



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation On
4th April 2006

Content Sheet

<u>Item</u>	<u>Page</u>	<u>App No</u>	<u>Site</u>	<u>Proposal</u>	<u>Recommendation</u>	<u>Committee Decision</u>
1.	3	06/0164/FL/H1	59 DELVES ROAD, WALSALL	First floor side, part single, part three-storey rear extension, rear conservatory and dormers to front	Refuse Permission	
2.	9	06/0153/FL/W7	MIDDLETON PAPER CO., BESCOT CRESCENT, WALSALL	Extension to paper storage building	Grant Permission subject to conditions	
3.	18	06/0032/FL/W7	LAND AT BENTLEY MILL WAY, WALSALL	Variation of Condition 1 of Planning Permission 02/0157/OL/W2 (Commercial Development) to extend the time to 5 years	Grant Permission subject to conditions	
4.	28	06/0145/FL/W7	87 STAFFORD STREET, WALSALL	Change of use to a restaurant with self contained flat above	Grant Permission Subject to Conditions	
5.	35	06/0162/FL/W5	LAND TO REAR OF CORPORATION STREET, TASKER STREET, WALSALL	Substitution of house types for previously approved two dwellings	Grant Permission subject to conditions	

6.	41	05/2389/FL/E4	58 ASHTREE ROAD, PELSALL, WALSALL	Division of existing dwelling into 2 no. flats and construction of 2 no. further dwellings	Grant Permission subject to conditions	
----	----	---------------	-----------------------------------	--	--	--



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 04 April 2006

REASON FOR BRINGING TO COMMITTEE: The applicant is a relative of a Member of the Council.

Application Number: 06/0164/FL/H1

Case Officer: Neville Ball

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Mr A Aslam

Agent: Atwal Design Services

Proposal: First Floor Side, Part Single, Part Three-Storey Rear Extension, Rear Conservatory and Dormers to front

Location: 59,DELVES ROAD,WALSALL,WEST MIDLANDS,WS1 3JT

Ward: Palfrey

Expired: 10 April 2006

Recommendation Summary: Refuse Permission



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

Application and Site Details

This application is for an extension to a semi-detached house to enlarge some of the existing 5 bedrooms to add a further room in the roof space, and provide a replacement conservatory to the rear, and rebuild the existing conservatory as a kitchen. The extension will create a part three-storey section to the rear.

The house has previously had a two-storey part flat roof side extension and a single-storey rear extension together with a conservatory that extends the full width of the house and projects 8 metres from the original rear. The proposal is to extend above part of the existing single-storey rear extension between 1.8 and 4 metres from the original house, and is to have a gable roof. A window is to be inserted in this gable in the loft space.

The new conservatory is to project a further 4.6 metres.

The roof over the existing side extension is to be raised to form a semi-hip with a ridge the same height as the original roof of the house. Two dormers are to be inserted in the roof on the front elevation.

The adjoining house number 57 is approximately 1 metre lower than the application property and has a two-storey side extension that abuts the boundary. The front and rear of the two-storey part of 57 is in line with the existing front and rear of the two-storey part of the application property.

The house on the opposite half of this pair of semi's number 61, has a single-storey rear extension in line with the existing single-storey rear extension to 59, excluding the existing conservatory.

Relevant Planning History

BC04927P. Kitchen, dining room, bedroom, canopy and porch. Granted Subject to Conditions September 1982

BC16537P. Extension to kitchen. Granted subject to conditions April 1986.

BC17453P. Erection of detached games room. No planning permission required (July 1986)

BC35196P. First floor rear extension. Refused April 1992 on the grounds of the impact on adjoining properties

BC38616P. First Floor Rear Extensions to 59 and 61. Refused October 1993 on the grounds of the impact on neighbouring properties.

BC52984P. New pitched roof. Granted subject to conditions October 1998.

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

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.

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:-

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

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

T7 - Car Parking

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

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
---------------------------	-------------------

4 bedroom houses and above	3 spaces per unit
----------------------------	-------------------

Residential Development Standards

These include guidelines relating to design, including roof shapes and dormers, and a 45 degree code that will be used to assess the impact of extensions on adjoining dwellings.

It is important that the extension should relate to the design of the original building with matching roof shape and pitch (hipped or gabled).

Dormer windows will only be permitted where they can be inserted without damaging the character and appearance of the building and the general area and without affecting the amenity of neighbours. Dormer windows should be avoided on prominent elevations that can be clearly viewed from the street and kept significantly below the ridge and away from the edges of the roof.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None undertaken.

Representations

Representations have been received from the occupiers of 55 and 57 Delves Road, 66, 70 and 72 Hawes Road, 38 Highgate Drive and 6 Trees Road. The main grounds of objection are that:

- The enormous size of the extension with a three-storey build would be an eyesore and would not fit in with the area. The house has already been extended to the maximum permitted length.
- The extension would over-shadow the neighbouring houses and gardens, and would dominate and cause a loss of privacy to them.
- The fact that the applicant's son is a councillor should have no impact on the decision.
- The proposal would affect the future sale and value of surrounding houses.
- Concern that the property could be re-let to tenants.

All letters can be viewed on publication of this report.

Determining Issues

The determining issues are whether:

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

Observations

Design and Mass

The proposal would change the house to a three-storey building. It represents very poor design. The proposal would have a contrived roof with no regard to the original design of the house, which was a two-storey semi-detached house with a hipped roof and a gap at first floor level to the side boundary. The scheme appears to be driven by the aim to maximise space.

On the front and side elevation, the gable end over the existing extension is out of keeping with the original design, and jars against the hipped roof of number 57, which has also been extended. The roof of the existing extension is lower than the original roof and still allows the original roof shape to be read.

The proposed semi-hipped roof would, by raising the roof height to that of the main part of the house, emphasise the poor design of the existing roof rather than ameliorate it.

The proposed front dormers would not reflect any design elements of the existing house, and their height would make the building appear 'top heavy' and overbearing. The roof of one of the dormers would be in line with the edge of the proposed main roof, again representing poor design.

To the rear, the length, height and gable shape of the proposed building would completely overdominate the surrounding gardens.

Character of Area

There have been a number of large two-storey extensions nearby, some of which have flat roofs. None have involved the alteration of the existing front roof planes or the insertion of dormers on the front elevation at loft level. In addition, the extensions nearby were approved prior to the adoption of current planning policies. Both the Council's and national planning policies now place much greater emphasis on achieving high quality design that respects its context, in order to increase the attractiveness of urban areas. This scheme does not do that.

Impact on Amenity of Nearby Dwellings

The front and rear of the two-storey part of the house is currently in line with the houses to either side. The roof alteration to the side and front dormers would not cause any direct loss of light to number 57.

The rear part of the extension appears to have been designed to meet the 45 degree code in relation to the nearest windows in the rear of the houses to either side, although this is not clearly demonstrated on the plans. Even if the extension met the code however, the length, height and gable roof shape of the rear part of the extension would have an overbearing impact on the neighbouring houses and gardens, both the houses to either side and also those in Hawes Road. The current length of the rear gardens of the application property and the houses in Hawes Road are in excess of 20 metres, but the size and height of the extension means that it would be clearly visible from Hawes Road.

The proposed conservatory would breach the 45 degree code despite it being set in from the boundaries to either side.

The neighbours' concern about the impact on property values is not a material planning consideration.

Parking

The entire front garden is already hardsurfaced and with the existing garage that is to be retained would provide sufficient parking space to meet the Council's parking standards.

