



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Sep 2007

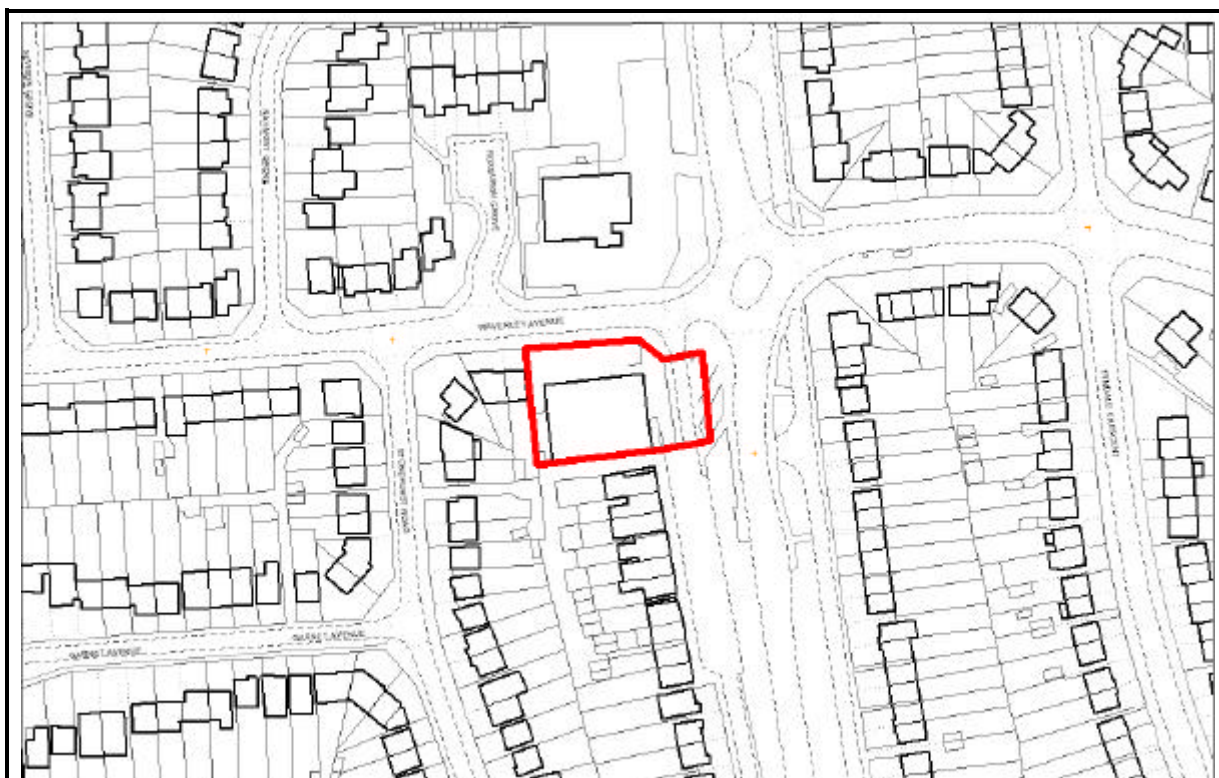
REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0523/FL/E8
Application Type: Full application
Applicant: ABLE COMM LIMITED
Proposal: Two-Storey Extension for the provision of Six Apartments

Case Officer: Neville Ball (H1)
Telephone Number: 01922 652528
Agent: Pegasus Planning Group
Location: 152, BEACON ROAD, GREAT BARR, WALSALL, WEST MIDLANDS, B43 7BN
Expired: 10/05/2007

Ward: Pheasey Park Farm

Recommendation Summary: Grant Subject to conditions



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DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning,
Regeneration
On 18th September 2007**

Contents Sheet

Item	Page	App No	Site Address	Proposal	Recommendation
1.	1	07/0523/FL/E8	152 BEACON ROAD, GREAT BARR, WALSALL	Two-storey extension for the provision of six apartments	Grant Permission subject to conditions
2.	10	07/0275/FL/W2	ROWLEY VIEW, MARGARET ROAD JUNCTION, MOXLEY, WALSALL	Erection of 13 houses and 1 apartment block containing 22 flats	Grant Permission Subject to Conditions and a Planning Obligation
3.	27	07/1456/Fl/H4	20 OLD OAK CLOSE, ALDRIDGE, WALSALL	Extension to Living Room, and Single Storey Extension to Garage forming Utility Room	Grant Permission Subject to Conditions
4.	32	07/1537/FL/E6	192-194 HIGH STREET, BLOXWICH	Change of Use to Restaurant (Class A3)	Grant Permission Subject to Conditions
5.	41	07/1269/FL/H2	40 RUSHALL MANOR ROAD, WALSALL, WS4 2HF	Proposed Bedroom Extension First Floor, Rear	Refuse
6.	46	07/1691/RM/W7	LAND OFF FRYERS ROAD, BLOXWICH	Application for the approval of Reserved Matters in respect of development of industrial units, additional access, associated internal access road, parking and landscape relating	Approve Reserved Matters with Conditions

				to outline planning permission reference 07/0449/OL/W7	
7.	53	07/1325/FL/H4	261 BROADWAY NORTH, WALSALL, WS1 2PS	Single storey extension at rear and conversion to bedroom	Grant Permission Subject to conditions

Application and Site Details

This application is for the addition of two floors above the existing supermarket and hot food takeaway on the corner of Beacon Road and Waverley Avenue. The application originally proposed the formation of nine apartments but amended plans have since been received that reduce this number to six, each with two bedrooms.

The apartments are to be arranged in an L shape along the two road frontages with a communal terrace formed to the rear at first floor level in the position of the existing pitched roof over the storeroom to the supermarket. Eight parking spaces for residents are to be provided in the basement beneath the storeroom, with access via a ramp through the existing access between the rear of the building and the side of 7 Waverley Avenue. The existing communal parking area on the Waverley Avenue frontage is to be retained except for the loss of one space to accommodate an access staircase, ramp, cycle and bin store.

The site is a detached building in a prominent position at the end of a parade of shops that have two-storey living accommodation above. The existing building is mainly single-storey with a flat roof but with a higher pitched roof section to the rear. The houses in Waverley Avenue and Stonehurst Road lie at a higher level. There is a public house on the opposite side of Waverley Avenue and houses on the opposite side of Beacon Road.

The extension is to be a contemporary design, with render on the ground floor, facing brick on the first floor and colour coated metal cladding on the second floor. The staircase block is to be faced in blockwork.

The application is accompanied by a planning statement, noise assessment and design statement.

Relevant Planning History

06/0642/FL/E8. Two-Storey Extension to provide 11 Apartments and Associated Parking. Refused July 2006 on the grounds that the development involved the loss of existing parking and servicing areas, and failed to provide adequate parking to serve the new apartments, it would have an overbearing impact and cause loss of privacy to the adjoining dwellings, failed to provide adequate private amenity space to serve the apartments, and would result in unacceptable pressure on education capacity and existing public open space in the absence of any financial contribution.

The application would have resulted in only four parking spaces on the Waverley Avenue frontage, and apartments to the rear overlooking the adjoining flats on Beacon Road and the gardens of houses in Stonehurst Road.

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

Unitary Development Plan Policies

GP1: The Sustainable Location of Development

Mixed use developments will be encouraged in order to help minimise the need to travel. This will be subject to there being no unacceptable adverse impact on the environment. The re-use of underused urban land, e.g. upper floors above shops, is encouraged.

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. Accessibility by a choice of means of transport; traffic impact, including the adequacy of the proposed access; and the adequacy of parking facilities.

GP7: Community Safety

Proposals will be expected to have regard for the objective of designing out crime through the incorporation of measures such as, promotion of mixed use developments, maximising the surveillance of public areas, maximising the amount of defensible space, care in the design of buildings and the security of car parks.

ENV10: Pollution

Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

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.

5.3 Encouragement will be given to the provision of housing within and close to town, district and local centres, subject to policy S8.

S8: Housing in Town Centres

Investment in housing development within town, district and local centres will be encouraged. However, such proposals must be able to achieve a satisfactory residential environment, and support a centre's retail functions, including the growth of the evening economy. When granting permission, the Council will normally consider the need to minimise potential conflict and disturbance between residents and nearby uses, and require sound insulation.

H3: Windfall housing sites

The Council will encourage the provision of additional housing through the re-use of previously developed sites, including the upper floors above shops and other business premises, provided that a satisfactory residential environment can be achieved.

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

The Council will give priority to maintaining the provision of short stay parking for shoppers and visitors to the Town, District and Local Centres. All development should satisfy the car parking standards set out in Policy T13.

Residential Development Standards

These include guidelines relating to design, separation distances between facing windows and balconies.

