



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 8th July 2010

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

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452, Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

11	108	10/0466/FL	97 FOLLYHOUSE LANE,WALSALL,WS1 3EL	Two storey side and single storey rear extensions	Grant Permission Subject to Conditions
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Plans List Item No: 1.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Major Application

Application Number: 10/0362/FL
Application Type: Full application

Applicant: Mr Thandi

Proposal: Refurbishment of existing retail premises and 3 apartments and erection of 9 2-bedroom apartments on Pleck Road frontage with associated car parking, landscaping and associated works and demolition of existing ancillary buildings.

Ward: Pleck

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

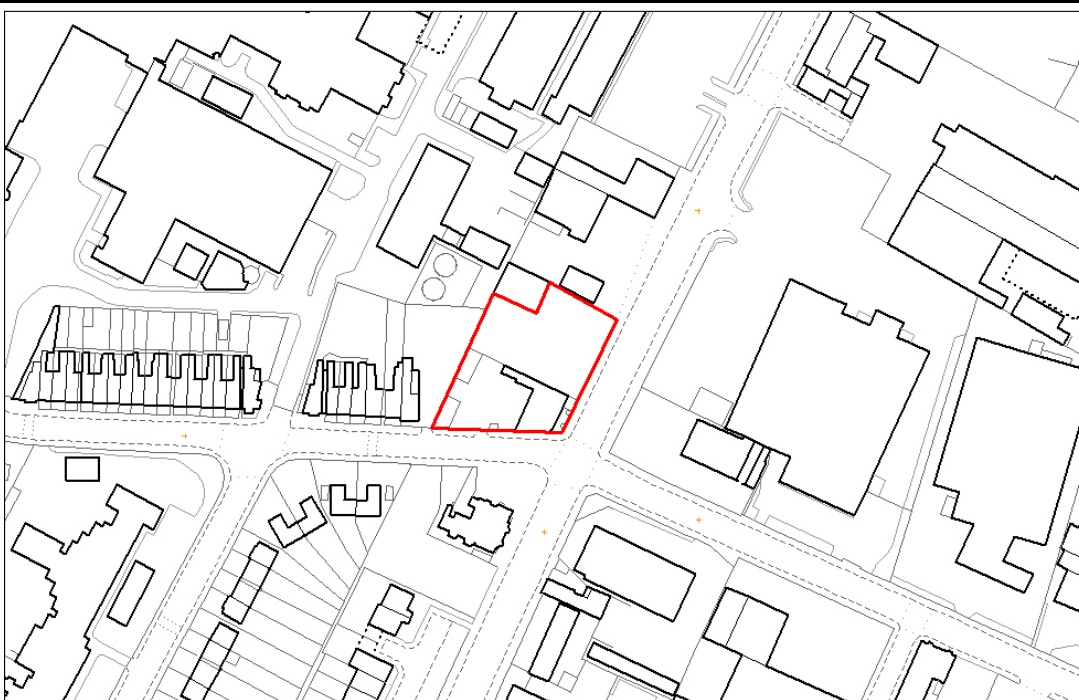
Email: planningservices@walsall.gov.uk

Agent: Khoury Architects

Location: LAND CORNER OF PLECK ROAD AND IDA ROAD, WALSALL, WEST MIDLANDS

Expired Date: 12/07/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The proposals comprise refurbishment and extension of an existing retail premises and 3 apartments and erection of 9 2-bedroom apartments on Pleck Road frontage with associated car parking, landscaping and associated works and demolition of existing ancillary buildings to the rear of the site.

The proposals are to retain the existing frontage buildings with three-storey contemporary building also on the Pleck Road frontage. The proposals will accommodate 17 car parking spaces, together with cycle stands and refuse facilities. The proposals also include a significant area of communal amenity space and would be capable of being accessed from both Pleck Road and the rear car park.

The area is mixed in character with residential and commercial development prominent in the area. The Walsall hospital re-development makes this the principal and significant feature to Pleck Road in particular. To the rear of the application site is generally characterised by family housing.

Relevant Planning History

On land covered by red and blue outline

09/0754/FL - Demolition of attached rear wing of accommodation, change of use of ground floor flat (No1) into service + staff accommodation together with a new A3 use linking with existing retail shop. Formation of 2 No refurbished apartments at first floor from the remaining residential accommodation. Refurbishment of whole existing exterior including windows and the installation of new shop fronts + surroundings. Refused – 04/09/09

07/0187/FL/W7 - 22 no. Residential Units and 1 no. Retail Unit – Granted 3rd January 2008.

06/0385/OL/W7 - OUTLINE: 23 Flats in 3 storeys plus penthouse plus 3 no. Retail Units – Withdrawn

06/0396/FL/W7 - 13 No. Flats in 3 Storeys plus Penthouse – Withdrawn

BC33088P – Display of 4 hoardings – Granted April 2005 for a period of two years

Relevant Planning Policy Summary

Unitary Development Plan (UDP)

GP1: Supports the sustainable location of development.

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

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

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

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

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

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

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

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

6.3 and H3: encourage the provision of additional housing through the re-use of previously developed 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, however higher densities are encouraged in locations close to town and district centres and in locations with good accessibility to a choice of means of transport.

7.1: Seeks to promote an efficient highway network;

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

All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

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

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is just about to enter its Examination in Public. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

Supplementary Planning Documents (SPD)

Designing Walsall SPD

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;

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

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

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

Regional Strategy for the West Midlands

The recent Ministerial Statement by Eric Pickles indicates that the Regional Strategy will be abolished however, until the legislation is passed through Parliament the Regional Strategy is still a material consideration.

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.

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

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

Policies UR1, UR1b, UR1c and UR3 which seek to regenerate urban areas and in particular the major urban areas. Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations.

Policies QE1, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space. Policy CC1, EN1, EN2 seeks to conserve energy and address climate change.

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

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good design. Supplementary document published on the need to address climate change through the planning system.

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

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subject to criteria. PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes 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.

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

Consultations

Transportation – No objection

Pollution Control Scientific Team – No objection

Pollution Control Contaminated Land Team – No objection

Access Officer – No objection however there will need to be an accessible toilet in the retail area to comply with Building Regulations Approved Document M section 5.7

Centro – No objection

Land Drainage – No objection

Fire Service – No objection

Public Participation Responses

1 letter of objection concerned about parking and the number of flats

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

Determining Issues

- Principle of the development
- Impact on the street scene and character of the area
- Impact on neighbouring residential occupiers
- Education and open space contributions

Observations

Principle of the development

The application site is out of centre in retail policy terms and any additional development would need to meet a local need and this needs to be demonstrated. No such evidence has been submitted. However, the retail floorspace proposed is largely as existing with the total floor area being proposed at 100sqm from the existing at 43sqm. Taking into account the total floorspace created

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being relatively small there would be limited opportunity for the floorspace to be considered other than providing a local need. Whilst the applicant has not demonstrated this, on balance the level of floorspace is not considered to be significant enough to warrant a refusal on retail harm to the town centre or Pleck Local Centre.

Impact on the street scene and character of the area

The proposals maintains the traditional element of the old shop whilst extending the retail floorspace whilst the newbuild would be of a contemporary design reflecting the new hospital development in scale and mass.

The proposals are linked through a lightweight glazed structure to provide a transition between the traditional and modern architectural responses. Overall it is considered that the proposals would provide a positive addition to the street scene and be in keeping with the existing and proposed developments in the area.

Impact on neighbouring residential occupiers

The proposals would allow for good separation to neighbouring residential properties and would not move closer to neighbouring residential properties than the existing development. The proposals would not therefore result in undue overlooking, loss of privacy or loss of light to neighbouring residential properties.

It is also noted that the proposals would represent a significant improvement on existing car wash and largely underutilised areas and structures which are of detriment to neighbouring residents.

As such the proposals are considered to be an improvement to the amenities of neighbouring residential occupiers.

Education and open space contributions

Whilst the development includes 12 residential properties, the proposals will create nine properties with the refurbishment of the existing 3 residential properties. Whilst there is scope for more units at a higher density (as shown by planning permission reference 07/0187/FL/W7), the proposals are a comprehensive scheme relating to the whole site and makes good use of land. As such taking into account the number of units created, no contribution is sought in this instance.

Summary of Reasons for Granting Planning Permission

The proposed extension to the retail shop would improve the viability of an existing retail premises that provides a local need.

The proposals are a mixture of contemporary and traditional designs and would be acceptable in view of the street scene and character of the area, in particular the redevelopment of Walsall Hospital. The proposals would have no material adverse impact on the neighbouring residential or commercial properties and would be acceptable to their amenities. In addition, subject to satisfactory discharge of conditions relating to noise and air quality, the proposals would provide a suitable residential environment for future occupiers.

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The proposed car parking layout is acceptable, would provide an acceptable level of car parking and the provision of cycle parking facilities will be an improvement to the choices available to residents. The proposals would be in keeping with the style and layout of the existing retail store and the improvements to the forecourt will be an improvement to the street scene.

Overall taking in to account all consultation responses and public participation responses the proposals are considered to be in accordance with the Development Plan, in particular Policy GP2, GP7, ENV10, ENV32, ENV33, S6, S7, T7, T8, T9 and T13 of Walsall Unitary Development Plan.

Recommendation: Grant Permission Subject to Conditions

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

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

2. No construction, demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 09.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In order to safeguard the amenities of neighbouring residents.

Note for Applicant

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

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

Reason: In order to safeguard the amenities of future residential occupiers.

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

Reason: In order to safeguard the amenities of future residential occupiers.

5. Windows of habitable on the façade fronting onto Pleck Road shall be non-openable and ventilation of internal areas shall occur using induction air from the rear of the premises (i.e. the façade furthest away from Pleck Road) unless an air quality screening assessment has been undertaken, and suitable mitigation measures to protect internal areas, as required have been agreed in writing with the local planning authority. The development shall not be occupied until such measures have been fully implemented.

Reason: In order to safeguard the amenities of future residential occupiers.

6. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. This scheme shall include indications of all hard surfaces, walls, fences, the existing trees and hedges to be retained, together with the new planting to be carried out, and details of the measures to be taken to protect existing features during the construction of the development. The development shall be carried out in accordance with the agreed scheme and implemented prior to the first occupation of the dwellings.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

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

Reason: To ensure the satisfactory appearance of the development.

8. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed materials.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory development of the site.

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

II. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

III. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

IV. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

V. The remedial measures as set out in the "Remediation Statement" required by part III) of this condition shall be implemented in accordance with the agreed timetable.

VI. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered development shall cease until the "Remediation Statement" required by part III) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

VII. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3) Reason

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

11. The car parking shown shall be laid out in accordance with layout shown on the approved plans prior to the first occupation of the residential scheme.

Reason: In order to ensure satisfactory functioning of the development.

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

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12. Prior to the commencement of development the details of cycle stores shall be submitted for the approval of the Local Planning Authority. The approved details shall be implemented prior to the first occupation.

Reason: To ensure the satisfactory appearance of the development, and to promote use of the bike, and minimise use of the car.

13. Prior to the commencement of development a scheme for external lighting (including a timetable for installation) will be submitted for the approval of the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

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

14 Prior to the commencement of development the details (external appearance, number and materials) of bin stores (for residential and commercial refuse) shall be submitted for the approval of the Local Planning Authority. The approved details shall be implemented prior to the first occupation.

Reason: To ensure the satisfactory appearance of the development,

Notes for applicant

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(8 hours), of 30 dB together with a maximum instantaneous level of 45 dB LAFmax, between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(16 hour), of 40 dB between the hours 07.00 to 23.00;

B) Unless otherwise specified in a relevant standard, code or guidance, sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 1 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or British Standard BS 61672 Electroacoustics- Sound Level Meters - Part 3: Periodic tests, within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise". British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use. British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits. British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

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

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

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

Notes for Applicant – Contaminated Land

CL1) Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any

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boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

CL4) The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in “PPS 23: Planning and Pollution Control”, Annex 2, Development on Land Affected by Contamination”, paragraphs 2.42 to 2.44. and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.



Plans List Item No: 2.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Major Application

Application Number: 10/0497/FL

Application Type: Full application

Applicant: J.S. Bloor (Tamworth) Ltd

Proposal: Amendment to Plots 72-81 to reduce number of units from 10 to 7 and change house type to larger family houses. Amendment to 08/1637/FL.

Ward: Darlaston South

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Email: planningservices@walsall.gov.uk

Agent:

Location: SATCHWELL GRANGE DEVELOPMENT, WODEN ROAD WEST, DARLASTON, WS10 7TB

Expired Date: 23/07/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application seeks to amend the previous application and substitute house types within the approved layout under planning permission reference 08/1637/FL. The application relates to an amendment of Plots 72-81 under planning permission reference 08/1637/FL to reduce number of units from 10 to 7 and change house type to larger family houses. The houses are located close to the site entrance on the northern side of the highway.

The proposals now include additional 4 and 5 bedroom units rather than 2 and 3 bedroom units leaving the total development providing 230 dwellings at a density of 42dph.

Relevant Planning History

07/0029/OL/W5 - Outline: Residential Development – Granted 14th March 2007.

07/2661/RM/W7 - Erection of 262 no. dwellings with associated works (Reserved Matters to outline application) – Granted 8th August 2008.

08/1637/FL - Reduction of units from 150 to 118 units as an amendment to planning permission approved under 07/2661/RM/W7 on front portion of site. Granted 10/06/09

There have also been a number of applications submitted to discharge conditions relating to the development. Discharge of the conditions is being completed as the phased construction of the development progresses.

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)

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

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

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

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

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

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

H9: Housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites, however higher densities are encouraged in locations close to town and district centres and in locations with good accessibility to a choice of means of transport.

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. 1, 2 & 3 bedroom houses – 2 spaces per unit

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is just about to enter its Examination in Public. The broad principles of the UDP – e.g. the appropriate reuse of previously developed land, need to promote the town and district centres and high quality design are further advanced in the document taking account of recent national and regional planning guidance

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;

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

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

Regional Strategy for the West Midlands

The Regional Spatial Strategy currently remains relevant though the Government are reviewing its status. Overall the strategy promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes. The strategic implications of this application are, however, modest.

National Policy

Planning Policy Statement (PPS) 1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good

design. Supplementary document published on the need to address climate change through the planning system.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria. PPS3 also indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. This includes 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.

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

Consultations

Transportation – No objection

Pollution Control Scientific Team – No objection

Pollution Control Contaminated Land Team – No objection to the application or the reduction in units however construction works have already commenced on site. It should be noted that a ground investigation of the site had advised that further ground gas monitoring be undertaken, that specific remedial measures are installed in properties to prevent the ingress of such gas and that a clean cover system be installed to all garden and landscaped areas. Currently, no detail for any of these points has been received by this section all of which should have been agreed to be suitable prior to works commencing.

Housing Strategy – The change to larger family homes is supported and is more appropriate to meet need and demand

Tree Officer – No objection subject to landscaping shown on the plans being implemented

British Waterways – No objections

Land Drainage – No objection

Fire Service – No objection

Public Participation Responses

None

Determining Issues

- impact of the alterations on the street scene

Observations

Impact of the alterations on the street scene

The proposals maintain the core principles of the design of the original planning permission with the highway route through the site being unaffected by the changes to the house types.

The plots would continue to provide a strong frontage and the windows would allow activity and end vistas to be created (Plot 75 in particular). The proposed buildings would be a mix of two and three storey and would provide large back gardens, and independent off-street car parking.

Overall the proposals whilst material, would not adversely affect the overall character of the development and would improve the housing mix on offer at the site, more in keeping with the requirements of the area. Therefore it is considered that the proposals and the substitution of house types is acceptable.

Summary of Reasons for Granting Planning Permission

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

The Local Planning Authority have considered the proposals against extant planning permissions, the design of the proposals, the impact of the proposals on the character of the area, the density and amenity space to be provided as part of the proposals and found in this regard the proposals are acceptable. In addition the impact on the amenities of nearby residents and businesses has been considered and found to be acceptable.

S106 contributions are unaffected by the amendments and will continue to be delivered in line with the Council's policy.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV10, ENV14, ENV18, ENV29, ENV32, ENV33, JP7(d), H3, H4, H9 and H10 of Walsall Unitary Development Plan (March 2005) and Policies QE3, QE4 and QE5 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant Permission Subject to Conditions

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

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

2. This permission relates to on relates to an amendment of Plots 72-80 under planning permission reference 08/1637/FL, which are shown as plots 72-78 on drawing number 6993/001 Revision A1 submitted with this application. The remainder of the permission and associated S106 agreement under 08/1637/FL and 07/2661/RM/W7 are unaffected by this permission.

Reason: In order to define the permission.

3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Borough Council and these works shall be carried out as approved. This scheme shall include indications of all hard surfaces, walls, fences, the existing trees and hedges to be retained, together with the new planting to be carried out, and details of the measures to be taken to protect existing features during the construction of the development.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory development of the site.

7. Prior to the commencement of development the landscaping scheme shown on the approved plans for 07/1691/RM/W7 shall be revised to meet the requirements of the new layout and submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

NOTES FOR APPLICANT

A) Approved under this planning consent unless otherwise agreed in writing, together with all the necessary drainage arrangements and run off calculations shall be submitted to Walsall Council. No works on the site of the development shall be commenced until these details have been approved and an agreement under Section 38 of the Highways Act, 1980 entered into.

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

C) Drainage arrangements shall be provided to ensure that surface water from the private driveways, parking courts and vehicular turning area does not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

D) If it is the developers intention to request that Walsall Council, as the Highways Authority, to adopt the proposed roadwork's as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed road works, which shall comply with any plans



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Deferred from Previous Meeting

Application Number: 08/1863/LE

Application Type: Certificate:Lawful

Existing use / Development

Applicant: David Mosedale

Proposal: Certificate of Lawfulness for existing use for the repair, refurbishment and storage of tractors, agricultural implements and equipment and part, and sales of the above and retention of 10 buildings on site, and a greenhouse and polytunnel

Ward: Pelsall

Case Officer: Barbara Toy

Telephone Number: 01922 652429

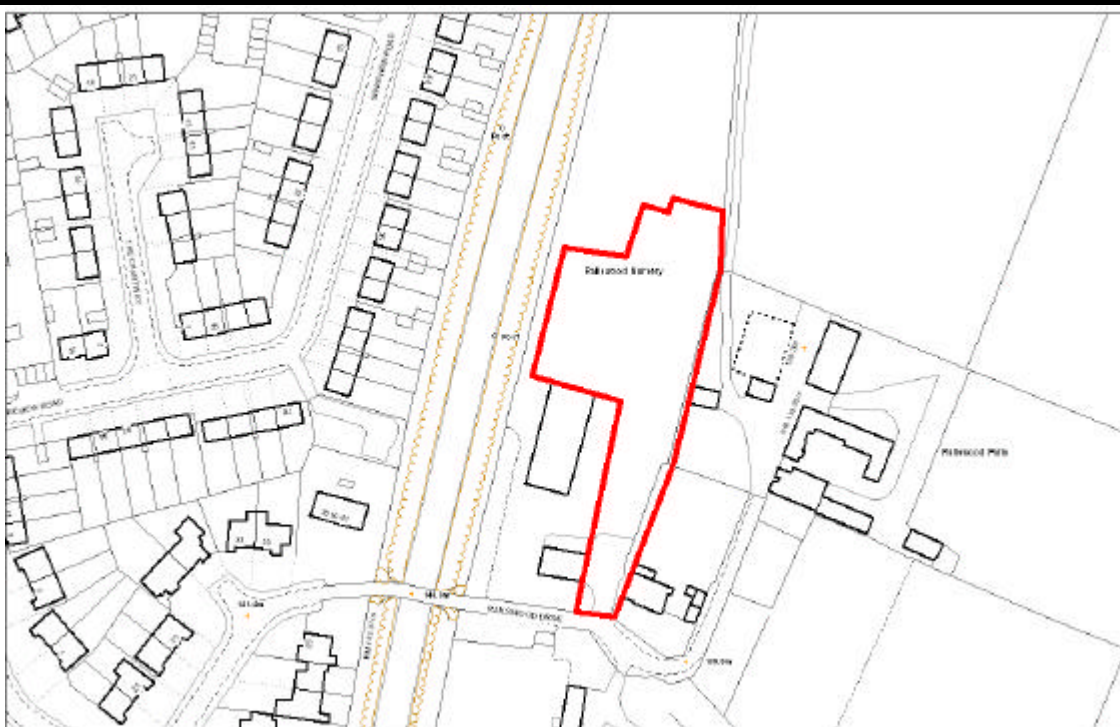
Email:planningservices@walsall.gov.uk

Agent: John Dring

Location: Railswood Nurseries, Railswood Drive, Pelsall,

Expired Date: 16/02/2009

Recommendation Summary: Grant Lawful Existing Use



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

Current Status

This planning application was reported to committee on 10th September 2009 when members resolved:

That planning application 08/1863/LE be deferred pending further evidence and business information to be submitted, such as audited accounts, tax returns, bank statements etc to corroborate the evidence already submitted, to confirm the continuous use over a 10 year period.

In response the applicant's agent submitted a letter dated 15 Jan 10 as follows:

"The applicant states that the records requested would be of no benefit for the following reasons:

1. Audited Accounts – these do not have to be produced as the business does not reach a turnover of over £5.6m a year.
2. Tax/VAT Returns – Inland Revenue and Customs still refer to Railswood Nurseries, even though the company name was changed formally to Railswood Tractors over 3 years ago. As you are aware the applicant operated a number of businesses on the site since purchasing it in 1996. The original response to Enforcement dated 28-05-08 clearly stated that parts of the site were occupied as a nursery and a landscape/agricultural contracting business. Both these uses ceased by 2006. The areas of the site occupied by these uses are not included in the application for the certificate. For tax and VAT purposes, all the uses were considered as one business and there is no breakdown for the individual operations, including the tractor etc business. In any event, such records are kept only for 6 years. The VAT registration was transferred from Wood Lane to Railswood. It is an 'umbrella' registration for all the businesses, including the tractors.
3. Bank Statements – these do not detail the source/aim of the individual transactions, so that the tractor business cannot be specifically identified.

The applicant states he could supply further information, mainly in the form of signed statements, but also paperwork to show:-

- i. The combined business – nursery, contracting and the tractor business were previously carried out in Wood Lane, Pelsall, prior to their purchasing and moving to the Railswood site in 1996. This would illustrate the long-term operation and continuity of the business including the tractor etc operation.
- ii. The tractor business has operated at Railswood continuously since 1996 to the present. The nursery and contracting businesses, which also began at Railswood in 1996 have now ceased. Mrs Roe at Railswood Farm can confirm this, the most immediate neighbour.
- iii. The operation of the tractor etc business at Railswood 1996 to the present.

In addition there are photographs which show the tractor business operating along side the nursery business. The age of the photos can be judged by the height of the trees around the site. There is also no telecommunications mast.

The applicant has been using eBay for the tractor business for over 8 years. Also in 2002, the applicant was in correspondence with Martin Single, Planning and Building Control Manager, regarding the establishment of a tractor museum, based around the business he was already operating.

The applicant however considers that the submission of further information, as referred to above, will be of little benefit. He has already submitted copies of invoices etc, signed statements and two statutory Declarations to prove the existence of the tractor business from 1996 continuously until the present day. This information was considered sufficient for the recommendation to grant the certificate of lawfulness.