Recommendation: Refuse Permission

1. The proposal would change the house to a three-storey building. The proposed roof shape with a semi-hip and dormers to the front, with one of the dormers to be in line with the edge of the main part of the roof, and a high gable roof to the rear, represents poor design that would not be in keeping with the existing house or other houses in the area. The roof shape would visually unbalance the pair of semi-detached houses and the difference in levels between numbers 57 and 59 would also emphasise the jarring effect between the roof of the proposed extension and that of number 57. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and the Residential Development Standards, and Planning Policy Statement No.1.
 2. The excessive length and height of the rear extension, especially with the proposed gable roof shape, would have an overbearing impact on the neighbouring houses and gardens. 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 Interim Head of
Planning and Transportation
On 04 April 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/0153/FL/W7

Case Officer: Andrew White

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Middleton Paper Co Ltd

Agent: F.J. & M.J. Meeson

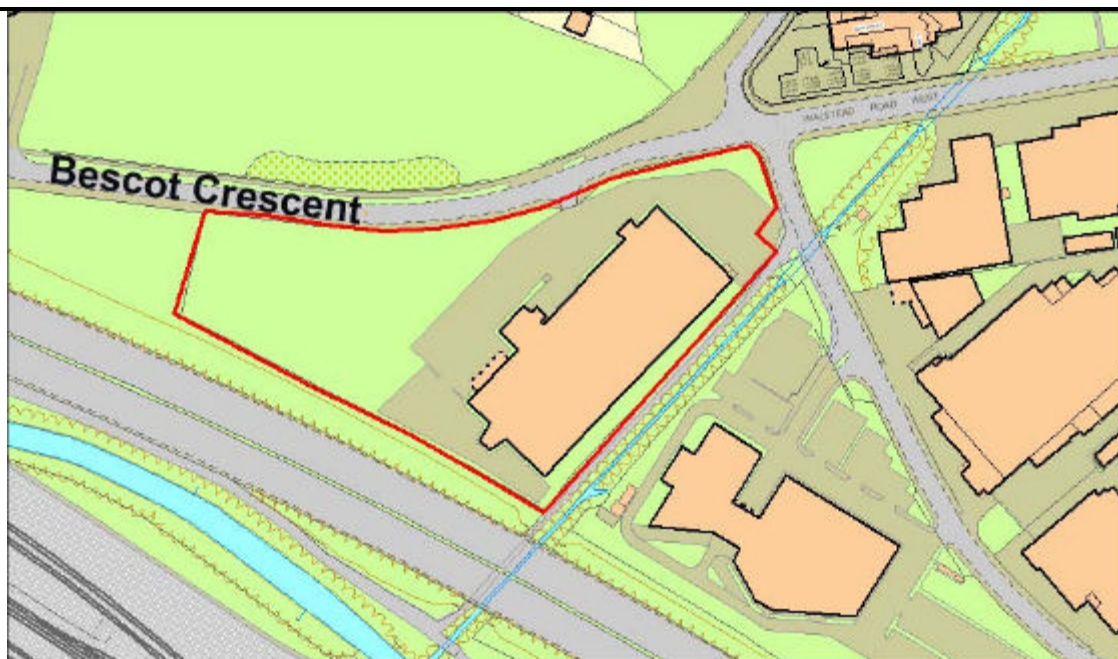
Proposal: Extension to paper storage building.

Location: MIDDLETON PAPER
CO., BESCOT
CRESCENT, WALSALL, WEST
MIDLANDS

Ward: Palfrey

Expired: 02 May 2006

Recommendation Summary: Grant Permission subject to conditions



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

Application and Site Details

The proposal is for the erection of two further paper storage buildings adjacent to an existing paper storage building as part of a paper recycling plant. One building would be 34 metres by 26.75 metres and 17.1 metres tall to the top of its barrel roof. The second building would be 29.45 metres by 16.9 metres and 9.9 metres tall to the top of its barrel roof.

The site currently is an irregular shaped plot and has the existing paper storage, production, finished paper storage area, service yards and staff/visitor parking areas. The area surrounding the site is mixed use with industrial, leisure, retail, educational facilities, residential dwellings and public transport facilities. To the north of the site there is a new hotel under construction. To the north east there is a new residential estate under construction. To the east the Full Brook water course that feeds into the River Tame and beyond the RAC offices and associated car parking. To the south and directly adjacent the M6 motorway with the River Tame beyond and then Bescot Railway station. To the west is a surface car park for the railway station.

Relevant Planning History

03/0716/FL/W4 New warehouse building. Approved 11/06/03.

BC56990P Erection of industrial unit for storage and cutting paper, ancillary offices & associated parking (amendment to planning approval BC55514P). Approved 07/02/01.

BC55514P Erection of industrial unit for storage and cutting paper, ancillary offices & associated parking. Approved 28/02/00.

Relevant Planning Policy Summary

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

UDP

Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact. Relevant considerations to be taken into account are set out in Policy GP2

The Council will encourage regeneration that revitalise the local economy, create jobs, protect and enhance the natural and built environment, bring forward derelict, vacant or underused land and improve safety and security. Relevant considerations to be taken into account are set out in Policy GP4

Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design. Relevant considerations to be taken into account are set out in Policy GP7

Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations to be taken into account are set out in Policy ENV32

Para 3.113 New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

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

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

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals. Relevant considerations to be taken into account are set out in Policy ENV33.

Site of approximately 0.4 hectares or larger are shown on the proposals plan allocated for employment use as defined in policies JP5 and JP7. Relevant considerations to be taken into account are set out in Policy JP1.

Core employment areas will be safeguarded, for which permissions may be subject to conditions to prohibit change to other uses such as B1(a) offices. Relevant considerations to be taken into account are set out in Policy JP5.

Use of land and buildings in other employment areas would be permitted for use as core employment uses, car showrooms, other service uses complementing local industry, scrap metal, car breaking, recycling metals and other materials subject to policy JP8. Relevant considerations to be taken into account are set out in Policy JP7.

The location of bad neighbour uses will be given careful consideration taking into account particular environmental implications of individual proposals. Relevant considerations to be taken into account are set out in Policy JP8.

The Council will take account of flood risk according to the principles set out in PPG25 and also take account of any information on flood risk provided by the Environment Agency, including the most recently produced Flood Zone Maps. Relevant considerations to be taken into account are set out in Policy ENV40.

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified. Parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Relevant considerations to be taken into account are set out in Policy T7

National Policy (PPG/PPS)- PPS1 delivering sustainable development, PPG13 Transportation, PPS23 Planning and Pollution Control, PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Planning Out Crime circular 5/94, Safer Places- The Planning System and Crime Prevention.

Consultations

Transportation- No objections

Pollution Control- No objections

Highways Agency- No objections

Central Networks- No objections

Fire Officer- No objections

Environmental Health- No objections

Environment Agency- No objections subject to safeguarding conditions

National Grid- No objections

Arboricultorist- No objections

Representations

Councillors, local residents, occupiers of premises, residents associations notified. Two comments received from residents raising the following issues:

- concerned about noise and disturbance, although one resident states 'they are unsure what the precise cause of the noise might be'.
- noise could be remedied by erecting boundary fencing and planting, the planting would also have ecological benefits
- the design and visual appearance of the building is an eyesore from our rear window, but the view has been improved with the construction of the soil embankment next to the hotel

Determining Issues

- Policy
- Scale, mass and position of the extension
- Flood risk
- Highways
- Noise, disturbance and views

Observations

Policy

The application site is identified in the Unitary Development Plan Policy JP1 as site E18 for a core employment use and expanded in policies JP5 & JP7. The planning application complies with the aims and objectives of the Unitary Development Plan Policies.

Extending the built form:

The proposal is to create two further storage areas and some additional parking for an expanding local company. The buildings are of a modern clean high factory style box. The proposed extension follows the same style of architecture and materials as the original buildings but not to the same scale or mass. The proposed buildings step down in scale towards the car park of the railway station. This is largely due to the size and shape of the application site constraining what could be built on the site.

