



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning,
Regeneration
On 30th October, 2007**

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Walsall Council

ITEM NO: 1.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 30 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest.

Application Number: 07/1723/FL/E9
Application Type: Full application
Applicant: Pharos Care Ltd
Proposal: Change of use from private dwelling house to C2 Care home for transition care. Construction of two-storey side extension.

Ward: Pelsall

Recommendation Summary: Grant Subject to conditions

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Agent: Partington Associates
Location: 115 WOLVERHAMPTON ROAD, PELSALL, WALSALL, WS3 4AD

Expired: 07/11/2007



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Application and Site Details

The site is situated on the northern side of Wolverhampton Road just to the west of the junction with Highfield Road North. The site comprises a two storey large Victorian detached four bedroom house, set back from the road, with a substantial rear private garden, front driveway parking and in and out vehicle accesses.

Wolverhampton Road (A4124) forms part of the Strategic Highway Network (SHN) providing a main strategic route through the Borough.

The site is surrounded by residential properties, situated in a predominantly residential area within walking distance of Pelsall local centre.

The application proposes the change of use from a family dwelling house to a C2 transition care home, to provide care and assessment for 7 young adults (18-35 years) with learning disabilities and autism. The amended proposals include a two storey side extension to provide 3 additional bedrooms, en-suite shower rooms, an assisted bathroom and a lift.

The home would provide 24 hour care with staffing numbers ranging from 2 to 5 on duty at any one time with further on call support available on a 24 hour basis.

Each resident would be assessed and have a full plan of support, to provide quality support around issues in life, together with teaching programmes around personal care, living and independent skills, including educational, leisure and social opportunities, to be fully implemented by the staff of the home. The individual residents are unlikely to attend day centres etc. The home would provide transport through the use of its own MPV or people carrier and would be unlikely to use Social Services or other community transport facility.

The plans have been amended and as now submitted include an access lift and show compliance with the National Minimum Standards for Residential Care Homes, being accessible to all service users.

Six off street parking spaces would be provided on the frontage of the property (including 1 disabled space) with existing in and out vehicle access, cycle storage and bin and recycling facilities.

The applicant's visitor's policy limits the amount of people visiting the property. Regular visitors will be parents who generally visit between once and four times a month. Social service will generally visit once every three months.

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)

Walsall UDP March 2005

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.16 considers 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 the built and landscape design.

GP5: Equal Opportunities

Concerned with meeting the needs of all sections of the community and increasing social inclusion.

GP6: Disabled People

Encourages good access for people with disabilities.

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. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

Policy 6.5 concerns meeting housing needs, and states that the Council will take into account the needs and characteristics of the Boroughs population and particular requirements of groups such as disabled people.

H5: Housing for People with Special Needs

The Council will promote and encourages the provision of housing for people with special needs.

Policy T7: Car Parking

All development should satisfy the car parking standards set out in

Policy T13: Parking Standards

Residential Homes : 1 spaces per 3 beds

Consultations

Transportation – no objections, adequate parking levels would be provided for the proposals.

Pollution Control – no objections but the proposals are located in an area identified as previously utilised for a mineral railway that may present Health & Safety implications for persons undertaking ground works. A note to applicants should be attached to any approval.

West Midlands Police – No objections.

Fire Officer – satisfactory access for the fire service.

Environmental Health – No objections. Whilst there may be the potential for noise problems, particularly in summer months, resulting from the proposed use, this would be addressed through CSCI (the regulator for such uses). The applicants are however an experienced provider with existing premises in Birmingham for which

Birmingham City Council Environmental Services have received no complaints. A good neighbour policy would be encouraged.

Commission for Social Care and Inspection – no longer comment on planning applications. The onus is on the provider/applicant for registration to demonstrate that they have a fit building, this includes planning permission and meeting the commission standards.

Head of Learning Disabilities – The location and type of property is excellent and satisfies the 'ordinary houses in ordinary streets' approach to the integration of people with learning disabilities into local communities. The applicants have consulted with the team and the amended plans submitted on 11th October 2007 ensure that the house can support people with physical disabilities to access all areas of the house. The service can now support the proposals.

Tree Officer – The proposed side extension raises no arboricultural implications and therefore no objections raised.

Public Participation Responses

A petition against the proposals, 22 letters of objection, 7 letters of support and representations from Councillors Perry and Longhi have been received in relation to this application.

Petition

A petition of objection containing 201 signatures has been forwarded by Councillor Perry in relation to the original proposals. The objections in the petition were raised in Councillor Perry's letter submitted with the petition and are as follows:

- Wolverhampton Road is a very busy road
- Overlooking and loss of privacy
- Set a precedent
- Change in character of the property
- Inadequate on site parking
- Occupancy, the use is considered higher density than a family house, intensifying the pressure on local services
- Narrow age range of occupants, unlike normal family accommodation
- Lack of government of the occupiers
- Occupation short term unlike normal family accommodation
- Trees on the site should be protected to prevent future felling.

22 letters of objection have been received in relation to the original proposals.

Objections:

- Concerns regarding the type of residents within the home and the adverse impact on the neighbourhood and surrounding residents.
- Too close to existing family houses and young children
- Very busy road and increase in traffic at the site inappropriate particularly so close to road junction
- Very busy road providing a danger to future residents
- Insufficient on site parking leading to on street parking and highway safety issues.
- Property devaluation

- Planning notices not displayed correctly at the site
- Change in the nature of the neighbourhood
- Possible loss of mature trees
- Security concerns
- Safety of pedestrians from the increase in use of vehicle access
- Alterations to the property would have a detrimental impact on the surrounding area
- A family home not suitable for a care home
- Noise and disruption to surrounding occupiers from behaviour of future residents
- Loss of light to adjoining occupiers
- Exacerbation of existing sewer problems

10 letters of support have been received.

- Question the validity of the petition following a letter in the Express and Star from a local resident who was misled into signing the petition and wishes to withdraw their signature.
- Concern about so many people signing the petition objecting to the proposals allegedly with little knowledge of autism.
- Disgusted at the attitude of residents who generated the petition against the proposals.
- Provision of this type of care is welcomed.
- Everyone has a right to be accepted and integrated into the community
- Concern at Councillor involvement with objectors, when they should be representing the whole community
- Little provision for supporting young people with autism within the Borough
- The future residents would not be a danger to others, trouble makers or vandals.
- The facility would provide support to allow young people to live as independently as they are able in a safe and caring environment.
- This is an ideal location with good public transport links and local amenities.
- Likely increase in traffic to site insignificant in relation to the volume of traffic that already uses Wolverhampton Road

Occupiers were re-consulted on the amended proposals on the 11th October 2007 and a site notice posted, any additional representations received as a result will be reported in the supplementary papers.