Two further Statutory Declarations and 25 further supporting statements were submitted on the 11 June 10 in support of the case.

One of the additional statutory declarations has been provided from an employee, who was employed by Railswood Tractors between 1994 and 2003 as a gardener, the other statutory declaration has been provided from a company who cleaned and polished tractor parts between 1980 and 2005 (when the company ceased trading).

The 25 further supporting statements include:

One from a former local councillor who lives locally who has known the applicant since 1996 and was always fully aware of the tractor business and activities that ran alongside the Railswood Nursery business. Since the nursery business was wound up the tractor business has grown to provide an alternative income.

One from the son of the former owner of the site who the applicant has serviced and repaired tractors for.

Two from neighbours

One from a local Police Community Officer

Nine from company representatives including an engineering company who made tractor castings for Railswood Nurseries and many which traded spares for tractors and vintage tractors

Five from former employees and subcontractors

And six from farmers who have dealt with the applicant regarding tractors.

All the supporting statements confirm the operation of Railswood Tractors from the site since 1996.

The agent has apologised for the delay in submission of the additional information, this is due to the applicant trying to maintain his business in the difficult economic circumstances, including visits to shows etc across Britain and Eire.

The following report remains essentially the same as that considered by Committee in September 2009 with the same recommendation.

Application and Site Details

This application is made under Section 191 of the Town and Country Planning Act 1990 for a Lawful Development Certificate for an existing Use for the repair, refurbishment and storage of tractors, agricultural implements and equipment and parts and sales of the foregoing and retention of 10 buildings on the site.

The site is situated at the eastern end of Railswood Drive (beyond the railway bridge) and forms part of the former Railswood Nurseries site, and is situated within the green belt.

The amended redline boundary for this application includes the access and parking area to the east of the existing bungalow (occupied by the applicant), a strip of land to the east of the existing polytunnel and the remainder of the site to the north within the applicants ownership, it does not include 'Railswood bungalow' the former nursery green house or polytunnel.

Circular 10/97: Enforcing Planning Control, Legal Provisions and Procedural Requirement, Annex 8: Lawfulness and the Lawful Development Certificate makes it clear that the onus of proof in Lawful Development Certificate applications is firmly on the applicant.

The applicants have submitted documentary evidence in support of their application including:

- Statutory declarations from the applicant and his wife
- Six statements from customers of the business, since its occupation of the application site
- Documents dating back to 1987 illustrating operation of the business prior to occupation of the application site.
- Various business documentation dating from 1993 to 2008.

Relevant Planning History

EA5451, erection of a bungalow, approved subject to conditions 08-12-1966.
Condition to restrict to agricultural use (see BC60205P)

BC10826P, Section 53 Determination, erection of glass house. Planning permission not required, 04-04-1984.

BC27958P, loft conversion (existing bungalow) approved 12-12-1989.

BC37456P, 3 poly tunnels and 1 replacement poly tunnel for horticultural crops, approved 25-01-93.

BC47403P, resiting of 3 poly tunnels, approved 09-10-1996.

BC60205P, Removal of condition on EA5451, which restricted the occupancy of the dwelling to persons employed or last employed locally in agriculture or forestry or dependents of such persons, approved 20-12-1999.

BC62485P, change of use of horticultural land to keeping of horses and erection of field shelter. Approved subject to conditions 13-02-2001. Condition to ensure no more than 4 horses or ponies grazing.

BC62487P, formation of hardstanding for 1 x 7.5 tonne lorry. Withdrawn 08-12-2000

Railswood Caravan Storage Site, Railswood Drive

BC54249P, full consent sought for caravan storage site, approved subject to conditions 26-10-1998. Condition restricted to 60 caravans to be stored at any one time, with hours of movement restricted.

03/2279/PT/E5, 12.5m high timber monopole telecoms mast with 2 transmission dishes, 3 antenna (total height 15m), equipment cabinet and ancillary development. Refused 09-01-2004. Subsequent appeal allowed 03-11-2004.

07/1056/PT/E12, prior notification for telecommunications, 14.9m high timber clad monopole supporting 3 antennae with equipment cabinet at ground level. Refused 12-07-2007.

Relevant Government Guidance

Circular 10/97: Enforcing Planning Control, Legal Provisions and Procedural Requirements, Annex 8: Lawfulness and the Lawful development Certificate

The onus of proof is firmly on the applicant. While the Local Planning Authority should always co-operate with an applicant seeking information they may hold about planning status of land, by making records readily available, they need not go to great lengths to show that the use, operations, or failure to comply with a condition, specified in the application is, or is not, lawful.

Something is lawful if no enforcement action may be taken and it is not in contravention of any enforcement notice which is in force.

If the local planning authority are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operation or other matter in the application they must issue a certificate to that effect; and, in any other case, they shall refuse the application.'

Consultations

Legal Services – There are no enforcement notices to prevent a certificate being granted and the 10 years required for the use to be made out appear to have been supported in the Statutory Declarations and the Customer Statements. The LPA has no information to contradict the Statutory Declarations or the Customer Statements.

Public Participation

There is no statutory requirement to consult and no consultation of an informal nature has taken place.

Determining Issues

Whether the evidence provided by the applicant is satisfactory to determine that the use, operation or activity is lawful and whether the Certificate of Lawfulness should be issued.

Observations

The purpose of an application for a Certificate for Lawful Existing Use (*LDC*) is to determine whether there is enough evidence provided by the applicant that a development has been in place for a certain length of time making it immune from enforcement action. The certificate will then establish whether it has become lawful over the passage of time. The onus of proof in a LDC application is firmly on the applicant. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of certificate "on the balance of probability".

In this case it is for the applicant to prove that the use of part of the site for the repair, refurbishment and storage of tractors, agricultural implements and equipment and parts and sales of the above and retention of 10 buildings on the site has been in use continuously for a minimum of 10 years.

The Statutory Declarations submitted by the applicant and his wife both declare that the said business has been operating continuously from the site since they acquired it in April 1996. The business has operated from the 10 buildings on the site. The submitted site plan (received 16-02-09) clearly identifies the 10 buildings referred to in the Statutory Declarations and they have been observed on site, currently being used for the purposes declared.

Six statements have also been submitted from customers, suppliers and a mechanic who has maintained vehicles at the site. These all clearly state that the site and buildings have been used since 1996 for the use described.

Further business evidence has been submitted, (invoices and receipts) dating from 1993 through to 2008. This shows the business in operation prior to moving to the site and since moving to the site in 1996.

The green house and polytunnel at the site are not included within the redline site boundary for this application as they were used for the Railswood Nursery business only and not the tractor business. Likewise the Railswood bungalow is outside the redline as this provides the residential accommodation for the applicant only and is not part of the business use.

There are no enforcement notices relating to the site to prevent a certificate being granted.

The 10 year period required for the use described is supported in the Statutory Declarations, the Customer Statements *and the additional Supporting Statements* submitted. The Local Planning Authority has no information to contradict the Statutory Declarations or the Customer Statements *or additional Supporting Statements*.

Conclusion

As a matter of fact and degree, it is recommended that a Certificate of Lawful Existing Use can be issued for the use described in the application.

Recommendation: Grant Lawful Existing Use

Walsall Metropolitan Borough Council, hereby certify that on 3rd December 2008 the use described in the first schedule hereto, and as more particularly described on the red edged amended site plan received on 16th February 2009 and attached to this certificate, would have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended).

For the following reasons:-

1. The evidence supplied by the applicant demonstrates that the use of this site commenced more than ten years prior to the submission of this application and the Council has no information to contradict the submitted evidence.

First Schedule:

Use for the repair, refurbishment and storage of tractors, agricultural implements and equipment and parts and sales of the foregoing and retention of 10 buildings on the site.

Second Schedule:

Railswood Nurseries, Railswood Drive, Pelsall, Walsall. WS3 4BE.
Red edged Amended Site Plan dated 16th February 2009.



Plans List Item No: 4.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0633/FL
Application Type: Full application

Applicant: Mrs L Reaney

Proposal: Change of use from office to 2 storey duplex flat with external amenity space.

Ward: Bloxwich East

Case Officer: Devinder Matharu

Telephone Number: 01922 652487

Email: planningservices@walsall.gov.uk

Agent: Sutton And Wikinson Chartered Architects

Location: 92 REVIVAL

STREET, BLOXWICH, WALSALL, WS3 3HL

Expired Date: 15/07/2010

Recommendation Summary: Grant subject to conditions



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Application and Site Details

The site lies on Revival Street and is a former commercial unit situated adjacent a row of terrace properties fronting Revival Street and at the rear of 18 Harrison Street. The character of the area is predominantly residential with a variety of dwelling types which include terraced and semi detached properties. The terraced residential properties on both Harrison Street and Revival Street have no off street parking facilities, whereas the properties on the opposite side of Revival Street which are semi detached have front gardens and drives to accommodate off road car parking. The residential properties in the area generally have long rear gardens, whereas numbers 18 to 38 Harrison Street have short rear gardens.

The site lies outside of the Bloxwich District Centre by approximately 30 metres.

The application proposes the change of use of the premises from an office to a two storey duplex flat with external amenity space.

The residential property would accommodate a lounge/dining room, WC and an external terrace at ground floor and a bedroom with ensuite at first floor. Access to the dwelling would be via an accessway off Revival Street. The front window at ground floor and the flat roof which currently belongs to an extension to the main room would be removed and a grill installed. This area at the side of the main room would accommodate an external terrace to be a private amenity space. The total area of amenity space would be 8 square metres.

A Design and Access Statement has been submitted with this application and a supporting letter from Fraser Wood Commercial which states that the property has been on the market since July 2007 and that during the period the property has been advertised in a number of local newspapers, web site and marketing board. In the first year eight viewings were undertaken and an offer was made, but due to the offer not being accepted, the property was put back on the market in January 2009 and since then very little interest has been received due to the down turn in the market.

The agent has stated confirmed that the alleyway to the side of the property comes under ownership of 92 Revival Street with a right of way having been granted to the neighbouring property to provide access to the rear of their garden. They also advise that the refuse bins would be stored in the newly created external terrace and not in the alleyway.

Relevant Planning History

BC54251P. 92 Revival Street. Change of use of the premises from a printing shop to offices. Granted subject to conditions in June 1998.

05/1984/FL/E3 92 Revival Street. Change of use from offices to two bed residential dwelling. Refused planning permission in 2006 for the following reason:

1) The proposed change of use of 92 Revival Street from offices to residential does not provide any private amenity space for the potential occupiers and therefore, the proposal would not provide a satisfactory living environment.

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

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

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A subsequent appeal was lodged, which was dismissed in August 2006 on the grounds that it is normal to provide some amenity space for flats, which may or may not be private. The nearest public open space is on Elmore Row at least 300m away and it is unlikely that future occupiers of the premises would make any significant use of these spaces for the kind of informal relaxation generally available in a private amenity area, like sitting out in the summertime. There is no reason to suppose that the building could not be reused as offices. The proposed scheme would not provide the standard of living accommodation prospective residential occupiers should be entitled to expect.

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)

Policies 2.2, 3.6, 3.7 and GP2 seek high quality design and access whilst protecting people from unacceptable noise, pollution and other environmental problems.

Policy GP7 proposals should have regard to designing out crime.

Policies ENV32, 3.16, 3.116 and H10 - seek the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character and in accordance with the principles of good design. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites.

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 and that the proposal is acceptable in terms of other Policies of the Plan.

Policy H9 – the net density of residential development should be at least 30 dwellings per hectare. Densities in the range of 30 – 50 dwellings per hectare net are likely to be suitable on most sites.

Policy 6.49 Policy seeks to raise densities to make the most efficient use of housing land.

Policy 7.36 refers to PPG13 states that Local Authorities should use parking policies to promote sustainable transport choices and reduce the reliance on the car.

Policy T4 (b) district distributors which are important routes connecting the main residential areas and employment areas. Street parking and direct frontage access will be strictly regulated.

Policy T7 (b) states that all development should satisfy the car parking standards set out in Policy T13.

Policy T13 car parking standards
1 bedroom house 2 spaces per unit

Designing a Better Walsall SPD (2008) - Designing a Better Walsall SPD (2008) refers to the development respecting massing, scale and rhythm of adjacent buildings, plots sizes and built density will relate to their local context , privacy and aspect distances between buildings must ensure all occupants have a satisfactory level of amenity, whilst reflecting the emerging and existing character of the area, ground floor activity and natural surveillance will be maximised, a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.

Policy DW1 seeks development to meet environmental, economic and community needs without compromising the needs of future generations.

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

Policy DW6 new development should contribute to creating a place that has a clear image and identity and is easy to understand.

Page 93 of the SPD refers to the character area of Bloxwich and that housing schemes must provide high quality environments for families with useable private amenity space.

Annexe E refers to numerical guidelines for residential development

- 24m separation between habitable room windows in two storeys
- 13m separation between habitable windows and blank walls exceeding 3m in height
- garden dimensions -12m in length or a minimum area of 68 square metres.

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: Delivering sustainable development in paragraphs 3, 33, 34, 35 and 36 makes reference to sustainable development and that good design should contribute positively to making places better for people. 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. It also states that developments should create safe and

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accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.

Planning Policy Statement 3: Paragraph 13 reiterates the advice given in PPS1 about good design should contribute positively to making places better for people. 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.

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

Consultations

Transportation – No objection

Fire Officer – No objection

Police – No objection but has made comments regarding the recessed door to the alley, illumination in the alley and the installation of an intruder alarm.

Drainage – No objection

Public Participation Responses

Three letters have been received objecting to the proposal on the following grounds:

- Rear access to 20 and 22 Harrison Street is via the secure alley way to the side of the property, the proposal would compromise the security of the properties.
- strangers accessed rear gardens of 22 Harrison Street to undertake repair work to rear of property
- Windows at the rear of the property would need to be unblocked to make it habitable resulting in loss of privacy and overlooking
- window on the stairs will overlook rear garden resulting in loss of privacy
- noise and disturbance from conversion and occupants
- proposal would result in parking problems in both Harrison Street and Revival Street
- Revival Street has a bend in the road and if people park on it, it could cause accidents
- Surrounded by flats which is making residents feel unsafe.
- alleyway blocked with wheelie bins to prevent access to rear gardens of 20 and 22 Harrison Street

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

Determining Issues

- Principle of development
- Amenity of potential occupiers
- Impact on neighbouring occupiers
- Car parking

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Observations

Principle of development

Supporting information has been provided advising that the property has been on the market since 2007 and failed to sell due to the down turn in the economy. Since the previous refusal of a residential scheme in 2005 under planning permission 05/1984/FL the application has been revised to a single duplex flat with part of the ground floor area being converted into an external terrace. The site is located just outside the district centre boundary within walking distance from High Street. The proposal includes a small form of amenity space for occupiers.

Amenity of potential occupiers

Part of the building would be converted in to an external terrace to provide amenity space. In the appeal decision for the refusal of the two bedroom property, the Planning Inspector pointed out that some form of amenity area should be provided for informal relaxation. The ground floor window that currently exists in the part of the building to be converted would be removed and a gate with and railings would be provided. It is considered that appropriately design would enhance the external appearance of the building and this could be secured by way of a planning condition. All habitable rooms windows front Revival Street. The proposed flat would provide an informal amenity area for occupiers.

Impact on neighbouring occupiers

To the rear of the site are the rear gardens of numbers 20 and 22 Harrison Street. Three occupiers along Harrison Street have objected to the proposal on the grounds that the window at the rear of the building would result in overlooking and loss of privacy for these occupiers. The submitted drawings indicate that the window in the stairwell would be obscure glazed. This would overcome any loss of privacy and potential overlooking from this window whilst still allowing light into the stairwell.

There are adequate windows at the front of the building to allow light into the existing rooms, without the need for the existing blocked windows at the rear of the building to be opened up.

The alleyway to access the flat would only be utilised by the occupier of the flat and the residents of 20 and 22 Harrison Street. This would assist in securing the site by reducing the number of people using the access. The doorway on the front elevation to the alleyway would be lockable to provide security

Access to the rear garden of 20 and 22 Harrison Street to maintain the rear of the application site is a matter which can be resolved by agreement between the interested parties who have access rights. The proposal seeks to create a small external terrace and the agent has stated that the bins would be stored in this part of the development. This can be secured by way of a planning condition.

The building is positioned towards the bottom part of the rear gardens of 20 and 22 Harrison Street, away from houses, so any noise and disturbance to these occupiers during construction work would be minimal. The relationship with 90

Revival Street is similar to that with other terrace properties and there should be no disturbance experienced between the two properties.

A variety of housing types are required to meet housing needs whilst ensuring developments are safe and met the aims of policy GP7. This vacant building would be occupied which would secure the site and surrounding area.

Car parking

The proposed residential unit requires two car parking spaces to be provided, which is the same amount as the existing office use. There are no off road car parking facilities so potential occupiers would have to utilise on street car parking. The proposal would reduce the number of trips to the premises and furthermore, as the site is located just outside the District Centre boundary, public transport is available. It is considered that on street car parking would not impact unduly on the highway network.

Objectors have raised concerns that there is a bend in the road and that the potential for accidents would be increased. The bend in the road is located approximately 50 metres from the application site. It is considered that this would not affect the on street car parking arrangements for the application site and furthermore, the area is residential in character where drivers are unlikely to drive at high speeds.

Summary of Reasons for Granting Planning Permission

Objectors have raised concerns over security, overlooking, loss of privacy, the opening up of blocked up windows, noise and disturbance and obstructions in the alleyway. The proposal addresses these concerns to ensure there is little impact on the amenity of adjoining residents.

Whilst the proposal does not meet the minimum level of amenity standards, the proposal provides an informal amenity area for occupiers. The Planning Inspector stated on the previous scheme submitted under planning reference 05/1984/FL/E3 that some form of informal amenity space for flats should be provided and in this case, the proposal achieves this.

On street car parking for the proposal is available, in this context this is considered acceptable as surrounding residents also park on the street.

The proposal complies with policies 2.2, 3.6, 3.7, GP2, GP7, ENV32, 3.16, 3.116, H10, 6.3, H3, H9, 6.49, 7.36, T4, T7 and T13 of the Walsall Unitary Development Plan, Policies DW1, DW3, and DW6 of the Designing Walsall SPD, Policy QE1 of the Regional Spatial Strategy and the advice given in PPS1, PPS3 and PPG13.

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 development shall be completed in accordance with the plans submitted on 19th May 2010.

Reason: To define the permission.

3) No development shall commence on site until details of an alternative railing type gate including the external finish have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained and maintained at all times.

Reason: In the visual amenities of the area.

4) The refuse bins shall be stored in the external terrace on the ground floor of the flat., unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent obstruction of the alleyway and to maintain the accessway.

5) Prior to the occupation of the building the stairwell window facing the rear of the properties on Harrison Street shall be obscurely glazed and non opening. The obscurely glazed window shall remain in perpetuity.

Reason: To protect the amenities of the occupiers of 20, 22 and 24 Harrison Street.



Plans List Item No: 5.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Inappropriate development in the green belt

Application Number: 10/0301/FL

Application Type: Full application

Applicant: Spooner Architects

Proposal: Extension to existing farm shop, to replace existing temporary building

Ward: Pheasey Park Farm

Case Officer: Andrew White

Telephone Number: 01922 652429

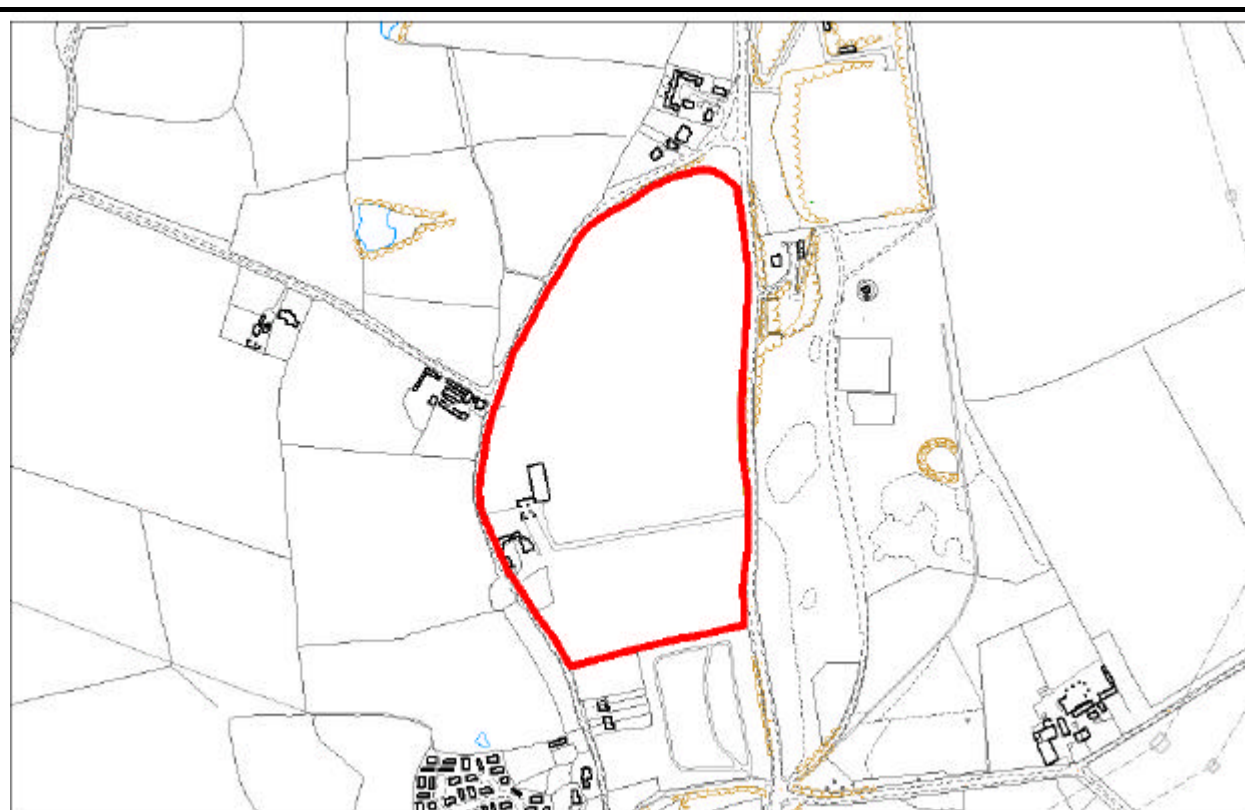
Email: planningservices@walsall.gov.uk

Agent:

Location: Beacon Farm, Pinfold Lane.
Aldridge, Walsall, WS9 0QS

Expired Date: 02/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for a single-storey extension to an existing two-storey farm building, and would accommodate an extension to the sales area of an existing farm grocery shop currently occupied by a temporary canopy.

The proposed extension would measure 18.2m long, 5.7m wide and 6m high (3m high to the eaves) and would have a gable-ended pitched roof. It would project out at right angle from the western end of the north elevation of the existing farm building, and would add 104sqm of gross floor space to the existing farm grocery shop of 51sqm. It would replace an existing temporary shelter on the same site which is currently being used to accommodate an extension to the sales area of the existing farm shop. The extension is illustrated as two separate shop units, but the agent has confirmed that the extension is to form one unit with the existing greengrocers.