Flood Risk

The application site lies within 30 metres of the River Tame which flows to the south of the site. The eastern boundary of the application site also has a water course, Full Brook that runs into the River Tame. The site lies within Flood Zone 2 and 3, which is medium risk. This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 200 years from river sources.

An appropriate flood risk assessment should be carried out by the applicants prior to the development being constructed to assess potential risk to the proposed buildings. This would inform the required floor levels of the proposed development will be set no lower than existing levels and flood proofing of the proposed extension has to be considered by the applicant and incorporated where appropriate.

Highways

Highways have no objection to the proposal subject to safeguarding conditions to close the existing vehicular access, a suitable condition for the submission of signage, car parking spaces to maintained and not used storage and a new access point for vehicles to be created.

Noise and Disturbance

Two residents have raised the issue of noise and disturbance, but one resident was unsure of the precise source of the noise. The site is adjacent to development currently under way on neighbouring sites and the busy M6 motorway is nearby, a railway station, a stadium and number of industrial/commercial uses are also in the vicinity. The nearest resident is some 70metres away from the applicant's existing building at the closest point and some 115metres away from the current proposal. Pollution Control do not consider the use of the new buildings are likely to have a significant contribution to the areas noise and disturbance over and above

the existing ambient noise levels, plus the recently constructed embankment to the north of Bescot Crescent should act as a sound barrier for residents.

One of the residents is concerned that the view of the building is an eyesore, but the recently constructed embankment adjacent to the hotel has improved the situation. The quality of the design and finish of the proposed extension, as mentioned earlier of the buildings is of a clean modern appearance and will match the existing buildings materials. The buildings also act to screen the view of the motorway from residents north of the Bescot Crescent. I therefore do not consider the proposed buildings to have a significant impact on the visual amenities of the surrounding area.

Conclusion

Although the proposed extension and the existing building are within flood zones, the proposed extension would be acceptable in the terms set out. Noise and disturbance to surrounding residential properties would not be a significant issue because of the separation distances, the general ambient noise and the recently constructed embankment adjacent to the Bescot Hotel. Therefore, I recommend approval for the paper storage buildings extension.

Recommendation: Grant Permission subject to conditions

Conditions

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

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

2. Prior to the implementation of the development a Flood Risk Assessment appropriate to the scale and nature of the development must be undertaken and submitted to the Local Planning Authority and agreed in writing. The risk associated with the development and proposals to mediate any increase in flood risk shall be included in the assessment. No development shall take place in the area identified in the Flood Risk Assessment as at risk from flooding and the results of the assessment are to be implemented in accordance with its recommendation prior to the implementation of the development.

Reason: To control development within the floodplain and to avoid the increased risk of flooding elsewhere in line with Planning Policy Guidance 25: Development and Flood Risk.

3. The facing materials to be used in external walls and roofs of the development here by approved shall match in type and colour of the existing buildings on site unless agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

5. Prior to any development on the site

- (a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]
- (b) The approved survey and investigation shall be undertaken in accordance with the approved details
- (c) The results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.
- (d) The approved measures shall be implemented in accordance with the approved timetable.

Reason: To ensure the satisfactory development of the site.

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

Reason: To safeguard the visual amenity of the area.

7. No amplification equipment shall be installed in the premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

Reason: To safeguard the amenities of the area.

8. 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 functioning of the development.

9. Details of the signage for directing vehicles to access, egress and circulation of the site are to be submitted to and approved by the Local Planning Authority and installed prior to the first use of the extension hereby approved by this application and maintained thereafter unless agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

10. The gates and fencing hereby approved as part of the permission shall match in design and be powder coloured to match the existing fencing unless agreed in writing with the Local planning Authority and maintained throughout the life of the development.

Reason: To ensure satisfactory appearance of the development.

11. The site and buildings shall remain in single occupation and shall not be sub divided to form two or more units in separate occupation.

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

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

Reason: In the interests of highway safety.

13. 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 unless otherwise agreed in writing with the local planning authority.

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

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

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

Reason: To ensure the satisfactory appearance of the development.

15. No industrial process shall take place in the open on any part of the site.

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

16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent the pollution of the water environment.

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

Reason: To ensure the satisfactory functioning of the development.

18. This permission relates to the drawings numbered 1779-3 dated 31/01/06 and 1779-2 dated 31/01/06.

Reason: To define the permission.

NOTE FOR APPLICANT

The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Please note that this is not an exhaustive list.

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, GP7, ENV12, ENV32, ENV33, ENV40 & T7 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 Interim Head of
Planning and Transportation
On 04 April 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/0032/FL/W7

Case Officer: Andrew White

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Mr W. Thomas

Agent: Martin Dale - Plaza Consultancy

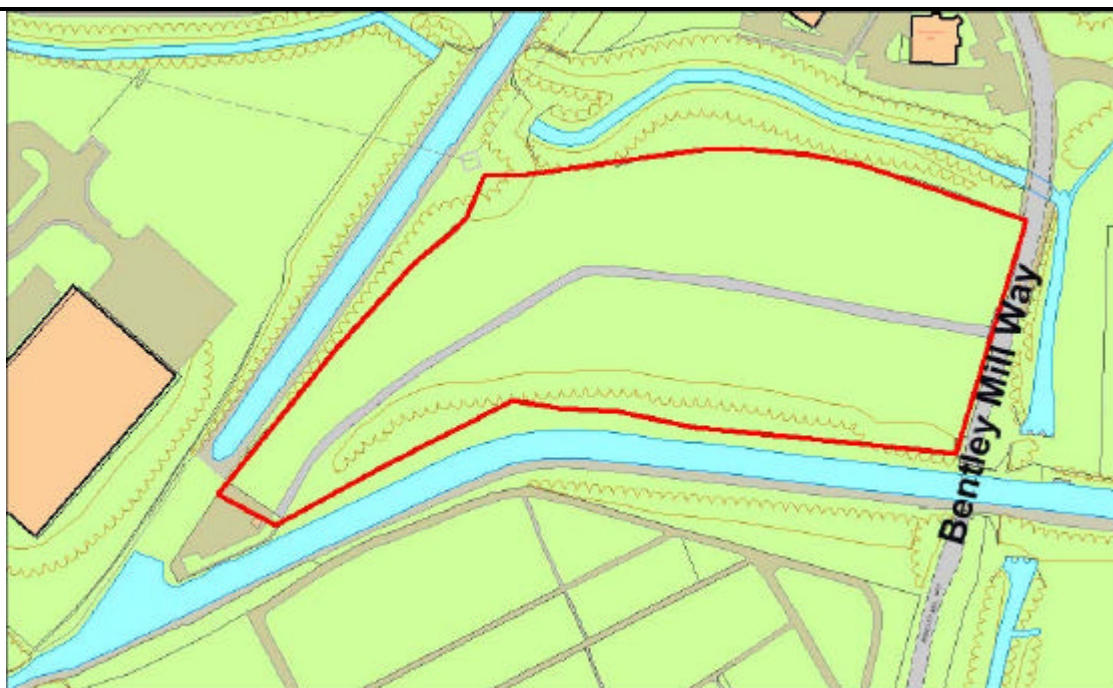
Proposal: Variation of Condition 1 of Planning Permission 02/0157/OL/W2 (Commercial Development) to extend the time to 5 years

Location: LAND AT, BENTLEY MILL WAY, WALSALL, WEST MIDLANDS

Ward: Bentley & Darlaston North

Expired: 10 April 2006

Recommendation Summary: Grant Permission subject to conditions



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

Application and Site Details

The proposal is for the variation of condition 1 of Planning Approval 02/0157/OL/W2 (Commercial Development) to extend the time period to 5 years for submission of reserved matters. The original Outline proposal was approved on the 17th July 2003 for the erection of: Use Class B1(b) research and development, studios, laboratories, high tech; Use Class B1(c) Light Industrial; Use Class B2 (General Industrial) and B8 (storage & distribution) units.