Determining Issues

- Principle of the use
- Impact of the proposed extension on the existing house and the street scene.
- Impact of the proposals on the amenities of the surrounding residential occupiers
- Access and Parking
- Material issues but not determining issues

Observations

Principle of the use

Policy H6 of the UDP indicates that nursing homes and homes for the elderly will normally be appropriate in residential and mixed residential and commercial area and Policy H5 encourages the provision of housing for people with special needs.

The premises comprise a large detached house with substantial rear private garden and front driveway capable of parking 6 vehicles with in and out access. The site is situated in a sustainable location with good bus services and within walking distance of Pelsall local centre.

The principle of the change of use to a care home is therefore considered appropriate and acceptable.

Impact of the extension on the existing house and the street scene

The amended proposals include a two storey side extension to the property measuring 5.6m wide and a depth of 9.3m. The extension would be slightly set back from both the front and rear of the main house, resulting in a lower roof than the main building, so the extension would appear subservient. The elevational detailing would match the existing in terms of window sizes and detailing and similar eaves and roofing detail. Two windows would be included in the side elevation, both to en-suite shower and WC facilities only.

The size and design of the proposed extension is in keeping with the main house and would have no adverse impact on the general street scene or the surrounding pattern of development.

Impact of the proposals on the amenities of adjoining occupiers

The internal arrangements of the home would be a matter for the registering body (CSCi) and the potential occupiers of the home. Following concerns raised by the Head of Learning Disabilities the internal layout of the existing premises and the size and layout of the proposed two storey side extension has been amended to show that the premises would be 'disability friendly' including the provision of an access lift to the first floor.

The property has a substantial rear garden (over 1000sqm) with a number of mature trees and planting. The proposed private amenity space is therefore considered appropriate and the applicants have confirmed that no trees would be removed as a result of the proposals and existing boundary treatment would remain and provide the same screening as existing and there are no additional overlooking or privacy issues with surrounding premises.

Objectors have raised concerns regarding noise and disruption from the premises. However given the high staff to resident ratio and the careful assessment and selection process for residents of the home and the detached nature of the building, it is considered unlikely that there would be significant levels of noise from within the building or behaviour problems that would adversely impact on the amenities of the surrounding occupiers. The applicants have provided further details of the assessment of residents and training of staff to deal with behavioural issues and that they consider the disturbance of other residents within the home as well as the surrounding occupiers as part of the initial assessment for suitability of an individual

for a placement at the home prior to becoming a resident. The applicants have also confirmed that they have received no complaints regarding noise in relation to their existing home for 9 residents in Birmingham. West Midlands Police and Environmental Health have also raised no objections.

Objectors have expressed concern that the proposed use would attract more visitors than a family dwelling house, with an increase in traffic and activity. The existing house is a large detached 4 bedroom family house, which could attract a significant number of visitors and activity. It is not necessarily the case that a small care home would have more visitors than a private dwelling. The proposals do however include a high ratio of staff to residents and at shift changes this would result in some increase in activity. The property is detached and situated on a busy strategic route through the Borough. It is therefore considered that any realistic increase in activity is unlikely to cause any direct adverse impact on the amenities of the adjoining residential occupiers.

The proposed two storey side extension would be sited a minimum of 3m from the side boundary with No 113, with substantial mature screen planting/trees along the boundary. No 113 comprises a bungalow, set back at an angle to 115 approx 3m from the side boundary. It is therefore considered that the proposed extension would have no adverse impact on the amenities of the adjoining occupier, due to the distance separation and the screen planting.

Access & Parking

The proposals include 6 off street parking spaces, including 1 disabled space, in and out vehicle access and appropriate space for vehicles to manoeuvre to enter and leave the site in a forward gear.

Policy T13 refers to car parking standards for residential homes and nursing homes, 1 space per 3 beds for residential homes and 1 space per 2 beds for nursing homes.

The provision of 6 spaces would therefore exceed both of these standards. Conversely it would reflect the higher staff ratio required by the use and the keeping of an MPV or similar vehicle at the site for transporting residents around.

The proposed level of car parking is therefore considered appropriate and the layout considered acceptable, with no adverse impact on highway safety, as all vehicles would be able to enter and leave the site in forward gear.

Other issues raised by public participation

Property devaluation – not directly a planning issue

Concerns regarding the type of potential residents and the possible adverse impact on the neighbourhood – there was a misunderstanding at the beginning of the application process as to the intended client group, but additional information has been provided by the applicants, who also held an information meeting for local residents to clarify the proposed use, operation and client group of the proposed home.

Recommendation: Grant Subject to conditions

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

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

2. Prior to any works commencing on site, details of all the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

Reason: To ensure the satisfactory appearance of the development

3. There shall be no more than 7 residents accommodated within the premises at any one time.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises in the vicinity.

4. The home hereby approved shall be used to provide 24 hour transition care for adults with learning disabilities and autism only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises in the vicinity.

5. Prior to commencement of any development on site a revised parking layout plan shall be submitted to and approved in writing by the Local Planning Authority to alter the layout of the disabled parking bay (6) to provide the access zone to the drivers side of the vehicle and the loading zone to the rear of the space. A disabled logo shall be located within the bay and a sign and post indicating disabled parking shall be installed at the front of the bay. The revised layout shall also include a bin hardstanding adjacent to the highway to be used on refuse collection days. The approved plan shall then be implemented and thereafter retained.

Reason: In order to provide satisfactory parking provision for people with disabilities.

6. Prior to commencement of any development on site details of signage to identify the 'In' and 'Out' vehicle access and egress arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before development is brought into use and thereafter retained.

Reason: In the interests of highway safety.

7. The works hereby approved shall only be carried out in accordance with details contained within amended drawing No.PC2/02C submitted on 11th October 2007.

Reason: In order to define the permission and ensure that only the approved works are implemented.

Notes to Applicant

The area of this proposed development has a history of being utilised for a mineral railway and this may have resulted in hot spots of contaminated material. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, 3.16, GP5, GP6, ENV32, 6.5, H5, H6, T7 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



Walsall Council

ITEM NO: 2.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 30 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1697/RM/E9

Application Type: Reserved Matters

Applicant: Mr Melvyn Pearce

Proposal: Reserved Matters application
with only landscaping to be assessed

Ward: Aldridge/Central & South

Recommendation Summary: Approve Reserved Matters with Conditions

Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: Zebra Architects

Location: 12-14 LITTLE ASTON
ROAD, WALSALL, WS9 0NN

Expired: 02/11/2007



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Application and Site Details

This application is for reserved matters for landscaping details only, following an outline approval for the erection of 10 apartments (8 x 2 bed and 2 x 3 bed) and 14 parking spaces with gated access to the side. The outline consent considered access, appearance, scale and layout with only landscaping reserved for future determination.

This application provides details of both hard and soft landscaping, details of boundary treatments and bin storage details.

The application site is situated on the northern side of Little Aston Road (A454) within the Aldridge Conservation Area, and within walking distance of Aldridge District Centre. The site comprises a pair of two storey semi detached houses with single storey garages set forward of the main houses. The properties are set back from the main road with an open frontage and joint access driveway in the centre of the site.