The existing farm building is two-storeys with a single-storey wing which adjoins the west elevation projecting out at right angle to the south. The two-storey building measures approximately 24.85m long, 5.45m wide and 8m high (5m high to the eaves) and has a gable-ended pitched roof. The existing single-storey wing measures approximately 11.35m long, 5.75m wide and 6.7m high (3.3m high to the eaves) and also has a gable-ended pitched roof. The existing single-storey wing is in use as a greengrocers shop. Part of the ground floor of the existing two-storey building is in use as a butchers shop at the opposite end of the building to the greengrocers.

The existing farm building is part of a complex of farm buildings of varying design and ages. The submitted drawings show that the proposed extension reflects the architectural style and design of the existing building and that facing materials to be used in its construction, would match closely the facing materials used in the construction of the existing building.

The application site is part of a farm comprising approximately 11 hectares of land. Beacon Road forms the eastern boundary of the farm and Pinfold Lane forms the western and northern boundary. The southern boundary runs between Beacon Road and Pinfold Lane, from a point approximately 180m north of the junction of Beacon Road with Bridle Lane to a point approximately 39m north of 140 Pinfold Lane.

The farm building complex is concentrated to the west of the farm, near Pinfold Lane. It covers an area of approximately 1.5 hectares and includes the farmhouse and associated farmyard, land used for storage, parking, and a variety of outbuildings/barns, including a greengrocers and butchers farm shops open to the public, recently confirmed/approved with a lawful development certificate and a florist and greetings card shop currently operating without permission. The primary access to the complex is off Beacon Road, though there is also a secondary, private access to part of the complex off Pinfold Lane.

The application site is designated Green Belt land, and is within the Great Barr Conservation Area.

A Design and Access Statement has been submitted in support of the application and this states that the application site currently farms a wide selection of vegetables, straw and hay for animal feed, cattle and pigs with all produce being sold on the premises. It states that the extension would allow for a better selection of produce to be sold and for better access to customers.

A Planning Policy Statement has also been submitted that states; *'The extent of any harm to the Green Belt will be of a limited and localised nature.'*

The advantages brought forward by the development are significant in terms of overall improvements to the aesthetic quality of the site and improvements to visual amenity in the surrounding area. The development will also help to enable the continued improvement of the agricultural and associated sales activities that are carried out from the site. This in turn will continue to assist in diversifying the activities carried out from the farm.'

Relevant Planning History

09/0929/LE – Lawful Development Certificate for existing use as a greengrocers and butchers at ground floor of the former barn – issued 11th January 2010 confirming:

- a) 51 square metres of ground floor space for a greengrocers shop ... can be lawfully used for the sale of fruit, vegetables, salad crops, honey, eggs, cream, hay and straw, with 65% of this produce grown at the farm and 35% bought in from elsewhere for re-sale, and lawful use also exists for,
- b) 37.5 square metres of ground floor space for a butchers shop ... 75% of the sales from the shop consist of pork reared at the farm, with the remaining 25% being made up of principally lamb and chicken together with other associated products.

BC48697P – Change of use from barn to butchers shop (retrospective) – GRANTED subject to conditions 9th July 1997

Relevant Planning Policy Summary

Saved policies of the Walsall Unitary Development Plan

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"

Relevant considerations to be taken into account in the assessment of this application include:

- I. Visual appearance
- VII. Accessibility by a choice of means of transport; traffic impact including the adequacy of the proposed access; and the adequacy of parking facilities
- X. The effect on species, habitats and sites of nature conservation or geological interest
- XI. The effect on the best and most versatile agricultural land
- XIII. The effect on landscape of historic value
- XX. Any other factor of environmental significance

3.3 Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances

3.4 Proposals for the diversification of the rural economy...will be encouraged.

ENV2 There is a presumption against the construction of new buildings in the Green Belt, except for the following purposes:

- I. Agriculture or forestry
- III. Cemeteries or other uses which preserve the openness of the Green Belt and do not conflict with its purposes

ENV3 Sets out a number of factors that need to be considered in assessing proposals for development in the Green Belt which are acceptable in principle under policy ENV2. These include:

- I. The detailed layout of the site
- II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment
- III. The colour and suitability of building materials, having regard for local styles and materials
- VII. The cumulative physical effect of proposals in any one area
- IX. Any other relevant considerations identified in policy GP2

ENV6(a) The Council will seek to protect, wherever possible, the best and most versatile agricultural land from loss to inappropriate development or other uses.

ENV6(c) Proposals for the further development of agriculture, including the erection, extension or adaptation of farm buildings necessary for the efficient operation of agriculture, and the provision of agricultural dwellings, will be supported, subject to the considerations identified in Policy ENV3. ENV6(e) states that proposals for the diversification of the rural economy, particularly for agriculture, forestry and related enterprises, will be supported provided that the character, scale and location of the proposals are compatible with the surroundings and in accordance with the other policies of this Plan.

ENV10 The Council's approach to assessing the impact of any existing or potential pollution that would affect, or result from, the proposed development.

ENV18(a) The Council will ensure the protection, positive management and enhancement of existing hedgerows. Development will not be permitted if it would damage or destroy hedgerows of significant landscape, ecological or historical value unless:-

- I. the removal of the hedgerows would be in the interests of good arboricultural practice and there would be no unacceptable adverse impact on wildlife; or
- II. the desirability of the proposed development significantly outweighs the ecological or amenity value of the hedgerows.

ENV18(b) Where developments are permitted which involve the loss of hedgerows developers will be required to minimise the loss and to provide appropriate planting of commensurate value; wherever possible, this should involve native species of local provenance.

ENV29(a) The Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

- I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.
- II. The impact of any new buildings on the special landscape features within the area.
- III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.
- IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

ENV29(c) The Council will not permit development within Conservation Areas that incrementally erodes those special features which the Council wishes to preserve and enhance.

ENV32(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly within a Conservation Area, on a visually prominent site, and on sites within Green Belt land, agricultural land or open land. ENV32(b) requires the quality of design of any development proposal to be assessed using the following criteria:

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.
- The proposed vehicular and pedestrian circulation patterns.
- The integration of existing natural and built features of value.

5.1 The Council will encourage the growth and development of the retail, service and leisure sectors, both to strengthen and diversify the Borough's economy and to meet the needs and aspirations of all sections of the community.

T7 Requires all development to satisfy the parking standards set out in saved policy T13, and states that all parking provision should be well designed and sensitively integrated into the landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T13 Sets a maximum parking standard for food and convenience goods shops of 1 car park space per 14sqm of gross floorspace.

Regional Spatial Strategy for the West Midlands (RSS11)

PA15 Supports the promotion of agriculture and farm diversification, including on-farm processing adding value to existing production and the promotion of local marketing and supply chains. Any development should be appropriate in scale and nature to the environment and character of the locality.

Planning Policy Statement 1: Delivering Sustainable Development

This promotes good design as a key element in achieving sustainable development. In particular, paragraph 34 states that design which is inappropriate in its context should not be accepted, and paragraph 35 states that high quality design should be the aim of all those involved in the development process.

Planning Policy Guidance 2: Green Belts

The use of land in Green Belts is recognised to have a positive role to play fulfilling the objective to retain land in agricultural, forestry and related uses, and though this objective is not to take precedence over the purposes of including land in Green Belts, paragraph 3.4 is clear that the construction of new buildings inside a Green Belt for the purpose of agriculture is not inappropriate. Paragraph 3.15 qualifies this by stating that the visual amenities of the Green Belt should not be injured by proposals for development within the Green Belt, even though they would not prejudice the purposes of including land in Green Belts.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

This sets an objective for planning to raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.

EC6.2f. states that local planning authorities should support farm diversification for business purposes that are consistent in their scale and environmental impact with their rural location.

EC14.3 states that a sequential assessment for extensions to retail uses is only required where the gross floor space of the proposed extension exceeds 200 square metres.

EC14.5 states that in advance of development plans being revised to reflect PPS4, an assessment of impacts in policy EC16.1 of the PPS is necessary for planning applications for retail below 2,500 square metres which are not in an existing centre and not in accordance with the development plan that would be likely to have a significant impact on other centres.

EC19 states that local planning authorities should make effective use of planning conditions for main town centres uses to implement their policies and proactively manage the impacts of development.

Planning Policy Statement 7: Sustainable Development in Rural Areas

This sets out the government's objective to promote sustainable, diverse and adaptable agriculture sectors.

Paragraph 16(v) states that when determining planning applications for development in the countryside, local planning authorities should conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

Paragraph 30(iii) states that where relevant, local planning authorities should give favourable consideration to proposals for farm diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Consultee Responses

Strategic Policy – No objections. A planning condition should be imposed to prevent the proposal from having an adverse impact on nearby centres and to ensure that the premises remain ancillary to the farming operation.

Pollution Control: Scientific – No objections

Pollution Control: Contaminated Land – No objections

Landscape – recommends that the application be refused because it is likely to result in the loss of hedgerow. The following comments are made:

Because the existing farm and shop buildings are set well back from Beacon Road, the greatest visual impact is on Pinfold Lane. Here buildings are set very close to the road, especially the gable end of the existing shop which is located virtually at the back of the road kerb. There are no pavements to Pinfold Lane so all traffic on this narrow and busy road passes very close to the building. Along an otherwise rural road bounded by hawthorn hedges, the existing building is particularly prominent, a feature enhanced by the small change in levels that sets the building higher than the road.

The proposed extension is shown approx. 500mm from Pinfold Lane. Although a note on the drawing states "existing hedgerow to remain undisturbed" I do not think it would be possible to physically construct this extension without severe damage to

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this hedge. Excavation for foundations would encroach into this 500mm gap causing root severance and damage, whilst construction of the walls and roofs (with the likely use of scaffolding) will damage the hedge itself. The result would be a hedge “sandwiched” into a narrow gap between the building and the road, with a very restricted root growth/feeding area between building foundations and highway kerb. Even if the hedge was to survive, highway clearance and building maintenance are likely to result in harsh pruning to control growth. There would be a detrimental impact on visual amenity and as such I would not support this proposal.

Transportation – no objections, but the following comments are made:

The applicant looks to extend the existing farm shop and replace the present temporary structure.

On the basis that the shop includes food items for sale, the UDP T13 parking standard for food and convenience goods shops at 1 space per 14sqm GFA has been applied.

The GFA of the proposed extension is about 104 sqm which equates to a maximum requirement for an additional 8 spaces. The full extent of the present shop operation is not clear from the application drawings themselves but the application form states that 347 sqm of the GFA will be used as a shop including the proposed development. This equates to a total maximum requirement of 24.7 (25) spaces, excluding the parking for the farm operation itself which must be sui generis.

The applicant has stated that there is parking for 20 cars at the farm in the form of a large hardstanding area which is accessed via a long private access road off Beacon Road. This could be utilised for additional parking should needs be.

The Highway Authority is satisfied that the development is unlikely to have any significant detrimental impact on the local highway network and is thereby acceptable.

Environmental Heath – No objections

Fire Service – No objections

Public Participation Responses

None

Determining Issues

- Appropriateness of development within the Green Belt
- Appropriateness of a retail use outside an existing centre
- Design, and impact on the character of the Great Barr Conservation Area
- Impact on the natural environment
- Parking and highway safety

Observations

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Appropriateness of development within the Green Belt

The proposed extension to the farm building would increase the sales floorspace area of the farm shop, replacing a temporary shelter at the same site which is currently being used for this purpose.

The applicant has confirmed that the purpose of the proposed extension is to facilitate farm diversification through supporting the sale of the farm's produce direct to members of the public. Local planning authorities are directed by PPS4 and PPS7 to give favourable consideration to proposals for farm diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Historically the location of the proposed extension has been associated with the farm complex.

It is considered that the openness of the Green Belt would be preserved because this would not be new development seen in isolation, but instead would be an extension of an existing farm building that is part of an existing farm complex. In addition the existing farm complex stretches to the north of the site of the proposed extension, with a large building immediately to the north-east, and it is considered that the extension would be viewed in this context. It is not considered that the proposed extension conflicts with any of the other purposes of including land within the Green Belt.

In summary, the proposed extension to the existing farm shop is considered appropriate development within the Green Belt as it supports farm diversification and supports agriculture and does not harm the openness of the Green Belt, or conflict with any of the other purposes for including land within the Green Belt.

Appropriateness of retail use outside an existing centre

PPS4 is clear that a sequential assessment for extensions to retail uses is only required where the gross floor space of the proposed extension exceeds 200 square metres. The gross floor space of the proposed extension to the farm shop is 104sqm and therefore a sequential assessment is not required.

Local, regional and national planning policies support farm diversification that adds value to existing agricultural production, provided that it is consistent in scale and environmental impact with its rural location. The applicant's agent has confirmed that the purpose of the proposed extension is to facilitate farm diversification through supporting the sale of the farm's produce direct to members of the public. The supporting statements submitted, state that all produce of the farm is currently sold on site, and the proposed extension would allow for a better selection of produce to be sold and for better access for customers.

A condition of granting planning permission would be to control the amount of produce that could be bought in from elsewhere for re-sale in accordance with the controls set by the Lawful Development Certificate, to ensure that the primary use of the proposed extension to the shop is to support the continued agricultural use of the farm and that the unit should not be sub-divided without prior approval. Given the small scale nature of the proposed retail extension and the distance away from other centres, it is considered that the proposed extension would be likely to not

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have a significant impact on other centres. Therefore, applying the criteria of policy EC14.5 of PPS4, it is considered that an impact assessment is not required.

In summary, the proposed extension to an existing farm shop is considered to be of a scale and nature appropriate to facilitate farm diversification with no significant impact on other centres.

Design, and impact on the character of the Great Barr Conservation Area

The Great Barr Conservation Area is an area of open countryside surrounded by urban development. Its character is that of a predominately agricultural landscape pepper-potted by a number of small farms.

The proposed extension is not considered an anomalous addition because it would be similar in style and design to the existing farm buildings of Beacon Farm, whilst appearing subservient to the existing farm shop building due to the relative low pitch of the proposed roof. The Design and Access Statement and the submitted drawings indicate that the proposed extension would be constructed using facing materials that would be similar in appearance to those used in the construction of the existing farm buildings of Beacon Farm, and this could be made a condition of granting planning permission, to ensure the development is in keeping with the existing character of Beacon Farm.

The proposed extension would be viewed as part of the existing farm complex and not apart from it, and therefore considered, that it would not appear as an intrusive feature in the landscape, or harm the open agricultural character of the Conservation area.

In summary, the design of the proposed extension to the farm shop is considered in keeping with the existing character of Beacon Farm, with no harm to the open agricultural character of the Great Barr Conservation Area.

Impact on the natural environment

The Landscape Officer has objected to the proposed extension to the shop, concerned that it would not be possible to prevent significant damage to the existing hedgerow that forms the eastern boundary of Pinfold Lane with the application site. The Design and Access Statement and the submitted drawings confirm that it is the applicant's intention to retain the existing hedgerow. This could be made a condition of granting planning permission, with a requirement that any part of the hedge which is severely damaged or dies as a result of the construction work is replaced with planting of equal value, the details of which to be agreed with the Local Planning Authority.

This being the case, it is considered that the impact of the proposed extension on the natural environment would be acceptable.

Parking and Highway Safety

Transportation officers are satisfied that the proposed extension is unlikely to have any significant detrimental impact on the local highway network. The proposal is therefore acceptable in this instance.

Summary of Reasons for Granting Planning Permission

The proposed extension to an existing farm shop is considered appropriate development within the Green Belt as it supports farm diversification and by virtue of its scale, design and close relationship to the existing farm complex, would not harm the openness of the Green Belt or conflict with any of the other purposes for including land within the Green Belt. The scale and nature of the proposed extension to the gross floor space of the existing farm shop is considered appropriate to facilitate farm diversification with no significant impact on local centres with sufficient parking available on site to ensure there is no significant impact on the local highway network. The design and appearance of the proposed extension is considered in keeping with the existing character of Beacon Farm, with no harm to the open agricultural character of the Great Barr Conservation Area. The impact of the proposed extension on the natural environment is also considered acceptable. Therefore the proposal accords with the aims and objectives of saved policies GP2, 3.3, 3.4, 5.1, ENV2, ENV3, ENV6, ENV10, ENV18, ENV29, ENV32, T7 and T13 of the Walsall Unitary Development Plan, Policy PA15 of the Regional Spatial Strategy for the West Midlands, Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Guidance 2: Green Belts, Planning Policy Statement 4: Planning for Sustainable Economic Development and Planning Policy Statement 7: Sustainable Development in Rural Areas.

Recommendation: Grant Permission subject to conditions

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

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

2: The materials used in the construction of the exterior of this extension shall closely match in appearance to those used in the construction of the exterior of the existing farm building being extended as it exists at the time of this application and shall be retained as such thereafter, unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to protect the character of the Great Barr Conservation Area.

3: The existing hedgerow shown on Dwg. No. 1007-1 shall be retained in its current condition, and any part of the hedge which is damaged or dies as a result of this development shall be replaced with similar planting the details of which are to be agreed in writing with the Local Planning Authority.

Reason: To ensure the impact on the natural environment is acceptable.

4. The 104sqm floor space created with the extension hereby approved shall only be used in-conjunction with the 51sqm floor space of the existing greengrocers use for the sale of fruit, vegetables, salad crops, honey, eggs, cream, hay and straw, with 65% of this produce grown at the farm and 35% bought in from elsewhere for re-sale.

Reason: To define the permission and protect the Green Belt and conservation area

5. The works hereby approved shall only be carried out in accordance with details contained within the following approved plans and specifications except insofar as may be otherwise required by other conditions to which the permission is subject;

- Site Location Plan (1007-2-p/desk/proj/lilwall) received 15/3/10
- General arrangement (1007-1-p/desk/proj/lilwall) received 23/03/10
- Design and Access statement received 15/3/10
- Planning Policy Statement (10029r&a Martyn Bramich Associates) received 22/06/10

Reason: In order to define the permission and ensure the satisfactory development of the application site.



Plans List Item No: 6.

Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Departure from the Development Plan

Application Number: 10/0460/FL

Application Type: Full application

Applicant: Chem Lab Ltd

Proposal: Change of use from Use
Class B1(c) and B8 (Light Industrial and
Storage/Distribution) to Gymnasium (Use
Class D2)

Ward: St. Matthews

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

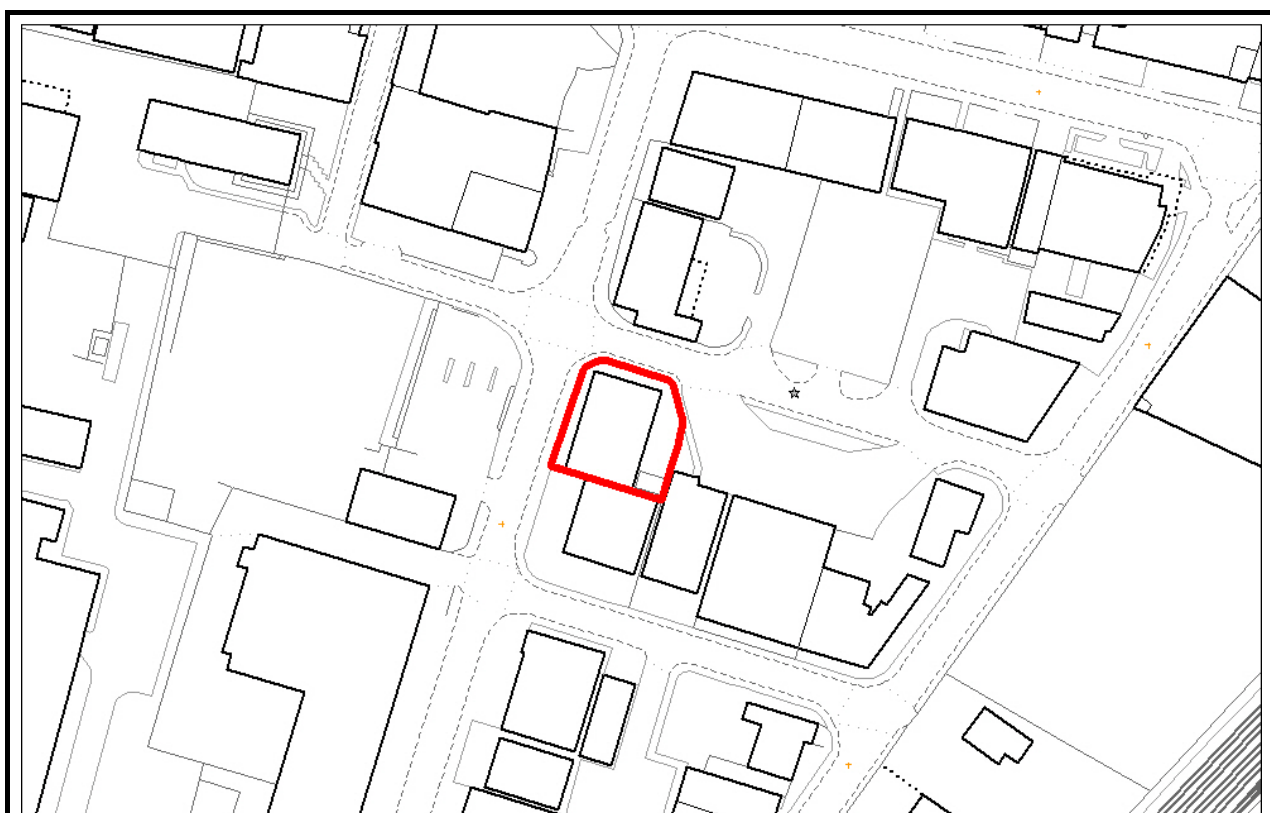
Email: planningservices@walsall.gov.uk

Agent: Phillip Taylor Associates

Location: ECB PRODUCTS
LTD, CORNER OF QUEEN STREET
AND BROOK STREET, WALSALL, WS2
9NU

Expired Date: 07/07/2010

Recommendation Summary: Refuse



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Application and Site Details

The site is a vacant industrial unit (part single, part two storey) of 560 sq.m. on Premier Business Park. It is on a street corner, but also on the corner of the entrance to a combination public car park (small) and service yard for this and several other industrial units. There is a larger public car park on the opposite side of the street (50 spaces).

The use as a gymnasium would be on most of the ground floor and upper floor, with administration and changing areas in the rest. The applicants argue that the taller industrial eaves height (about 6 metres) suits tall equipment. The target audience is evening and night shift workers, and people leaving work at the end of the day. As a result the use would operate on a 24 hour basis. There are no houses in the area.

The applicants also point to on-street parking being available after trading hours.

The submitted plans show 6 car parking spaces on the site, adjacent to the service yard entrance.

The applicants have carried out a sequential assessment. They identify:-

- The site is only 83 metres outside the Town Centre Inset map boundary
- It is only 700 metres from The Bridge and 530 metres from Bradford Place
- All parts of the town centre are within a 10 minute walk
- A search has been made for properties with an internal height of 4 metres, and a floor space of 460 to 560 sq.m. – none were found (a list of property is produced in support of this assertion)
- Six further properties are identified in more detail, including contact with owners / agents, but all are rejected as physically unsuitable, or not available for some time (up to 2 years) or both
- They conclude there is no suitable property and that this is therefore a sequentially acceptable site, close to the town centre

The applicants note that there are a number of sites that could come forward to deliver a suitable site, however this would mean that

If the applicants can not get planning permission here they say they will seek to expand their business elsewhere.