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.

Supplementary Planning Documents – Open Space, Affordable Housing, Health Care and Education

The size of the development falls below the minimum size threshold for which contributions are required.

National Policies

PLANNING POLICY STATEMENT 1

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

Encourages higher density development on land within urban areas.

PLANNING POLICY GUIDANCE NOTE 3: HOUSING

Sets out objectives for local planning authorities including the promotion of new housing development in urban areas and reducing car dependency by planning mixed use development, as well as promoting good design in new housing development.

Encourages the efficient use of land by seeking greater intensity of development at places with good public transport accessibility.

PLANNING POLICY GUIDANCE NOTE 13: TRANSPORT
Recommends the setting of maximum parking standards.

Regional Policy

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

Consultation Replies

Transportation: The amended scheme is acceptable on highways grounds.

Public Participation Responses

Representations objecting to the application as originally submitted included 13 individual letters and a petition with 291 signatures.

Following notification of the amended plans, 7 individual letters, one of which has 21 signatures, 5 copies of a standard letter and a petition with 221 signatures have been received.

The main grounds of objection are as follows:

- Lack of space for parking and servicing, and increase in congestion.
- Relocation of Nisa delivery area from Waverley Avenue to the gully between pizza shop and beauty parlour will cause obstruction of this right of way
- Opening up the area proposed for deliveries will allow access for vandalism and theft.
- The height of the development will overdominate and overlook the houses in Stonehurst Road and Waverley Avenue. The plant room and occupiers of the apartments will cause noise nuisance.
- The design of the building and its materials will not blend in with this suburban residential area.

All representations are available for inspection on publication of this report.

Determining Issues

The determining issues are whether the current proposals have addressed the reasons for refusal of the previous application in respect of:

- whether the design is acceptable in the context of the surrounding area;
- the adequacy of the proposed parking and servicing arrangements;
- the impact on the amenity of surrounding dwellings; and
- whether an adequate level of amenity would be provided for future occupiers of the apartments.

In consideration of the previous application, officers considered the development was acceptable in principle under the terms of UDP policies GP1, 5.3 and S8.

Observations

Design

The existing building is of no visual merit. The single-storey part has the appearance of a temporary structure that is out of keeping with the mainly two and three-storey buildings in the surrounding area. The principle of a higher building and the provision of residential accommodation above the shops is therefore welcome in principle. The flat roof of the proposed building would match the flat roof of the adjoining flats over the shops. The design would provide a distinctive and contemporary building of a high quality design that would enhance this prominent corner location, and create a landmark feature that would highlight the local centre. The variety of facing materials that are to be used for the different levels and parts of the building would increase the visual interest of the development, and provide a contrast to the largely brick frontages of the existing buildings.

The Beacon Road frontage would continue the existing line of shops with flats above. The roof height would only be 1.5 metres higher than the existing flat roofs of the adjoining flats. The roof height on the Waverley Avenue frontage would be lower than that of the adjoining houses. The height of the rear corner of the building would be lower than the existing ridged roof structure that currently occupies this part of the site. The proposed development would satisfactorily assimilate into the surrounding area.

Parking and Servicing Arrangements

The existing retail uses would require a total of 32 parking spaces to comply with the UDP standards. The site currently has only 9 parking spaces, although shoppers also have shared use of the parking area to the other shops on Beacon Road. Only one of the spaces would be lost and eight new spaces are to be provided in the basement to serve the residents of the development. These eight spaces would satisfy the UDP parking requirement for the number of units that are now proposed.

The access to the basement parking area off Waverley Avenue would utilise an area that is currently available for deliveries to the rear of the building. The narrow width and steep gradient of this area means that it is not suitable for use by larger delivery vehicles, so the current servicing arrangements from the roadside would continue.

The access is to remain gated to retain the existing security measures.

With respect to the concerns raised in the public participation responses, the gully off Beacon Road between the building and the other shops lies outside the application site and there are no proposals in the application to use it.

Impact on Amenity of Surrounding Residents

The L-shape of the higher floors of the proposed development would reflect the positions of the adjoining shops and flats on Beacon Road, and the houses in Waverley Avenue. The rear of the building would be approximately in line with the rear of the existing flats. Although the first floor would project beyond the rear of 7 Waverley Avenue, the position of number 7 at a higher level, and the 5 metre gap that would remain between the proposed building and the side of number 7, means that the impact of the building itself on number 7 would be acceptable.

The proposed communal terrace at first floor level would be approximately 2 metres higher than the rear garden of number 7. Conditions are recommended to improve the screening from that shown on the submitted plans to safeguard the privacy of the houses in Waverley Avenue and Stonehurst Road.

The proposed balconies on the road frontages would overlook the main road and the public house car park, and would have no impact on nearby dwellings.

The submitted plans indicate a plant room to be provided in the rear corner of the building close to the adjoining gardens. However, there are already items of plant on the rears of the existing shops so the proposal will not worsen noise from this source.

Amenity of Occupiers of Development

The surrounding area is predominantly residential. The noise statement submitted with the application demonstrates that noise levels experienced by the occupiers would fall within accepted limits. Subject to adequate sound insulation being provided between the apartments and the existing retail units, there would be little disturbance to the occupiers from the surrounding uses.

The current proposals include private terraces for three of the apartments with a large communal terrace for the remainder.

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: No development shall commence until a schedule of facing materials for the proposed development has been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials which shall thereafter be retained.

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

3: No part of this development shall be occupied until the parking and manoeuvring areas indicated on the submitted plans have been laid out as indicated. The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory provision of off-street parking and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

4: Notwithstanding the details shown on the submitted plans, the boundary to the edge of the terrace and plant area on the first floor shown as hit and miss fencing, and the end of the balcony on the second floor shown facing the side of 7 Waverley Avenue, shall comprise a solid fence or opaque privacy panel at least 1.8 metres high, measured from the respective floor level.

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

5: No part of this development shall be occupied until the boundary treatment indicated on the submitted plans, as modified by condition 4 above, has been completed. The treatment shall thereafter be retained as such.

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

6: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no 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.

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP1, GP2, GP3, GP7, ENV10, ENV32, 5.3, S8, H3, H10, T7 and T13, 8.8 and LC1, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Building Control,
Regeneration
On 18 Sep 2007**

**REASON FOR BRINGING TO COMMITTEE: Major Application / Sale of
Council land / terms of resolution at previous meeting.**

Application Number:

07/0275/FL/W2

Application Type: Full application

Applicant: Paul Hanley

Proposal: Erection of 13 houses and
1 apartment block containing 22 flats

Ward: Darlaston South

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

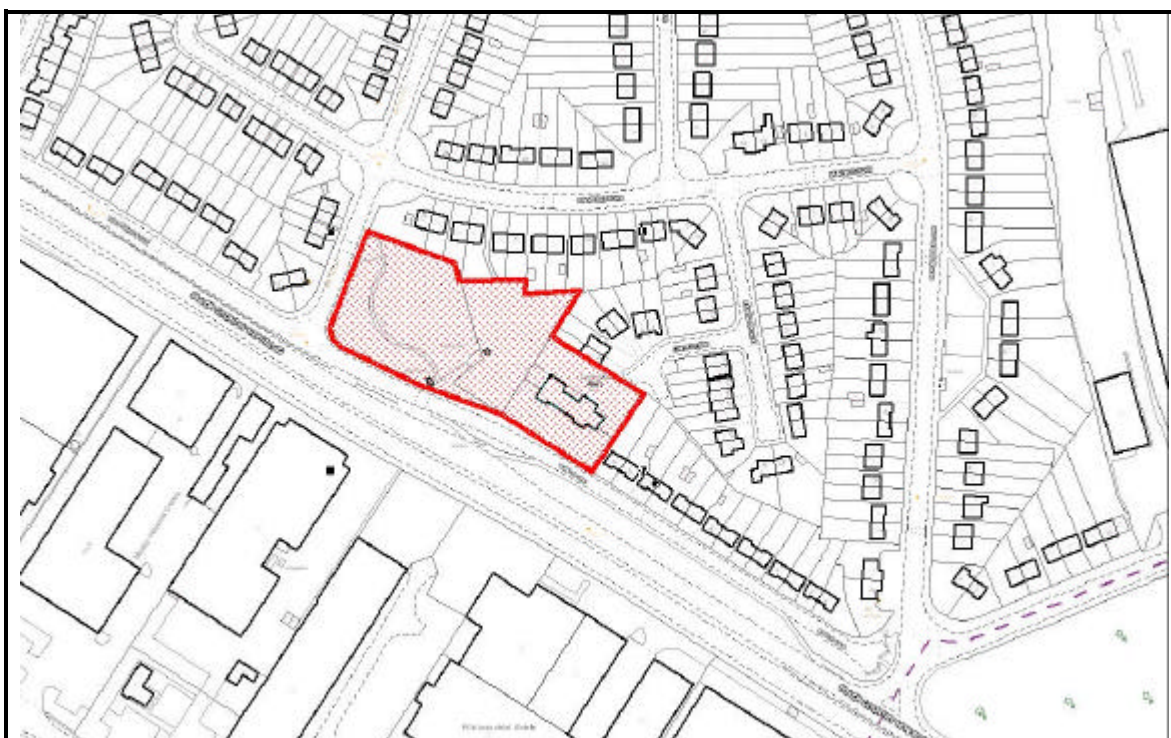
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: Marcus Lewis

Location: ROWLEY
VIEW, MARGARET ROAD
JUNCTION, MOXLEY, WALSALL

Expired: 13/08/2007



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Status

At your last meeting you considered this application and resolved that the application be granted, subject to:-

1. conditions
2. a planning obligation
3. the deletion of condition No. 6 (on play facilities)
4. and no new material objections being raised to the amended plans.