The A454 forms part of the district distributor route through Aldridge, providing a main route from the A452 Chester Road to Aldridge district centre.

The site is enclosed to both sides and the rear by the grounds of Cooper Jordan C E Primary school, with the main school playground to the west and school playing field to the rear (north) and east.

The main school to the north west comprises of a two storey brick building with extensive glazing, set away from the road. Beyond the school to the west are The Maltings, a residential conversion of former garage premises set close to the road.

The Green Belt boundary is to the east of the site, with a vacant two storey 1960's former Local Authority children's home further to the east, set back from the road (and inside the Green Belt).

The opposite side of Little Aston Road consists of a mix of residential properties with detached bungalows and two storey houses, individual designs, set back with front gardens and parking areas, with mix of roof styles.

Relevant Planning History

05/1807/OL/E4, outline application for the demolition of existing properties and erection of 14 x 2 bed apartments and associated works, Withdrawn 09-02-06.

06/2003/CA/E9, Conservation Area Consent application for the demolition of a pair of semi detached houses, approved 01-02-07.

06/1505/OL/E9, outline application for 10 apartments, approved 05-06-07 following the signing of a S106 Agreement to secure contributions towards education and open space.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

Policy 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement.

GP2: Environmental Protection and Policy 3.6

Requires new development to contribute to the improvement of the environment.

Policy 3.16 considers 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.

H10: Layout, Design and Dwelling Mix

Requires a high quality living environment to be created, well integrated with surrounding land uses and local character.

ENV22: Protected Species

Evidence will need to be provided to ensure that any development will have no adverse impact on any protected species.

ENV23: Nature Conservation and New Development

New development must take account of the natural environment and creation of habitats.

ENV29: Conservation Areas

Development should preserve or enhance the character and appearance of a conservation area in terms of impact of any new buildings on the townscape and landscape features, scale, massing, siting, layout, design and choice of materials and anticipated levels of traffic and parking as a result of the development.

ENV32: Design and Development Proposals and Policy 3.16.

Considers 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.

ENV33: Landscape Design

Good landscape design is an integral part of urban design and every opportunity should be taken to create and enhance environmental quality. Landscaping includes more than just planting, also hard surfacing, walls, fencing etc. Landscape design should enhance the visual appearance of the environment through new landscaping and retention and/or reinforcing existing, reducing the visual impact of a development, providing attractive and functional environment and creation of habitats.

T7 – Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. The main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

National Policy

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

PPG3: Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context. Landscaping is an integral part of new development and opportunities for new planting should be taken.

Consultations

Transportation – The parking layout is acceptable and no objections raised subject to a condition to ensure that the visibility splay be kept clear of landscaping above 600mm in height, including shrubs growing through the hoop top railings.

Conservation Officer – The site is situated within the Aldridge Conservation Area. No objections to the landscaping proposals. The proposed hooped top railing to the frontage, backed by hedging will form a green boundary in keeping with other site boundaries in the area. The proposed wall and railings to the side boundary avoid being too heavy with the inclusion of the railings in the upper half between the brick piers. The proposed railings however may be a little plain, perhaps the hoop top railings (as the frontage) could be used and all painted plain black. If the caps to the brick piers are to be reconstituted stone these should be of a good quality and pale cream in colour.

Landscape Officer – The amended plan and amended Design and Access Statement are acceptable and would meet the requirements of the landscaping condition for the development.

The existing hedges and frontage trees are situated within the school grounds but the proposals include protection of both during construction. The loss of existing trees and garden shrubs within the site has been accepted and is considered to be more than compensated for by the amount of proposed planting. The planting of the multi stem birch trees and conifer trees to the rear and side boundaries with the adjoining school will increase the height and density of the screen planting. The species selection (Swedish Whitebeam) of the 4 street trees proposed on the frontage would provide medium trees at maturity and are considered appropriate for this location. Planted at approx 5m high would provide an immediate visual impact on the street scene.

Fire Officer – Satisfactory access for fire appliance.

Pollution Control (including Contaminated Land) – no objections

Environmental Services – no adverse comments.

Public Participation Responses

Two letters of objection have been received to the original submission, the objections:

- Errors in the submitted Design and Access Statement, the orientation incorrect, which is misleading and inaccurate.

- Potential loss of existing trees and planting along the eastern, northern and western boundaries, detracting from the existing character and appearance of the area as well as reducing the privacy to the school.
- 4 medium sized trees along the frontage considered to be insufficient to screen the proposed building, should be mature heavy standard trees.
- Landscaping to the rear boundary to the school playing field appears lower than the existing, at odds with previous report to Committee.
- As the trees on the site are protected as within the conservation area any tree felling should be contained within the application.

Occupiers were re-consulted on the amended proposals on the 12th September 2007 and two further letters of objection have been received. The objections:

- Concern at the loss of existing mature trees and shrubs which shelter the school grounds and playing field.
- The proposed trees on the frontage would be too small to screen the development and should be heavy standard trees.

Occupiers were re-consulted on the further amended plans on 10th October 2007 and a site notice posted, any representations received as a result will be reported in the supplementary papers.

Determining Issues

Following the outline approval landscaping is now the only item to be dealt with in this application which includes:

- Planting
- Boundary treatment
- Hard surfacing

Observations

The key requirements of the landscaping proposals (both soft and hard landscaping) are to ensure that adequate screening is provided to the boundaries of the site with the adjoining Cooper Jordan School and to add to the natural environment of the area and improve the character and appearance of the Aldridge Conservation Area and the general street scene.

Planting

The proposals include tree/root protection of existing trees within the site and hedging along the boundaries during construction, to BS5837:2005 standards.

Four medium sized street trees are proposed along the frontage of the site following the line of the trees already present on Little Aston Road. These trees will have a crown clearance of 2m so that branches do not interfere with the visibility splay of the vehicle access. The landscape officer has confirmed that the term medium relates to the eventual size of the trees rather than to their planting size. The selected species are medium trees at maturity. The species selection is considered appropriate for the location and planting at 5m in height would provide an immediate visual impact on the street scene. As the trees develop into maturity they should not present undue problems such as shadowing or size.

General planting throughout the site is proposed including shrub beds immediately to the frontage and rear of the building.

The existing hedging to the western boundary and trees to the northern boundary are situated within the school grounds. The developer has been in contact with the school regarding additional planting within the school grounds, this would be a private arrangement between the two parties and not part of this application as the land falls outside the application site boundary. The hedging to the western boundary will be protected during construction to ensure its retention.

To the rear (northern) boundary of the site the landscaping beds at the edge of the car park will be planted so that the height increases from ground cover at the car park edges to medium sized shrubs at the boundary fencing. Five multi stem silver birch trees will also be planted to the rear which are fairly fast growing and grow to a maximum height of approx 25m, this will increase the height and density of the screen planting. An additional conical dense evergreen conifer tree will be planted on the rear boundary and five on the western boundary with the school playground. These would be planted at 2.0 – 2.5m high and would provide an all year round evergreen screen to the boundary.