Relevant Planning History

On the site

The building was created as a car lighting maintenance unit / showroom / warehouse in the 1970s (BC5712 and BC7433), as an extension to the then-adjoining use.

In 2005, a storage container was proposed on the site. It was refused and dismissed on appeal (04/2370/FL/W7).

Relevant sites elsewhere

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

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Marlow Street

Planning permission has been granted in 2009 for a gymnastics and sport centre in Marlow Street (09/0878/FL) following an earlier refusal (09/0465/FL). It is relevant because it is a similar use. That site is 120 metres away from the Stafford Street local centre and 53 metres away from the edge of Walsall town centre. It was for shorter hours (the choice of the applicants, but also because there are houses near the site. There was no opposition to the proposal on the basis of planning policy issues. The applicants identified similar sequential test issues (in that case) to those advanced in this case. The application was also for a specific end user with specific requirements that limited the availability of site in the town centre. The use would benefit the residents of Walsall, that there were (then) no similar facilities in Walsall, and that while it was only moderately accessible from the northern part of the Borough, the location improved access for some users.

Bridgeman Street

A change of use to takeaway was refused at 119 Bridgeman Street (close to the junction with Queen Street, and close to this application site, in late 2009. The applicants mounted similar arguments to the present case, including that their site

1. The proposed development falls within a Core Employment Area and would therefore be contrary to development plan policies which seek to protect strategically important employment land in such Areas. The Council is not satisfied that there are exceptional local need circumstances which would over-ride the presumption against such development. The development would set a precedent which could undermine the Council's key strategic employment policy and lead to further erosion of the Borough's strategically important Core Employment Areas. As such the proposals are contrary to Policies PA6 (parts C and D) of the Regional Spatial Strategy for the West Midlands and Policies S10 and JP5 of the Adopted Walsall Unitary Development Plan.

2. The proposals are intended to meet both local need, and the needs of people passing the site. The site is within easy walking distance from the Town Centre and existing facilities and the use could be reasonably accommodated in existing facilities within Walsall town centre or that they would not compromise the vitality and viability of the Town Centre. As such the proposals are contrary to the aims and objectives of Policy PA11 of the Regional Spatial Strategy for the West Midlands and Policies S1, S2, S3, S4, S6, S7 and S10 of the Adopted Walsall Unitary Development Plan.

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

Unitary Development Plan

Policy 2.1 The mutually interdependent aims of sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion underlie all the plans policies.

Policy 2.2(b): maintaining and enhancing our established town, district and local centres as the main focus for shopping, services, leisure and most aspects of community life.

Policy GP1: seeks to locate facilities where they would be accessible for everyone and minimise the need to travel. Maximising the re-use of derelict, vacant and underused urban land and buildings before the release of greenfield sites.

“4.4 Core employment uses are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. Core employment areas are locations of strategic importance and good accessibility which contain major concentrations of these uses, together with better quality buildings and/or development opportunities - referred to as best quality sites. Core employment areas and best quality sites are identified in Policies JP5 and JP6 and will be safeguarded for core employment uses. Policy JP7(b): D2 leisure will not be permitted in employment areas, except where a purely local need is demonstrated “

“Policy JP5: Core Employment Areas

(a) The core employment areas are shown on the Proposals Map. These areas will be safeguarded for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses, such as Class B1(a) offices. Proposals for other uses will only be permitted where it can be demonstrated that:-

- I. A need would be met which could not be satisfied elsewhere in the Borough; or
- II. The range and quality of employment opportunities would be significantly increased.

(b) When windfall sites or buildings in core employment areas come forward for reuse or redevelopment they will normally be safeguarded for core employment uses according to the above policy.”

JP7(d) also states “Any alternative uses must not have the potential to constrain the operation of neighbouring businesses or appropriate future commercial investment”. Buildings in employment areas other uses may be more appropriate

Policy 5.2 - prime concern will be to sustain and enhance the vitality and viability of the town, district and local centres and also aims to assist centres in meeting the needs of residents, visitors and workers.

Policies 5.4 - 5.5: The Sequential Approach to site selection: first choice to be within Town, District or Local Centres, then on the edge of centres, or other places that have good accessibility by a choice of means of transport.

Paragraph 5.6 states that in all cases, the key issue will be whether the type of activity proposed – rather than the type of building preferred by the developer or operator – can be accommodated in a more central position

Policy S1: leisure use - gymnastics and related sports is a D2 use and subject to policies S6 and S7.

Policy S6: development in out-of-centre locations may be acceptable if it meets a local need.

Policy S7: in out-of-centre or edge-of-centre locations the sequential approach applies.

(a)(v) offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community, and from a wide catchment area, to help achieve better access to facilities and development by a choice of sustainable transport modes. Consideration must be given to whether an alternative location in a centre would ensure easier access.

(a)(vi) The proposal should not be designed and located so as to be reliant primarily on access by car and should, insofar as possible, contribute to the objective of reducing the need to travel, especially by car. Again, consideration must be given to whether an alternative location in a centre would facilitate multi-purpose trips and help reduce car

use. Where proposals are to be permitted the Council may require a green transport plan (see Chapter 7).

7.1: Seeks to promote an efficient highway network

Policy T12(c): bus stops should be within 400 metres of the entrance to the building and services should be as frequent as set out in T12(b). Bus services should operate during working hours from all parts of the catchment area directly to the facility, and there should be pickup/ drop-off points within 400 metres of all housing within the catchment area.

Local Development Framework (LDF)

The Black Country Joint Core Strategy (JCS) is progressing to its examination in public during the summer of 2010. Its key policies are set out below and should be read in conjunction with the Key Spatial Diagram and associated Map Appendices: CSP4 – sets out the key criteria for high quality design, including promoting more sustainable patterns of development.

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

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

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

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

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

Regional Spatial Strategy

This application is below the threshold for consideration under the Conformity Protocol. Nonetheless, the RSS contains policies aimed at focusing leisure developments in town and district centres; which best meet local needs (PA11 C, UR3).

Policy UR4 includes the statement that local authorities should “ensure that new social infrastructure is developed in or on the edge of an appropriate level of existing centre and is accessible by all modes by potential users”.

The RSS is a material consideration, although central government are examining changes to the system.

National Policy

Planning Policy Statement (PPS) 4 – Proposals for retail and town centre uses must be located in an existing centre and accord with an up to date development plan. Otherwise, they must satisfy the ‘sequential approach’ and the ‘significant adverse impact’ tests before their positive and negative impacts and other material considerations are assessed.

The impact test consists of two sets of assessments; one applying to all forms of economic development and the other to town centre uses only. Together they cover the eight 'key' and four 'wider' impacts. The policy also allows for local authorities to define any locally important impacts on centres which should be tested.

The objective is to focus on impacts during the first five years after scheme construction, including consideration of the cumulative impact of the development with recent permissions and developments.

However, the PPS also requires the assessment to be proportionate to the scale of development proposed and encourages pre application discussions on the type and level of information required within an impact assessment.

In terms of the sequential approach, the policy requirements are largely unchanged from PPS6. Sites are required to be assessed for their availability, suitability and viability. However PPS4 makes it clear that where an applicant has not demonstrated compliance with the sequential approach, then planning applications for main town centre uses not in an existing centre and not in accordance with an up to date development plan should be refused.

In considering sequential assessments, local planning authorities should ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of floorspace and format. In considering whether flexibility has been demonstrated under policy, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.

Planning Policy Guidance Note13: Transport

Includes a key planning objective to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. This is important for all, but especially for those who do not have regular use of a car, and to promote social inclusion (paragraph 19).

To deliver this it includes advice to:

- make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges
- locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling
- ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling.

"Development comprising jobs, shopping, leisure and services should not be designed and located on the assumption that the car will represent the only realistic means of access for the vast majority of people" (para. 26). Where a development including development for service provision "is proposed outside the preferred locations identified in the development plan, the onus will be on the developer to demonstrate why it cannot fit into the preferred locations, and to illustrate how the accessibility of the proposed development by all modes compares with other possible sites" (para. 27)

Consultations

Transportation - Based upon the site area of 575sq.m. as detailed with the planning application form then in accordance with DFT Guidance on Transport Assessment, the applicant must submit a Transport Statement (TS). The applicant would need to scope out the TS with the Highway Authority.

Therefore on this basis the Highway Authority will be unable to provide any recommendations/comments due to insufficient information.

Pollution Control, Scientific Team – no objection

Pollution Control Contaminated Land Team- no specific requirements

Fire Service – no objection

Public Participation Responses

The business park umbrella organisation has written objecting to the scheme on the basis of:-

- Existing parking problems with overflow parking from town centre
- Town centre charges are likely to make this worse
- Proposed use would add further pressure to parking issues
- 6 proposed parking spaces share access with a busy service yard – there are health and safety issues for users
- No need for another gym – 4 in town centre already and in much more suitable locations
- Purpose built industrial unit – and there is at least one interested party interested in the building for manufacturing and distribution

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

Determining Issues

- The Sequential Approach
- Impact on the Core Employment Area
- Noise impacts
- Parking

Observations

The Sequential Approach

There are two aspects to consider in the principle of the use in this location, being the sequential test issues and the location of the site on a Core Employment Area.

The general list of properties produced in support of the applicant's sequential assessment includes properties over a very wide area (e.g. as far as Park Hall shopping centre). It does not include any details of the nature of the properties or

why they were judged to be unacceptable. It does not explain how or why the 4 metre requirement has been determined.

A second list has been produced offering more detailed comments regarding proposed town centre developments. Whilst the applicants conclude that no site is available currently (despite a gym application being submitted at 18 Goodall Street) they conclude that Urban Splash could accommodate their use within the near future and that Jessups could accommodate a gym of 400sqm and 3.5m in height in the Homer building. Officers are aware that the office development as part of the Jessups development could also be adapted to accommodate a gym/leisure use.

The applicant has not demonstrated why an explicit 4m height is required or why the floorspace of between 460 and 560sqm was necessary. As such Officers consider that the applicant has failed to demonstrate flexibility in floorspace or format and has dismissed sites in the town centre that could be delivered in a reasonable time period. As such the proposals could have a detrimental impact on the deliverability of future leisure uses in the town centre.

Impact on the Core Employment Area

This site is in a core employment area and as such is subject to the tests set out in Policy JP5 and JP7(b) set out above. The aim of the policy is to ensure that business and employment sites remain available and suitable for the needs of industry and are not impacted upon by other uses which could lead to conflict in hours and traffic movement.

The proposed use falls within Use Class D2 and, if allowed, would set a precedent for other such leisure uses to move into the area, compromising the viability of existing employers in the area. The comments of the Business Park Partnership are noted, in particular interest expressed in the property from employment generators.

NotwithstandingAs such the impact of the development and the result loss of Core Employment Area land is unacceptable.

Noise impacts

The potential for a use of this sort to generate high noise levels is low. If approval were intended, a condition on control measures might be appropriate.

Parking

Planning officers do not expect the use to generate large amounts of parking, however there is the potential conflict between industrial operators and users of a proposed gym to consider. The provision of public parking nearby, and the TROs in place in the area make it unlikely there would be significant parking problems from the use. However, the lack of a Transport Statement means the Local Highway Authority are unable to make informed comment.

Recommendation: Refuse

1. The applicant has failed to demonstrate that there are no suitable, available or viable sites or flexibility in format and floorspace. As such the proposals would be contrary to Policies S1, S2, S3, S4, S6, and S7 of Walsall Unitary Development Plan 2005 and the aims and objectives of Planning Policy Statement 4.
 2. This site is in a core employment area. UDP Policies 4.4, JP5 and JP7(b) highlight these areas as locations of strategic importance and good accessibility which will be safeguarded for core employment uses. The proposed use is not a Core Employment Use and the loss of Core Employment Zone land is unacceptable and would harm the viability and vitality of existing employment operators.
 3. The applicant has not submitted a Transport Statement with the application and this means the Local Highway Authority are unable to make informed comment. The applicant has therefore failed to demonstrate that the development would not be contrary to Policies 7.1, and 7.3 of Walsall Unitary Development Plan.
-



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Major Application

Application Number:

10/0601/FL

Application Type: Full
application

Applicant: NIHC LLP

Proposal: Demolition of nos. 62
& 64 Cannock Road and existing
Health Centre and erection of
new Health Centre and
associated parking

Ward: Willenhall North

Case Officer: Jan Scrivens

Telephone Number: 01922 652436

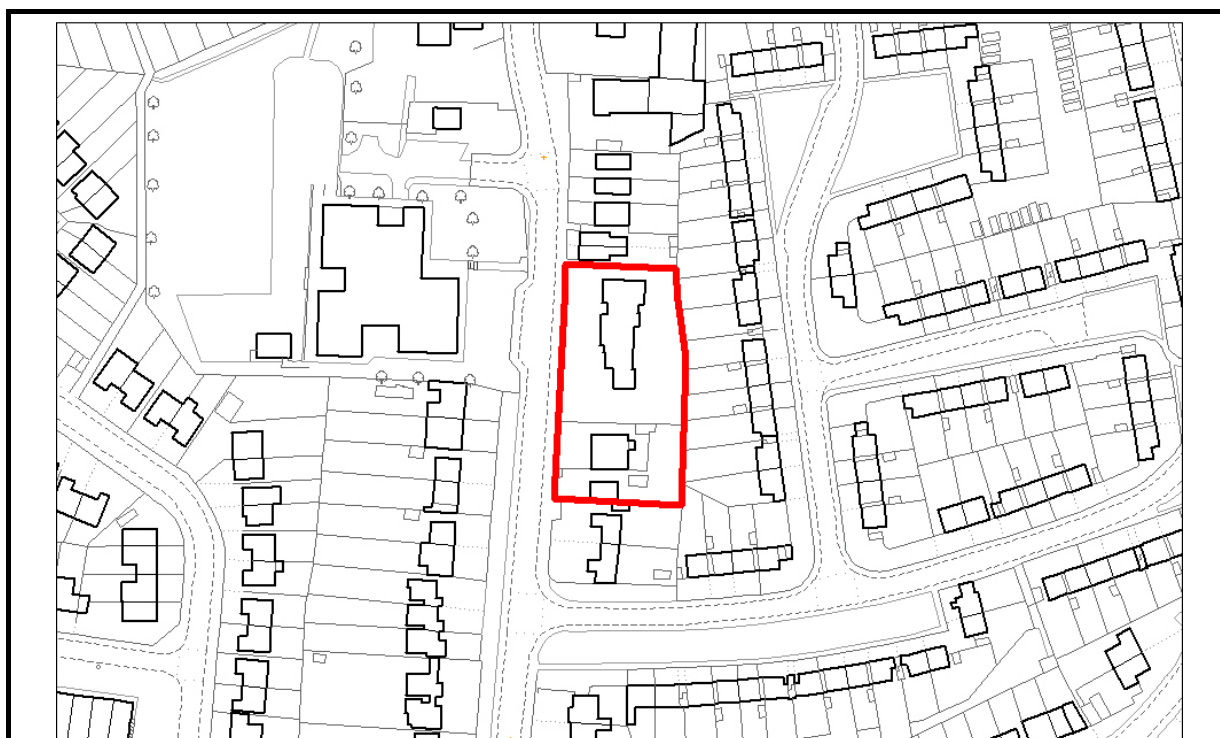
Email: planningservices@walsall.gov.uk

Agent: Edward Symmons LLP

Location: 62-66 CANNOCK ROAD, NEW
INVENTION, WILLENHALL, WALSALL, WV125RZ

Expired Date: 26/08/2010

Recommendation Summary: Grant with conditions, subject to no new information
raising new material issues



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Application and Site Details

This application is an amendment to 07/0859/FL/W3 for a new health centre with a dispensary and associated car parking.

This application relates to the site of 62-66 Cannock Road, Willenhall, which is occupied by an existing medical centre, its car park and two detached dwellings. The application proposes the construction of a replacement medical centre on the car park and the site of the two dwellings.

The new medical centre is intended to provide more space for its current activities and to increase the facilities offered in accordance with NHS guidelines. To achieve this the dispensary which was a feature of 07/0859/FL/W3 is no longer proposed.

The proposed centre would be two storeys (with a lift) and a seminar room in the roofspace. It would be a maximum of 9.2m in height, reducing to 6.7m in a single storey projection at the rear.

There is a school on the opposite side of Cannock Road. The other three sides of the site are surrounded by dwellings. The width of the car park separates the new building from No. 70 Cannock Road to the north (some 37m). There are no side facing windows in that property.

The centre would be between 6m and 15.2m from the boundary with the nearest dwellings to the rear, nos.1 - 5 Brereton Road (and there would be a 2.4 metre wall on the boundary at this point). Windows in the first floor rear would be a minimum of 34m from the rear windows of the houses in Brereton Road at the rear.

To the south the building would be a minimum of 9m from the side of no.60 Cannock Road. The application proposes to reduce the site levels adjacent to no.60. That elevation of the health centre would contain windows which would face that property at a distance of 9m. Four windows at first floor would face the side of the dwelling which contains a landing window. One window would face across the front garden of the property and three would face the side of the dwelling. One of these windows would be to a staircase and two would be to consulting rooms.

The single storey part of the building at the rear would have roof lights on the north and south elevations and the seminar room in the two storey part of the building would have two rooflights facing west towards Cannock Road and a large window to a staircase also facing west.

The application proposes a new access to Cannock Road, closing off the existing access points. A 44 space car park would be provided, including 6 spaces for disabled drivers. Cycle parking for patients and staff is also proposed. The existing surgery has 30 parking spaces.

The site is at present partly enclosed by a wall which has a maximum height of 2.5m. This wall would be extended, at a height of 2.4m, to the whole of the rear boundary and along the southern boundary with 60 Cannock Road. The frontage of

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the site would be a dwarf wall with railings having a combined height of 2.4m.

The boundary treatment is intended for security. There would also be internal shutters to the windows and doors and restricted access to certain parts of the building for this reason.

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

- i) The previously approved building would no longer provide the facilities and flexibility in use that the NHS now expects.
- ii) Current Government policy is to increase the role of primary healthcare to bring services to local areas. Accordingly facilities for minor operations and an increased number of consultation and treatment rooms are proposed, together with a greater number of clean and dirty utility areas to minimise the possibility of cross contamination. The dispensary has been deleted to give increased space for these facilities.
- iii) The footprint of the building remains the same size as the 2007 approval.
- iv) The new access to the site gives a visibility splay of 4.5m x 70m. The gates will be kept open during working hours and are set back to enable a car to park off the highway while the gates are opened.
- v) 44 car parking spaces are proposed, six of which would be for disabled users. Staff and patient cycle parking is provided. Although the number of car parking spaces does not meet the Council's standards they are within the levels set by BREEAM (Building Research Establishment Environmental Assessment Method) Healthcare 2008 which are used to prepare an environmental assessment for buildings. BREEAMS Maximum Car Parking Capacity sets the maximum number of parking spaces based on the following criteria:
 1. One space per two medical staff; one space per three non-medical staff and two spaces for each consulting, examination, treatment and therapy rooms. (Disabled parking is excluded from such criteria and assessment.)
 2. Staffing levels at the surgery are seven medical staff in the morning and five in the afternoon and five non-medical staff in the morning and five in the afternoon.
 3. The clinical accommodation is ten consulting rooms, three treatment/examination rooms and four therapy/multifunction rooms.
 4. Adopting the BREEAM criteria a maximum of 40 car parking spaces would be required. Discounting the 6 disabled parking spaces results in 38 car parking spaces, a figure which is within BREEAM's maximum provision.
- vi) The site has good public transport links to its catchment area, the majority of which is within a one mile radius of the health centre and the remaining within 1.5 miles radius.
- vi) Security of the site will be achieved by railings and a brick boundary wall. The boundary treatment with no.60 Cannock Road has been made opaque

forward of the dwelling due to concerns expressed by the occupier after the determination of the 07 planning application.

- vii) The building has been designed to fit in with the surrounding residential area. The changes from the 07 approval are principally internal although the front elevation has been amended. The footprint of the building, its siting, height and scale remain as approved in 2007.

Relevant Planning History

06/0183/FL/W3 Demolition of existing doctors' surgery (66 Cannock Road) and two houses (62 and 64 Cannock Road) and construction of new medical centre with retail pharmacy. Refused 31.3.06

06/1917/FL/W3 Demolition of existing health centre and 2 no. houses (62 and 64 Cannock Road) and construction of new health centre with retail pharmacy. Refused 13.2.07

06/1921/FL/W3 Extensions and alterations to 2 no. houses including portacabin to rear to form temporary doctors' surgery. Refused 13.2.07

07/0859/FL/W3 Demolition of nos. 62 and 64 Cannock Road and existing health centre (no. 66) and construction of new health centre with dispensary and associated parking. granted subject to conditions 5.6.07

10/0602/TE Application for extension of time to planning application 07/0859/FL/W3. Not yet determined.

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

Development Plan

GP1 requires new development to be in sustainable locations.

GP2 and 3.6 require new development to make a positive contribution to the improvement of the environment.

ENV32 requires development to take account of its surroundings.

S1, S2, S4, S5, S6 and S7 define a hierarchy of centres and the principle of locating development within them

5.2 states that the prime concern will be to sustain and enhance the vitality and viability of centres

5.4 and 5.5 state that the Council will apply a sequential approach to the location of town centre uses and that development must relate to the appropriate level of centre.

5.8 states that development in edge of centre or out of centre locations will be subject to policies S6 and S7.

T13 sets out car parking standards

8.7 encourages the provision of health care in accessible locations.

Local Development Framework

The following policies of the Black Country Joint Core Strategy are of relevance:

CSP2 Outside the strategic centres and corridors, focuses development on

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previously developed land
CSP4 and ENV3 set out criteria for high quality design, including promoting sustainable patterns of development
CSP5, and TRAN2 seek to reduce the dominance of the private car and resist development which would have an adverse impact on the highway

Regional Spatial Strategy

Seeks to improve the quality of the environment. The RSS currently remains a material consideration although central Government are moving to change this situation.

Consultations

Transportation: No objection. Recommends conditions regulating temporary parking on the site during construction works, surfacing and siting of the entrance gates.

Environmental Health: No objection

Fire Service: No objection

Regeneration Planning Policy: No objection

Representations

One letter has been received from the occupiers of no.60 Cannock Road, adjacent to the site. They are concerned that:

- the proposed common boundary will be inferior to the high fencing and hedges which they currently enjoy. They request a 3 metre high wall for the whole length of the boundary and that its foundations are greater than 650mm concrete proposed to prevent subsidence
- the levels of the sites and their property are not shown. They request existing and proposed cross sections/levels for the site and their dwelling (this is shown on the streetscene)

- side facing windows at ground and first floor will overlook their garden, kitchen door, dining room, landing and bathroom, raising child protection issues. They request that the windows are obscure glazed and either non-opening or top-hung. The windows in the existing house overlook their property but the site would now be a public building.

Photographs have been provided illustrating the existing situation.

- the layout of the building could be better organised to redirect people away from no.60; the customer access to the building should be clarified; the boundary treatment/access to the front of the site is not clear.

- a landscape scheme should be required for their boundary and they should be consulted on it

- the previous planning permission gave consent for Saturday working. This will result in noise and disturbance affecting their home and family

The period for comment does not expire until 5/7/10. Any further responses will be reported to the meeting.