Objections have been lodged raising new issues. As the period for comment has not expired at the time of writing, the final situation will be reported in the Supplementary paper.

The comments made to date are that the part of the buildings proposed to be flats, nearest Margaret Road (reduced from three storeys to two, as reported to your last meeting) should also be relocated further away from existing residents, or should be replaced by houses.

Application and Site Details

The site is roughly rectangular in shape and consists of three distinct areas, i.e. a green space on the corner of Margaret Road, Rowley View, the demolished nursery site and the Highgate Arms PH.

This is a full application for the erection of 13 houses (two and a half storey) and a 3 storey apartment block containing 24 two bedroomed flats.

Parking is provided at 200% for the houses, within a parking court at the front of the dwellings for the houses fronting Margaret Road, and for houses fronting Rowley View, to the rear in the form of a parking space and a car port.

Parking for the apartments is provided at 150% to the rear of the block.

The site area is 0.6067 hectares providing 61 dwellings per hectare with garden lengths ranging from 12m to 19m and all gardens are in excess of the 68 square metres recommended in the Residential Development Standards. The apartments have landscaped amenity space at the front and rear and a small area in the location where the old nursery used to be.

The following documents have been submitted with the application:-

Environmental Noise Assessment

The main noise source is road traffic noise on the A41 Black Country New Road, with some commercial industrial noise from the estate on the opposite side of the dual carriageway. This concludes that through the use of conditions the development will not exceed recommended limits.

Site Investigation

This concludes that consideration should be given to remedial measures such as excavation and removal and replacement of an upper zone of contaminated soil. Gas protection measures should be included.

Ground Investigation Factual Interpretive Report (Highgate Arms)

Concludes that there are generally low concentrations for the majority of contaminants analysed. No hazard to groundwater requiring remedial action. Risk from land gas is high, precautions to prevent gas ingress to all new buildings should be taken. Non standard materials may be needed for new water pipes. Excavated materials should be disposed of at a suitable landfill site.

Ground Investigation Factual Interpretive Report (Rowley View Nursery)

Similar conclusions to the above

Design and Access Statement

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

Tree Survey

This concludes that most of the trees on site will need to be removed, but there are no trees of significant merit worth preserving. A replacement landscaping scheme providing more than adequate replanting can be achieved.

Relevant Planning History

BC56313P Change of use from Nursery School to landscaped play area.

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

Unitary Development Plan

2.1 and 2.2 define the overall strategy of the plan, GP1 and 3.1 seek sustainable development, urban regeneration, & environmental improvement are identified

GP2, GP7, 3.6, 3.16, ENV18 and ENV32 - improve the environment of the Borough

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure etc.

T7 parking provision should be well designed and sensitively integrated. T13

also sets parking standards.

T10 (c) Accessibility standards for all transport modes should continue to be met throughout the life of a development.

H3 encourages additional housing through the re-use of previously developed sites. Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

Policy H10 is about layout, design and dwelling mix of housing.

Residential Development Standards:

Standards for Residential Developments (B) Space around Dwellings: this should provide adequate private amenity space and an acceptable level of privacy and daylight (i) generally garden lengths should be a minimum 12 m and 68 sq m. in area (ii) facing habitable rooms should be a minimum of 24m; a minimum of 13 m between habitable room windows and blank walls which exceed 3m in height(C) Boundary Treatments should provide an appropriate degree of privacy whilst protecting and enhancing the appearance of the development.

Open Space SPD / Healthcare SPD

Both define contributions appropriate to the increased demand or facilities arising from increased dwelling numbers.

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

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

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

National Policy

PPS1 on delivering sustainable development and good design.

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

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

developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) suggest matters to consider for proposed development are whether it:-

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

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

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

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

Consultations

Transportation: No objections to the principle of residential development. The location of the refuse store for the apartments does not comply with good practice or latest guidance, particularly for 4-wheeled refuse containers. A condition is requested to require the re-location of the facility. A condition is also requested to secure retention of the visibility splays (of 2.4 x 54 metres) either side of apartment access. Future of pedestrian access from Banfield Road must be addressed. Highway along Rowley View is too wide which could tempt visitors to park on the footway. The boundary should be rationalised to increase the developable area.

Pollution Control Division: No objections subject to conditions.

Education Walsall: Contribution requests are based on whether there are sufficient surplus places in local primary and secondary schools. In this case the level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore a contribution of £60,575.81 is required towards secondary school provision.

Police Architectural Liaison Officer: Support in principle. Plenty of space, good parking, good orientation of the buildings to give good overall surveillance to the development. Directly opposite the proposed site is a very large commercial/industrial site with a large distribution centre. There are no provisions for the children/youths of the development and therefore their attention may be turned towards the commercial site opposite. PPS 3 gives particular reference to family housing and the importance of taking in the needs of children. Under this heading I request that consideration is given to youth provisions on the development by way of play parks, youth shelters and the like to help divert attention away from crime and ASB.

Environment Agency: Low environmental risk.

Housing: Jephson Housing is proposing to develop this entire site. That being the case, as they are a Registered Social Landlord (RSL) the whole scheme will be affordable.

Arboricultural officer: No objection on grounds of tree loss and the lack of suitable landscaping subject to revised plans, as discussed.

Regeneration - Natural Environment: No objection subject to amended plans.

Urban Designer Regeneration: No objections in principle. Conditions are suggested to encourage re-use of the windows in the public house. In addition amended plans should be produced showing a reduced building height on the apartments leading into Margaret Road.

Public Participation Responses

I have received 3 representations from surrounding residents (2 from the same property) on the following grounds:-

- Loss of outlook;
- Increase in noise, disturbance and activity;
- Three storey element will dominate properties opposite;
- Loss of privacy;
- Loss of light;
- Prefer to have houses opposite and not apartments;
- Parking and access problems.

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

Determining Issues

- Principle of residential
- Design quality
- Amenity
- Pollution issues
- Transportation issues
- Obligations

Observations

Principle of Residential

The development is acceptable in principle in planning policy terms. The development is to be supported as it lies within a residential area. The principle of reusing brownfield sites for housing is generally supported by Government and council policies, provided a satisfactory residential environment for future occupiers can be secured, whilst protecting the operations of existing nearby users.

Both national and local policies also identify the importance of sustainability. Conditions are recommended for a residential travel plan and cycle parking.

The development is 22 dwellings per hectare approx. this is considered satisfactory in policy terms.

Design

The design of the buildings is simple and is in keeping with the existing vernacular, with a mixed palette of materials.

The overall approach to creating a perimeter block that integrates with the layout of existing surrounding housing is supported and reflects successfully the local urban structure. The houses are two storey in appearance, but have a bedroom in the loft space which is accommodated by velux roof lights, these are in keeping with the scale of the surrounding development.

The apartment block is three storeys in height. This massing gives presence on the Margaret Road/Rowley View corner, however, there have been objections from neighbours on Margaret Road who face the three storey apartments. The bulk and scale of the building as it turns into Margaret Road is considered to be dominant in comparison to the existing housing. To address this balance the developer has been asked to reduce the height of the building. He has agreed and amended plans are expected which show the apartments opposite Margaret Road reduced in height. The scheme will be reduced from 37 dwellings to 35. This would also allow a hierarchy of building heights across the site as it steps down towards the proposed two-storey

house whilst retaining the integrity of the design. Members will be updated at the meeting.