The site within the Walsall Urban Regeneration Area, is a former sports ground, currently cleared and generally flat with a perimeter palisade fence. To the north of the site is the River Tame and beyond are three free standing restaurants. To the east is Bentley Mill Way with the River Tame beyond the road and another vacant industrial site across the river. To the south on an elevated embankment is the Walsall Canal with the Grade II listed James Bridge Aqueduct at the south west corner of the site. Beyond the canal is Darlaston Cemetery. To the west is the Walsall Canal Anson Arm on a raised embankment with industrial units beyond.

Relevant Planning History

02/0157/OL/W2 Outline: Erection of industrial units Planning Class Use B1(b) research and development, studios, laboratories, high tech, Planning Class Use B1(c) Light Industrial, Planning Class Use B2 (General Industrial) and B8 (storage & distribution) units. Approve 17th July 2003.

P34983 Outline: Construction of road and erection of warehouses. Refuse 26/4/71.

BCW198 Outline: Industrial development, 15 industrial units and associated works. Not Determined.

Relevant Planning Policy Summary

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

UDP

Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact. Relevant considerations to be taken into account are set out in Policy GP2

The Council will encourage regeneration that will revitalise the local economy, create jobs, protect and enhance the natural and built environment, bring forward derelict, vacant or underused land and improve safety and security. Relevant considerations to be taken into account are set out in Policy GP4

Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design. Relevant considerations to be taken into account are set out in Policy GP7

Developments for the storage of hazardous substances will only be permitted if it would cause no extra risk to the public or the natural environment. Relevant considerations to be taken into account are set out in Policy ENV12

Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations to be taken into account are set out in Policy ENV32

Para 3.113 New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

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

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

Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals. Relevant considerations to be taken into account are set out in Policy ENV33.

Site of 0.4 hectares and larger are shown on the proposals plan allocated for employment use as defined in policies JP5 and JP7. Relevant considerations to be taken into account are set out in Policy JP1.

Core employment areas will be safeguarded, for which permissions may be subject to conditions to prohibit change to other uses such as B1(a) offices. Relevant considerations to be taken into account are set out in Policy JP5.

The Council will take account of flood risk according to the principles set out in PPG25 and also take account of any information on flood risk provided by the Environment Agency, including the most recently produced Flood Zone Maps. Relevant considerations to be taken into account are set out in Policy ENV40.

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified. Parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Relevant considerations to be taken into account are set out in Policy T7

National Policy (PPG/PPS)- PPS1 delivering sustainable development, PPG13 Transportation, PPS23 Planning and Pollution Control, PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Planning Out Crime circular 5/94, Safer Places- The Planning System and Crime Prevention.

Consultations

Transportation- No objections

Fire Officer- No objections

Pollution Control- No objections

Environmental Health- No objections

Inland Waterways Association- No objections

British Waterways- No objections

Environment Agency- No objections

Representations

None

Determining Issues

- Policy
- Extending the date for submission of reserved matters
- Flood risk
- Highways
- Site constraints

Observations

Policy

The application site is identified in the Unitary Development Plan Policy JP1 as site E14 for a core employment use and expanded in policies JP5 & JP7. The planning application complies with the aims and objectives of the Unitary Development Plan Policies.

Extending the date for reserved matters:

The applicant has requested an extension of time for the submission of reserved matters. This has arisen from their discussions with the Walsall Regeneration Company who are still developing a comprehensive scheme for the Darlaston Strategic Development Area. The applicant has included an artist impression of the area illustrating the Walsall Regeneration Company's vision.

Flood Risk

The application site lies adjacent to the River Tame which flows to the north of the site. The northern section of the site lies within Flood Zone 2, which is medium to low risk. This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources.

An improvement scheme to the River Tame during the 1970's offered protection to a 1 in 50 year standard. However, it is believed the design is closer to the 1 in 100 year standard. Given the applicant has a current live permission 02/0157/OL/W2 and that this application is only to extend the time period for submission of reserved matters and the works that have been carried out to the adjacent waterways, the Environment Agency have accepted that a Flood Risk Assessment can be conditioned in this instance.

Highways

During the consultation of the original planning application 02/0157/OL/W2 the Highway Engineers were concerned about the access to the site and roads surrounding. To mitigate these concerns, the applicant entered in to a Section 106 Agreement to provide a full transport assessment prior to the submission of a reserved matters application, and implement the requirements of the assessment. However, I am of the opinion, that this could be achieved with a suitable condition.

Conclusion

Given the site still has a current outline approval and that the site is part of the Walsall Regeneration Company's overall vision for Darlaston and that the Environment Agency have not objected to the proposal subject to the submission of a full Flood Risk Assessment and a full transport assessment to satisfy the Highway Engineers original concerns, I recommend approval for the extension of time for the submission of reserved matters for a further two years.

Recommendation: Grant Permission subject to conditions

1. Application for approval of the Reserved Matters shall be made within 2 years of the date of this decision for planning approval. The submission of Reserved Matters must be submitted not later than:

- i) 2 years from the date of this decision.
- ii) 2 years from the approval of the Reserved Matters or in the case of approval on different dates the approval of the last reserved matter.

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

2. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority: -

- a) The siting of the building(s);
- b) The design of the building(s);
- c) The external appearance of the building(s);
- d) The landscaping of the site.
- e). Means of access.

Reason: Pursuant to Article 7(1) of the Town and Country Planning General Development Order 1988.

3. Prior to the submission of another application a Flood Risk Assessment appropriate to the scale and nature of the development must be undertaken and submitted to the Local Planning Authority as part of any reserved matters or subsequent full planning application. The risk associated with the development and proposals to mediate any increase in flood risk shall be included in the assessment. No development shall take place in the area identified in the Flood Risk Assessment as at risk from flooding and the results of the assessment are to be implemented in accordance with its recommendation prior to the implementation of the development.

Reason: To prevent development within the floodplain and to avoid the increased risk of flooding elsewhere in line with Planning Policy Guidance 25: Development and Flood Risk.

4. Prior to the submission of another application a transport assessment appropriate to the scale and nature of the development must be undertaken and submitted to the Local Planning Authority and form part of any subsequent reserved matters or full planning application. The results of the assessment are to be implemented in accordance with its recommendation prior to the implementation of the development.

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

5. 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.

6. No industrial process shall take place in the open on any part of the site.

Reason: To safeguard the amenities of the area.

7. No development shall be carried out until details of car and lorry parking and manoeuvring areas have been approved in writing by the Local Planning Authority. The plans shall clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory functioning of the development.

8. Details of external lighting are to be submitted and agreed in writing with the Local Planning Authority and then installed in accordance with the approved details prior to the first occupation of the development and maintained thereafter and no other external lighting installed without prior agreement in writing with the Local Planning Authority.

Reason: To ensure satisfactory development of the site.

9. No public address system or radio/music system shall be installed externally on the permitted building/s.

Reason: To safeguard the amenities of the area.

10. No amplification equipment shall be installed in the premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

Reason: To safeguard the amenities of the area.

11. 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.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

13. 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.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

16. No development shall be carried out until a plan showing the species and location of all existing trees and hedges on the site, details of which trees and hedges are to be retained or removed, and details of the design and location of protective guards or fencing, has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

17. There are public sewers which cross the site. No building shall be erected or trees planted within 6 metres of these sewers.

Reason: To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details comp

Reason: To ensure satisfactory development of the site

19. Prior to any development on the site

(a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]

(b) The approved survey and investigation shall be undertaken in accordance with the approved details

(c) The results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.

(d) The approved measures shall be implemented in accordance with the approved timetable.

Reason: To ensure the satisfactory development of the site.