Where space is limited climbing plants will be used to provide additional height to the boundary and soften the effect of the access drive.

Although there will be some loss of some existing trees and garden shrubs within the site this is considered by the landscape officer to be more than compensated for by the amount of proposed planting within the site.

Boundary Treatment

The front boundary would comprise 900mm hoop top railings (painted black) with hedging set inside to grow through the railings to create a green boundary which would be maintained at 600mm high. The street boundary will also be reinforced by the row of 4 street trees detailed above. The line of the front boundary has been amended to comply with the visibility splay required for the vehicle access drive.

The eastern boundary, from the street frontage to the vehicle access gates would comprise a wall and railings between brick piers, a maximum height of 2.1m, with 700mm high trellis added to the existing fencing for the remainder of the length of the boundary towards the rear of the site.

The electronic vehicle access gates to the driveway would be situated behind the line of the building and comprise hoop top design (painted black) to match the front boundary fencing.

Hard Surfacing

The road surfaces within the site will be finished with tarmac and in contrast the parking spaces will be block paved with granite sets to delineate the parking bays. All pedestrian routes will be brindle block paving with matching edging.

The outline consent included three pedestrian paths through the front amenity space, this has been revised to one central larger path to improve the usability of the landscaped space, allow for the frontage tree planting, and reduce the distance that disabled users would need to travel from the disabled parking bay.

A hard standing area is included on the frontage of the site for bins on refuse collection days. The bin store would be situated in the north eastern corner of the site adjacent to the car park and comprise a 2m high wooden design.

Conclusion

It is considered that the proposed hard and soft landscaping would provide satisfactory a screen to the boundaries of the site with Cooper Jordan School and would enhance the natural environment, the Aldridge Conservation Area and the general street scene of Little Aston Road and would comply with Policy ENV 33 of the UDP.

Recommendation: Approve Reserved Matters with Conditions

1. The development to which the permission relates must be begun not later than the expiration of 2 years from this approval of the only reserved matter.

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

2. 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 and retained as such.

Reason: To safeguard the visual amenities of the area.

3. The front boundary shall comprise 900mm high hoop top railings (powder coated black) positioned along the visibility splay of the vehicle access, as per approved amended drawing no ZLA006.01 received on 10th October 2007, and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

4. The vehicle access gates shall be 1800mm in height and of a hoop top design (powder coated black) and positioned as per approved amended drawing no ZLA006.01 received on 10th October 2007, and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

5. The eastern boundary, forward of the vehicle access gates shall comprise of 2100mm high brick piers with 900mm high brick wall and 900mm high hoop top railings (powder coated black) above, between the brick piers, and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

6. The eastern boundary beyond the vehicle access gates shall be 700mm timber mesh trellis attached to the top of the existing fencing, and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

7. The bin store shall be 2m high timber construction as per approved amended drawing no ZLA006.01 received on 10th October 2007, and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

8. All hard surfacing within the site shall be implemented in accordance with details contained within approved amended drawing no ZLA006.01 received on, 10th October 2007, and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

9. The visibility splay across the frontage of the site shall be kept clear of any landscaping above 600mm in height, including shrubs etc growing through the hoop top railings.

Reason: In the interest of highway safety.

10. The works hereby approved shall only be carried out in accordance with details contained within amended drawing No.ZLA006.01 submitted on 10th October 2007 and amended Design and Access Statement submitted on 4th September 2007.

Reason: In order to define the permission and ensure that only the approved works are implemented.

Note to Applicant

This approval must be read in conjunction with outline consent 06/1505/OL/E9 and all the conditions attached.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.16, GP2, ENV22, ENV23, ENV29, ENV32, ENV33, and T13 of Walsall's Unitary Development Plan, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



Walsall Council

ITEM NO: 3.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 30 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1795/FLW5

Application Type: Full application

Applicant: Dennis Berry Ltd

Proposal: 4 Storey Development To
Provide Twenty Flats With Associated
Undercroft Parking.

Ward:

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

Case Officer: Karon Hulse

Telephone Number: 01922 652492

Agent: Charles Stanton

Location: 37-38, BRADFORD
STREET, WALSALL,

Expired: 18/12/2007



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Application and Site Details

This application follows a recent refusal for the construction of 22 flats. It now attempts to address the previous reasons for refusal which in the main were centred around the number of units being proposed. This scheme now seeks consent for the erection of 20 apartments around a courtyard with underground car parking.

This site previously received planning permission for the demolition and redevelopment for 16 flats back in 2005. The site was formerly occupied by a derelict 2 storey Georgian building (probably built between 1830 -1850), only the shell remained until recently after which it was demolished.

This application now proposes the construction of a new four storey building to accommodate 20 flats with 20 parking spaces in an underground car park accessed from off Bradford Lane which also provides 9 bicycle stands. The Bradford Street frontage would consist of four storeys with a pedestrian entrance to the side and the scale of the building has been designed so as to fit in with the existing streetscape, it mirrors heights of buildings on either side and replicates features of nearby buildings.

The rear of the site is approximately two metres higher than that onto Bradford Street frontage and as a consequence the rear elevation would only have between two ½ and three storeys. It is also the point which gives access to the underground car park which is accessed by an internal car lift and provides 100% parking. This allows for vehicles to enter and leave the site in a forward gear and whilst only allowing one vehicle to access/egress at anyone time the point of access is off a quiet back road.

The part of the curtilage between the front elevation and back of pavement line is slabbed and would provide a front amenity area with metal railings around it to match adjacent properties which have had the benefit of funding in the past to provide such enclosures.

The site is now cleared following the buildings demolition (it was in a very poor condition). The site is in need of being developed.

The density of the site would be 285 dwellings per hectare.

Some apartments will look out over Bradford Street and Bradford Lane whilst others will be inwardly facing over the small central courtyard area. The courtyard being used for recreational purposes : sitting out areas, meeting areas, as well as a visual focal point for the development. The scheme also proposes access for some apartments onto private balconies and roof terraces which wrap around the front and side of the block fronting onto Bradford Street and above the apartments at the rear of the site.

The frontage onto Bradford Street would simply be a metal railing to match existing neighbouring properties.

All floors are accessed by lifts.

Relevant Planning History

07/0526/FL/W5 - Four storey development to provide 22 flats with associated undercroft car parking. Refused on 22nd June, 2007 for the following reasons

The proposed high density of the development results in massing at the rear of the site which is out of scale with other back-of-site buildings in the area. As such it results in a development with too much bulk and mass to the rear and does not take account of the immediate context which is not one of high density and large scale development particularly in back-of-site locations which tend only to have small outbuildings, if at all. Furthermore, as a result of this particular aspect of the scheme and the high density of 314 dwellings per hectare, the proposals will appear overdeveloped and cramped with minimal amounts of private amenity space and overlooking windows detrimental to the amenities of future occupiers and occupiers of nearby buildings

As such the development does not make the best use of the land and is contrary to policies 3.6, 3.16, ENV39, ENV32, ENV33, GP2, H10 of the Walsall Unitary Development Plan, the adopted Residential Development Standards supplementary planning guidance and Planning Policy Statement 3.