All the apartments have 2 bedrooms and each unit is dual aspect, this is welcomed, and is positive in terms of environmental sustainability. The retention and re-use of some of the materials in the existing public house should be explored, specifically the decorative lead windows and sills. As these are obscure glazed they are unlikely to be of benefit to the apartments themselves but they may be re-usable in communal circulation areas. The overall design of the apartment building reflects to a degree that of the public house and using the windows (and replicating if more are needed) would reflect this historic character of the site and increase the design quality of the development. The issue is not significant enough to justify a condition, but an informative has been suggested to encourage this.

Amenity

The Residential Development amenity space standard has been exceeded in the case of all of the houses proposed. The amenity space provided for the apartments is considered to be adequate. However, it is felt that the configuration of the parking and amenity space could be liberated to provide a more usable central area. Amended plans are expected to address this. In addition, the police liaison officer has suggested that consideration be given to youth provisions on the development by way of play parks, youth shelters and the like. This has been conveyed to the developer and the possible inclusion of such facilities is being considered. Following discussions with the developer it has been concluded that the issue should be subject to community involvement once the development is occupied. This would have the added advantage of offering the future residents the opportunity to take ownership of the area.

The urban design officer feels that the provision of balconies to the apartments would be valuable in providing private amenity space particularly, given the location of the site overlooking the Black Country Route. The design of the apartment block seems to lend itself to including private terraces/balconies to each apartment. This is also made possible by the dual aspect layout. The internal layout of the building as currently proposed, however, would result in these private spaces being accessed off bedrooms rather than main kitchen-living areas. The private spaces would be of most value accessed off the kitchen-living areas. The internal layout could be reversed to enable the main living spaces to be on the rear of the building and benefiting from the suggested private terraces/balconies. This has been suggested to the developer and it is felt that, in this way, balconies can be provided to most of the apartments. Amended plans are being prepared.

The recommended distance of 24m between habitable room windows is achieved at the rear of all properties. At the front, the distance between the front habitable room windows of the apartments and No. 1, Margaret Road is reduced to 19.5m. This is considered to be acceptable as privacy at the front

of properties is compromised by the fact that the public have a right to walk in front of habitable room windows.

Pollution Issues

There is a sub station within the development site. It is appropriate to secure a minimum distance of 5m from the sub station to residential properties. All dwellings are further away than this. Pollution Control have raised no objections subject to conditions to deal with issues of electromagnetic fields, contamination and noise affecting the site and surrounding environs. Conditions have been proposed which will deal with these issues satisfactorily.

Transportation

Transportation do not object to the application. However some issues need to be resolved. Currently, the refuse store is too far from the majority of apartments and the public highway and the lorry will not be able to access the site. Also some of the terraced properties do not have rear access for bin storage etc. The latest guidance in Manual for Streets would suggest 10 metres is the maximum distance for 4 wheeled containers should they be need to be moved (15 metres for two wheeled.) Also the location of the bin stores may result in the proposals failing to meet building regulations. These facilities will therefore need to be relocated to a position which will comply with good practice and latest guidance. Amended plans are awaited. Following a meeting with the developer an additional refuse store is to be incorporated into the development. Amended plans are awaited.

With regard to other issues raised, a condition is recommended to retain visibility splays. Parking conforms with the Unitary Development Plan requirements. The shared vehicular access to the rear of plots 28 – 37 is narrow for two way traffic, but the set back area in front of the gates will provide a passing place and is therefore considered acceptable.

It is understood that negotiations are underway to deed the pedestrian passage between nos 33 and 35 Banfield Road to the adjoining properties as this access is now no longer needed.

The transportation officer has commented that the highway along Rowley View is too wide, and this could tempt visitors to park on the footway. The developer has been asked to amend the boundary to take in more of the highway and provide for 1.8m footpaths. This will have the double advantage of providing more space within the site for planting larger trees.

Obligations

There is a need for a S106 Agreement to ensure contributions towards Education (£60,575.81), Open Space (£60,291) and Healthcare (£33,434)

Conclusion

On balance the scheme is considered to provide good design. The expected amendments will allow for adequate amenity space and with the imposition of conditions, will meet Transportation and Pollution requirements.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

4. A visibility splay of 2.4 x 54 metres either side of the apartment access shall be maintained free of landscaping or other obstructions over 600mm in height.

Reason: In the interests of highway safety.

5. Before the development hereby permitted is brought into use revised details of refuse and recycling bin stores shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the satisfactory functioning of the development.

6. Unless otherwise agreed in writing by the Local planning Authority the following shall be undertaken:-

- a) Within 1 month of the development being 75% occupied, consultations with the residents shall commence regarding the provision youth facilities on the development.
- b) Details shall be submitted to and approved in writing by the Local Planning Authority within 6 months of commencement of the consultation period.
- c) The scheme shall be installed/implemented within 3 months of the date of agreement of the details. and brought into operation

Reason: In the interests of crime prevention and to ensure community involvement.

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

Reason: To safeguard the amenities of the occupants.

- 9. 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: To safeguard the amenities of the occupants.

Notes for applicant

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804:

1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003
'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 ' Specification for the verification of sound level meters' Part 1: 1996
'Comprehensive procedure' within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;

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

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

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

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

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

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

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on

account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

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

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

Reason: To ensure the satisfactory functioning of the development.

Note for applicant

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning

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

Note for applicant

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

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

Reason : To safeguard the amenity of the area.

13. No development or site clearance works shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. Apart from being attractive visually, the proposed planting shall be consistent with providing a good variety of species to encourage biodiversity and maintain the functions of the site as a wildlife corridor.

Reason: To ensure the satisfactory appearance of the development.

14. Prior to the first dwelling being occupied on the development hereby approved, a Residential Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in

writing by the Local Planning Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and should include details on:

- a) Public transport information and ticket details;
- b) Cycle provision, showers and lockers; and
- c) Walking initiatives.

The approved measures shall be developed and implemented during the first six months following the occupation of the premises for the use hereby approved. Following the expiry of this period of time, a review of the Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. This will identify any refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development

15. No development shall be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

Reason : To ensure the satisfactory appearance of the development.

16. No development shall be carried out until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory provision of cycle parking facilities.

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

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

18. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 5. Within this period:
- (a) grassed areas will be maintained in a tidy condition by regular cutting and any areas that fail to establish will be reinstated;
 - (b) planted areas will be maintained in a tidy condition by regular weeding;

- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed will be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences will be made good.

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

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

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

Reason : To safeguard the amenities of the occupants in the area.

20. 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. The means of enclosure shown on the approved plans shall not be removed or moved without the prior approval of a planning application.

Reason: To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP3, GP7, 3.1, 3.6, 3.16, ENV18, ENV19, ENV32, 7.51, 8.8, T7, T10, T12, H3, H9, H10 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

NOTES FOR APPLICANT:

- A. The Council's TravelWise adviser at the time of this decision is Louisa Stebbings, who can be contacted on (01922) 652561, Centro's TravelWise Officer, Anne Shenton, can also provide advice on public transport initiatives she can be contacted on (0121) 214 7409
 - B. The refuse and recycling bin stores and cycle store for the apartments will need to comply with the latest guidance in "Manual for Streets"
 - C. The youth provisions referred to in condition 6 could take the form of play parks, youth shelters or similar. For help and advice on this contact PC Allan Smith the Police Licensing and Architectural Liaison Officer. Also further advice can be obtained from Glen Buglass Principal Creative Development Officer tel no. 01922 653114.
 - D. The retention and re-use of some of the materials in the existing public house should be explored, specifically the decorative lead windows and sills. As these are obscure glazed they are unlikely to be of benefit to the apartments themselves but they may be re-usable in communal circulation areas.
-



Walsall Council

ITEM NO:
3.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Sep 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1456/FL/H4

Application Type: Full application

Applicant: Christopher Wragg

Proposal: Single Storey Rear
Extension to Living Room, and Single
Storey Extension to Garage forming
Utility Room

Ward: Aldridge/Central & South

Recommendation Summary: Grant Subject to conditions

Case Officer: Jenny Townsend

Telephone Number: 01922 652485

Agent:

Location: 20 OLD OAK
CLOSE, ALDRIDGE, WS9 8SE

Expired: 29/08/2007



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Page 27 of 57

Application and Site Details

This application is for extensions to the rear of a modern detached house.

The living room extension is to project 3.2 metres and is to lie alongside the garage to the adjoining house number 18. The only windows in the extension are to comprise French doors which will lie on the side elevation facing across the rear of the application house towards the side of the proposed utility room. The utility room is to project 3.0 metres and is to lie along the boundary with the rear gardens of numbers 26 and 28.

The utility room is to have a gable roof sloping up away from the boundary with a height of 2.5 metres to the eaves and 3.4 metres to the ridge.

The rear gardens of numbers 26 and 28 are approximately 11 metres long. The rear of the application property faces the rear of 32 Old Oak Close.