20. A protocol shall be 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.) to be implemented prior to and maintained throughout the period of construction.

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

NOTE FOR THE APPLICANT

Main river bye-law distance.

This is defined as any land within 8 metres of the bank top of a designated Main Rivers as shown on the statutory maps held by the Environment Agency. Local land drainage bye-laws will apply to the development within this zone.

By its nature, land within the bye-laws distance will usually be within a high risk flood zone and development within this area may pose an unacceptable flood risk to the proposed development or to neighbouring property. In addition to this issue there are other considerations to be addressed satisfactorily including access for maintenance and improvements of the main river, obstruction to overland flood flows of functional floodplain.

The applicant should be aware that under the Water Resources Act 1991 and Land Drainage Byelaws, the prior consent of the Agency is required for any development within the bye-laws distance. Such consent is in addition to planning permission.

NOTE FOR APPLICANT

The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Please note that this is not an exhaustive list.

NOTE FOR APPLICANT:

The submitted layout plan is indicative only.

NOTE FOR APPLICANT:

A high pressure gas pipeline runs along the bank of the Walsall Canal to a Compound at the junction of the canals.

NOTE FOR APPLICANT:

British Coal has been consulted on this application and your attention is drawn to the attached reply.

NOTE FOR APPLICANT:

Severn Trent Water Ltd has been consulted on this application and your attention is drawn to the attached reply. The applicant may wish to apply to Severn Trent Water Ltd., to divert the sewers in accordance with Section 185 of the Water Industry Act 1991.

NOTE FOR APPLICANT:

British Waterways Board has been consulted on this application and your attention is drawn to the attached reply.

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, GP7, ENV12, ENV32, ENV33, ENV40, T7, JP1 & JP5 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 04 April 2006

REASON FOR BRINGING TO COMMITTEE: Objection from consultee

Application Number: 06/0145/FL/W7

Case Officer: Andrew White

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Mr. A.S. Bagdi

Agent: Garfield Davis Architectural Ltd

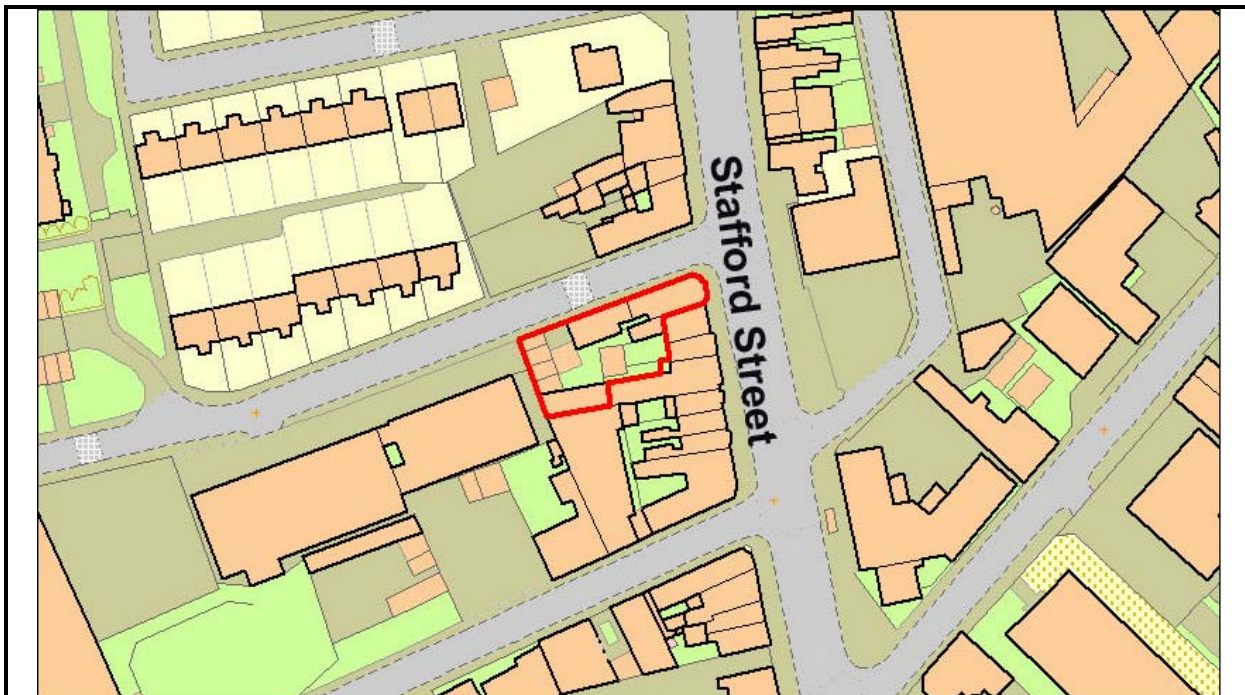
Proposal: Change of use to a restaurant with
self contained flat above

Location: 87, STAFFORD
STREET, WALSALL, WEST
MIDLANDS, WS2 8DU

Ward: Birchills Leamore

Expired: 07 April 2006

Recommendation Summary: Grant Permission subject to conditions



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

Application and Site Details

The proposal seeks approval for a change of use to an A3 restaurant with self-contained flat above. The restaurant allows space for 50 covers, a reception area and bar at the Stafford Street end of the building, kitchen, toilets at the rear (small extension) and the creation of a three bedroom flat over.

The site occupies a corner position. The area is mixed use with a combination of manufacturing, retail, restaurant's, hot food takeaway, tyre fitting, drinking establishments, a church, some residential and car sales to name a few. The application site has a Victorian two storey building built up to the public footpath and occupies the majority of the site, with a small enclosed court yard towards the rear.

The building appears to have been vacant for a period of time and is lacking from investment and maintenance. The applicant's intend to refurbish the building including using the original entrance at the corner of the road. Within the courtyard, the two existing garages would be used for staff parking and it is intended to add a small rear extension for customer toilets 4.3metres deep by 5.7metres wide and 2.5 metres tall.

Relevant Planning History

05/2100/FL/W3- Change of use to (A5) hot food takeaway at 80 Stafford Street. Undetermined.

05/1593/FL/W6- Change of use to (A5) hot food takeaway at 81 Stafford Street. Refused 17/11/05, Appealed pending a decision.

05/1322/FL/W3- Change of use to (A5) Hot Food Takeaway at 103 Stafford Street. Approve 27/09/05.

Relevant Planning Policy Summary

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

UDP

Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings. Relevant considerations to be taken into account are set out in Policy GP1

Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact. Relevant considerations to be taken into account are set out in Policy GP2

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

Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character. Relevant considerations to be taken into account are set out in Policy ENV32

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

Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings. Relevant considerations to be taken into account are set out in Policy H3

The design of residential developments to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design. Relevant considerations to be taken into account are set out in Policy H10

All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Policy T7

Investment in housing within and close to town, district and local centre will be encouraged, both on new sites and through the conversion of existing buildings. Relevant considerations to be taken into account are set out in Policy S8

The design of residential developments to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design. Relevant considerations to be taken into account are set out in Policy H10

Integration of development into centres should be of scale and nature appropriate to the size and function of the centre concerned and sensitively integrated, in function and visual terms, with primary shopping area other land uses, pedestrian routes, car parking, public transport, servicing and local townscape. Relevant considerations to be taken into account are set out in Policy S3.

The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses which these centres provide, consistent with the role and function of the centre, in order to meet the needs and aspirations of all who use the centres. Relevant considerations to be taken into account are set out in Policy S4.

National Policy (PPG/PPS)- PPS1 delivering sustainable development, PPS6 Retail, PPS23 Planning and Pollution Control, 'By Design' companion to PPG's, Urban Design Compendium, Planning Out Crime circular 5/94, Safer Places- The Planning System and Crime Prevention.

