.3 metres beyond the existing rear of number 16. Number 16 has a single-storey rear extension that projects a further 3.2 metres, and a conservatory that projects beyond this to the rear away from the boundary with number 14. Number 14 currently has a sun lounge to the rear next to the boundary with number 16 that is to be demolished.

Number 12 has a secondary kitchen window on the ground floor to the side that currently faces the boundary fence between 12 and 14. A window to serve an existing bedroom at number 14 is to be inserted at first floor level facing the side of number 16. This window does not require planning permission.

The rear of number 14 faces the rear of houses along Lake Avenue at a separation distance of approximately 60 metres.

Relevant Planning History

None

Relevant Policies

(note the full text version of the UDP is available from the First Stop Shop in the Civic Centre and on the Council's web site at www.walsall.gov.uk/planning)

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Designing Walsall – Supplementary Planning Document

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

45 degree code to assess the length of extensions in relation to neighbouring properties.

24 metre separation between facing habitable windows in two storeys (and above) developments.

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None

Public Participation Responses

Representations have been received from the occupiers of 10, 12 and 16 Cornwall Road, objecting on the following grounds;

- The scale of the extension will double the size of the existing property
- The length and position of the extension in relation to the facing side kitchen window in number 12 will result in a loss of light to this room where they eat most of their meals.
- The proposal will contravene the 45 degree rule and will block light to the lower and upper floor of number 16.
- The plans do not show the correct dimensions of the existing property and the extension will extend 9 metres from the original building line and the plans are presenting a false image of the existing property.
- The aim of the extension appears to be for profit making and not for making a home in the area.

The representations may be viewed in full on the application file in Planning Services.

Determining Issues

- Impact on amenity of nearby dwellings; and
- Parking.

Observations

Impact on Amenity of Nearby Dwellings

The extension will only project approximately 0.8 metres further than the rear of house number 12 and will lie to the north of this property. The habitable room window to the side of number 12 already faces the boundary fence between numbers 12 and 14 but currently does not face the side wall of the application house. The main window to the room concerned, which faces the rear, will not be directly affected by the extension.

The proposal will lie to the south and 3 metres away from the rear corner of number 16. The extension would project 4.5 metres beyond the rear of the first floor of number 16 and 1.3 metres beyond the ground floor of this house.

It is recognised that the extension would comply with the 45 degree code in relation to number 16. However, the orientation of the extension in relation to number 16, and the size and height of the extension in relation to both adjoining houses, means that it would have an overbearing impact on them. The extension would affect the outlook from number 12 and would cause shading to number 16.

Parking

The increase in the total number of bedrooms from three to five will increase the parking space requirement from two to three but as the existing frontage is already mostly hard-surfaced there is adequate room for three parking spaces.

Recommendation: Refuse

1. The proposed extension would have an overbearing impact on the houses and the level of amenity currently available at the gardens to either side, having more impact on number 16 which lies to the north, because of its massing, length and height in relation to these properties. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and the Supplementary Planning Document, Designing Walsall.