Determining Issues

- the location of the development
- amenity
- access/parking

Observations

The location of the development.

The acceptability of this location for the new health centre has been established by the approval of planning application 07/0859/FL/W3.

Amenity.

The siting of the building is as approved under application 07/0859/FL/W3.

The internal alterations to the building have resulted in some changes to the position of the proposed windows.

The distance between the windows in the new medical centre and those of the houses at the rear would meet Council standards for facing habitable rooms. The distance between the medical centre and no.70 Cannock Road would exceed Council standards.

There would be windows facing the side of the dwelling no.60 Cannock Road at ground and first floor. The ground floor windows would have no view into the property due to the proposed boundary wall. Of the first floor windows, a consulting room window would face towards the front garden of no.60 at a distance of approximately 5 metres. This window was not part of the previous approval. It could however be required by condition to be obscure glazed and partially fixed so that the only view from it is towards Cannock Road (as in the previous application – see following). Two other side facing consulting room windows would look onto the side of no.60 and there is a staircase window. These were approved as part of the previous permission, subject to conditions requiring obscure glazing and partial fixing of the windows so that the only view from the opened window would be forward towards Cannock Road. These conditions are recommended to be re-imposed.

The access from the staircase at the side of the building nearest no.60 would be a security controlled fire exit only and is unlikely to have a significant effect on the amenity of neighbours given the proposed 2.4m high boundary wall. The staff access is on the other side of the building. Patient access to the front of the site

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would be restricted by the 2.4m high dwarf wall and railing combination proposed for the frontage with Cannock Road.

The appearance of the building is satisfactory and would have no adverse effect on the street scene.

Construction hours on Saturday would be restricted by condition to finish at 13.00 hours. This is a standard condition which is imposed in all residential areas. It reflects standard working practice.

The range of facilities offered by the new health centre would be marginally increased in accordance with NHS proposals to bring services closer to patients. These activities would take place between 08.30 and 18.30 and would have no adverse effect on the amenity of neighbours.

Access/parking

The proposed access would have satisfactory width and visibility. It would rationalise the several existing accesses onto Cannock Road. The development would not meet Council standards for the number of parking spaces proposed but meets BREEAM standards. This is considered acceptable given the restricted space on the site and the increase in the variety of services which the doctors will be able to offer.

Because the new medical centre would be built partly on the existing centre's car park there will inevitably be a period when very little parking is available on site. The management of the available space and the access to the site should be controlled to ensure that vehicles entering and leaving the site do not cause problems to highway safety. Conditions are recommended to assist with this during the construction period.

Summary of Reasons for Granting Planning Permission

The proposed development is an amendment to 07/0859/FL/W3 which approved the location, siting and scale of the building. The changes proposed to the appearance of the building are acceptable and the development would have no adverse effect on the visual amenity of the area. Provided that conditions are imposed to control the type of glazing to the windows in the first floor southern elevation there would be no adverse effect on the amenity of neighbours. The proposed access to the site is as previously approved and the number of parking spaces, which meet BREEAM standards for healthcare buildings, is acceptable given the increase in the variety of services which the health centre can provide and the restricted space on site. The approval of this application would be in accordance with the relevant policies of the development plan, in particular policies GP1, GP2, 3.6, ENV32, S1, S2, S4, S6, S7, 5.2, 5.4, 5.5, 5.8, T13 and 8.7 of Walsall's Unitary Development Plan, and policies CSP2, CSP4, ENV3, CSP5 and TRAN2 of the Local Development Framework and Regional Spatial Strategy. On balance, having taken into account all material planning considerations, the proposal is acceptable.

Recommendation: Grant with conditions, subject to no new information raising new material issues

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

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

2. No development shall be carried out until a schedule of the following has been submitted to and approved in writing by the Local Planning Authority:

- i) facing materials to be used for the external walls and roofs and boundary wall
- ii) colour of the window frames and doors
- iii) colour, materials and design of the internal shutters
- iv) colour of the boundary railings
- v) the type of obscure glazing

Reason: To ensure the satisfactory appearance of the proposed development in the interests of the visual amenity of the area and in the interests of the amenity of adjacent occupiers.

3. Unless otherwise agreed in writing by the Local Planning Authority no development shall be carried out until a plan and method statement have been supplied and approved in writing by the Local Planning Authority to show the provision of:

- i) the physical separation of the existing medical centre from the construction site of the new centre
- ii) temporary access/egress and parking for staff and patients at the existing medical centre
- iii) temporary access/egress and parking for site operatives and visitors to the construction site.
- iii) areas for loading and unloading of building materials on the construction site
- iv) appropriate signage identifying the temporary access/egress of the existing medical centre and identifying the use of the temporary access/egress of the construction site for the use of construction traffic only.

The approved details shall be retained for the duration of the construction period.

Reason: To ensure the maximum provision of off-street parking and in the interests of highway safety during the construction of the new building and until the permanent car parking becomes available.

4. No development shall be carried out until details of the position and type of fencing or other boundary treatment to be erected around the site during construction works, including any necessary phasing of implementation, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be erected and retained according to the agreed phasing,

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unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and security of adjoining occupiers.

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

Reason: To ensure the satisfactory functioning of the development.

6. No development shall be carried out until details of means of enclosing and securing the proposed cycle storage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the new medical centre being brought into use and thereafter retained.

Reason: in the interests of weatherproofing and securing the cycle parking to encourage the use of cycles as a means of transport.

7. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

9. Prior to any demolition operations or activities commencing, a method statement shall be agreed in writing with the Local Planning Authority for the purposes of controlling grit, dust and fume. The agreed method statement shall be implemented and thereafter maintained throughout the duration of the demolition operations and activities.

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

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

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

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

11. Unless otherwise approved in writing by the Local Planning Authority, within one month of the occupation of the new medical centre the permanent car parking shall have been surfaced in a material to have been previously agreed in writing by the Local Planning Authority, the spaces permanently marked out. The disabled parking spaces shall have been marked out with a hatched access zone, the disabled logo demarcated within each parking bay and a disabled sign and post erected on each bay. The approved permanent access shall have been brought into use and the existing accesses closed and the footpath reinstated.

Reason: To ensure the satisfactory provision of off-street parking and access to the site in the interests of highway safety.

12. Unless otherwise approved in writing by the Local Planning Authority the permanent boundary treatment, including gates, shall have been erected around the site within one month of the occupation of the new medical centre. At no time shall the site be left without either the approved temporary or permanent boundary treatment in place.

Reason: In the interests of the security of the premises and adjoining occupiers.

13. The conifers on the boundary of the site with the rear gardens of nos.11, 13 and 15 Brereton Road shall be retained until the existing medical centre is demolished and shall be felled prior to the construction of the proposed boundary wall.

Reason: In the interests of maintaining the privacy of the occupiers of these properties.

14. Prior to the occupation of the new medical centre, the first floor and staircase windows in the elevation facing no.60 Cannock Road shall have been obscure glazed in the glazing approved under condition 2 of this permission. The window in the staircase shall have a fixed light and the other first floor windows on this elevation shall have had the right hand pane of each window (when viewed from

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outside the building) permanently fixed shut. The skylights facing no.60 Cannock Road in the single storey part of the building shall also have been permanently fixed. All of the windows and the skylights shall be thereafter retained as fixed and/or obscure glazed as required by this condition.

Reason: In the interests of maintaining the privacy of the occupiers of the adjoining dwelling.

15. There shall be no external lighting erected at the premises without the prior written consent of the Local planning Authority having been obtained.

Reason: in the interests of the amenity of adjacent occupiers.

16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained. Roofwater shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

17. During construction of the development hereby permitted all practical steps shall be taken to ensure that vehicles do not deposit mud or other material onto the public highway, and prompt measures will be taken to remove any material that is so deposited in accordance with details previously agreed in writing by the Local Planning Authority.

Reason: To prevent mud and debris being deposited on the public highway.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, no gates, fences, walls or other means of enclosure, except those included on the approved plans, shall be moved or erected without the prior approval of a planning application relating to that work.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

19. This decision grants consent for the use of the premises for the provision of health or medical services only and not for any other purpose falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987.

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

20. This decision relates to drawings numbers AL.010, AL.020,AL.100, AL.110,AL.120,AL.130,AL.140 and AL.150.

Reason: To define the permission.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Called in by Councillor R Andrew-

Application Number: 10/0391/FL

Application Type: Full application

Applicant: Bournevale Developments

Proposal: Residential development of 7
no. dwellings.

Ward: Rushall-Shelfield

Case Officer: Andrew White

Telephone Number: 01922 652429

Email: planningservices@walsall.gov.uk

Agent:

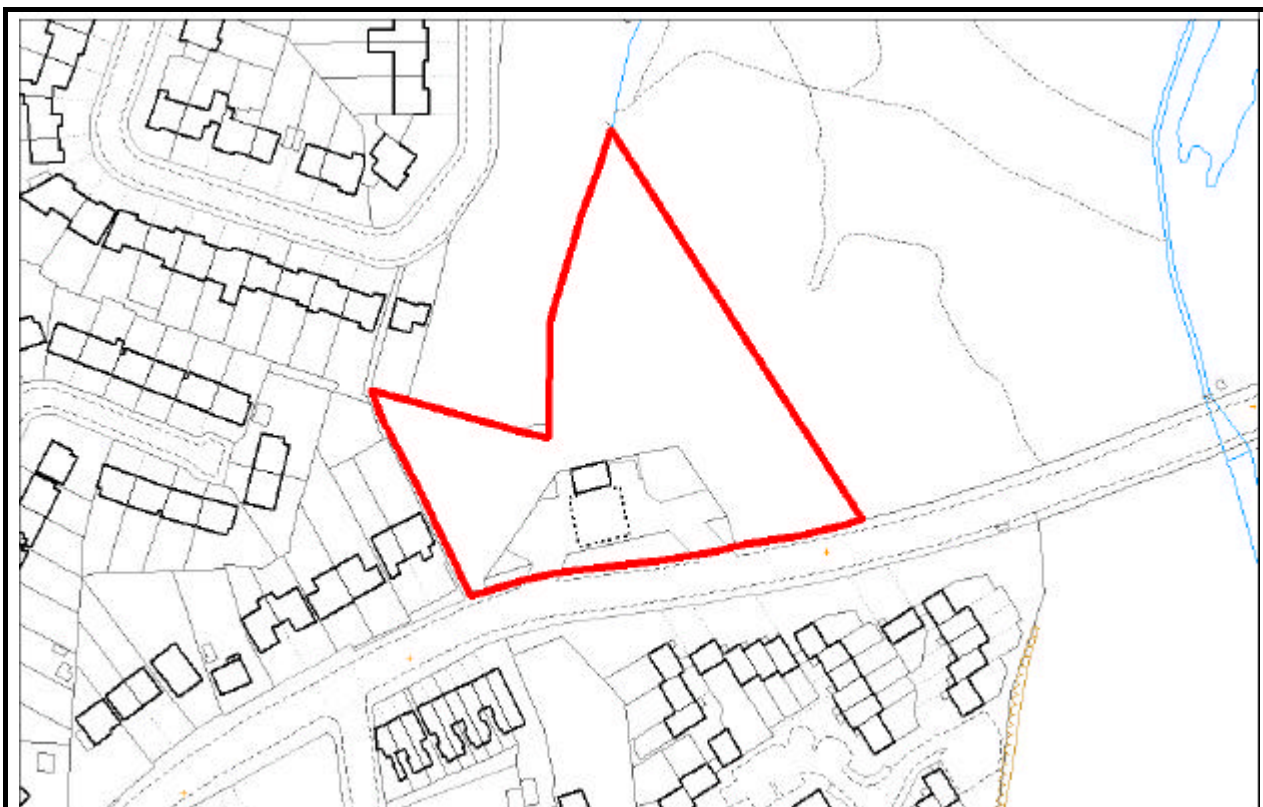
Location: BOURNEVALE

MOTORS, LICHFIELD

ROAD, SHELFIELD, WALSALL

Expired Date: 14/06/2010

Recommendation Summary: Refuse



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Status

Councillor R Andrew considers that the proposal has a positive impact on the character of the surroundings and visual amenity of the area, removing previous nuisance to neighbours due to various vehicle operations and would not impact on the green belt any more than the current use.

Application and Site Details

This application seeks planning permission for the redevelopment of a car sales/van rental pitch with a single storey building to seven dwellings within the West Midlands Green Belt. The two storey (between 7.4 and 8.6m in height) and three storey (9.4m in height) houses would be accessed off one central drive leading to a shared central courtyard with the houses around. Three paddock grazing areas are proposed to the side of the houses. Each house would have its own garden, garage (some double) and driveway. A screen wall along the frontage of the development is proposed, measuring between 1m and 1.8m in height. Part of the application site falls within the Jockey Fields Site of Special Scientific Interest and Site of Local Importance for Nature Conservation and is also a designated wildlife corridor.

The application site is at the end of the urban fringe of Shelfield, with residential dwellings to the side and across the road. A public footpath separates the site from the nearest residential property. The application site is 330m from Shelfield Local Centre. Beyond the site are fields used for agriculture and further across the road is the Highfields South Quarry which is being restored by infilling.

A Design and Access Statement, Ecological Survey, Protected Species Survey and Tree Survey have been provided with the application. In the Design and Access Statement it is stated that the current and historic uses on the site are incongruent with policy and the surrounding vernacular which has led to progressive and long standing nuisance to its surroundings. It concludes that the current use is inappropriate in the Green Belt.

The 'Staffordshire Farm' design of the houses has been chosen to reflect the location adjacent to a rural setting. It further states that the positioning of the new dwellings and their use has been considered carefully due to the classification as a SSSI on the site. It states that particular attention has been paid to the incorporation of agricultural style detail, including steeply pitched roofs and gables, chimneys, small windows and barn style openings.

The tree survey assessed six trees on site concluding low suitability for retention. The protected species report concludes that there would be no impact from the development on reptiles or bats. It goes on to say that the development would result in the loss of areas of the designated SSSI but the area supports low quality habitat and the overall magnitude of impact would be minor. The report recommends the thickening of marginal scrub, creating of a dry ditch and creation of a water balance system.

Relevant Planning History

BC3307 – Conversion of existing petrol station to autofill site. Granted subject to conditions 5/11/1975.

BB11820 – Erection of petrol filling station. Granted subject to conditions 18/6/1979.

BC13056 – Erection of self service petrol station including exhaust/tyre bays and fitting shop. Granted subject to conditions 11/10/1979.

03/1547/FL/E3 – Change of use of former petrol filling station to vehicle sales site with office and workshop. Granted subject to conditions 16/2/2004.

Relevant Planning Policy Summary

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

Saved policies of Walsall's Unitary Development Plan (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.

GP1 looks at the sustainable location of development.

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

ENV2a In the Green Belt there will be a presumption against the construction of new buildings except for purposes, including :

- i uses which preserve the openness of the Green Belt and do not conflict with its purpose

ENV3 states that where development is acceptable in principle in the Green Belt (under Policy ENV2) the Council will also assess proposals for their impact on the Green Belt in terms of the following factors:-

I. The detailed layout of the site.

II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.

III. The colour and suitability of building materials, having regard for local styles and materials.

vi. The impact on significant views, viewpoints and topographical features.

ENV4 in regard to major developed sites in the Green Belt states

a) The redevelopment of major developed sites in the Green Belt maybe permitted provided that:

- i. This will have no greater impact (and where possible less impact) on the than the existing development on the openness and purposes of the Green Belt; and
- ii. The height of the existing buildings would not be exceeded; and
- iii. The area to be covered by the buildings would not occupy a larger area of the site than the aggregate ground floor area of the existing buildings, unless it would achieve a reduction in the height which would benefit visual amenity,

ENV7 states that the Countryside Character approach to landscape assessment, conservation and enhancement promoted by the Countryside Agency is recognised and promoted. These principles are extended to the local level through Countryside Area Profiles.

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

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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: 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.
- II. The creation of, or susceptibility to, pollution of any kind
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- VII. Accessibility by a choice of means of transport
- VIII. The effect on the environment of the countryside and Green Belt
- IX. The effect on land or buildings of archaeological, architectural or historical interest
- X. The effect on species, habitats and sites of nature conservation or geological interest.
- XII. The effect on woodland or individual trees on or near the site.
- XIII. The effect on landscape of historic or amenity value.
- XIV. The effect on open spaces and outdoor recreation facilities, including footpaths, cycleways and bridleways.

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

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.

GP7: Development is expected to design out crime, through maximising surveillance of public areas and the need to maintain good urban design.

ENV10 a) Development of an industry or facility which may cause pollution will only be permitted if it would not:

- 1. Release pollutants into water, soil or air
- 2. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust steam, heat, light, vibration, smell, noise or other polluting emissions
- 3. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

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

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

ENV19: a) Development which might directly or indirectly destroy, damage or adversely affect a SAC or SSSI will not be permitted.

ENV21: Development which would destroy, damage or adversely affect a Site of Local Importance for Nature Conservation (SLINC) will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh its nature conservation value. If development is permitted on a SLINC, compensatory provision of equivalent value will be required for any areas destroyed or damaged.

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

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

ENV32: 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: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

3.17, 3.18, ENV39 and ENV40 seek to encourage the efficient use of energy and the conservation, protection and use of water resources.

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

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

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

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

T13: 1, 2 and 3 bedroom houses 2 spaces per unit, 4 bedroom houses 3 spaces per unit

Supplementary Planning Document (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;

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

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

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

DW5 Ease of movement- create places that are easily connected, safe to move through;

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

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

DW10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68sqm for housing and 20sqm 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.

Natural Environment SPD

Identifies those features of the natural environment which the Council requires to be properly considered in the proposed development.

National Policy

PPS1: Delivering Sustainable Development, emphasises need to reject poor design and the need for sustainable development.

PPG2 advises on the control of development in the Green Belt and describes inappropriate development by definition as harmful to the Green Belt. There is a general presumption against inappropriate development in Green Belts, such development should not be approved except in very special circumstances.

The construction of new buildings inside a Green Belt is inappropriate development unless it is for the following purposes:

- Agriculture and forestry
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans which meet the criteria in paragraph C3 or C4 of annex C.

Green Belts contain some major developed sites such as factories, collieries, power stations, water and sewage treatment works, military establishments, civil airfields, hospitals and research and education establishments.

C4 - Whether they are redundant or in continuing use, the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it. Where this is the case, local planning authorities may in their development plans identify the site, setting out a policy for its future redevelopment. They should consider preparing a site brief. Redevelopment should:

- (a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- (b) contribute to the achievement of the objectives for the use of land in Green Belts
- (c) not exceed the height of the existing buildings; and
- (d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

PPS3: Paragraphs 10 and 36 makes reference to ensuring that housing is developed in suitable locations which offer a range of community facilities with good access to jobs, key services and infrastructure.

PPS4: Planning for sustainable economic growth: Local Planning Authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and to ensure it maybe enjoyed by all.

PPS7: Sustainable development in rural areas. Planning Authorities should:

- Conserve specific features and sites of landscape, wildlife and historic or architectural value in accordance with statutory designations.

PPS9 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.

PPS23: Planning and Pollution Control. The precautionary principle should be invoked when the level of scientific uncertainty about the consequences or likelihood of the risk is such that the best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making. In considering proposals for development LPAs should take account of the risks of and from pollution and land contamination, and how these can be managed or reduced. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks.

Consultations

Planning Policy – Objects. The proposal represents inappropriate development to which no very special circumstances have been put forward. The proposal would harm the openness and character of the Green Belt, and would damage part of the SSSI.

Transportation – No objection subject to the use of recommended conditions in regard to limiting structures or planting within the visibility splay, a revised plan showing that refuse vehicles can enter, turn and leave the site or sufficient bin hardstanding is provided. Conditions requiring the specification of the new footway crossing and the closing of the existing crossing are also required. The development proposal includes sufficient parking spaces to meet the requirement of policy T13 of the UDP.

Pollution Control Contaminated Land – Objects. The site is ‘significantly’ polluted due to its former use as a petrol filling station. The applicant has not submitted any documentation that acknowledges this former use or how the site could be remediated to make it suitable for a residential end use. It is recommended that approval should not be granted prior to the submission of information documenting that suitable remediation to enable residential use can be achieved by the applicant.

Pollution Control Scientific Team – No objection in principle subject to the use of conditions requiring a noise impact assessment (including mitigation measures where needed) and an air quality screening assessment to be provided prior to the commencement of development.

Landscape – Objects. The site is clearly seen from the Lichfield Road although the main visual impact derives from security fencing and parking vehicles for the car hire business. The building on the site is relatively small and as a result views are possible through the site to open countryside.

The proposed residential development would be contrary to UDP policies. Whilst there may be some architectural merit in emulating a “Staffordshire farmhouse complex”, it does not reduce the substantially greater visual impact this proposal would have, particularly reducing views through the site. The visual impact of 1.8m high brick boundary walls on the Lichfield Road frontage would be greater than the existing railings and out of character with residential front gardens, which are either open plan or defined by only low walls and fences. A detailed landscape plan has not been provided.

Environmental Health – No further comments over and above comments made by Pollution Control

Ecology – objects. The proposed development would encroach onto the Jockey Fields Site of Special Scientific Interest (SSSI) which conflicts with UDP policy ENV19 (a) providing absolute protection from development. The proposed development would also destroy the western part of the Jockey Fields Site of Local Importance for Nature Conservation (SLINC). Under UDP policy ENV21 any development affecting a SLINC requires demonstration that:

- Loss or damage to the site is outweighed by the importance of the development proposed.
- Compensatory provision of equivalent value has been provided for any areas (of SLINC) destroyed or damaged.

Neither has been satisfactorily demonstrated and there is no compensatory provision of equivalent value proposed.

About 77% of this application site is designated as either SSSI or SLINC and a similar area is part of a wildlife corridor running through the wedge of open land separating Shelfield from Walsall Wood. Several UDP policies require habitat retention and/or enhancement measures which have not been carried out.

This development would provide very modest habitat creation and enhancement which is not commensurate with the features lost. There would be a significant loss of ecological value.

The protected species survey work is inadequate in some key respects. No great crested-newt or breeding bird survey work has been carried out or any explanation provided as to why it has not been carried out.

Environment Agency – To be updated by Officers at Committee.

Trees – No objection. The existing trees are of low amenity value and their removal to accommodate the proposed development could be mitigated for with significant and appropriate replacement tree planting. This would need to be included on a detailed landscape plan.

Natural England – Objects. The proposed development is likely to damage the special scientific interest of the SSSI.

Public Rights of Way – No objection subject to appropriate boundary treatment to the adjacent public footpath.

Severn Trent Water – No objection subject to the use of a recommended condition in regard to the submission of drainage plans. A note for applicant in regard to the public sewer within the site is also recommended.

Police Architectural Liaison Officer – No objection. The applicant is encouraged to seek Secure by Design accreditation. The site adjoins open land to the side and rear that has no natural surveillance and it should be ensured that adequate perimeter protection is installed at this point. The proposed brick wall should be a minimum of 1.8m in height and topped with 0.3m trellis. The boundary hedge to the rear gardens of plots 4, 5, 6 and 7 is an unacceptable means of security. The perimeter should be defined with a 1.8m close board or panel fence topped with 0.3m trellis.