Relevant Planning History

06/1198/FL/H4 Conservatory to rear. Refused September 2006 and dismissed on appeal on the grounds that the limited distance between the proposed conservatory and the first floor habitable room windows of number 32 Old Oak Close to the rear, and numbers 26 and 31 to the side, would result in an unacceptable loss of privacy to occupiers of both the application house and the neighbouring properties.

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

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.

Residential Development Standards

These include guidelines concerning design, including separation distances between facing windows. The council will generally seek to ensure a minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultations

None

Public Participation Responses

The occupiers of numbers 26, 28 and 32 have objected on the grounds that the extensions would be closer to their houses and would affect their privacy. The occupier of number 26 has also commented that there would be a brick wall along the whole of their boundary with the application house whilst the occupier of number 28 states that the extensions will be viewable from all of their rear windows, and the loss of trees and bushes which are being removed will also affect their privacy.

Determining Issues

The determining issues are

- the impact on the amenities of nearby residents, and
- whether an adequate level of privacy will remain for occupiers of the application property.

Observations

Impact on Amenities of Nearby Residents

The positions of the two extensions mean that no windows will face the surrounding houses. The height of the utility along the boundary with numbers 26 and 28 will be lower than the existing garage and will only be approximately 0.5 metres higher than the existing boundary fence. There are currently only low shrubs in the garden of the application property and the shrubs in the gardens of numbers 26 and 28 do not form a significant screen. The utility will lie to the north of numbers 26 and 28.

The extension proposed to the rear of the lounge would not project beyond the rear of the neighbouring house number 18 and would therefore have no impact on the amenity of the occupiers of 18.

There are no windows proposed in the rear elevation and therefore there would be no overlooking or loss of privacy to the house at the rear, number 32.

Subject to the utility room being substantially completed prior to the living room, and no windows added beyond those shown on the submitted plans, there will be no loss of privacy to the surrounding houses or the application property itself.

Privacy of Occupiers of the Application Property

The proposed windows to the living room would only face the utility and so would not be overlooked from the surrounding houses.

Recommendation: Grant Subject to conditions

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

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

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

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

3: The living room extension shall not be occupied until the utility room extension has been completed to at least eaves height. The utility room shall be thereafter retained.

Reason: To safeguard the privacy of the occupiers of the application and adjoining premises, and to comply with policy GP2 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 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.

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

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

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



Walsall Council

ITEM NO:
4.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Sep 2007

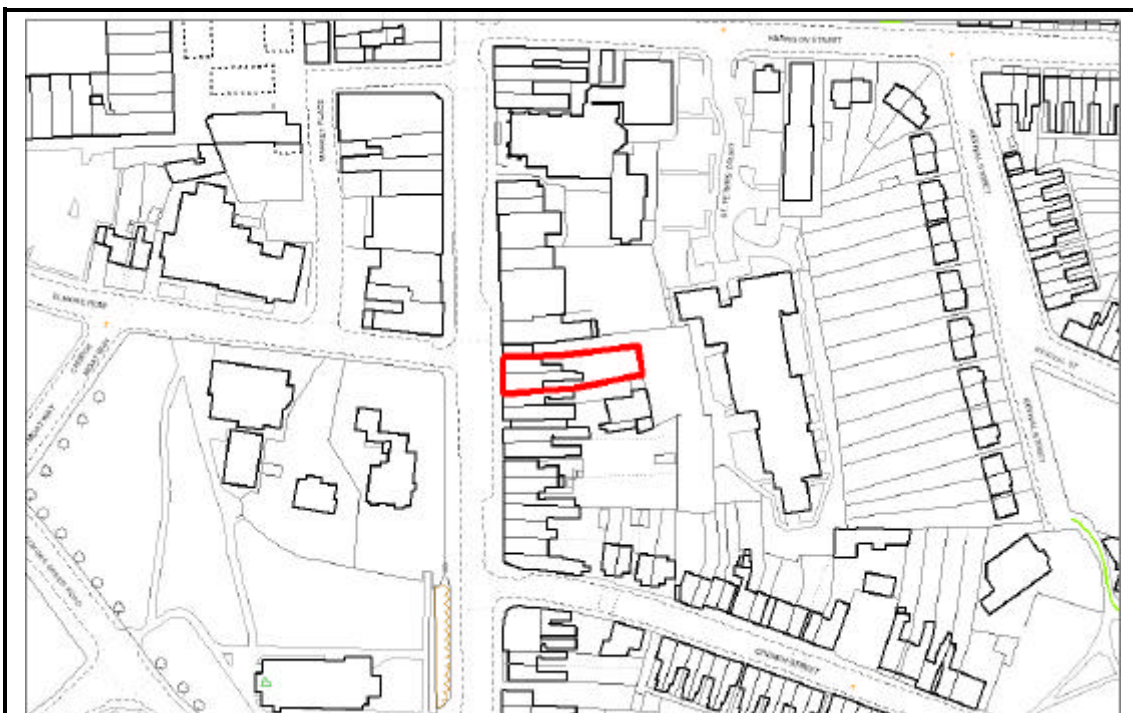
REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/1537/FL/E6
Application Type: Full application

Case Officer: Paul Hinton
Telephone Number: 01922
652420

Applicant: Mrs B K Kohli
Proposal: Change Of Use To
Restaurant (Class A3)
Ward: Bloxwich East
Recommendation Summary: Grant Subject to conditions

Agent: Kevin Khoo
Location: 192 - 194, HIGH
STREET, BIOXWICH, WALSALL,
Expired: 10/09/2007



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Page 32 of 57

Application and site details

This application seeks planning permission for the change of use from retail (A1) to restaurant (A3) for 194 High Street, in the District Centre of Bloxwich. The application proposes seating for 11 tables, with male and female toilets, kitchen and counter area. An extraction flue is also proposed on the single storey extension to the rear of the premises.

The shop is on the ground floor of a two storey Victorian building in a parade of similar buildings situated on the eastern side of the High Street.

The application site lies within Bloxwich Conservation Area. The adjoining premises are a newsagents/off-license to the north and a sandwich shop to the south. Also in close proximity of this district centre is a hardware store, chip shop, bank and opticians amongst others. The rest of the centre includes uses of A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways).

The shop fronts 192-194 have recently been replaced in a design more sympathetic to its conservation area setting. At first floor, and the conversion of the roof space there is provision for three flats, two, one bedroom, and one, two bedroom.

The applicants have proposed opening times of 12pm to 12am Monday to Sundays. No parking provision is proposed.

Relevant Planning history

BC48139P/C – External metal staircase/walkway and retention of single storey extension to rear of shop. Granted subject to conditions 28/1/1997.

04/1585/FL/E4 – Replacement shop fronts and conversion of upper floors to residential use. Granted subject to conditions 23/9/2004.

06/0277/FL/E6 – Change of use from retail shop to estate agents. Granted subject to conditions. 13/4/2006.

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

Unitary Development Plan

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

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

GP4: Local area Regeneration

(a) Council will promote and encourage comprehensive local area regeneration initiatives that:-

II. Help to sustain established centres

Policy ENV10 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.

Policy ENV29 states that the Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:

- a) i) The degree of loss or alteration to the property which makes a positive contribution to the character of the area.
- iv) The nature of its use and the anticipated levels of traffic, parking and other activity as a result.
- c) The Council will not permit development within Conservation Areas that incrementally erodes those special features which the Council wishes to preserve and enhance.

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

Policy 5.2 to sustain and enhance the vitality and viability of the District Centre.

S2: The Hierarchy of Centres

(b) The District Centres – They provide substantial retail, service and other facilities. Their main role is to meet the needs of their districts for convenience goods, local services and community facilities, although they all have some importance for comparison shopping.

Policy S4: The Town and District Centres: states that development must not be at the expense of the vitality and viability of the centre as a whole.

S10: Hot Food Takeaways, Restaurants and Other A3 (Food and Drink) Outlets

These uses will be appropriate in the Town, District and Local Centres. The use must not adversely affect the amenities of the existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact. The closing times will be considered in relation to the amenities of nearby dwellings. The Council will usually impose a condition requiring premises to close at 23.00 Monday to Friday and 23.30 Saturday. Ventilation and fume extraction equipment shall be positioned to avoid potential problems of noise, vibration and/or odour nuisance and would not be detrimental to visual amenity.

T13 Parking Standards

C. Retail Development

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

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 Guidance 4, Industrial, commercial development and small firms, emphasises that a positive approach should be taken to dealing with planning applications unless it would cause demonstrable harm to interests of acknowledged importance.

Planning Policy Statement 6: Positive planning for Town Centres. PPG6 states that centres should be strengthened by seeking to ensure that there is a range of facilities, consistent with the scale and function of the centre, to meet people's day-to-day needs.