To: DEVELOPMENT CONTROL COMMITTEE

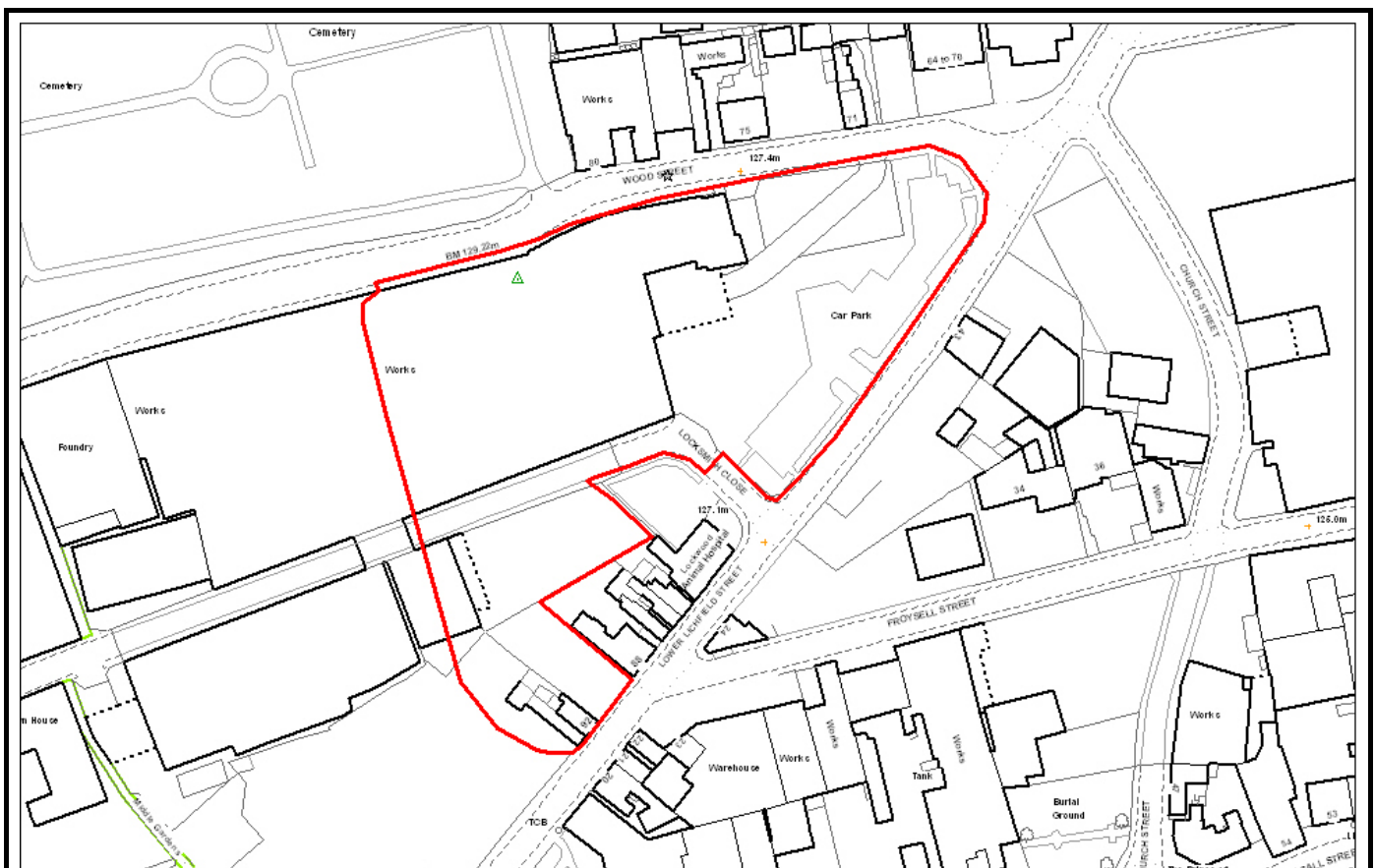
Report of Head of Planning and
Building Control, Regeneration
On 07 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Requires delicate judgement

Application Number: 08/1415/FL
Application Type: Full application
Applicant: Mr Robert Barnes
Proposal: Removal of Condition 26 of
Planning Application 07/0639/FL/W2 (Retention
and Re-Use of Facade of Yale Works)

Case Officer: Marilyn Kowalski
Telephone Number: 01922 652492
Agent:
Location: LAND BETWEEN WOOD
STREET, UPPER LICHFIELD STREET,
AND LOWER LICHFIELD STREET
EXTENDING TO WALSALL STREET,
WILLENHALL, WEST MIDLANDS
Expired: 18/09/2008

Ward: Willenhall South
Recommendation Summary: Grant



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This is an application for the removal of a condition on the outline application for residential development and a large food retail store which was approved earlier this year.

The condition reads:-

“So far as it is practicably possible and viable, the relevant Reserved Matters submission will include a scheme which retains and re-uses the façade of the Yale Works building on Wood Street. “

Part of the site is in the Willenhall Conservation Area and three listed buildings are sited on the western boundary.