(NB. The Local Planning Authority recognises that the development of this site for residential accords with planning policy in general, and, in principle, it would be a positive re-use of this site and beneficial to the local environment and community)

Other relevant planning history is as follows :

Permission was granted in 1994 for the refurbishment of the building to create 6 no. flats and a restaurant (ref: BC42148P) - this included the refurbishment of the single storey building along the southern boundary, and the provision of 8 car parking spaces to the rear of the main building.

02/0219/FL/W4 - Outline Change of Use and extensions to provide 14 flats.
Refused

03/0633/FL/W5 - OUTLINE: Proposed formation of 10 self contained flats. To be determined at this committee but recommended for refusal on basis of being contrary to policy 8.4 of the Unitary Development Plan.

04/2233/OL/W5 – Development for 16 flats. Grant Subject to Conditions on basis that the scheme demonstrated satisfactory amenity and high quality design within the conservation area. 10th January, 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 premises are within the Bradford Street Conservation Area.

2.1, 2.2 and GP1: Sustainable Location of Development - Development will be guided by the principles of sustainability.

GP2: Environmental Protection - Requires new development to contribute to the improvement of the environment.

GP3: Planning Obligations - Planning obligations used to secure any on or off-site mitigating measures made necessary by a development.

GP7: Community Safety - Development is expected to design out crime whilst maintaining good urban design.

3.113, 3.114 & 3.115 Seek good design and high quality architectural and landscape design to improve access, discourage crime and create a distinctive environment.

3.16...The Council will consider development in relation to its setting.

3.6...Development and redevelopment schemes should help improve the environment...considerations set out in GP2.

3.7...proposals will seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV29: determine development (character and appearance of a Conservation Area) in terms of:-

- ~ degree of loss / alteration which makes positive contribution to character of area.

- ~ impact of new buildings on special townscape.

- ~ scale, massing, siting, layout, design or choice of materials used in any new building or structure.

- ~ use / anticipated levels of traffic, parking etc.

ENV14: Development of Derelict and Previously-Developed Land and 3.9 The Council will encourage the reclamation and development of derelict and previously developed land.

ENV29: Conservation Areas

ENV31: Continued Protection of the Historic Built Environment

ENV32: Design and Development Proposals - Poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings - Encourages provision of additional housing through windfall sites provided a satisfactory residential environment can be achieved.

H9: Minimum Densities - Housing densities in the range of 30 -50 dwellings per hectare.

H10: Layout, Design and Dwelling Mix - High quality living environment to be created, well integrated with surrounding land uses and local character.

T7 and T13 - Car Parking - development to comply with car parking standards : 1, 2 and 3 bedroom houses: 2 spaces per unit, 4 bedroom houses and above: 3 spaces per unit and in town centres will negotiate an appropriate level of parking provision. T13 (a (vi))...in town centres will negotiate an appropriate level of parking provision.

S8... investment in housing development within and close to Town, District and Local Centres will be encouraged, both on new sites and through the conversion of existing buildings...proposals must achieve satisfactory residential environment, support not prejudice centre's retail, commercial and leisure functions, including the growth of the evening economy.

Para 8.8 and 8.9 - Residential development only permitted where adequate school capacity exists or can be provided.

LC1: Urban Open Spaces - residential developments will be required to make a financial or other contribution which will enable the provision of new, or the improvement of existing urban open spaces.

Residential Development Standards (RDS)

These include guidelines relating to design and space around dwellings including garden dimensions, habitable room separation and boundary treatments.

National Policy

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, PPG24 - Planning and Noise, PPG25 - Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

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

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

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

Consultations

Transportation – no objections

Pollution Control Division – no objections

Fire Service – no objections

Police Architectural Liaison Officer – no objections

National grid – no objections

Greenspace Services – Financial contribution of £22,432 required

Education – financial contribution of £25,418.69 towards both primary and secondary education

Regeneration (Conservation) - Basic support for the scheme and redevelopment and the frontage façade is acceptable in terms of the amenity of the conservation area.

Regeneration (Urban Design) – Basic support for the scheme which makes some improvement over the previous refusal, notably the reduction in units numbers and therefore the bulk and massing.

Public Participation Responses

None received

Determining Issues

The determining issues are :

- Development opportunity and principle
- Previous reason for refusal / density
- Conservation
- Urban Design
- Car parking and Access
- Planning obligations

Observations

Development opportunity and principle

This application provides an opportunity to develop an infill site within the Bradford Street conservation area with a unique and bespoke design which takes into account its surrounding, is well integrated with, and complements, the neighbouring buildings and the local area in terms of its terms of scale, density, layout and access and its good design is fundamental to using land efficiently.

The site has now been completely cleared. It is within the Town Centre and the proposed use for residential accords with planning policy in general, and would be a positive re-use of the site and beneficial to the local environment and community.

This proposal would therefore be in accordance with Planning Policy Statement 3, and policies of the Unitary Development Plan in so far as the proposal would support and promote an emerging character within this area and therefore the principle is to be encouraged.

Previous reason for refusal / density

The previous scheme did not demonstrate that the site could be developed at such high density without having a detrimental impact in terms of scale, design and character on the conservation area and environment. It is recognised that the development of this site for residential accords with planning policy in general and this principle was conveyed to the applicants whilst considering the previous application.

Following the previous refusal this scheme has now been reduced by two units at the rear of the site. This has created an opportunity to increase the level of private amenity space within the development, reduce the massing and bulkiness of the development at the rear of the site and reduce the overall density of the site. It is acknowledged that this is still quite high, at 285 dwellings per hectare, but this is synonymous with town centre living. It is also comparable with other similar developments in and around the centre namely Midland Road, Station Street, and the future Waterfront South developments are of similarly high densities.

Such high density is not unreasonable for a town centre location and whilst it is accepted that more intensive development is not always appropriate, this is a well designed scheme which will enhance the character and quality of the area. The imaginative design and layout of the new development will lead to a more efficient use of land without compromising the quality of the local environment and will

provide units in an area of the town centre which will benefit from this type of development and promote the enhancement of the area generally.

Consequently, the amended scheme now provides a more acceptable density on the site which will provide a well integrated scheme into the conservation area.

Conservation

This site is in the Bradford St Conservation Area and within the setting of several listed buildings.

The legislative background is that a planning authority must preserve or enhance a Conservation Area. This proposal achieves such an outcome, in terms of effects.

The application is welcomed as it will redevelop the derelict site, which having been cleared could potentially be vulnerable to becoming a gap site, within the conservation area. The contemporary design takes account of its historic context, will add to the character and amenity of a conservation area and will respect the height of neighbouring buildings. Furthermore the adoption of a stuccoed façade, with evenly spaced windows, will help to integrate the new development with its surroundings as will the proposed storey heights which are also broadly inline with those of neighbouring buildings along Bradford Street.