Planning Policy 15: Planning and the historic environment, states that the Act (Planning (Listed Buildings and Conservation Areas) Regulations 1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

Consultations

Transportation – no objections.

Environmental Health – no objections subject to imposition of recommended conditions for appropriate odour extraction system, acoustic treatment of the kitchen and restaurant to the flat above, control over delivery times and control over the hours of operation and a condition for the installation of a grease trap.

Pollution Control – no objections.

Conservation Team – no objections subject to the sensitively siting of the extraction flue.

Police Liaison Officer – no objections.

Fire Services – no objections.

Public Participation Responses

Four letters have been received objecting on the following grounds:

- Excessive opening hours
- Already enough restaurants and takeaways
- Would harm the business and viability of existing users in the area
- Increased noise, litter, disturbance and vermin
- Increase anti-social behaviour
- Non-retail policy aimed to keep primary shop frontages to no more than 25%
- Insufficient parking
- Residents have not been made aware of proposal

Neighbours within 100m of the site were consulted by letter and a site notice was posted.

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

Determining Issues

- The appropriateness of the use in a District Centre
- impact on neighbouring amenities
- The impact on the character and amenity of the Conservation Area
- Parking

Observations

The appropriateness of the use in a district centre

The application site is within Bloxwich District Centre, which is an existing busy centre with a mix of retail and service uses.

Policy S10 of the UDP indicates that District Centres are appropriate locations for such uses subject to key considerations of amenity, opening hours, parking and ventilation and fume extraction equipment.

The restaurant will help to sustain and enhance the quality of the services provided in this centre. The proposal will help to improve the appearance of the area by bringing a vacant premises back into use creating activity during the day and evening.

The current ground floor retail unit is and has been vacant for some time. In April 2006 planning permission for the change of use of the unit to an Estate Agents was granted subject to conditions, the unit has remained vacant since the approval. The proposal in principle would be acceptable and would add to the viability and vitality of the immediate locality as a result of bringing into use a long term vacant building.

Impact on neighbouring amenities

It is considered that the proposed opening hours of 12pm to 12pm would impact upon the residential amenity of potential residential occupiers at first floor; this is supported by Environmental Health. Therefore it is recommended that a condition is applied controlling hours from 12am to 11pm Monday to Sunday. It is also recommended to control the hours of deliveries, to ensure deliveries do not occur between 18.00 and 07.00.

Sound insulation in the unit can be incorporated to eliminate any potential noise from the operation of the business to maintain amenity to the potential residential occupiers at first floor. In order to ensure this is carried out a condition can be attached to any decision notice issued here.

The impact on the character and amenity of the Conservation Area

The fume extraction flue is proposed to be situated on the rear of the single storey extension. It is considered that the proposed location is not satisfactory in this Conservation Area setting, but an alternative more sensitive location at the rear of the two storey part of the building would be acceptable. Full details, specifications and appearance of the equipment needs to be submitted for approval prior to installation, to ensure that appropriate measures are taken to minimise noise and fumes in the vicinity and avoid any adverse impact on amenity.

The proposal would have no impact upon the Conservation Area subject to the use of an appropriate condition.

Parking

The premises is located within a District Centre and the proposed use is likely to draw customers already within the centre for other purposes. There are a small number of on-street parking directly in front of the premises and within the wider area of the High Street and Elmore Row. There is also a public car park on Elmore Row next to Bloxwich Market Place. It is considered that the proposal is unlikely to result in a significant number of new vehicular trips or parking demand over and above that of the existing use. The Transportation Officer has raised no objections to the proposal.

Response to representations

The concerns about saturation of the centre with restaurants and takeaway uses is relevant, but at the current level, with four restaurants/cafés and four hot food takeaways, it is considered that the centre will continue to support appropriate retail business, retaining the centres vitality and viability. The proposals fully comply with policies S10 and S4 of the UDP.

Objections have been received saying there are already enough restaurants. While there are existing cafés, hot food takeaways and restaurants within the High Street, it is not for the planning system to determine applications on the basis of competition. The policies of the UDP do not set out to control the number of hot food premises in a District Centre.

Bringing the vacant unit back into use would enhance the vitality and viability of the District Centre.

West Midlands Police have raised no objections to the proposals and do not consider that the proposed use would attract crime to the area.

Occupiers within 100m of the proposal were notified by letter of the planning application and a site notice was displayed. It is noted that the site notice had been moved from the adjacent lamppost by a third party onto the side gate of the application site. This was removed and displayed on the front of the premises at the time of the case officer's site visit. Appropriate notification has been undertaken.

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

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

3. No development shall commence until full details of the siting, design, appearance and vibration mitigation measures of the ventilation extraction and filtration system, incorporating grease filters, carbon filters and odour neutralisation, including an appropriate silencer have been submitted to and approved in writing by the Local Planning Authority. The ventilation duct

should be painted within one month after the implementation of this permission with a weather proof material intended not to peel or flake from the substrate. The ventilation duct should extend to one metre above the building eaves. The approved equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's specification.

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

4. No development shall be carried out until details of proposed refuse and waste recycling facilities to be used 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 and functioning of the development and to safeguard the visual amenity of the area.

5. No development shall be carried out until details of sound proofing for the premises have been approved in writing by the Local Planning Authority, such works are to be implemented before the premises are brought into use and maintained thereafter.

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

6. The premises shall only be open between the hours of 12.00 to 23.00 Monday to Friday, 12.00 to 23.30 on Saturdays, and 12.00 to 22.00 on Sundays.

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

7. No deliveries to or from the site shall take place between the hours of 18.00 and 07.00 Monday to Sunday.

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

8. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned to avoid interference with car parking spaces and vehicle manoeuvring on the site.

Reason: To ensure the satisfactory appearance of the development.

9. The use approved shall only be for planning class use A3 (restaurants/café) and excludes any takeaway facility unless agreed in writing with the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site.

10. The use hereby approved shall not have more than 11 covers available at any one time to visiting members of the public unless agreed in writing with the local planning authority.

Reason: In order to secure the satisfactory development of the application site.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP4, ENV29, ENV32, 5.2, S2, S4, S10, and T13 of Walsall Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Sep 2007

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Arif

Application Number: 07/1269/FL/H2
Application Type: Full application
Applicant: MR P MACKMAN
Proposal: Proposed Bedroom
Extension: First Floor, Rear
Ward: St. Matthews
Recommendation Summary: Refuse

Case Officer: Claire Murphy (H2)
Telephone Number: 01922 652485
Agent: DT DUFTY
Location: 40 RUSHALL MANOR
ROAD, WALSALL, WS4 2HF
Expired: 07/08/2007



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Background

This application has been called in by Councillor Arif who has advised that he does not agree with the border-line decision and would like the development control committee to consider it, the property is a detached building and the development is of good design and should be permitted, this one bedroom extension is to a detached house set in much larger than average grounds (rear garden is approx. 100ft long), and the footprint of the house is not increasing at all.

He also considers that the Council has granted planning permission to other similar applications under delegated authority and needs to be consistent particularly as a precedent has been set by the addition of an identical extension to the neighbours' house (No. 38), the proposed extension is no higher, longer or wider than the extension at no.38 and does not intrude further into No. 40 back garden than that extension at No. 38, and there are no objections from any neighbours.

Application and Site Details

This application is to add a 4th bedroom over an existing single-storey section to the rear of a detached house. The current application as originally submitted was a re-submission of part of an application refused in 2005, although the plans for the current application have since been amended to lower the height of part of the extension.

The bedroom is to project 3.8 metres and is to lie 0.8 metres away from the boundary with the adjoining house number 42. A high level window to serve an existing bedroom is to be inserted in the side of the existing house facing the side of number 42. Number 42, which lies to the north, has a garage to the side next to the boundary with a kitchen beyond. The kitchen is in line with the rear of the existing two-storey part of number 40.

The original plans proposed a full height hipped roof over the extension. The amended plans show the length of the ridge reduced and the rear roof plane lowered with a dormer inserted at first floor level.

Relevant Planning History

05/0184/FL/H2. First floor extension over kitchen and garage, and ground floor porch and garage extension. Withdrawn March 2005.

05/1670/FL/H1. Bedroom and garage extensions. Refused October 2005 on the grounds that the first floor rear extension would have an overbearing impact on the rear of number 42.

The first floor rear extension was to be identical to the current proposal as originally submitted.

05/2306/FL/H1. Two-storey rear extension, single-storey garage/ porch extension. Granted subject to conditions January 2006.

The rear extension was to lie in the centre of the rear elevation, away from the boundary with number 42.

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

Residential Development Standards

These include guidelines concerning design, including the length of extensions in relation to neighbouring houses.