The application included an illustrative site layout which showed how the development could be laid out. The residential development indicated the conversion of the Yale building fronting Wood Street into approx. 47 apartments

Relevant Planning History

07/0639/FL/W2 Outline: Demolition of existing buildings and provision of retail (use class A1), residential (use class C3), premises for retail, service or office use (use classes A1, A2, A3, A4, A5 or B1), link road, car parking and other associated works. Grant Subject to conditions 12/3/08. (Condition 26 is the condition in question).

Relevant Planning Policy Summary

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

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

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

GP2, GP7, 3.16, ENV18, ENV32 and H10 - Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact.

ENV25, ENV26, ENV33 archaeological remains to be preserved and development should seek to minimise impacts on the historic environment and enhance local character wherever possible.

Policies 2.2, 3.7, 3.6, and ENV10 seek to protect residents from unacceptable noise and pollution, whilst ensuring development makes a positive contribution to the quality of the environment..

Policies 3.13, 3.14, seek to safeguard the archaeological and architectural heritage of the Borough.

Regional Spatial Strategy for the West Midlands was published in June 2004.

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

Designing Walsall, a Supplementary Planning Document for Urban Design was adopted in February 2008. Policy DW1 supports sustainable development, DW3 requires development to respect and enhance local identity, DW7 supports a diversity of use, Local Character Guidance for Bradford Street promotes attention to architectural detailing particularly at ground level to enhance the richness of the street as experienced by pedestrians, Appendix E sets out numerical guidelines for residential development, relating to distances between habitable room windows and standards for amenity space.

National Policy

(PPG/PPS) - PPS1 on delivering sustainable development and good design.

PPG15 provides government guidance on new development in historic areas.

Consultations

Pollution Control - Contaminated Land Team support the development, however the area has a long history of industrial and commercial uses that have the potential to create localised ground contamination. These matters will require investigation and assessment to determine their potential to impact upon the proposed development. A site investigation and assessment of site contamination and ground gas will be required prior to the development commencing. Scientific team have no objections. The retention of the Yale works façade is immaterial to the end use of the site. The design and proposals of the scheme will need to be assessed when available.

Regeneration - Built Environment – I have no objections, though I do not support the application, in view of the committee resolution it is accepted that the information put forward by the applicant shows that it is not practically viable to keep the facade of the building. Adequate justification for the removal and demolition of the building has been submitted.

Public Participation Responses

None

Determining Issues

Determining Issues - Conservation issues/design quality

Observations

Conservation Issues/Design Quality

When Committee determined the original application for the outline development it was resolved to approve the application with a condition that the façade of the Assa Abloy building be protected so far as is practicably possible, however if that was not viable, then authority was given to the Head of Planning and Regeneration to approve its removal.

The applicant states that the drawing which was submitted with the original application showing 47 flats was submitted from a theoretical design perspective. Detailed information has been

submitted with this application showing that the retention of the Yale Works has been considered but found to be unviable. This is summarised as follows:-

In terms of design the scale of the building is considered to be a constraint as the remainder of the site to the rear would be overshadowed and would prove difficult to integrate with buildings of a domestic scale.

In terms of market viability, the design and construction of the building would make conversion extremely expensive.

In terms of heritage it is argued that this is not an original lock making building. It reflects the later evolution of lock making in the town. It's architectural merits are considered to be "unremarkable" and the extent to which it can be regarded as an important part of the town's heritage is limited by this to a large extent.

The conservation officer is still reluctant to see the building go, but in view of the committee resolution which stated that "the façade of the building be protected so far is practicably possible, however if this was not viable, then the Head of Planning and Regeneration be given authority to approve its removal" it is difficult to resist the convincing case which the applicant has put forward.

Conclusion

Overall, it is considered that a satisfactory scheme can be achieved at reserved matters stage which reflects the individual design of the Assa Abloy building.

Recommendation: Grant

NOTE FOR APPLICANT

This decision relates only to condition 26 of planning permission 07/0639/FL/W2, the other conditions of that permission remain in force.