The introduction of an entrance on the front elevation is also a positive feature. Its location to the side of the front facade, although not typical of designs in the area, will actually help to relate the recessed zinc-clad section of the building to the stuccoed frontage. The proposed density is high and was previously a concern as the massing at the rear of the site was considered out of scale with other back-of-site buildings in the area. However the number of units overlooking Bradford Lane now creates a better relationship with its surroundings.

Urban Design

The design of both the building and small external area will be quite unique and innovative with its design being attractive overall and the frontage façade fitting into the existing streetscape (the montage submitted clearly shows this).

The scheme includes a number of interesting features that are positive: the underground parking, courtyard-style development and some of the built features of the building.

It would have been preferable for the design to include dual aspect apartments which overlook Bradford Street and the internal courtyard. However, this may result in the scheme becoming unviable.

There is an existing character of some strength along Bradford St, influenced partly by the building heights and the consistent building line behind the pavement with a strip of private land to the front. The proposed scheme follows this.

The design concept of an apartment block around a courtyard is welcome, particularly given the busy nature of this part of the town centre. It should be inherent with town centre residential developments that opportunities for sustainable living

within close proximity to the town centre amenities are maximized whilst also providing the occupants with a comfortable high quality residential environment within which to relax when they wish to escape from the activity of the town centre. The premise of the courtyard development is positive in this respect and provides the opportunity for occupants to enjoy a peaceful outdoor environment whilst living in the town centre.

This has been further enhanced by the inclusion of roof terraces.

Car parking and Access

The provision of parking in an underground basement car park is unusual in the borough. Access will be from the rear of the site off Bradford Lane. 20 spaces are provided for 20 apartments (100%). This is a town centre location and as such the level required can be negotiated. In this instance its closeness to the town centre and all its facilities including, bus stations and health premises, and the presence of a public car park at the rear of the site (Mountrath Street) the level to be provided is sufficient. Secure cycle storage is also proposed within the secure basement car park.

Planning obligations

This application triggers a financial contribution towards open space of £22,432 and education of £25,418.69. The applicants have agreed to enter into a Section 106 Agreement for this and it is waiting to be signed should the application be approved.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown within the underground car parking on the approved plans shall be hardsurfaced in materials 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 shall have been clearly marked out.

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

3. No development shall be carried out until full details of the proposed boundary treatment of the site, in particular the proposed metal railings on Bradford Street, 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 safeguard the amenities of the occupiers of adjoining premises and future occupants and to ensure the satisfactory appearance of the development.

4. No development shall be commenced until a protocol to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase (this may involve the use of a wheel wash, road sweepers, etc.) has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented at all times during construction of the development.

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

5. This development shall not be carried out until a schedule of facing materials to be used in the external walls and roofs and full details of proposed windows and window openings has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

6. 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 approved access, without the prior submission and approval of a planning application.

Reason: In the interests of highway safety.

7. 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.

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

Reason : To ensure the satisfactory development of the site.

9. No development shall be commenced until a scheme for the security of the entrances for both pedestrian access points and the underground car park have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and operational prior to any first occupation of the site and thereafter retained in good working order.

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

10. The development shall be constructed in accordance with the Code of Sustainable Homes (April 2007) 3 stars 'very good' standard relating to energy efficiency / CO2, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with policy aims 3.17 and 3.18 and policy ENV39 of the Walsall Unitary Development Plan

NOTE FOR APPLICANT: West Midlands Police Architectural Liaison Officer has been consulted on this application and you are advised to contact them on 0845 113 5000 (ext 7881 6573) with a view to the development achieving the Secure By Design award for security.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP3, GP7, 3.113, 3.114, 3.115, 3.16, 3.6, 3.7, ENV29, ENV14, ENV29, ENV31, ENV32, H3, H9, H10, T7, T13, S8, 8.8, 8.9 and LC1 of Walsall's Unitary Development Plan, the Residential Development Standards (RDS) and National Planning Policies PPS1, PPS3, PPG13, PPG24 and PPG25 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



Walsall Council

ITEM NO: 4.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 30 Oct 2007

REASON FOR BRINGING TO COMMITTEE: : Major Application

Application Number: 07/1798/FLW5

Application Type: Full application

Applicant: Farnley Investments Ltd

Proposal: Proposed warehouse/
distribution unit with two-storey office
accommodation.