A 45 degree code will be used to assess the impact of extensions on adjoining dwellings.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultations

None.

Public Participation Responses

None.

Determining Issues

The determining issues are:

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

Observations

Compatibility of Design and Character

The hipped roof of the extension would match the existing house. The dormer shown on the amended plans would introduce a new design element. The extension would lie to the rear of the house and would not be visible from the street, so would have limited impact on the wider area. Overall, this is acceptable.

Impact on Amenities of Nearby Residents

The nearest part of number 42 is a non-habitable room and has a blank wall on the rear elevation, with the nearest habitable room window on the rear of number 42 being approximately 5 metres from the side of the extension. The bedroom window to be inserted in the side of the existing building does not by itself require planning permission.

However, the extension would lie to the south of number 42 and would project nearly 4 metres beyond the rear of this property. This length, orientation and the height of the extension would result in an overbearing impact on the house and rear garden of number 42.

The amended plans only reduce the eaves height of the end 0.7 metres of the extension by 0.7 metres. The extension will remain 4.3 metres high at its lowest point. The amendment therefore will not significantly reduce the impact on number 42.

The two-storey rear extension to number 38 is identical to that originally proposed in the current application. However, the extension was approved in 1986 prior to the adoption of current policies. The impact of the extension on the nearest part of number 40 as it currently exists is similar to the impact of the current proposal on number 42, but number 40 already has a single-storey rear projection away from the boundary that is in line with the end of the extension to number 38, and the existing permission for number 40 would further reduce the impact of the extension at number 38. There is no rear projection of this length at number 42.

Parking

Much of the front garden of the application property is hardsurfaced and, with the garage that is to be retained, would provide at least 3 parking spaces.

Recommendation: Refuse

1. The proposed extension would, because of its length, height and orientation, have an overbearing impact on the rear of the adjoining property number 42. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and the Residential Development Standards.
-



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 18 Sep 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number:
07/1691/RM/W7

Application Type: Reserved Matters
Applicant: JPE Holdings Ltd

Proposal: Application for the approval of Reserved Matters in respect of development of industrial units, additional access, associated internal access road, parking and landscape relating to outline planning permission reference 07/0449/OL/W7

Ward: Birchills Leamore

Recommendation Summary: Approve Reserved Matters with Conditions

Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Agent: Alliance Environment & Planning Ltd

Location: LAND OFF, FRYERS ROAD, BLOXWICH, WALSALL, WS3 2XJ

Expired: 31/10/2007



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Application and Site Details

This is a reserved matters application for Phase 1 of an outline approval for 10,000 square metres of industrial premises (a mix of B2 and B8 uses) and associated access on 3.4ha of land. The application relates to the scale, external appearance, layout and landscaping.

The proposal is part of the Trident Alloys site and is undergoing remediation (already approved under an earlier permission, reference 05/0641/FL/W2, which included new topsoil being imported onto the site and changes to levels).

The Phase 1 proposals comprise 6,219 square metres of development on 2.45ha. This is 62% of the total floorspace proposed as part of the outline approval on 72% of the land which was the subject of the outline planning permission. The proposals include 36 car parking spaces (1space per 172.75 square metres). The proposals also include cycle and motorcycle spaces. The proposals are designed in an L-shape with a large service yard and 23 roller shutter doors servicing the internal space of the unit. The primary use of the building would therefore be considered to be B8 use with ancillary B1(c) and B2 uses within the building. The reserved matters are therefore within the scope of the outline planning permission.

Relevant Planning History

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

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

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

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

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

Adopted UDP

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

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

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

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an appropriate portfolio of land exists to meet the needs of the economy. Policy QE9 highlights the need to promote the water environment and improve such facilities, including canals.

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres. PPG4 seeks to promote and enhance industrial and commercial development.

Consultations

Transportation – The proposal is not acceptable in highways terms. The outline application did not seek to justify any B1 use on the site. Consequently, I do not consider this is a reserved matters application if B1 use is retained within the proposal. The proposed parking provision, at less than 50% of the UDP maximum figures is not consistent with information supplied as part of the determination of the outline application and is considered to be insufficient. Consequently, the developer has not demonstrated that the development will provide adequate on-site parking to meet its own needs and that there will be no adverse impact on highway safety, in contravention of UDP policy T13A 1.

Transportations comments on the outline were based on a B2 / B8 mix of uses. The UDP maximum parking provision if all four proposed units are B2 is 72 spaces. Coincidentally, due to a combination of unit sizes and UDP thresholds, the maximum parking requirement if all the units are B8 is 72 spaces. Both assessments are related to the units sizes specified and assume no future sub-division or amalgamation. The proposal provides only 36 spaces, including 2 for disabled.

The site fails the UDP policy T12 (d), in so far as it is located more than 400 metres from a bus stop (640 metres to limited) services on Leamore Lane or approximately 900 metres to Bloxwich High Street).

Pollution Control – No objections –remediation and reclamation has been carried out. A validation report is required for this and a gas assessment survey condition is also required in line with the outline planning permission.

Environment Agency – No objections

WM Police – No objections

Fire Service – Satisfactory fire access.

British Waterways – No objection subject to an informative requiring liaison with British Waterways.

Inland Waterways Association – Object to the proximity of the buildings to the canal and use of blue colour on the buildings.

National Grid – Risk is moderate to the operational network but this risk can be managed successfully.

National Plant Enquiries – Plant is not affected by the proposals

Representations

None received.

Determining Issues

- The relationship to the development of Phase 2
- Design and external appearance of the proposed building
- Car parking provision
- Landscaping and Relationship to the canal
- BREEAM Sustainability Assessment

Observations

The relationship to the development of Phase 2

The outline application envisaged two access points. This proposal is reached from the southern access point. With 62% of the total floor area in this scheme on 72% of the outline application land, the proposals would allow the northern half of the site to come forward without compromising the outline planning permission. In addition the present scheme includes an optional link to the northern part of the site, so there would be the opportunity to link the northern and southern portions of the site. However, Phase 2 is likely to be served primarily from the already approved northern access point.

The scope of the outline planning permission was for the development of Industrial Units, Additional Access, Associated Internal Access Roads, Parking & Landscaping and was amplified by condition 13 of the approval which sought to restrict B1(a) offices in favour of B1(b), B1(c), B2 and B8

uses. Whilst the indicative plan submitted with the outline has been significantly altered, this plan was indicative only and did not form part of the permission. Its purpose was to demonstrate that the level of floorspace could be accommodated on the site.

Layout

The proposals include a weighbridge as part of the proposals and a large service yard. The buildings would be arranged in an L-shape around the service yard with landscaping to the canal and to the Fryers Road elevations (more landscaping is proposed on the rear of the service road).

The service yard and the car parking would share the access point, but are otherwise separated, for practical and safety issues and to maximise the opportunity for HGVs to move efficiently around the yard. The car parking, behind the landscaping on the Fryers Road frontage, is designed to minimise the visual impact on Fryers Road and provide some visual interest to the proposals.

Overall the layout allows for a modern commercial operator to work efficiently and safely. The building would allow for users to use the premises safely and efficiently.

Design and external appearance of the proposed building

The proposed building has been designed to reduce the bulk and mass of the proposals through the use of a small mansard roof on the uppermost parts of the building. The building has also incorporated colour and vertical panels to break up the bulk and mass of the building and to create interest to the street scene, though with a very muted colour palette.

It is acknowledged that the proposals are a large commercial building and are located in a commercial area dominated by large buildings, and the efforts made to improve the visual appearance of the building are noted. It is considered therefore that the building would be acceptable in terms of external appearance and that this can add to the overall commercial environment of the area.

Car parking provision

The UDP parking standards (based on the total gross floorspace) seeks a maximum provision of 207 spaces should the building be used solely for B1(c) use; 65 spaces should the building be used solely for B2 use; and 35 spaces should the building be used solely for B8 use. Considering the large service yard, weighbridges and number of roller shutter doors it is considered that the primary use of the building would be B8 use with ancillary B1(c) and B2 uses within the building.

Despite the proposals not being on a public transport route (or within 400m of one) it is within walking and cycling distances of a number of residential properties (approx 700m) that meets the criteria progressed in PPG13 (2km for walking and 5km for cycling). There is also access to the canal within

walking distance which links the application site to the surrounding area and further residential properties.

The proposals are for 36 spaces (2 of which would be disabled spaces) and propose cycle spaces and motorcycle spaces. The car parking is positioned so as not to disturb the principal operations of the heavy goods vehicles and the service yard.

It is noted that the proposals have been designed specifically for an end user. PPG13 (Paragraph 51) guides that "Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls."