Consultations

Transportation- No objections

Environmental Health- Object because of noise and smell

Walsall Regeneration Company- No objections

Fire Officer- No objections

Representations

No comments received.

Determining Issues

History

Loss of retail

Impact on neighbouring uses

Highways

Observations

History:

Within the past 6 months, there have been two relevant applications for change of use, both for A5 hot food takeaway. 81 Stafford Street was refused for the following reasons: The application property is adjacent to the junction of Stafford Street and Long Acre Street where parking is prohibited by existing traffic regulation orders. The lack of off-street parking will encourage customers to park on street and this will create potentially dangerous on-street parking detrimental to the safety and free flow of traffic and pedestrians. The policy therefore fails to comply with Unitary Development Plan Policy S10 and T13 and T4 so therefore does not comply with council policy, and;

The siting of a flue on a corner property would be difficult to achieve without detriment to the visual amenity of the area, the character and appearance of the building will be adversely affected by any extraction flue which would be visible from the highway for a considerable length. It therefore fails to comply with Unitary Development Plan policies GP2, 3.6 and S10 and therefore does not comply with council policy.

The current application differs significantly from 81 Stafford Street although they are both corner sites. The current proposal is for a restaurant, where customers are likely to sit down and enjoy a meal for a period of time, meaning that if they arrive by car, they are more likely to park in a responsible and safe manner, rather than customers of hot food takeaways, that tend to park very ad hoc generally as close the shop front as possible.

Loss of Retail:

The current small ground floor retail unit is and has been vacant for some time. I consider the unit that is not primary retail frontage and given the close proximity to Walsall Town Centre and the existing mix of uses in Stafford Street, that in this instance the proposal would be acceptable and would not impact on the viability and vitality of the immediate locality. Moreover, the reuse of a long term vacant building would have a positive effect on the surrounding local centre.

Impact on neighbouring uses:

I do not consider the change of use to planning class use A3 restaurant will impact on the neighbouring residential dwellings in Whitehouse Street by noise and disturbance that you would normally associate with a hot food takeaway A5 use, because users of the restaurant would arrive and spend longer periods of time in the premises rather than a takeaway with constant coming and going during opening times.

Clearly there are potential issues about the position of any flue, but this could be overcome by careful consideration of any conditions. The flue could be disguised as a chimney to the property and the site is generally larger than the refusal site at 81 Stafford Street allowing more flexibility in positioning any flue away from public gaze. Also, the applicant should undertake regular maintenance of the extraction system to minimise impact of noise and smell to the vicinity.

Highways:

Transportation has not objected to the proposal stating the proposal would not alter the parking requirement of the site. The existing/proposed use generates the need for 9 parking spaces. The site currently has 4 parking spaces which would be reduced to 3 spaces by the change of use. It is considered that in view of the comparable parking requirement, the proposal is unlikely to have any significant impact on the operation of the surrounding highway over and above the existing use. Given that the restaurant is likely to operate mostly in the evening, there is sufficient on street parking in Whitehouse Street and Stafford Street should it be required. In addition, restricting the number of covers and restricting the use to not include take away facilities also contributes to removing concerns for highway safety issues.

Conclusion

In this instance, given the size of the existing retail use, the shape of the site, that it is at the edge of the existing retail core and not primary retail frontage and transportation have not objected to the proposal, I consider that in this instance the proposed use would be acceptable.

Recommendation: Grant Permission subject to conditions**Conditions and Reasons (or reasons for refusal)**

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. A ground floor windows shall be maintained, retained and not obscured at all times.

Reason: To ensure the satisfactory appearance of the development.

3. The premises shall not be open for business outside the hours of 1200 to midnight Mondays to Sundays.

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

4. No delivery vehicles shall operate to or from the site outside the hours of 0900 to 1900 Monday to Fridays, 0900 to 1700 Saturdays and not at all on Sundays, or Public Holidays.

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

5. 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.

6. The car parking shown on the approved plans shall only be used in association with the building which is the subject of this planning permission. The areas of parking shall be maintained and used for no other purpose throughout the life of the permission.

Reason: To ensure the satisfactory functioning of the development.

7. No development shall be carried out until details of ventilation and fume control equipment have been approved in writing by the Local Planning Authority. The approved details shall be implemented before this development is brought into use, and thereafter retained in working order.

Reason: To safeguard the amenity of the area.

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

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

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

Reason: To ensure the satisfactory appearance of the development.

10. This permission relates to the drawings numbered 1259-P04 dated 31/01/06, 1259-P01 dated 31/01/06, 1259-P03 dated 31/01/06, 1259-P02 dated 31/01/06 and 1259- site location plan dated 31/01/06.

Reason: To define the permission.

11. The living accommodation contained within the development hereby approved is to be occupied solely in conjunction with the restaurant.

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

12. 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.

13. The use hereby approved shall not have more than 54 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 GP1, GP2, GP7, ENV32, T7, T13, H3, H10, S3, S4 & S8 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 04 April 2006

REASON FOR BRINGING TO COMMITTEE: Disposal of Council owned land

Application Number: 06/0162/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Mr K Miah

Agent: Sueshire Services

Proposal: Substitution of house types for previously approved two dwellings.

Location: LAND TO REAR OF CORPORATION STREET ,TASKER STREET,WALSALL, WEST MIDLANDS

Ward: St. Matthews

Expired: 19 April 2006

Recommendation Summary: Grant Permission subject to conditions



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

Application and Site Details

Two, 2 storey detached dwellings were approved on land to the rear of Tasker Street / Corporation Street West and Wednesbury Road, Walsall in May, 2005.

This application seeks to amend the house types by increasing the floor area at both ground and first floor levels, increasing each dwelling from four bedrooms to five bedrooms, providing a double garage and a drive parking space for each dwelling.

The site is in council ownership and is currently a back land site having been previously used as a children's play area. The area around the site is mostly the back gardens, driveways and garages of the surrounding houses, and to the east the rear of a small commercial complex of buildings.

Access to the new dwellings would be via the narrow access between 82 and 84, Corporation Street West which provides the only right of way to garages at the rear of properties in Tasker Street / Corporation Street West and Wednesbury Road. The right of access for the surrounding properties would be maintained.

Relevant Planning History

05/1746/FL/W5 - Substitution of house types. Withdrawn 13th December, 2005.

05/0414/FL/W5 - Erection of two dwellings, approved 11th May, 2005

04/2676/FL/W5 - Erection of one dwelling approved 16th February, 2005.

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

The adopted Unitary Development Plan policies identify an increased emphasis on the quality of design as an important environmental issue and the following are specifically relevant.

3.6...Development / redevelopment schemes help to improve the environment

3.7...proposals for development/redevelopment will seek to protect people from unacceptable noise, pollution and other environmental problems...encourage relocation of bad neighbour uses from residential and other sensitive areas.

3.16...consider development in relation to its setting, reference to character and quality of existing environment... require high quality of built and landscape design

Env 32...(a) Poorly designed development/proposals not be permitted unless take into account context or surroundings

Env 32...(b) quality of design subject to appearance, height, proportion, scale, and mass of proposed buildings/ structures, materials, integration, Community safety/security, effect on the local character of the area, vehicular and pedestrian circulation patterns, integration of existing natural and built features of value

ENV33...Good landscape design to be integral part of design

GP2...expect developments to contribute to quality of environment... not permit development which would have an unacceptable adverse impact on the environment

GP7...designing out crime through promotion of mixed use developments...ensure presence of people, maximise surveillance of public areas from the living areas of homes and amount of defensible space, design and layout of buildings, landscaping and structures.

H3...encourage additional housing through re-use of previously developed windfall sites and through the conversion of existing buildings, including vacant dwellings and the upper floors above shops and other business premises...conversion of appropriate buildings into dwellings - flexibility in standards for parking and amenity space.