The access from plot 1 to the main road should be secured by a gate to prevent unauthorised intrusion. Consideration should be given to installing gates at the main vehicle access point to the site and access control measures. The courtyard and rear of properties should have good levels of lighting. All doors should conform to PAS24 and windows should conform to BS7950. Utility meters should be installed on the outside of the buildings and consideration given to the installation of an intruder alarm in each property.

Fire Service – Satisfactory access for fire appliances.

Public Participation Responses

One letter has been received objecting to the application on the grounds of loss of light and privacy due to the proximity of plots 1, 2 and 3 and the loss of a nice green area.

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

Determining Issues

- Are there any very special circumstances to justify inappropriate of residential development in the green belt
- Design of the development and relationship with the character of the area
- Relationship with adjacent housing
- Impact upon SSSI, SLINC, wildlife corridor and protected species
- Access

Observations

Are there any very special circumstances to justify inappropriate of residential development in the Green Belt

The site lies within the West Midlands Green Belt as identified in the adopted Unitary Development Plan.

UDP policy states that there is a presumption against the construction of new buildings in the Green Belt except for forestry, agriculture, cemeteries, limited extension, alteration or replacement of an existing dwelling. This is further reinforced in Planning Policy Guidance Note 2: Greenbelts.

Paragraph 3.2 of PPG2 states that inappropriate development by definition is harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very Special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

UDP policy ENV4 refers to the redevelopment of major developed sites in the Green Belt. PPG2 gives examples of major developed sites as factories, collieries, power stations, water and sewage treatment works, military establishments, civil airfields, hospitals and research and education establishments. This van sale/rental site would not fall within the category of a major developed site in the Green Belt.

In the circumstances, the applicant has failed to provide any justification which demonstrates very special circumstances to outweigh the harm of inappropriate development in the Green Belt. Thus, it is considered that the proposal is contrary to the policies in the UDP as well as the advice given in Planning Policy Guidance Note 2: Green Belts.

Design of the development and relationship with the character of the area

The purpose of the Green Belt is to be free from development and to retain openness. At present there is a small single storey building in the centre of the car sales/van rental site with vehicles parked to the frontage behind a 1.8m high steel palisade fence set back between 3m and 9m from the highway behind a grass verge. The larger part of the site is scrub and trees which would be removed to accommodate the houses and paddock area.

In the context of the Green Belt the proposal would have an unacceptable impact upon the openness and character of the Green Belt. The proposed houses range

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

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

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from 7.4m in height to 9.5m. Alongside prejudicing the purpose of the Green Belt the massing of the building will be conspicuous from the Green Belt and would be visually detrimental. As a consequence the dwellings would also injure the visual amenity of the Green Belt.

A 1.8m high brick wall is proposed to be located at the back of the pavement which angles in to 6m from the pavement. The existing fence is palisade and therefore has a degree of visual permeability. The wall would be a solid feature which would have a negative impact upon the Green Belt. Furthermore the height of the wall is uncharacteristic of the area. The adjacent residential properties are either open plan or have more modest walls and fences.

To the side and rear of the existing premises is scrub and trees which would be removed. The application proposes replacement trees but fails to provide full landscape details for the development. Policy ENV33 requires full landscape details to be provided with applications in the Green Belt and within SSSIs. The application fails to properly address this policy.

There is an established pattern of development along Lichfield Road with the majority of houses being set back 10m from the pavement. Plots 1 and 7 are between 2.5m and 4m from the pavement. As a consequence these plots project in front of the building line of the existing houses along Lichfield Road to the detriment of visual amenity. The close proximity of the dwellings to the road is out of character and has an overbearing impact upon the street scene. The height of the two and half storey dwelling at plot 1 is at odds with the height of the two storey dwelling 10 Lichfield Road, as a consequence the dwelling appears out of character although it could be considered to form a focal point for the development. Plot 7 has been designed with its frontage overlooking the courtyard creating a dead frontage onto Lichfield Road and fails to maximise surveillance and street activity.

The Police Architectural Liaison Officer does not object to the application but makes a number of recommendations to improve the security of the proposal. Suitable boundary treatment, including a gate to plot 1 and lighting to the courtyard could be secured by condition on any approval in consultation with the officer. For visual amenity and highway safety reasons gates to the main access drive would be resisted. PPS1 refers to LPAs encouraging community cohesion, gating developments creates segregated communities which should be resisted.

The application has been called-in for members to consider the proposal. It has been indicated by Councillor R Andrew that the proposal would have a positive impact on the character of the surroundings and visual amenity of the area, removing previous nuisance to neighbours due to various vehicle operations and would not impact on the green belt any more than the current use. It is accepted that the current use of the front part of the site is visually intrusive. Replacement of the commercial use by a high quality residential development for two or three properties to help meet an identified shortfall of 'aspirational housing' in the borough may form the basis for a 'very special' case. However, in this instance, the proposed development extends beyond the small current vehicle operation and extends into an SSSI and a SLINC and it is considered that the current proposal would have a

significant impact on the green belt and the SSSI and SLINC in this instance without the applicants fully demonstrating how they would mitigate the harm. It maybe, that instead of providing grazing at the rear of the proposal, this land is dedicated to enhancing the SSSI, SLINC and bio-diversity. Until the applicant can provide suitable mitigation and whilst officers recognise the removal of the vehicle operations would have a positive impact on local amenity, it is still considered that the development should be refused.

Public right of way officers request that should an application be approved that appropriate boundary treatment is provided to the boundary with the footpath to the edge of the application site. The details of appropriate boundary treatment could be secured by a planning condition.

Relationship with adjacent housing

It is considered that the proposed houses would not have an adverse impact upon adjacent residential properties by virtue of loss of light, privacy, issues of noise and disturbance. Plots 2 and 3 have a rear garden length of 15m and are further separated from the side of the nearest dwelling 10 Lichfield Road by the public right of way. The windows to the side of number 10 are a landing and bathroom window which are non-habitable and therefore the separation distance to Plot 2 would be in accordance with Designing Walsall SPD. Plot 1 would over look the front garden of number 10 which would have no further impact than the existing situation. Plot 3 is sufficient distant away to ensure no overlooking of the rear garden or loss of light to warrant refusal of the planning application.

The properties are sufficiently distant from adjacent dwellings to have no further impact in terms of noise and disturbance to neighbours.

Prior to the site being used for vehicle sales it was used as a petrol station. An intrusive ground investigation undertaken as part of planning application 03/1547/FL/E3 stated that the fuel tanks remain in-situ. PPS23 requires LPAs to adopt the precautionary principle when the level of scientific uncertainty about the consequences or likelihood of the risk is such that the best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making. Because of the former use there is uncertainty over the ground conditions of the site.

A site investigation is required to establish the level of contamination and appropriate remedial actions. It is understood that the tank from the petrol station remains in place and for any residential development removal of the tank and remediation of the remaining contaminations (which need to be appropriately assessed prior to removal) needs to take place. There have been no contamination reports provided in support of the application. Therefore the LPA cannot be satisfied that any risks from pollution and land contamination can be managed or reduced. The absence of this information is reason alone to refuse the planning application. Pollution Control Contaminated Land Team object to the application on these grounds.

Pollution Control Scientific Team do not object to the application, but make comment about the possible impact upon future occupiers as a result of noise and

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

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air quality issues from the heavily used Lichfield Road. The application has not been supported by a Noise or Air Quality survey which would establish the relevant levels and whether mitigation measures would be required within the design of the buildings. It is considered that appropriate safeguarding conditions would be appropriate should the application be approved.

Impact upon SSSI, SLINC, wildlife corridor and protected species

Part of the site falls within the Jockey Fields Site of Special Scientific Interest (SSSI) and Site of Local Importance for Nature Conservation (SLINC). Plots 4 and 5 and their proposed gardens fall within the SSSI as do the two paddocks at the northern part of the site. Natural England, a statutory consultee, object to the application as it is likely to damage the special scientific interest of the area. The Council's Ecologist also objects.

The site is currently a car showroom with a small building and a hard standing area adjacent to Lichfield Road. These hard areas currently take up approximately 11,750 m² or 17.6% of the total application site. Much of the application site (77%) comprises designated wildlife sites. Some 45% of the application site is part of Jockey Fields SSSI while 32.3% is part of the Jockey Fields SLINC. This proposed development would require the loss of all the SLINC area and 28% of the SSSI area within the application site. The whole of the site, with the exception of the hard standing and frontage verge is within a wildlife corridor identified in the UDP.

Jockey Fields Site of Special Scientific Interest was designated for its wet grasslands and wetlands. The application site includes the south-western area of this SSSI. SSSIs are protected by part (a) of UDP policy ENV19: Habitat and Species Protection. This policy states that development which might directly or indirectly destroy, damage or adversely affect a Site of Special Scientific Interest (SSSI) will not be permitted. The policy does not have exceptions and for this reason the application should be refused.

The ecological report concludes, arguing that the part of the SSSI which would be lost is 'poor quality habitat at the margins of the designated area' which would not affect its integrity. However, only a single visit was undertaken very late in the field season (18 September 2009). For a development affecting a SSSI several visits spread across the spring and summer to obtain a complete species list would be expected.

In compensation for the loss of part of the SSSI and the SLINC it is proposed to:

- Thicken scrub planting along the boundaries of the development.
- Creation of a new dry ditch along the northern boundary.
- Creation of a water balancing system that discharges surface water onto the SSSI.

The first two proposals simply recreate existing boundary features along the rear gardens of the development. There is no evidence of a water balancing system discharging into the Site of Special Scientific Interest provided within the application. Even if the UDP allowed the loss of SSSI land, these measures provide very little of

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substance. There is a risk, seen throughout the borough, that where housing borders designated sites, rubbish and garden cuttings are thrown over fences causing nutrient enrichment, the establishment of alien plants and a gradual deterioration of the site.

The surviving area of the SSSI within the site is shown as three small grazing paddocks. The future of this land is uncertain. The grazing of such small units will be very difficult to manage and overgrazing is a high risk leading to the deterioration of this part of the SSSI. Of equal risk is that this land becomes garden land. The applicants provide no evidence that they understand the significance of this SSSI. Of critical importance to the retention of diverse habitats of the SSSI is the need to manage the site sympathetically. The ecological report makes no reference to management which is a major omission. It is possible that the diversity and quality of habitats would increase if regular and controlled management by grazing was resumed. However, the paddocks are small and could not support even one horse throughout the year. Proper levels of grazing would therefore be difficult to secure. The applicants have not to date identified positive proposals.

The ecological report appears to argue that this part of the SSSI is of limited botanical value. However, ecological interest within designated sites is rarely evenly distributed and inevitably there will be areas of lesser importance contained within boundaries. To allow development on parts of SSSIs seen to be of lesser quality would quickly erode the wildlife resource across the UK. Sites have to be evaluated in their entirety and not picked off in a piecemeal way.

Jockey Fields SLINC was designated to cover the grasslands and other habitats on the fringes of the SSSI which did not justify statutory protection. The application site includes the south-western area of this SLINC. SLINC's are protected by UDP policy ENV21. Development which would destroy, damage or adversely affect a Site of Local Importance for Nature Conservation (SLINC) will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh its level of nature conservation value. If development is permitted on a SLINC, compensatory provision of equivalent value will be required for any areas destroyed or damaged.

Habitats within the SLINC are of local importance for wildlife and that compensatory provision of equivalent value may be justified under the terms of the policy. Important native trees were removed from this site prior to the submission of the planning application which both removed a site development constraint and significantly diminished the wildlife value of the SLINC. The UDP policy requires some sort of assessment to 'clearly demonstrate that there are reasons for the proposal which outweigh (the site's) level of nature conservation value'. There has been no justification provided by the applicant to justify the loss of part of this site for the construction of 7 houses.

If a justification is forthcoming and the development was permitted the UDP policy requires 'compensatory provision of equivalent value will be required for any areas destroyed or damaged'. The Council's SPD Conserving Walsall's Natural Environment gives advice on the provision of compensatory habitat.

The compensatory provision proposed is the same as that described earlier under consideration of the SSSI. This is extremely modest and would result in a net loss of designated SLINC habitats. The aim of the policy is to retain a constant or increasing level of SLINC site capital. There is no evidence provided that compensatory provision can be achieved in accordance with these policies.

Despite recommendations in the submitted Ecological Survey no amphibian or bird surveys were carried out. The absence of survey work to find great crested-newts is potentially serious. The species is known at Brick Kiln under 150 metres from the application site. It is possible that this European Protected Species occurs in the ponds and ditches of the Jockey Fields SSSI. While there may be no breeding pools within the application site, much of the site would be prime foraging habitat. It is possible that neither breeding birds nor amphibians could be surveyed because it was too late in the field season. The fieldwork for report took place in September 2009 which would be too late for birds and amphibians surveys and outside the most optimal time for single visit botanical surveys.

The reptile survey found no evidence of any reptiles and appears to have included the requisite site visits at an optimal time of the year. The bat survey found no roosting opportunities for bats in the one building on the site or within any remaining trees. No activity survey work was carried out to assess the value of the site for foraging bats.

The whole of the site is within a designated wildlife corridor. UDP policy ENV24 applies. It is questionable whether the loss of approximately 51,680 m² of designated wildlife corridor will unacceptably harm the integrity of this relatively broad wildlife corridor. It is hard to see how the proposed development enhances its value in any way for wildlife.

UDP policy ENV23: Nature Conservation and New Development requires all new development to take account of nature conservation, in particular the retention of important habitat features and habitat creation. Limited retention or enhancement has been proposed within the development.

Access

The site would be accessed by one central drive from Lichfield Road across a stone rumble strip which would then open onto a shared courtyard. The single access point has adequate visibility provided by a 4.5m by 90m splay in both directions. Plots 1, 4, 5, 6 and 7 all have double garages plus driveway parking and plots 2 and 3 have single garages plus parking for two cars. The parking level would be acceptable. Transportation do not object to the application recommending conditions to retain visibility splays free from planting and structures over 600mm. At present there are two vehicle accesses to the site and, Transportation require the existing crossings are reinstated whilst the new footway crossing is constructed to a standard agreed with the LPA.

From the submitted details it is unclear that a refuse vehicle can enter, turn and leave the site in a forward gear. No alternative measure for the collection of refuse such as a hard-standing to accommodate wheeled bins for seven dwellings has

been suggested. Therefore, it is considered that the application fails to demonstrate a satisfactory situation in regard to the collection and domestic waste which could result in implications for highway safety.

Recommendation: Refuse

1. The site lies within the West Midlands Green Belt and no very special circumstances have been put forward sufficient to outweigh the harm this inappropriate development it would cause to the character and openness of the Green Belt. As such the proposed seven dwellings are contrary to the aims and objectives of policies 3.3, 2.22, ENV2 and 3.29 of Walsall's Unitary Development Plan and the advice given in Planning Policy Guidance Note 2: Green Belts.
2. The height and massing of the proposed dwellings, their projection in front of the established building line and the large front boundary wall is out of character with its surroundings. The proposal would appear incongruous and unrelated to the surrounding development causing harm to the character and appearance of the area and would injure the visual amenity of the Green Belt. Furthermore the application has not been supported by full landscape proposals. The proposal is therefore contrary to the aims and objectives of policies 3.16, GP2, ENV2, ENV3, ENV32 and H10 of the Walsall's Unitary Development Plan and Walsall's Supplementary Planning Document Designing Walsall and guidance given in Planning Policy Statement 1, Planning Policy Guidance 2 and Planning Policy Statement 3.
3. The proposed development would encroach onto the Jockey Fields Site of Special Scientific Interest (SSSI) and Jockey Fields Site of Local Importance for Nature Conservation (SLINC). The proposed development would destroy and cause damage to these designated areas. The protected species survey work is inadequate in some key respects. No great crested-newt or breeding bird survey work has been carried out or any explanation provided as to why it has not been carried out. The development would fail to enhance the wildlife corridor. The development is therefore contrary to the aims and objectives of Walsall's Unitary Development Plan policies, ENV19, EN21, ENV23, ENV24, Supplementary Planning Document Conserving Walsall's Natural Environment and guidance given in PPS9 and Circular 06/2005.
4. The site is significantly polluted due to its former use as a petrol filling station. The application has not been supported by any documentation that acknowledges this former use or how the site could be remediated to make it suitable for a residential end use. In the absence of this information the Local Planning Authority cannot be satisfied that any risks from pollution and land contamination can be managed or reduced. The proposal is therefore contrary to the aims and objectives of policies GP2, ENV10 of Walsall's Unitary Development Plan and Planning Policy Statement 23.

5. It has not been demonstrated that a refuse vehicle can enter, turn and leave the site in a forward gear. No alternative measure for the collection of refuse has been provided. Therefore the application fails to demonstrate a satisfactory situation in regard to the collection of domestic waste. The proposal is contrary to the aims and objectives of policy GP2 of Walsall's Unitary Development Plan.

6. Plot 7 has been designed with its frontage overlooking the courtyard which creates a dead frontage onto Lichfield Road failing to take the opportunity to maximise surveillance and street activity to the detriment of visual amenity and community safety. The proposal is contrary to the aims and objectives of policies 3.16, GP2, GP7, ENV32 and H10 of Walsall's Unitary Development Plan and Walsall's Supplementary Planning Document Designing Walsall and guidance given in Planning Policy Statement 1 and Planning Policy Statement 3.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Contrary to Policy

Application Number: 10/0318/FL

Application Type: Full application

Applicant: Mr Roberts

Proposal: Rear ground floor extension.

Ward: Bloxwich West

Case Officer: Alexander Keen

Telephone Number: 01922 652527

Email: planningservices@walsall.gov.uk

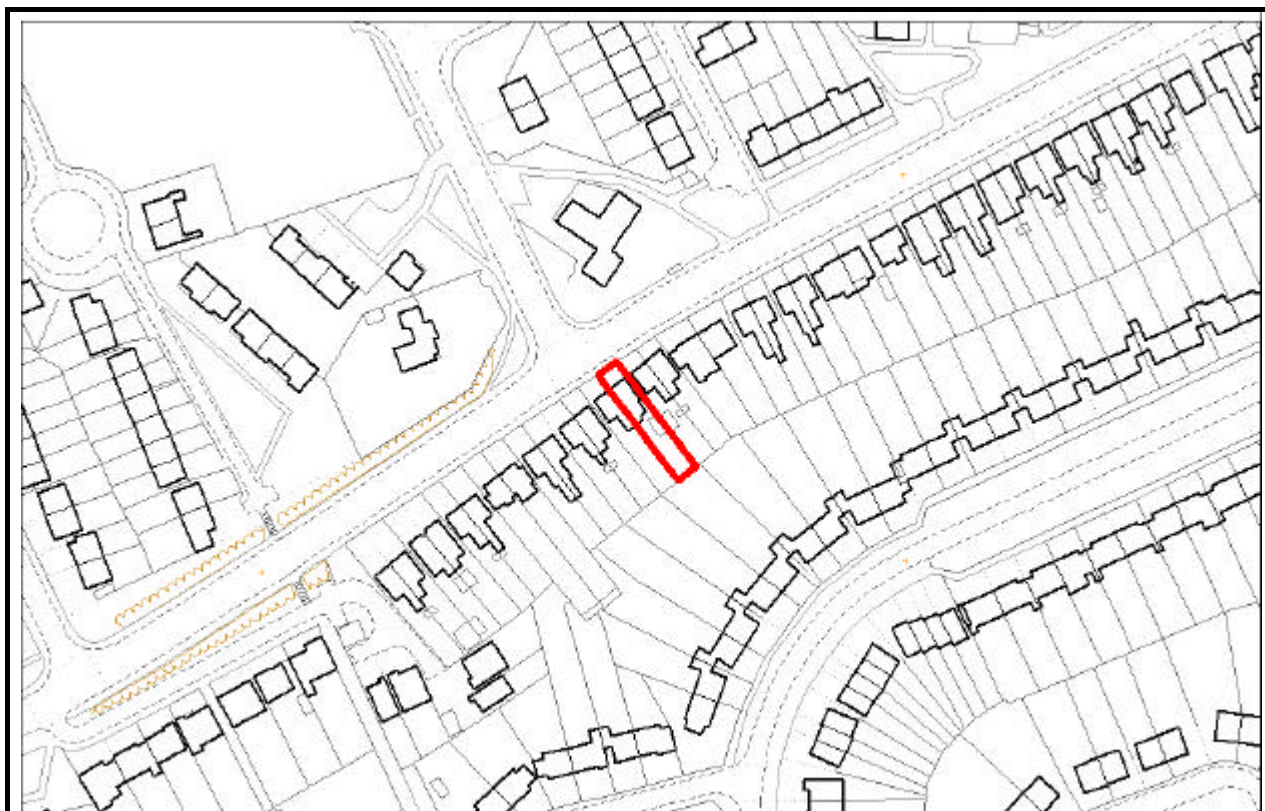
Agent: Mr Mark Alcock

Location: 233 SNEYD

LANE, BLOXWICH, WALSALL, WS3 2LR

Expired Date: 08/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This application is for a single storey, flat-roofed extension and a single-storey, gable-ended mono-pitched extension to the rear of an existing semi-detached dwelling.

The proposed single-storey, flat roofed extension would measure approximately 4m long, 2.7m wide and 2.4m high and would project out to the rear of the existing dwelling, against the side boundary with 235 Sneyd Lane to the south-west. The walls would be rendered to match the render of the existing dwelling, and there would be two non-habitable room windows in the side elevation facing 231 Sneyd Lane to the north-east. It would accommodate a W.C. and laundry. This extension would replace a partially built single storey mono-pitched, gable-ended rear extension that has been built without planning permission and which has been the subject of a planning enforcement investigation (refer to the Planning History section of this report for details of this investigation).

The proposed single-storey, gable-ended mono-pitched extension would measure approximately 3.1m deep, 2.4m wide and 3.7m high (2.2m to the eaves) and would replace an existing flat-roofed extension which projects out to the rear of the original dwelling, between the original single-storey rear wing and the side elevation of the dwelling facing 231 Sneyd Lane. It would be rendered to match the render of the existing dwelling, and the roof would be tiled to match the existing roof. There would be a habitable room window in the rear elevation, overlooking the garden. It would accommodate an extension to the existing kitchen.

The original dwellinghouse is an early 20th century semi-detached dwelling, one of a row similar age and type properties. Its pair is 235 Sneyd Lane to the south-west. There is a separation gap of approximately 2.15m between the side elevation of 233 Sneyd Lane and 231 Sneyd Lane to the north-east. A number of dwellings in the street have already been extended out to the rear, mostly single storey flat-roofed extensions.

The dwellings on Mulberry Road overlook the rear gardens and elevations of dwellings on Sneyd Lane, including the application site. The gardens are typically well maintained and benefit from mature or semi-mature planting. The majority of the boundary of the rear garden to 233 Sneyd Lane is marked by a fence approximately 1.8m high with the exception of part of the side boundary facing 231 Sneyd Lane which is railings for the first 6.5m measured out from the rear elevation of 231 Sneyd Lane.

Relevant Planning History

E09/0750 – An enforcement investigation into the construction of a single-storey rear extension followed a complaint received in December 2009. Officers concluded the extension is unauthorised because it exceeds the limitations of permitted development.