Ward: Bentley & Darlaston North

Recommendation Summary: Grant Subject to conditions

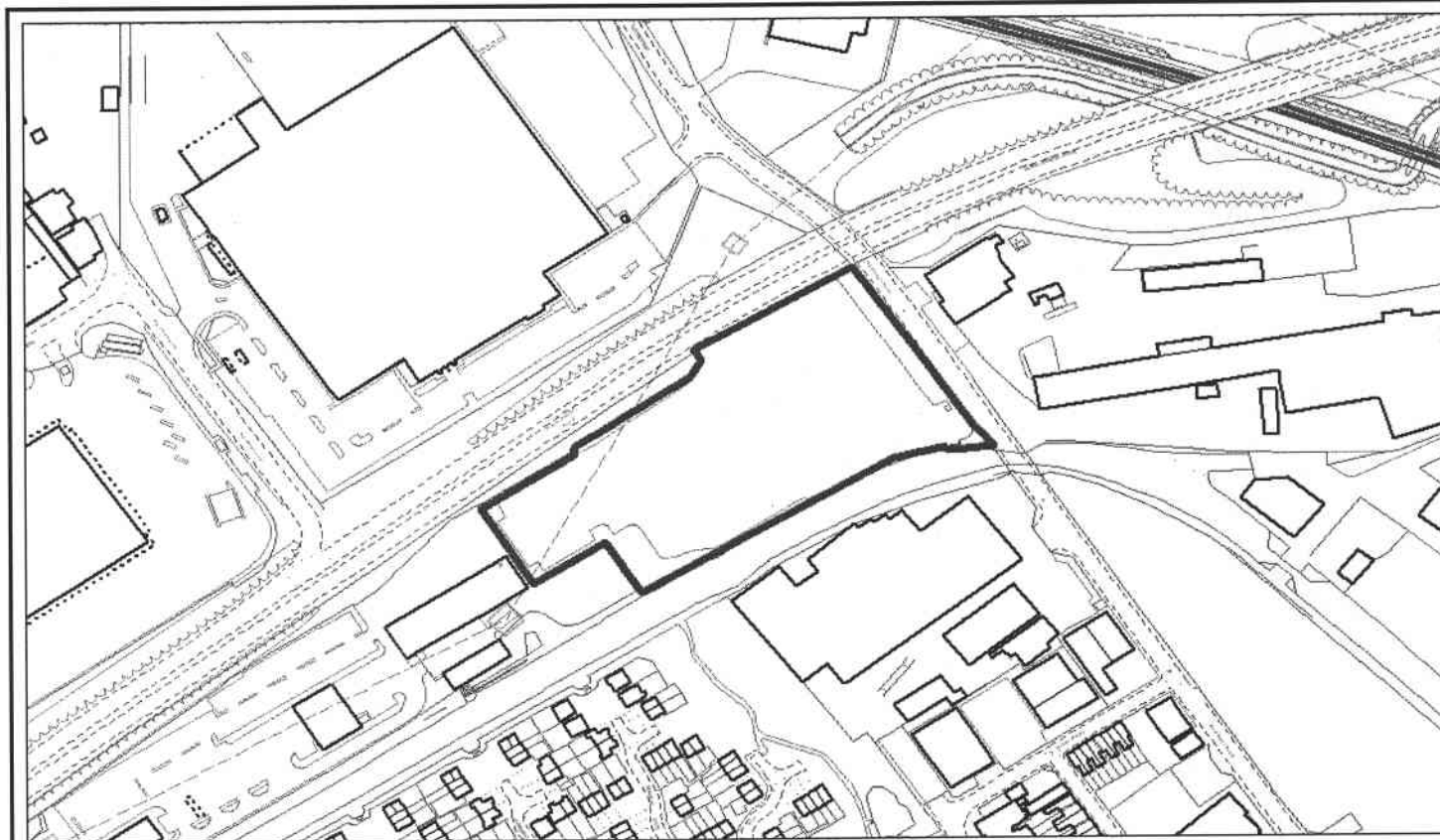
Case Officer: Karon Hulse

Telephone Number: 01922 652492

Agent: Design to build

Location: CENTRAL
POINT, WILLENHALL
ROAD, DARLASTON, WALSALL,

Expired: 20/11/2007



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Application and Site Details

This application seeks to construct a new distribution warehouse on a vacant site which was previously granted permission to be occupied by Mr Copperfields. That permission has never been implemented and the site has remained vacant since at least 2000. This application seeks consent for the erection of a new warehouse consist of 7010 sq. mts (including office space) and would be positioned along the southern boundary running alongside the canal.

To the north of the site is the Black Country Route which is on an elevated section approximately 3 metres above the ground level of the application site. The eastern boundary runs along Willenhall Road which will be its main frontage. Access in and out of the site would be close to the existing entrance near to the bridge carrying the Black Country Route over Willenhall Road.

The design of the building is basically a simple warehouse with a bespoke two storey office block attached running at right angles to the main body of the warehouse. The office block has been specifically designed to provide a focal point from the Black Country Route and Willenhall road. Its design will include an overhanging mono pitched roof with a fully glazed frontage nearest to the Black Country Route and Willenhall Road.

The elevations will be broken by using bold blocks of contrasting coloured panels and additional landscaping to the rear will provide screening from the canal.

The warehouse would be a total height of 12 metres and measure 156 metres long by 42 metres wide, there would be 17 loading bays on the northern elevation. The scheme includes 25 car spaces to be provided within a small parking area fronting the main office building, trailer parking would be towards the rear of the site.

This area is predominantly industrial with the exception of residential to the south west across the canal.

Relevant Planning History

02/0453/FL/W6 – Outline B1, B2, B8 Use Class. Grant Subject to Conditions 2002

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

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

3.6, 3.7 and 3.16 suggest schemes should help improve the environment of the Borough and consider development in relation to its setting, character and quality of the existing local environment and require a high quality of built and landscape design.

4.1, 4.2 and 4.4 relate to improving the local environment and enhance the image of the area, promotes investment and diversification to meet the needs of both inward investors and existing firms and require core employment uses defined as industry and distribution in Classes B1b, B1c, B2 and B8 to be situated in locations of strategic importance with good accessibility.

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

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

Policy LC9 relates to securing good design of buildings and development along or near to canal corridors.

Regional Spatial Strategy for the West Midlands (RSS11)

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

National Policy

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

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

Consultations

Transportation – no objections subject to additional 10 spaces being provided on the site

Pollution Control Division – no objections

Fire Service – no objections

National grid – no objections

British Waterways – objects on grounds of size, scale and overshadowing of the canal

Inland waterways – objects on grounds of potential impact on the canal

Police Architectural Liaison Officer – no objections

Urban Design – no objections

Public Participation Responses

One letter of representation from the owner/occupier of residential property on Victoria Mews to the south west of the site supporting the application but requesting retention of trees along the canal.

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

Determining Issues

- Development opportunity
- Design / landscaping
- Car parking
- Impact on the canal

Observations

Development opportunity

This site was originally granted permission for the rebuilding of the former Copperfields company following its fire in 1999. That permission has not been implemented and the site has remained vacant ever since. The redevelopment of the site provides an opportunity to improve the sites outlook from both the Black Country Route which is a major route in and out of the borough and Willenhall Road which is an important link between Darlaston and Willenhall and the canal.

Design / landscaping

The proposed building will compliment the existing new buildings of Poundland and City Link on the other side of the Black Country Route, which are similar in design.

The site is a relatively flat development site, however, it does have a number of constraints which need to be addressed. It is overlooked from a number of elevated positions and has an exposed embankment, consequently there is a need for a well defined landscape strategy to integrate the development into the existing landscape. The proposed scheme will provide both additional screen planting along the canal frontage, an attractive frontage to Willenhall Road and will link into the existing mature landscaping along the corridor of the Black Country Route.

The main body of the warehouse which will be visible when travelling along the Black Country Route will be broken up by the loading bays and the overhanging canopy will create shadows to add to the interest to its form. Again the additional

planting along the Black Country Route corridor will assist in providing a screen to the long warehouse, however, it has been designed to provide views of the bespoke office building with its clean crisp lines and fully glazed curtain walling on that elevation facing towards the Black Country Route.

The landscaping scheme and the design of the building is therefore considered appropriate for the site.

It is proposed to provide an entrance feature sign consisting of a monolithic slab, two way facing, this would give the site its own individual distinction. This would be subject of a separate application, however providing such features is to be welcomed.

Impact on the canal

There will be an 8 to 10 metres wide landscaped margin from the rear of the warehouse to the canal edge (non tow path side).

The presence of the new building will be clear and its scale and appearance along the canal will create a visual presence, however, this is not considered to be dominant or excessive and the proposed landscaping scheme has been specifically designed to enhance the existing landscaping and provide additional trees which will create a soft screen to the hard outline of the proposed building.

Indeed the presence of the building along the canal offers a screen to the operations of this distribution centre and in particular the lorry parking and loading bays.

Car Parking Provision

Transportation have identified a minor shortfall in car parking and a condition requiring a new layout should be required on any planning permission.

Recommendation: Grant Subject to conditions

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

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

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

Reason : To prevent congestion on-site to the potential detriment of highway safety and to ensure the satisfactory appearance and functioning of the development.