H10... Layout, Design and Dwelling Mix ...(a) expect the design of residential developments to ensure good integration with surrounding land uses, provide adequate additional open space, or improvements to existing open space.

LC1... seek to retain and enhance existing urban open spaces... development resulting in loss of, or affect urban open space will not be permitted

The Council has now adopted Residential Development Standards, to control such matters as garden size.

National Government Policy

Planning Policy Guidance Note 3 (Housing) is relevant, its objectives are :

- to meet the housing needs of the whole community,
- create more sustainable patterns of development,
- make more efficient use of land,
- promote good design,
- reduce car dependence.
- greening the residential environment to enhance quality
- policies for the protection and creation of open space and playing fields, and

Consultations

Transportation - no objections

Conservation - reiterate previous comments regarding no objections although the design of the dwellings will be out of character with the surrounding area.

Fire Service - No access issues (sprinkler systems should be installed)

Representations

One representation received regarding possible encroachment of new boundary fences on the shared accesses.

Determining Issues

- acceptability of house types
- design
- amenity

Observations

The principle, suitability, access, design and security of this scheme were all considered acceptable by the previous applications. This application is for the substitution of house types which result in changes to the development which again need to be considered for their appropriateness.

Acceptability of house types

The change in the house type results in an additional bedroom which in accordance with the Unitary Development Plan requires three parking spaces, the scheme accommodates this and therefore complies.

Design

The design of the two dwellings was previously considered acceptable even though they were not representative of the majority of dwellings surrounding the site. This was on the basis that they will not have any visual relationship to those surrounding dwellings and the modern simple design will fit more comfortably in this backland area.

Amenity

The standard distance between habitable room windows is easily achieved and therefore the existing amenity of nearby dwellings will be maintained. Similarly, the rear garden lengths are above the required standard.

The erection of a fence along the side boundary of the new development will not restrict the use of existing garages or accesses around the site. Any sale of the land will also be subject to all definitive and prescriptive rights of access being maintained in order to secure access to those rear areas which currently have a right of access to.

Conclusion

The proposed house type substitutions is acceptable and will not impact on the amenity of either future or existing occupiers around the site, again the proposal is in accordance with Planning Policy Guidance 3, and policies of the Unitary Development Plan in so far as the proposal would support and promote residential within this area and therefore the principle is to be encouraged.

Recommendation: Grant Permission subject to conditions

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

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

2. No 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 and functioning of the development.

3. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

- i) existing and proposed ground levels
- ii) dimensions of planting beds
- iii) site preparation
- iv) plant species/densities; tree species/sizes and locations
- v) arrangements to be made for the disposal of surface water
- vi) hard landscaping works.

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

Reason : To ensure the satisfactory appearance of the development.

4. 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.

5. No development shall be carried out until details of car parking and manoeuvring areas have been approved in writing by the Local Planning Authority. The plans shall clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

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

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

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

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

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

8. 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.

9. No development shall be carried out until details of the proposed domestic sprinkler system have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implement and in full working order prior to first occupation of any unit and shall thereafter be retained in good working order.

Reason : To ensure the satisfactory functioning of the development.

NOTE FOR APPLICANT: You are advised that although this permission has been granted you must also respect any ownership rights or other legal agreements including rights of way.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, 3.7, 3.16, Env 32 (a and b), ENV33, GP2, GP7, H3, H10(a) and LC1 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Interim Head of
Planning and Transportation
On 04 April 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 05/2389/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Austin Moran

Agent: Philip Taylor Associates

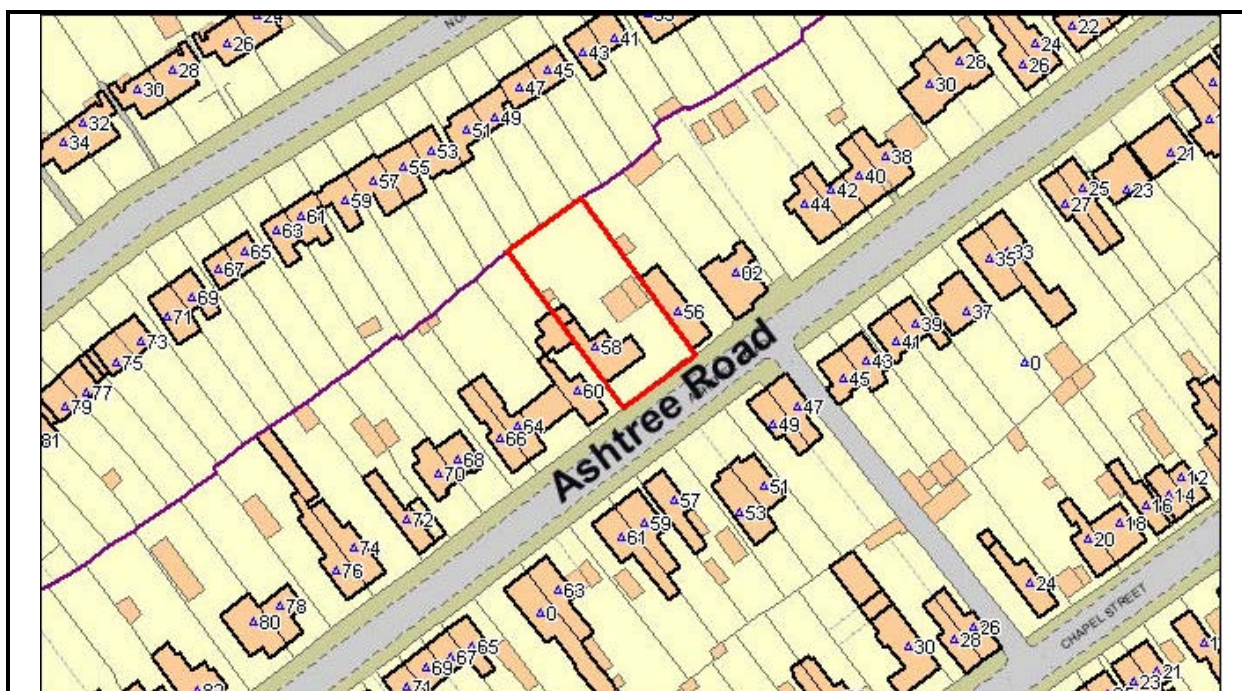
Proposal: Division of existing dwelling into 2 no. flats and construction of 2 no. further dwellings

Location: 58, ASHTREE ROAD, PELSALL, WALSALL, WEST MIDLANDS, WS3 4LS

Ward: Pelsall

Expired: 23 January 2006

Recommendation Summary: Grant Permission subject to conditions



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

Application and Site Details

The application proposes the division of the existing house at 58 Ashtree Road into 2- one bedroom flats and the construction of rear and side extensions to provide 2, two-storey, 2 bed. dwellings. The flat conversions would each be approximately 57 sq. m in floor area, unit 3 would be approximately 68 sq. m and unit 4 approximately 72 sq. m.

Unit 3, at the rear, would be in part single storey, set 0.3m off the boundary with 60 Ashtree Road and project 4.5m beyond the existing rear elevation of 58 Ashtree Road. The two storey element of unit 3 forms a bridge section linking to the fourth duplex, two storey dwelling, so as to provide vehicular access to the rear garden. The front elevation of the fourth duplex would be set 13.5m from back of footpath.

The rear garden would be laid out to provide 5 car park spaces, together with bin stores, garden storage sheds and landscaped sitting-out areas to the rear and one car park space on the frontage. A planting strip of 1.8 minimum width would surround the car park, with corner areas adjacent to rear gardens at 47, 49 and 51 Norbury Avenue proposed with a wider area, approximately 3.7m and 2.5m deep respectively. The rear garden and parking area would be secured by a 1.8m high concrete post and close boarded fence, with painted steel gates at the front of the bridge section, to secure the rear garden area.