The walls of the unauthorised extension have been substantially completed, and the structure measures approximately 6.3m long and 2.7m wide. The side facing 235 Sneyd Lane to the south-west measures approximately 3.7m high, with the roof sloping to the side facing 231 Sneyd Lane to the north-east, measuring approximately 2m high. Officers advised the owners that the extension as built would be unlikely to gain planning permission because of its excessive length and the impact on the amenity of neighbouring residents, in particular overlooking of habitable room windows in the rear elevation of 231 Sneyd Lane. Officers further advised that the extension would be more likely to receive planning permission if it were reduced to a maximum 4m long and 3m high.

It is following this investigation that that the current application for two smaller extensions has been made.

Relevant Planning Policy Summary

Saved policies of the Walsall Unitary Development Plan

Policy GP2 states that “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”

Relevant considerations to be taken into account in the assessment of this application include:

- I. Visual appearance
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property
- XX. Any other factor of environmental significance

Policy ENV32 states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The quality of design of this proposal will be assessed using the following selected criteria:

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

Policy H10(a)i states that the Council will expect the design of residential developments, including residential extensions, to 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.

Supplementary Planning Document: Designing Walsall

The SPD “Designing Walsall” provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E of the SPD, although distances that do not conform with these guidelines may be acceptable where it is appropriate to the character of the area. Appendix E includes;

- 24 metre separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.
- 45 degree code : particularly where new development impacts on existing

The 45° Code seeks to ensure that the impact of an extension on windows to habitable rooms in adjoining dwellings is acceptable. For single storey extensions, the angle is measured from the mid-point at windowsill level of the nearest habitable room window in the adjoining house, to the point of the extension which is closest to the common boundary with the adjoining property. At no point should this angle exceed 45°. Extensions which breach the 45° Code would not normally be allowed, except for single storey extensions where the length of the extension would not exceed 3.5m as measured from the nearest window in the adjoining dwelling.

Regional Spatial Strategy for the West Midlands (RSS11)

Policy QE3 seeks to create a high quality built environment for all.

Planning Policy Statement 1: Delivering Sustainable Development

This PPS promotes good design as a key element in achieving sustainable development. In particular, paragraph 34 states that design which is inappropriate in its context should not be accepted, and paragraph 35 states that high quality design should be the aim of all those involved in the development process.

Consultee Responses

Pollution Control: Scientific – No objections

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Pollution Control: Contaminated Land – No objections

Public Participation Responses

One letter of objection has been received from the occupier of 237 Sneyd Lane. The objection relates to the existing unauthorised extension and states that it is too big, blocking light to the objector's windows, making the house feel closed in.

One letter of support has been received from the occupier of 235 Sneyd Lane. Again, this letter relates to the existing unauthorised extension and states that it will make the objector's house and garden more private.

Determining Issues

- Design, and impact of the proposal on the character of the area
- Impact of the proposal on the amenity of neighbours

Observations

Design, and impact of the proposal on the character of the area

It is considered that the proposed rear single-storey flat-roofed extension would appear subservient to the existing dwelling in terms of its overall massing, the length and height being significantly reduced from that of the existing, unauthorised extension. It would not be dissimilar in appearance to other existing single-storey flat-roofed rear extensions in the street, and therefore would not appear out of character with surrounding development.

Likewise, it is considered that the proposed single-storey extension of the kitchen would appear subservient to the existing dwelling, occupying the same footprint as the existing single-storey flat-roofed extension which would be demolished. The proposed gable-ended mono-pitched roof would appear similar in design to the main roof of the existing dwelling, and therefore would not appear out of character with either the dwelling or surrounding development.

The applicant has indicated that, with the exception of the proposed flat roof, the facing materials used in the construction of the extension would match as closely as possible the facing materials used in the construction of the existing dwelling, and this could be made a condition of granting planning permission to ensure the satisfactory appearance of the extension.

In summary, the proposed extensions are considered to be subservient to the existing dwelling with no harm to either the character of the dwelling or of the area.

Impact of the proposal on the amenity of neighbours

The proposed single-storey flat-roofed extension would breach the 45° Code when measured from the nearest habitable room window in the rear of 231 Sneyd Lane. However, the design and layout of the dwellings along this part of Sneyd Lane is such that any extension projecting more than 1m out to the rear of the original dwelling is likely to breach the 45° Code, and indeed a number of other similar

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properties along Sneyd Lane have already been extended more than 4m out to the rear, breaching the 45° Code (a number of these extensions were constructed utilising the permitted development rights that existed before October 2008). As such, this relationship is now considered part of the character of the area.

There is approximately 8m separation distance between the nearest habitable room window in the rear of 231 Sneyd Lane and the side elevation of the proposed extension and, as the extension would have a flat roof and would not exceed 2.5m in height, the prospect of it appearing unduly dominant or overshadowing is considered minimal. A condition of granting planning permission could be that the windows shown in the side elevation of the extension facing 231 Sneyd Lane be obscure glazed, further reducing the impact on the amenity of occupiers of 231 Sneyd Lane. This being the case, and taking into account the form of existing development in the area, it is considered that the proposed single-storey flat-roofed extension would have a minimal impact on the amenity of occupiers of 231 Sneyd Lane.

The impact of the proposed flat-roofed extension on the amenities of occupiers of 235 Sneyd Lane is also considered to be minimal as the extension would be obscured from view from the nearest habitable room window in the rear of 235 Sneyd Lane. Likewise the impact on the occupiers of 237 Sneyd Lane is considered acceptable, the extension appearing subservient to the existing dwelling with no potential for overlooking or loss of outlook.

The proposed single-storey extension of the kitchen is not considered to harm the amenity of neighbours as it would replace an existing extension and would not breach the 45° Code. The proposed mono-pitch, gable-ended roof would be viewed against the massing of the existing dwelling, including the existing rear wing, and therefore it is considered it would not result in loss of outlook or appear overbearing to occupiers of 231 Sneyd Lane.

Summary of Reasons for Granting Planning Permission

The proposed single-storey rear extensions are subservient to the existing dwelling with no harm to either the character of the dwelling or of the area. They are considered to have an acceptable impact on the amenity of neighbours, with limited potential for loss of outlook or loss of privacy. Therefore the proposal accords with the aims and objectives of saved policies GP2, ENV32 and H10(a)i of the Walsall Unitary Development Plan, Appendix E of the Supplementary Planning Document "Designing Walsall", policy QE3 of the Regional Spatial Strategy for the West Midlands and Planning Policy Statement 1: Delivering Sustainable Development.

Recommendation: Grant Permission Subject to Conditions

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

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

2: With the exception of the proposed flat roof, the facing materials used in the construction of the extension shall match closely those which are used in the construction of the existing dwelling as it exists at the time of this application and shall be retained as such thereafter, unless otherwise previously agreed in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

3. The windows in the side elevation of the proposed flat-roofed extension, facing 231 Sneyd Lane, shall be obscure glazed to Double Satinova standard before the said extension is occupied and retained thereafter, unless otherwise previously agreed in writing by the local planning authority.

Reason: To safeguard the amenities of occupiers of 231 Sneyd Lane.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Called in by Councillor O'Hare

Application Number: 10/0483/FL

Application Type: Full application

Applicant: Mr & Mrs David Measham

Proposal: Two storey side extensions

Ward: Aldridge/Central & South

Case Officer: Jenny Townsend

Telephone Number: 01922 652420

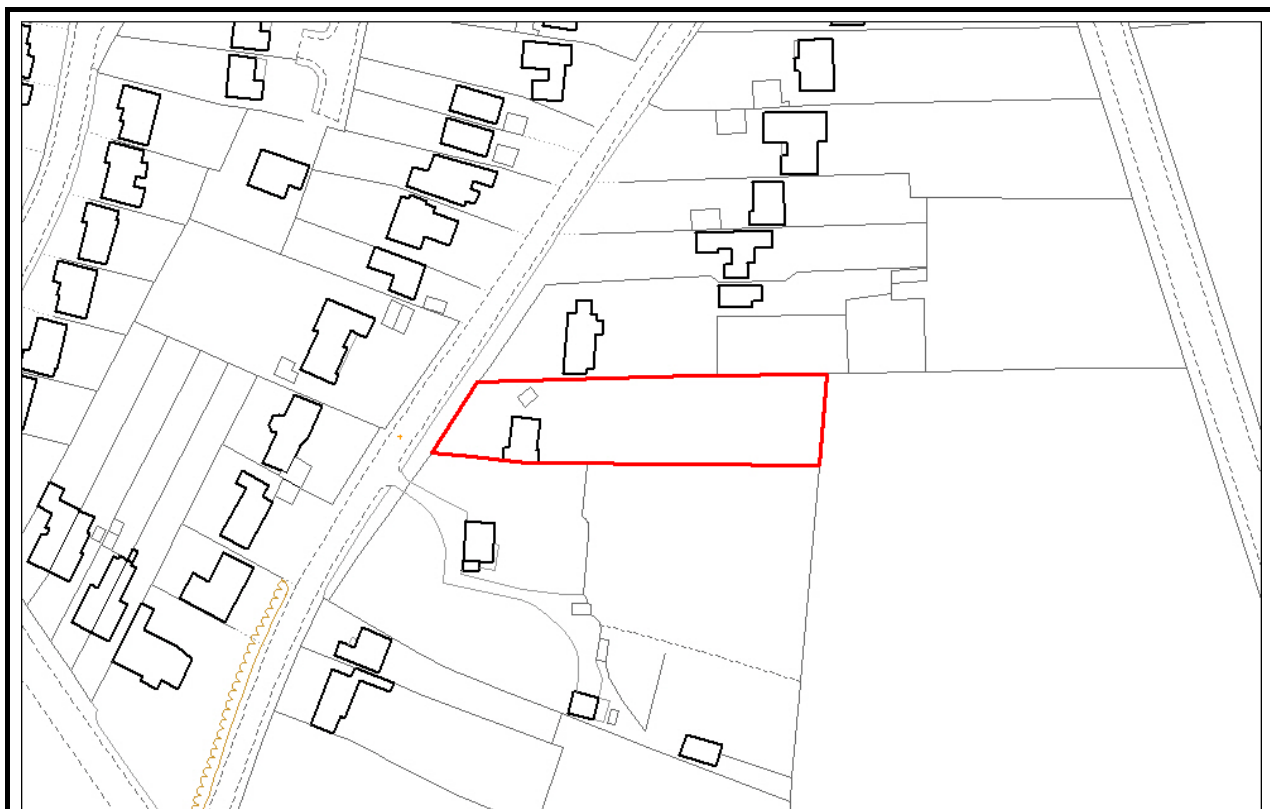
Email: planningservices@walsall.gov.uk

Agent: Philip Taylor Associates

Location: 15 KNIGHTS
HILL, ALDRIDGE, WALSALL, WS9 0TG

Expired Date: 29/06/2010

Recommendation Summary: Refuse



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Status: Councillor O'Hare who is concerned about the need to preserve the characteristics of the neighbourhood and to ensure the property is in line with those nearby.

Application and Site Details

This application is for extensions to a detached house in the Green Belt. There are protected trees at the application site which at the rear backs onto woods with open fields beyond.

The house is on the south side of Knights Hill on land which falls away from the road. There is an asymmetrical gable to the front of the house which has a long sloping roof to the left-hand side. A small dormer window faces across this side slope. There are bay windows on the rear and a single storey extension (with a flat roof) has been added on the right-hand side of the house infilling to the boundary with number 11, the neighbouring house to the south. Number 11 is slightly further forward than the application house and is approximately 15 metres away from the shared boundary.

There is a detached garage between the house and the boundary with number 17. Currently the gap is approximately 12.5 metres. Number 17 is approximately 0.5 metres lower than the application house, lies approximately 1.5 metres from the boundary and is approximately 4.5 metres back from the rear corner of the application house.

The application proposes a two storey extension on the left-hand side of the house (nearest to number 17) which would replace the garage. The extension would be 7.5 metres wide with a half hipped roof and would be in line with the existing two storey part of the house at the front but would project 2.5 metres beyond the existing two storey part of the house at the rear to a point approximately level with the front of number 17. It will be between 1.2 and 2.7 metres from the boundary.

A platform forms a patio for the kitchen, at the rear. This would be approximately 1.0 metre high (next to the rear of the house), 2.5 metres long and 8 metres wide with a 1.0 metre high wall to the side nearest to number 17 and reflects ground levels. Dormer windows to the bedrooms are proposed in both the front and rear roof slopes.

On the opposite side of the house a first floor extension would be 3.8 metres wide at the front and 2.5 metres wide at the rear and would have a hipped roof to the side with a gable to the 1.2 metre long front projection.

The number of bedrooms would be increased from 3 to 5.

The only window proposed in either of the side elevations would be at ground floor level and would face towards the boundary with number 17 and serve the new double garage.

Number 17 has a garage at the front at ground floor level nearest to the boundary with bedroom windows above.

The applicant has submitted in support of the application: a bat survey report and a report on trees at the site.

Relevant Planning History

08/0081/FL Two storey side extensions. Withdrawn 04/03/08.

Relevant Planning Policy Summary

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

Saved Policies of Walsall's Unitary Development Plan 2005

GP2: Environmental Protection

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

I. Visual appearance.

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

3.3 Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances

ENV2: Control of Development in the Green Belt.

Limited extension or alteration of an existing dwelling in the Green Belt will be allowed provided that this will not result in disproportionate additions. The Council will require that the siting, design, form, scale and appearance is consistent with the character of the surrounding area.

ENV18: Existing Woodlands, Trees and Hedgerows.

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

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Supplementary Planning Documents

Designing Walsall

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

Conserving Walsall's Natural Environment

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

National Policies

PLANNING POLICY STATEMENT 1

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

PLANNING POLICY STATEMENT 2 Green Belts advises that disproportionate extensions are inappropriate in the green belt causing technical harm. Such developments should only proceed where very special circumstances are demonstrated by the applicant.

Consultations

Landscape Team - The proposed extensions are substantial and will alter the relationship of this house to neighbouring properties. Within a street scene characterised at this point by houses set within wide plots, the proposal to completely 'fill' the width with a two storey building could appear incongruous. However the relationship of this house to the adjoining Green Belt landscape is not

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significantly changed and it would be difficult to sustain a refusal on landscape grounds.

Natural Environment Tree Officer – The tree constraints are not significant enough to warrant refusal of the application and as long as the guidelines and recommendations as detailed in the tree survey dated September 2009 are adhered to then I have no objections to the proposal.

Natural Environment Ecology Officer - The bat report dated October 2009. is thorough and found 4 species of bats foraging over the gardens and a bat roost in the neighbour's house. The recommendations and the underlying survey work are satisfactory and I have no objections to the grant of permission subject to the imposition of conditions which enshrine the recommendations in the bat report.

Public Participation Response

None.

Determining Issues

- Design of Extension
- Impact on Green Belt and Character of Area
- Impact on Bats
- Impact on Trees
- Impact on Amenity of Nearby Residents
- Parking

Observations

Design of Extension

The roof proposed to the extension would not match the gable shape of the original roof however the half hip on the left-hand side would balance with the hipped slope on the right-hand side of the house. The asymmetrical gable, which is the main and original feature to the front of the existing house would remain unchanged. The design is acceptable.

Impact on Green Belt and Character of Area

The area is characterised by detached properties set in larger than average plots and as there is no particular design that is characteristic of the area, the proposal would be in keeping with this mixed character.

The extensions are proposed on both sides of the house and this means that apart from a narrow gap alongside the boundary with number 17 (1.2 metres at the front widening to 2.7 metres at the rear of the extension) the house would fill the full width of the plot. As the extensions would be two storey and the roof would be the same height as the existing roof, there would be a significant change in the bulk and mass of the house which would have an impact on the openness of the Green Belt.

The original footprint of the house was approximately 67.5 square metres and the extension added on the right-hand side of the house increased this by 28.5 square metres. The current proposals would add a further 75 square metres so that the

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total additions would be 103.5 square metres, an increase of approximately 150%. This would result in disproportionate additions to the original dwelling which would be contrary to both national and local Green Belt policies. No very special circumstances have been put forward to outweigh the harm the development would cause.

The proposed platform to the rear would present a further incursion.

Discussions have taken place between February 2008 and March 2009 with both the applicants and their agent regarding design and reduction in the size of the proposed extensions and also the possibility of a replacement dwelling. However the current proposal is identical to the original scheme withdrawn in March 2008.

Impact on Bats

The Council's ecology officer has no objections to the proposal provided the recommendations made in the bat survey at the property are added as conditions to any planning permission.

Impact on Trees

The Council's arboricultural officer has no objections provided the guidelines and recommendations detailed in the tree survey dated September 2009 are added as conditions to any planning permission.

Impact on Amenity of Nearby Residents

Number 11, the neighbour to the right lies 15 metres from the boundary and as there are no windows proposed in the side elevation of the extension, there would be little impact on the amenity of the occupiers of 11 from the proposal.

The rear of the extension nearest to number 17 would be approximately 2 metres forward of the front corner of number 17 with a gap of only approximately 5 metres between them. The proposed balcony/platform leading from the rear kitchen would project a further 2.5 metres to just beyond the front of number 17. Although number 17 has a garage at ground floor level nearest to the boundary, above there is a bedroom window. The close proximity of the rear windows of the extension and also the balcony would allow overlooking between houses at a very short distance which would have a detrimental impact on the amenity of the occupiers of both properties.

Parking

The proposed double garage and existing front driveway would provide sufficient off street parking to meet Council's requirements for a house with 4 or more bedrooms.

Recommendation: Refuse

1. The bulk and mass of the proposed extensions on both sides of the house and the increase in the size of the footprint would result in disproportionate additions in relation to the original property which would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been

demonstrated to outweigh this harm. As such the proposal would be contrary to Walsall's Unitary Development Plan, in particular policies GP2, 3.3 and ENV2.

2. The close proximity, to the front bedroom window of number 17 of the proposed habitable room windows in the extension at both ground and first floor level and the proposed balcony/platform to the rear, would lead to overlooking and a loss of privacy to both properties. As such the proposal would be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10 and the supplementary planning document Designing Walsall.



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0466/FL

Application Type: Full application

Applicant: Mr Hussain

Proposal: Two storey side and single
storey rear extensions

Ward: St. Matthews

Case Officer: Claire Murphy

Telephone Number: 01922 652403

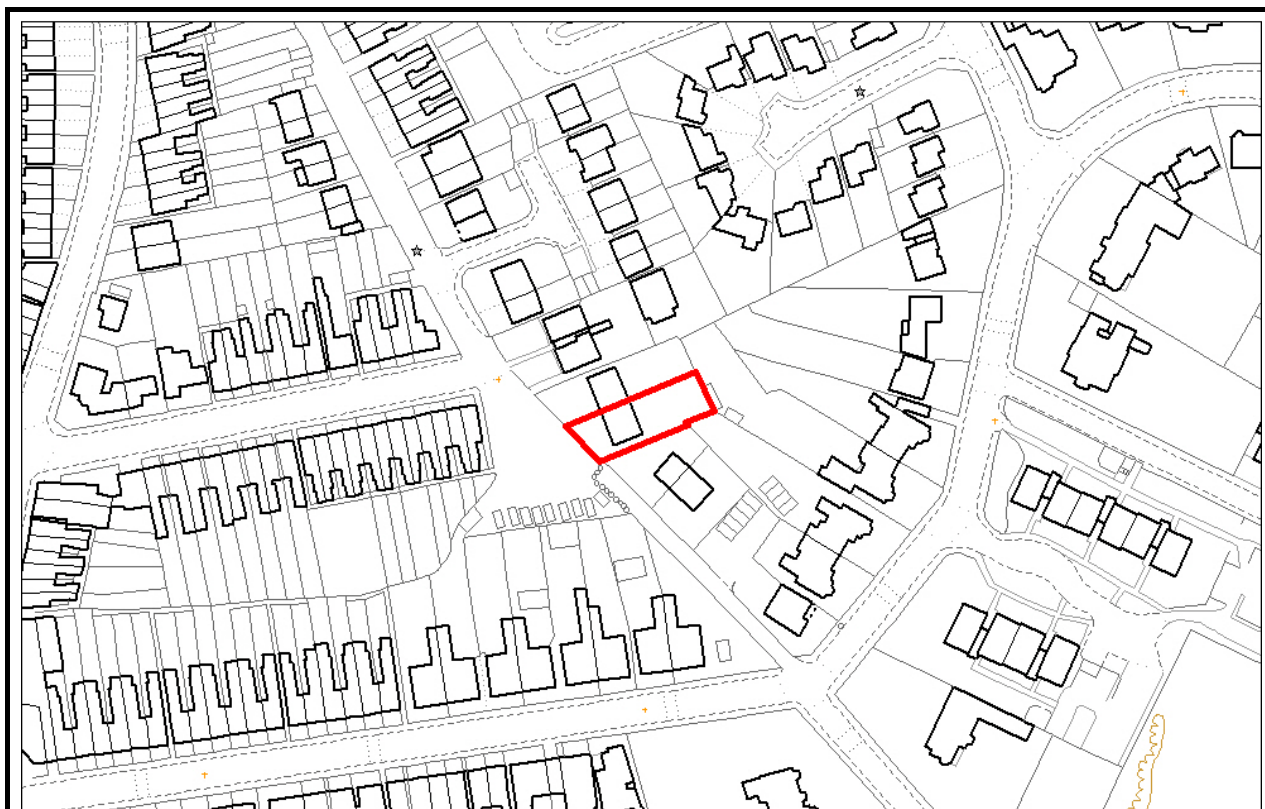
Email: planningservices@walsall.gov.uk

Agent: Extension Design Services

Location: 97 FOLLYHOUSE
LANE, WALSALL, WS1 3EL

Expired Date: 22/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

09/1769/FL – Two storey and single storey rear extensions. Refused permission 25th February 2010, refused on the grounds that the application failed to include evidence about the possible presence of bats, which are a protected species, or the impact on their roosts or habitats.

This application is for extensions to a semi-detached house to provide a garage, utility and enlarged kitchen/ dining room on the ground floor with two additional bedrooms on the first floor, to make a total of five bedrooms. The application is similar to a previously approved application (07/1554/FL/H) however this application differs in that it proposes a ridge height and eaves height in line with the existing roof and does not propose any front elevation set back.

The front of the extension is to be in line with the front of the existing house. The rear of the two-storey extension is to be in line with the rear of the existing two-storey part of the house whilst the single-storey extension is to project 3.0 metres beyond the rear of the existing. The two-storey extension is to have a hipped roof to match the existing house and the single-storey extension is to have a mono-pitch roof.

The two-storey extension is to replace the existing garage that lies between the side of the house and the boundary with the neighbouring house number 99. A 1 metre gap is to remain between the side of the extension and the boundary. There is a 2.5 metre brick wall along the boundary, with a wide gap of over 7 metres between the boundary and the side of number 99 itself. Number 99 lies to the south at an angle to the application property, and is set further back, at the nearest point the side extension would be over 8 metres from the side elevation of number 99.

The single-storey extension is to lie 3.5 metres away from the boundary with the attached house number 95, the other half of the pair. The rear of the two-storey part of number 95 is in line with the existing rear of the application property, but number 95 has a recently completed two-storey side and single-storey rear extension on the opposite side which is very similar to the current proposal for the application property.

The application property and its immediate neighbours lie off an un-adopted road. There is a large open area in front containing a garage court. The application house has a long rear garden that slopes up away from the house. There are no dwellings directly to the rear.