Therefore whilst the car parking is relatively low in relation to the UDP standards for B1(c) and B2 uses the proposals, there is a case for accepting the proposal as submitted.

Should the building be subsequently altered to one of the other uses (or a mix) it is likely that the character of the building would require alteration (i.e. a reduction in the number of roller shutter doors). That is likely to need planning permission, and it would be possible to increase the number of parking spaces at that time. Therefore, whilst Transportation Officers comments are noted, considering the above and the level of parking proposed is to that required by the end user, the proposed parking provision is acceptable.

Landscaping and Relationship to the canal

Following comments by the Inland Waterways Association and in conjunction with Officers the plans have been amended to allow for a greater landscape buffer to the canal and to Fryers Road. The landscape proposals allow for up to 10 metres of landscaping on the Fryers Road and up to 15metres to the canal. These areas will allow for significant landscaping to develop. In addition further landscaping would be located on the western boundary which will allow for additional enclosure and develop a positive environment. The landscape proposals are therefore considered to be acceptable.

BREEAM Sustainability Assessment

BREEAM (Building Research Establishment Environmental Assessment Method) is the world's most widely used environmental assessment method for buildings. The method assesses buildings (primarily commercial buildings) against a set criteria and provides an overall score which will fall within a band providing either a; PASS, GOOD, VERY GOOD or EXCELLENT rating. The benefits are that the building is designed to reduce the environmental impact and will also reduce the overheads incurred by the user of the building.

The applicant is undertaking a BREEAM Assessment with a view to meeting the aspiration for reducing the impact of the development on the environment. The proposals will principally include methods for rainwater harvesting and reducing the impact of the development in terms of landscaping. The applicant is confident that the development will meet the "Very Good" standard. At the time of writing the report the full assessment is not available to officers; the committee will be updated in the Supplementary Paper.

Conclusion

The proposals are acceptable and would create a high quality employment facility as defined by the allocation in the Unitary Development Plan.

Recommendation: Approve Reserved Matters with Conditions

In relation to the area outlined in red on the submitted plans:-

- a) Conditions 2a), 2b), 2c), 2d) and 16 are complied with.
- b) Conditions 4, 5 and 10 are complied with, subject to the details being carried out in accordance with the approved plans
- c) And subject to the following new condition:-
The landscaping scheme shown on the approved plans shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

NOTE FOR APPLICANT: The applicant/developer is advised to contact Des Harris on 01827 252 026, British Waterways Third Party Works Engineer, in order to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 18 Sep 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1325/FL/H4

Application Type: Full application

Applicant: Mr K.S, Mr H.S Rana and
Mrs P.K Rana

Proposal: Single Storey Extension at
Rear and Conversion to Bedroom

Ward: Paddock

Recommendation Summary: Grant Subject to conditions

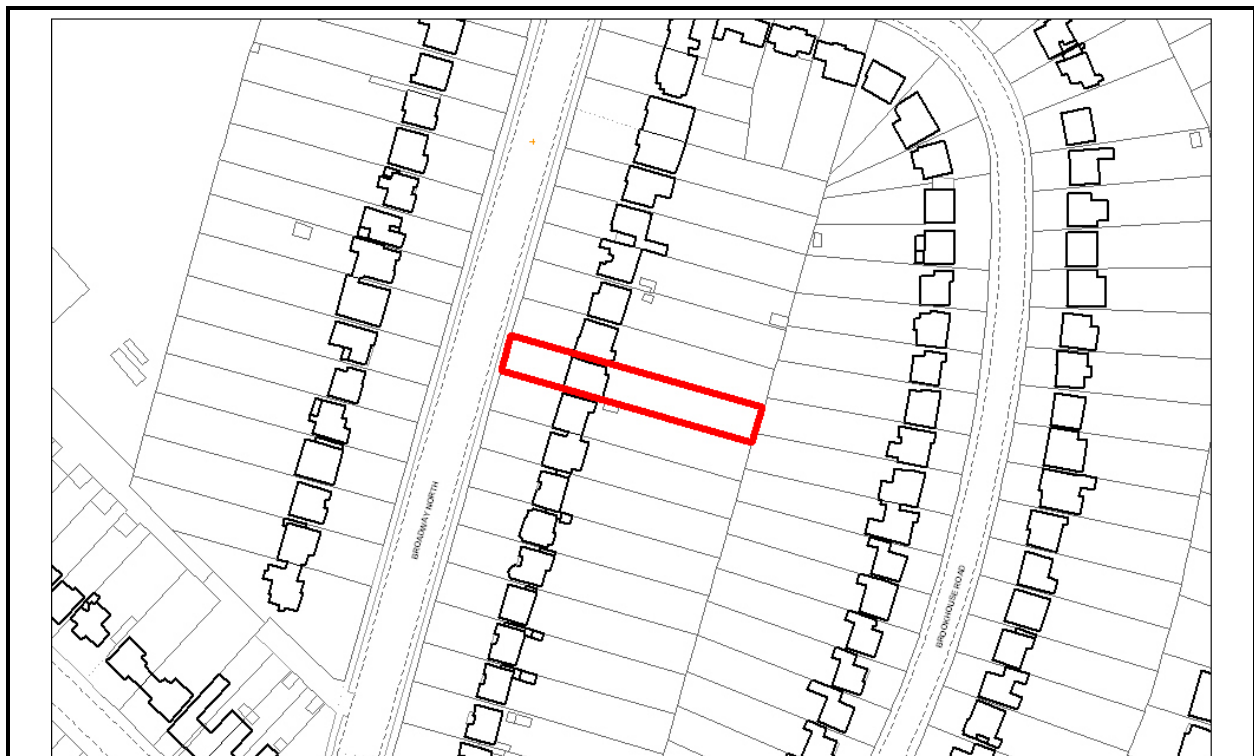
Case Officer: Jenny Townsend

Telephone Number: 01922 652485

Agent: Atwal Associates

Location: 261 BROADWAY
NORTH, WALSALL, WS1 2PS

Expired: 06/09/2007



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Application and Site Details

This application is for an extension to the rear of a detached house to enlarge existing rooms, and provide a downstairs bedroom and bathroom.

The extension is to project 3.5 metres out from the two-storey part of the house, across the full width of the house, and is to replace an existing single-storey section that projects between 1.3 and 2.8 metres. The application originally also included a conservatory that was to project a further 3.5 metres, but this has now been omitted. The extension is to have a mono-pitch roof between 3.0 and 4.0 metres high.

The rear of the application house is approximately in line with the main part of the houses to either side, numbers 259 and 263, although number 259 has a bay window whilst number 263 has a single-storey projection close to the boundary. The extension as shown on the amended plans would project 2.3 metres beyond the bay window to number 259 and 2.2 metres beyond the projection to number 263.

The rear garden of the application house is approximately 40 metres long and backs onto gardens of a similar length to houses in Brookhouse Road.

Relevant Planning History

None.

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

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.

Residential Development Standards

These include guidelines concerning design, including the length of extensions in relation to neighbouring houses.

A 45 degree code will be used to assess the impact of extensions on adjoining dwellings. Single-storey extensions that breach the code will be allowed provided they do not project more than 3.5 metres beyond the neighbouring property.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultations

None.

Public Participation Responses

Representations in respect of the original plans were received from the occupiers of four nearby properties.

The occupiers of 259 and 263 Broadway North objected to the original plans on the grounds of loss of light, view and privacy, and queried why an extension of this size was needed when there is no one disabled living at the property. The occupier of number 263 noted that the builder would need access onto his property to construct the extension, and expressed concern that disruption during building work may affect their ability to sell their property.

The occupier of 257 Broadway North objected on the grounds that granting permission would adversely affect the value of other properties in the neighbourhood, whilst the occupier of 24 Brookhouse Road asked that a reasonable time (6 weeks) must be set for building work to avoid disruption of skips etc. which could become a hazard for local residents.

The occupier of 259 Broadway North has commented in respect of the amended plans that whilst they are a slight improvement, their previous objections still stand.

All representations are available for inspection on publication of this report.

Determining Issues

The determining issue is the impact on the amenity of the neighbouring houses.

Observations

Amenity of Neighbouring Houses

The length of the extension as proposed on the amended plans in relation to the houses to either side would, at only 2.2 and 2.3 metres respectively, be considerably less than the maximum of 3.5 metres allowed by policy. A gap of 1 to 2 metres would remain between the sides of the extension and the nearest windows in the two properties and the impact on both houses would be acceptable.

With respect to the other concerns in the representations, whether the extension is to meet the needs of a disabled person, access and disruption during building work and the possible effect on property values are not material planning considerations.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

4: This permission relates to the amended drawings numbered Revision A deposited on 21 August 2007.

Reason: To define the permission.

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

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

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