The application proposes to restore the dwelling to its original façade, with lead dressings to bay windows and the proposed extensions would have windows with a vertical emphasis, characteristic of this Victorian property.

The site is a residential street with a range of Victorian and more recent dwellings fronting the road at various distances from the back of footpath. 58 Ashtree Road occupies a 20m wide by 45m deep plot, which is exceptional in the street layout and part of the garden area is occupied by a row of three garages. Outbuildings original to the dwelling abut the boundary with 60 Ashtree Road, are 3.5m in height and extend 5.5m beyond the rear elevation of the house. 60 Ashtree Road is a typical 'L' shaped Victorian detached with a long rear extension on the south side of the property, with habitable room windows facing north, overlooking the application site. 56 Ashtree Road presents a large blank gable wall in the street scene. Number 47, 49 and 51 Norbury Street are to the north and rear of the site, with rear gardens in excess of 20m in length.

The site is included in the Pelsall Conservation Area.

Relevant Planning History

None

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

Unitary Development Plan

Policy 2.2 - Creating, sustaining and enhancing a high quality natural and built environment throughout the Borough, including a high standard of design.

Policy GP2 - All developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

Policy 3.6 - Development schemes should help to improve the Borough.

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

Policy 3.16 Good design should be a feature of all development

Policy ENV10 - development will not be permitted if the health, safety or amenity are adversely effected.

Policy ENV 29 - specific regard will be had for the enhancement of the Conservation Area.

Policy ENV32 (b) considers design and poorly designed schemes will not be permitted.

Policy ENV 33 - refers to good landscape design.

Policy 3.17 Landscape design is an integral part of good design.

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

Policy H10 - schemes should create a high quality living environment.

Transport Strategic Policy Statement - all transport proposal should be sensitive to the environment;

Policy T13 sets out parking standards

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

Residential Development Standards

- a minimum rear garden length of 12 metres;
- minimum separation of 24 metres;
- minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height.
- Correspondence with the 45° rule.

National Policy

Planning Policy Statement 1 advises that good design should contribute positively to making places better for people and high quality, inclusive design for the lifetime of the development, considering the direct and indirect impacts on the natural environment.

Planning Policy Guidance Note 3: Housing; Aims to achieve more efficient use of land without compromising the quality of the environment. However new development must be informed by the wider context.

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

Planning Policy Guidance Note 15 - to safeguard and enhance the historic environment through sustainable development. Paragraph 4.17 advises gap sites should be seen as an opportunity to enhance the Area.

Consultations

Transportation - The proposal generates the need for 6 parking spaces which are provided at the site. Pedestrian visibility splays would need to be safeguarded by condition.

Environmental Regeneration , Conservation Officer - No objections. External material should be reserved for approval by condition, as in the recommendation.

Environmental Health - No objections

Fire Service - satisfactory access

West Midlands Constabulary, Architectural Liaison Officer - No details of external lighting are shown in the proposal. (This is secured by condition in the recommendation.)

Representations

Seven letters have been received which object on the following grounds;

1. Impact on security, with access available to gardens on Norbury Avenue
2. Impact on privacy - rear gardens would be overlooked; a 6ft fence is not adequate to secure privacy;
3. Lighting for the parking and access areas would be intrusive;
4. Noise from the car park will intrude into adjoining rear gardens and disturb occupiers especially in summer when windows are left open; the car park will be an eyesore;
5. Ashtree Road has a parking problem and is frequently congested by on street parking.
6. Part of the scheme infringes the 45° rule of the adopted guidelines.

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

Determining Issues

- ? Sustainability
- ? Impact on the Conservation Area
- ? Impact on residential amenity
- ? Parking

Observations

Sustainability

The scheme proposes 4 dwellings and the density would be 65 dwellings per hectare. Whilst Planning Policy Guidance Note 3 suggests 30 -50 dph as a guideline, it also recognises that higher densities can be achieved close to good local transport. The site is 250m from Pelsall village centre, which is a convenient walking distance.

The scheme is considered acceptable in terms of sustainability.

Impact on the Conservation Area

The application is considered acceptable by the Conservation Officer as the design is not acceptable with windows more characteristic of the Conservation Area. The dwelling at unit 4 will sit against a large and intrusive blank gable wall in the street scene, which would be hidden by the side extension proposed as unit 4. This would enhance the amenity of the Conservation Area.

Impact on amenity

The fear of crime is a material consideration and comments of adjoining residents express concern for the 'opening up' of the rear garden. The proposed rear garden and car park area would be bounded by a 1.8m high fence and gated at the driveway entrance. It would be in the interests of the occupiers of the proposed development to maintain security by using the gates. Ground floor living rooms and three bedrooms would overlook the rear garden and parking area, adding surveillance to this part of the site.

The rear garden is in part accessed by vehicles using the three garages at the site. However the proposal would introduce vehicular activity further into the rear garden. The 1.8m fence proposed is a common level of security in this situation and is considered adequate. The proposal shows a minimum depth for planting of 1.8m which extends along all boundaries abutting gardens. On the rear boundary it would be deeper, at 3.5m or more. Proposed planting areas are robust in size and would be able to provide viable tree planting as well as other landscape features, so as to mitigate any impacts on visual amenity.

Particular designs of close boarded fencing can be effective in reducing noise and would also reduce nuisance from lights of vehicles. A condition is recommended to secure the appropriate level of protective fencing for noise reduction (condition 3).

There would be a distance of 18.5m between the rear elevation of the proposed dwellings and the rear boundary of the site, with separation of more than 40m between overlooking habitable room windows of the proposal and the existing dwellings at Norbury Avenue. This distance is well in excess of that required by Residential Development Standards and privacy of habitable rooms would therefore be safeguarded.

The existing rear elevation of 58 Ashtree Road projects 4m beyond the rear, north facing elevation of 60 Ashtree Road and the submitted plans illustrate how this existing structure is in compliance with the Residential Development Standards 45° rule. However the applicant also proposes a single storey extension set 0.3m in from the boundary, extending a further 4.5m beyond the original building. This single storey extension occupies the site of existing single storey outbuildings, and would be 1m less in projection, although 0.4m higher at 2.7m replacing the 2.3m height to eaves of the existing outbuildings. The impact of the additional height would be off-set by the 0.3m set back from the boundary and, because the roof would be hipped, the net impact would be a reduction in roof mass over and above the existing buildings.

It is considered that the construction of the proposed extension would be a small improvement on the existing situation.

Parking

The proposal provides parking at a ratio of 1.5 per dwelling, which is all off-street parking and which complies with adopted standards. This is considered satisfactory.

Recommendation: Grant Permission subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. No development shall be carried out until full details of the noise reduction fencing or other means of boundary treatment to mitigate noise, for the boundaries to the site, has been submitted and approved in writing by the Local Planning Authority.

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

Reason: In the interests of the amenity and to ensure the retention of the trees.

5. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The landscape scheme shall provide details of the proposed close boarded fencing to reduce noise, surface treatments for new driveway areas and the treatment of boundaries thereto. The approved boundary treatment shall be carried out before this development is brought into use and shall be thereafter retained.

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

6. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within three years of planting, shall be replaced by a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: To ensure the satisfactory appearance of the development.

7. The development shall not be brought into use until the access road, vehicular turning area and garage parking have been provided as shown on the approved plans.

Reason ; In the interests of highway safety

8. No development shall be carried out until a detailed scheme for the lighting of the car park area and bridge access have been submitted to and approved by the Local Planning Authority and shall be implemented in accordance with the approved scheme before occupation and maintained as such.

Reason: In the interests of amenity.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, 3.16, 3.7, GP2, ENV 29 and ENV34 of Walsall Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.