Bat Report Submitted

A bat report survey has been submitted with the application, which has identified a possible risk that bats may be present in the existing building, and in the event, have indicated that work shall be carried out only under the supervision of a suitably qualified ecologist; and that all demolition and dismantling work in the vicinity of possible bat roosts shall be carried out carefully by hand.

Relevant Planning History

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

07/1554/FL/H1 - Two-Storey Side and Single-Storey Rear Extensions at 97 Follyhouse Lane – Granted subject to conditions 03/09/07

09/1769/FL – Two storey and single storey rear extensions. Refused permission 25th February 2010, refused on the grounds that the application failed to include evidence about the possible presence of bats, which are a protected species, or the impact on their roosts or habitats.

Relevant Policies

(note the full text version of the UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV18: Existing Woodlands, Trees and Hedgerows.

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

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Supplementary Planning Documents

DESIGNING WALSALL

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

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

CONSERVING WALSALL'S NATURAL ENVIRONMENT

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

Natural Environment, Ecology: Having examined the bat report, and are satisfied that the recommendations and the underlying survey work are satisfactory. Therefore have no objections to the granting of permission subject to the recommended condition.

Natural Environment, Trees: The existing tree constraints are not significant enough to warrant refusal and therefore have no objections to the application.

Public Participation Responses

Representations have been received from the occupiers of 95 Follyhouse Lane and numbers 1 and 2 Cedarwood Court. Number 95 object to the application as they feel it will cause an obstruction to their property and block out the sunlight to the rear of their house.

Numbers 1 and 2 note they have no problems with the plans themselves, but have grave concerns with regards to the builders vehicles that are inevitably going to be present for the period of the build. That residents of Follyhouse Lane and Follyhouse Close have on numerous occasions had to complain that the refuse collection lorries cannot gain access due to the poor parking at the 'T' junction with Vincent Street. If there are now to be lorries parked there as well the situation will only be worsened, and even more if emergency vehicles require access.

Determining Issues

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

Observations

Ecology

The council's adopted SPD 'Conserving Walsall's Natural Environment' requires a detailed bat survey to be submitted if certain criteria are met. A bat survey has been submitted with the application. Ecology are satisfied that the recommendation contained within the report and the underlying survey work are satisfactory, and therefore have no objections to the granting of permission subject a recommended planning condition being incorporated into any approval given. The single refusal reason on the most recent application is therefore overcome.

Design of Extension and Impact on Character of Area

The proposed design of the two storey extension would match the two storey side extension at number 95. The proposal would be flush with the front elevation to the main house with the roof height of the ridge and the eaves to be in line with the existing, mirroring the extension at number 95. A gap of 1.0 metre would be retained to the side of the property, between the adjacent boundary with number 99, and with the application house being set forward of number 99, there is no potential for a terracing effect to occur. The proposal is considered compatible with the original house and would have little impact on the character of the area

The single storey rear extension would not be visible from the highway and would have no impact on the character of the area.

Impact on Amenity of Nearby Residents

The two storey side extension would be over 8.0 metres away from the side elevation of number 99, with number 99 being angled away from the application house. The single storey rear extension is a metre away from the boundary with number 99 and would be well screened by the existing enclosing boundary treatment, which comprises of a 2.5 metre high brick wall. In relation to number 99 the proposal is not considered to have an overbearing impact or result in a significant loss of light.

The two storey side extension, in relation to neighbouring property number 95 being the other half of the pair, is considered would not have any detrimental impact upon

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their property. The length of the single storey extension to the rear of the application house would be 0.5 metres less than the maximum permitted length of 3.5 metres as referred to by the 45 degree code, and taking into account the extension would be set 3.5 metres away the shared side boundary, with the side facing elevation to be a blank wall, the extension is considered to have little impact on light or offer little if any potential for overlooking.

Parking

The application house has a large frontage which includes two off-road parking spaces, the retention of the garage would also provide a third parking space in accordance with the Councils parking standards.

Concern has been expressed from residents at Cedarwood Court in relation to parking during building works, however for a project of this size this is not a key consideration. If any subsequent highway obstruction were to occur, this can be dealt with by separate legislation.

Summary of Reasons for Granting Planning Permission

The appearance of the proposal is acceptable and takes account of its surroundings. The current application has included a bat survey, which, subject to the included condition, meets the policy requirements.

The position of the extension in relation to the adjoining dwellings means that it will cause little additional overlooking, loss of privacy, or loss of daylight or sunlight to these properties, and it will comply with the numerical guidelines in the Designing Walsall Supplementary Planning Document.

There is space to the front and side of the property to accommodate three vehicles to meet policy requirements.

The application is therefore considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV23, ENV32, H10, and T7 and T13 and the Supplementary Planning Documents "Designing Walsall" and other material planning considerations.

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

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

1. This work shall be carried out only under the supervision of a suitably qualified ecologist.
2. All demolition and dismantling work in the vicinity of possible bat roosts shall be carried out carefully by hand.

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

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

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

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

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

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



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Significant community interest

Application Number: 09/1419/FL

Application Type: Full application

Applicant: Mr Suleman Uddin

Proposal: Two storey rear extension

Ward: Palfrey

Case Officer: Stuart Crossen

Telephone Number: 01922 652420

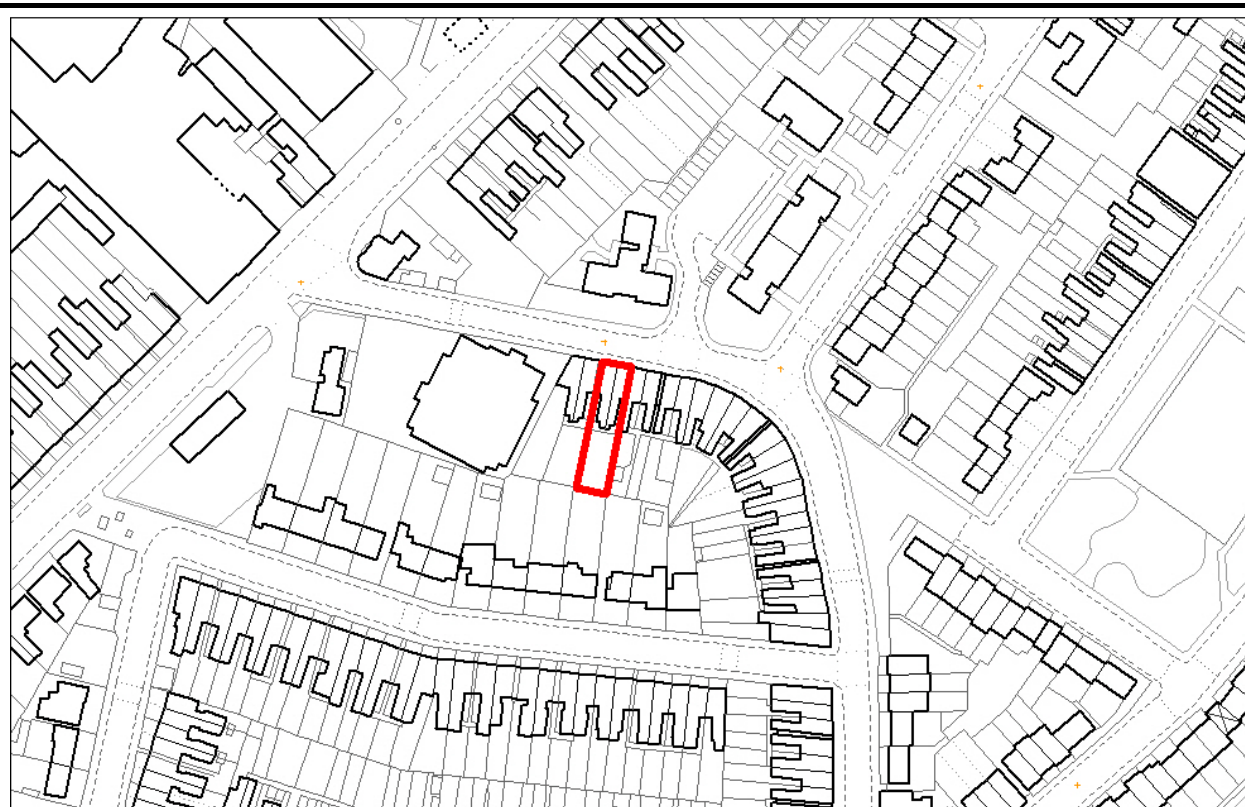
Email: planningservices@walsall.gov.uk

Agent: Mr Raja Amin Zaki

Location: 10 & 12 MILTON
STREET, WALSALL, WS1 4JS

Expired Date: 04/02/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

The application proposes ground floor and first floor rear extensions to provide extended kitchens, on the first floor a third bedroom with en-suite to both number 10 and number 12 Milton Street which are mid terraced houses.

The original proposed plans would have resulted in existing bedrooms having no windows. The revised plans have set the first floor part of the extensions further away from the neighbouring boundaries, which would ensure that replacement first floor windows can be provided to the existing rear bedrooms.

Milton Street is a Victorian terraced street with single storey rear projecting wings. The ground floors to Number 10 and 12 have previously been enlarged by extending to the rear.

The proposed roofs are mono pitches. This row of terraced houses has dual pitched main roofs.

The proposed ground floor extensions at number 10 would fill the gap between the existing wing and the boundary fence to the shared passageway with number 8 and would extend from the main rear elevation of the house 3.5 metres. At first floor above the original ground floor wing, would be a bedroom projecting 3.5 metres with a further 1.1 metre deep and 1.5 metre wide projection for the toilet.

Number 12 proposes a similar but longer ground floor extension (4.5 metres). The first floor would mirror the proposal at number 10

The rear projecting wing at number 8 has windows facing the boundary with number 10 which serve the kitchen. On the ground floor rear elevation is a window next to the passage which serves a lounge. There is a 1.8 metre fence along the boundary.

Number 14 has a ground floor rear projection which is similar in depth to that proposed in this application at number 12. The first floor bedroom window at number 14 is approximately 1.5 metres from the boundary to the application house.

The rear garden measures over 15 metres to the rear gardens of houses in Earl Street and over 35 metres to the rear elevation of these houses.

The application houses have no parking.

Relevant Planning History

09/0933/FL - Two storey and single storey rear extension at 10 Milton Street, Refused 27/08/09 for the following reason:

The proposed extensions would, when infilling the gap to the side of the existing single storey wing, combined with the first floor extensions added above the existing rear wing to the application house, have an overbearing impact on the adjoining house number 8 because of the excessive length, height and close proximity in relation to this property. Furthermore the first floor

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proposal in relation to number 12 would have an overbearing impact and would not comply with the Council's 45 degree code.

Relevant Planning Policy Summary

(note the full text version of the UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.
 - The integration and co-ordination of buildings and external space.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - The integration of existing natural and built features of value.
 - The maintenance requirements of the development.

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Supplementary Planning Document

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E (listed below) 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.

- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

National Policies

PLANNING POLICY STATEMENT 1

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

Consultations

None.

Public Participation Response

Five objections have been received:

The owners of the Al Farooq Mosque have objected on the grounds that the two storey extension will block out light to the bedrooms of numbers 6 and 8 Milton Street and if the occupiers leave, as they have stated they will, the Mosque will struggle to re-let these houses which will remain unoccupied.

The landlord of number 6 Milton Street claims that the value of these properties would be affected. The proposal would look directly into the bedrooms of number 6. The properties were not meant to look like this proposal. Over 25 applications like this have been previously declined. The objector also claims that the application will be allowed because (he alleges) one of the occupiers is related to a Councillor.

The 2 above objections have been sent via email without any individual name, unable to confirm that the email address belongs to the mosque or the Landlord of number 6.

The Honorary General Secretary of the Mosque has objected on the grounds that the proposal will heavily impact on the natural daylight available to number 8 Milton Street.

The neighbour to the rear at number 23 Earl Street has objected and considers that the proposal would cause a loss of privacy and would overlook the gardens to the rear of houses along Earl Street.

The occupier of number 8 has objected on the grounds that the bedroom at number 8 would face the wall of the proposal and alleges that 25 other applications were refused in Countess Street but because number 12 belongs to Councillors brother the Council is likely to pass it.

Determining Issues

- Impact on amenity of nearby residents and whether the application overcomes the previous reason for refusal.
- Parking

Observations

Impact on Amenity of Nearby Residents and whether the application overcomes the previous reason for refusal.

The applicants have chosen to submit their applications jointly to demonstrate that by similarly extending both properties there would be little impact in relation to the application houses.

The ground floor extension to No10 would project 3.5 metres beyond the main part of number 8, which is a reduction of 1.25 metres from the previous refused application. This would now meet the Councils 45 degree standard. If the ground floor proposal was reduced just 500mm the proposed extensions could be constructed without the need to apply for permission under the applicants permitted development rights. The rear elevation windows at number 8 do not directly face the proposal and the first floor part of the proposal near to number 8 would also meet the Councils 45 degree standards and would not be considered to have an overbearing impact.

In relation to number 14, the extension at number 12 would project 4.5 metres at ground floor level along the boundary between the two properties. Along this boundary at number 14, there is a ground floor rear extension the same length. This would minimise any potential impact.

In relation to the first floor bedroom window at number 14, the nearest part of the first floor extension would be 3.3 metres from this window and would be away from this boundary to ensure there would not be an overbearing impact or significant loss of light to this window. It would also meet the Councils 45 degree standard.

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The rear elevations of the application houses and neighbouring houses face south, which would help to minimise any impact the proposal might have in respect of natural light to the rear windows the neighbouring houses.

In relation to the objection made by number 23 Earl Street, about potential for overlooking, the proposal would be over 30 metres from this rear elevation. There would be no loss of privacy.

The allegation made by the occupier of number 8 that twenty five applications had been refused in Countess Street, has been researched. According to the Councils records dating from 2002 to this year, (2002 pre-dates our current policies). The Council has received four planning applications for Countess Street, three of these were approved and one was refused.

Parking

The proposal would increase the number of bedrooms at both application properties from 2 to 3 which would not normally require any increase in parking provision. There are currently no parking spaces to the terraced houses along Milton Street and it would be unreasonable for the Council to insist on providing off street parking spaces in these circumstances.

Summary of Reasons for Granting Planning Permission

The proposed extensions take account of their surroundings, are set away from neighbouring boundaries and have sloping roofs. Also the application house and neighbouring houses face south. The size, location, height and orientation of the proposal would not have an overbearing impact, result in overlooking or a significant loss of light.

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

Recommendation: Grant Permission Subject to Conditions

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

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

2: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this

application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

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

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



Planning Committee

*Report of Head of Planning and Building Control, Regeneration Directorate on
08 Jul 2010*

Reason for bringing to committee: Significant Community Interest

Application Number: 10/0378/FL
Application Type: Full application

Applicant: Mr Mohammed Maruf

Proposal: Two storey side extension
and single storey rear extension with car
parking to rear

Ward: Darlaston South

Case Officer: Helen Smith

Telephone Number: 01922 652436

Email: planningservices@walsall.gov.uk

Agent: Mansel Thomas Architectural
Services

Location: 86 WALSALL
ROAD, WEDNESBURY, WALSALL, WS10
9JT

Expired Date: 21/06/2010

Recommendation Summary: Grant Permission Subject to Conditions



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Application and Site Details

This planning application is an amendment following the refusal of two previous applications. This revised proposal is for a re-positioned two storey side extension and a single storey rear extension with vehicle parking to the rear. The two storey part of the proposal is to provide a garage, with vehicle through access to the rear garden, and a bedroom above. The proposed single storey extension will re-position an existing kitchen and provide a ground floor bathroom. The plans also show internal alterations which will convert an existing first floor bathroom to a bedroom and the existing kitchen/utility room will become a lounge. Existing ground floor side facing windows will now both serve a habitable room. The total number of bedrooms will increase from three to four.

The application house is a traditional detached house and is located at a higher level than Walsall Road with a narrow frontage. This proposal will replace an existing timber garage to the side of the application house. The proposed side extension will be 2.6 metres wide and the first floor front extension set back 1 metre from the original front elevation. The proposed rear elevation will be in line with the original rear elevation. This section will have a gable roof and will lie close to house number 86a.

House number 86a lies to the north-east of the application house. The front elevation of number 86a lies approximately 0.8 metres forward of the front elevation of the application house and the frontage of 86a is angled away from 86. The side elevation of 86a facing the application house is blank and the two storey rear part of 86a lies approximately 7.4 metres forward of the rear of 86. Number 86a has a rear conservatory with a brick side wall facing 86 which projects approximately 3.2 metres from the rear of their house and habitable room windows at first floor above the conservatory.

The application house has an existing two storey rear wing which projects 7.4 metres to the rear and is approximately 1.7 metres narrower than the front part of the house. The proposal will increase the rear ground floor section to 16.4 metres in total length and the first floor above this will remain unchanged. The original plans included an additional first floor habitable window facing 86a but amended plans have been received which have removed this.

The single storey proposal will have a gable roof which would be between 2.6 and 3.5 metres high. Habitable room windows will be inserted into the side elevation of this part of the proposal which will face towards the rear garden of house number 86a. This part of the proposal will lie 4.8 metres from the rear garden boundary with number 86a which has mature conifers along the boundary in the garden of 86a.

The opposite side of the single storey proposal will face the blank side elevation of number 84 which is a bungalow. The front elevation of this property lies approximately 12 metres further back than the application house and the rear elevation of 84 projects 6.1 metres further back than 86. There are dormer windows in the front and rear roof slopes of 84 and this proposal will lie along the side

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boundary with 84. There is a gap of 3.7 metres between 84 and 86 and habitable room windows in the rear elevation of 84.

The ground floor rear part of the extension will face across rear gardens to the habitable room windows in the rear of 52, 53, 54 and 55 Butcroft Gardens at a separation distance of approximately 23 metres.

Relevant Planning History

08/1722/FL – Two storey rear extension – refused permission on 23 December 2008 on the grounds that the proposed extension would have an overbearing impact and cause an unacceptable loss of privacy to the adjoining house number 86a Walsall Road, because of its excessive length, height and orientation in relation to this property and the proposed side facing windows.

09/0795/FL – Two storey and single storey rear extension – refused permission on the grounds that the proposed extension would have an overbearing impact to the adjoining house number 86a Walsall Road, because of its excessive length, height and orientation in relation to this property.

Relevant Policies

***(Note the full text version of the UDP is available from First Stop Shop in the Civic Centre and on the Council's web site:
<http://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.

(a) 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.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- I. The appearance of the proposed development
- II. The height, proportion, scale, and mass of proposed buildings/structures.
- III. The materials proposed for buildings, external spaces and means of enclosure.

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IV. The integration and co-ordination of buildings and external space.

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Supplementary Planning Documents

Designing Walsall

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

- 24 metre separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.
- 45 degree code : particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk)
- Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9 metres gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1 metre (may be increased in some circumstances) and the use of hipped roofs where in keeping with the existing character.

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

Transportation – No objections

Environmental Regeneration, Natural Environment – No requirement for a bat survey

Public Participation Responses

The occupiers of 52, 53, 54 and 55 Butcroft Gardens have objected on the grounds that;

- the extensions would further reduce the natural light available which is already severely limited by the dense row of conifers along the boundary which despite repeated requests have not been trimmed
- the extension will add greatly to the bulk of what is already a large house
- appears to have been designed to take away privacy they enjoy in the garden area solely to increase the market value of the property.

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

Determining Issues

Whether the application has addressed the reasons for refusal of the previous applications or whether this proposal raises any new issues in respect of the;

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

Observations

Design of Extension and Impact on Character of Area

The design of the proposed two storey side extension with a gable roof would be in keeping with the existing house and neighbouring houses. The first floor set back of 1 metre and the oblique angle of number 86a and position further forward in relation to the application house would avoid the appearance of terracing. The street is a mix of traditional detached and semi-detached houses and modern detached houses and bungalows. It is therefore considered that this proposal would integrate with the existing properties and would not harm the character of the area.

Impact on Amenity of Nearby Residents

The position of the two storey side extension will have minimal impact on the amenity of the occupiers of house number 86a. This proposal will lie 1.8 metres further back than the front elevation of 86a and will not be visible from the front habitable room windows of this neighbouring house. The proposed rear elevation will only project 1 metre further back than the two storey part of 86a. There are no side facing habitable room windows in 86a which would face this proposal and this part of the proposal would comply with the Council's 45 degree code. This part of the proposal will lie on the opposite side of the application house to number 84 and would have little additional impact on this bungalow.

The proposed single storey rear extension will project 9 metres further than the existing two storey rear wing of the application house. The combined length of the existing rear wing and this part of the proposal will project 17.4 metres in total further than the rear two storey elevation of number 86a. The existing application house breaches the Council's 45 degree code and the proposed single storey rear extension will also breach this code. However as this extension will lie between 3.8 and 4.8 metres (the latter measurement is closest to 86a) from the rear garden boundary with 86a and the maximum proposed roof height will only be 3.5 metres it is considered that this part of the proposal will have an acceptable impact on the daylight received by the rear habitable windows in number 86a.

There are existing side facing habitable room windows in the application house but these are partly screened from 86a by the rear corner of the application house. Their obscure angle relative to 86a also limits their potential to overlook the neighbour. It is considered that the two additional ground floor side facing, windows in the proposed extension would not have an adverse impact on the privacy of the occupiers of 86a or the application house because of the angle between the two houses. There are mature conifer trees along the rear garden boundary in the garden of 86a next to 86.

The single storey part will only project approximately 3 metres beyond the rear elevation of 84 and as there is a gap of 3.7 metres between the side elevation of 84 and the side garden boundary with 86 this part of the proposal will have minimal impact on the daylight available to the rear of 84.

The proposed rear ground floor window will serve a non-habitable room and will have little impact on the existing privacy available to the occupiers of 52, 53, 54 and 55 Butcroft Gardens and the occupiers of the application house. The issues raised by neighbours about the height of the conifer trees at 86 and market value of the property are not material planning considerations.

Parking

The increase in the number of bedrooms to four would require the provision of three parking spaces each measuring 2.4 by 4.8 metres. The frontage of the application house is too narrow to provide a parking space but the proposed drive through garage will provide access to the rear garden for parking and three parking spaces each measuring 2.4 by 4.8 metres can be provided.

Summary of Reasons for Granting Planning Permission

The design is in keeping with its surroundings and it is considered that the position of this extension will have an acceptable level of impact on the privacy, daylight and sunlight received by nearby properties.

There is sufficient space within the curtilage of the application property to provide three parking spaces required to serve the increase from three to four bedrooms.

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

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

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

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

4. No development shall be carried out until details of the parking access and layout have been submitted to and approved in writing by the Local Planning Authority. The plans shall clearly show three parking spaces each measuring 2.4 by 4.8 metres with access from the highway. Drainage from the spaces shall be to a permeable or porous area or surface within the curtilage of the dwelling house, unless otherwise agreed in writing by the local planning authority. The spaces and drainage shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off street parking and in accordance with T13 of Walsall's Unitary Development Plan.

5. There shall be no alterations that would prevent the use of the garage for parking and for providing vehicle access to the rear garden for parking in accordance with an approved layout plan as required by condition 4.

Reason: To ensure the satisfactory provision of off-street parking, and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

6: This permission relates to the amended floor and elevation plan deposited on 15 June 2010 which removed a proposed first floor side facing window.

Reason: To define the permission.