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

Reason: To safeguard the amenity of adjoining and nearby occupants

4. 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 functioning of the development and in the interests of highway safety.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall at least be equivalent to the capacity of the largest tank, vessel or combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason : To prevent pollution of the water environment.

6. 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 pollution of the water environment

7. All drainage associated with the service yard areas must be directed to the foul water sewer. There shall be no discharge whether direct or via soakaways to the surface or ground water systems.

Reason : To prevent pollution of the water environment

8. The landscaping scheme shown on the approved plans shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

9. 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.

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 occupants of adjoining and nearby residential premises.

11. 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 and functioning of the development.

12. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, such arrangements to have been previously approved in writing by the Local Planning Authority.

Reason : To ensure that the development permitted is provided with a satisfactory means of drainage.

13. 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.

14. No development shall be carried out until details of car parking, which demonstrates an increase of the proposed revised number by an additional 10 spaces, has been approved in writing by the Local Planning Authority. The plans shall clearly show how the car parking layout will include 10 per cent of spaces for use by drivers with disabilities, suitable markings and means of surface water drainage. The accessways, vehicle parking and manoeuvring areas 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 shall have been clearly marked out.

Reason: To ensure the satisfactory provision of off-street parking, ensure the satisfactory appearance and functioning of the development and interests of highway safety and to ensure adequate provision for the ease of access for disabled persons.

15. 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 thereafter be retained.

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

16. 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 and thereafter retained in accordance with the approved details.

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

17. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

The agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason : To ensure the satisfactory development of the site.

18. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion. Any necessary noise mitigation measures to protect nearby residential accommodation shall have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Reason : To safeguard the amenities of nearby occupants/residents.

NOTE FOR APPLICANT

A. This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.

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

land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and
- c). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 40 dB between the hours 19.00 to 23.00.

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 ' Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;
Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005
British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".
British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;
British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.
British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas
Calculation of Road Traffic Noise, 1988
Calculation of Railway Noise, 1995

This is not an exhaustive list.

D. Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation

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

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

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, Env14, Env10, Env40, 3.6, JP5, JP3, T13, T7, T8 LC9 and LC5 of the Unitary Development Plan, Regional Spatial Strategy for the West Midlands (RSS11), National Planning Policy Statement 4 and Planning Policy Statement 1, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



Walsall Council

ITEM NO: 5.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 30 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/0405/FL/E11

Application Type: Full application

Applicant: Mr S Pawar

Proposal: Two storey extension

Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Academy ADP Limited

Location: 29, HEDNESFORD
ROAD, BROWNHILLS NURSING
HOME, WALSALL, WEST MIDLANDS

Expired: 12/11/2007

Ward: Brownhills

Recommendation Summary: Grant Permission Subject to conditions, unless additional information is received which raises new material considerations



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Application and Site Details

The application relates to Brownhills Nursing Home and adjacent land at the rear of 33, 35 and 37 Hednesford Road, Brownhills. The existing nursing home comprises a two storey building with single storey wing at the rear and a garden area to the south of this. There is an access drive along the northern side of the present buildings. The building is positioned behind adjacent dwellings fronting Hednesford Road with a tarmac parking area in front and in/out access points.

The existing dwelling at 33 Hednesford Road is detached and 35 and 37 Hednesford Road is a pair of semi-detached houses. All these adjacent properties have long rear gardens, the majority of which (between 30m and 37m in length) are included within the application site and are presently overgrown. There are a variety of detached and semi-detached houses adjacent the site on Hednesford Road, newly built detached houses adjoining the south/south western rear boundaries and domestic gardens adjoining the north/north western rear boundary.

The proposal has been amended since the application was originally submitted in order to address issues in relation to the overall scale and massing of the proposed extensions and potential impact on residential amenities of the surrounding occupiers and surrounding context. As a result the application site boundary has been extended to encompass additional planting along the garden boundaries of 33-37 Hednesford Road, new certificates served and the application re-publicised.

The proposal is for a two storey extension on the northern side of the existing nursing home on the former garden land of 33-37 Hednesford Road and for a first floor extension above the existing rear wing with kitchen, store and staff areas in the loft space. The proposed ground floor side extension is 21m wide and 9.5m deep plus a short corridor link between this and the main building. The proposed first floor above has been reduced in width to 16m and 13m respectively. The proposed first floor extension above the rear wing is 26m in length and 11.2m wide, again stepping back at the site boundary to 23.4m in length. It is proposed to utilise the loft space above this first floor extension to create staff facilities with 5 velux windows on the northern roof elevation. A new garden area for residents will be created between the two wings on the north western corner of the site.

The proposal seeks permission for an additional 20 bedrooms (44 bedrooms in total) to accommodate a capacity of 52 residents in total. In support of the application the developer has advised that at present 73% of residents are accommodated in double rooms and the proposals offer the opportunity to reduce double rooms to 28% providing a greater majority of single rooms.

Parking provision has been made for 20 vehicles on the existing car parking area in front of the building.

Relevant Planning History

BC27507P & BC29586P – Conversion & extensions to form residential home – Granted Subject to Conditions 1989 & 1990.

BC47165P – Outline: Extension to nursing home to provide 9 additional nursing beds and 11 additional residential beds & associated facilities, extension to car park

and construction of new vehicular access - Refused 10/12/96, Ministry Appeal Dismissed 19/9/97.

BC51945P – Outline: Extension to nursing home to provide 10 additional nursing beds, 11 residential beds & associated facilities, extension to car park and construction of new vehicular access – Refused 11/03/98, Local Appeal Dismissed 11/6/98 following a site visit.

BC61965P – First floor extension to provide 11 bedrooms and change of use of land to rear of 33 & 35 Hednesford Road as a nursing home – Granted Subject to Conditions 8/10/02.

06/1199/FL/E11 - Extension to Existing Nursing Home – Withdrawn September 2006.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight.
- VII. Adequacy of access and parking facilities.

GP7: 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.

ENV32: 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.

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

H6: The impact on vehicular access and parking, amenity and landscape should be considered. Extensions or alterations to nursing homes should compliment the character of the existing building and should not result in unacceptable loss of landscaping, parking or garden space or reduce the amenities of neighbouring properties through overlooking or loss of light. Extensions should comply with the Council's Residential Development Standards in relation to distances between habitable room windows.

H10: 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.

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

T13: Nursing Homes 1 space per 2 beds

Residential Development Standards

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

Regional Spatial Strategy

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

National Policy

PPS1 Delivering Sustainable Development, PPS3 Housing, PPG13 Transport, PPG24 Planning and Noise, PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium.

Consultations

Transportation – No objections subject to conditions. These include requirement for a revised car parking layout to maintain a one-way circulatory system, ensure provision of disabled spaces, demarcation of spaces and access to the bin store, provision of secure covered cycle storage and a Staff Travel Plan.

The submitted plans show that there are currently 24 bedrooms; this would have a UDP parking requirement of 12 spaces, which means there is currently an over-provision of parking. The proposal looks to increase the number of bedrooms to 44, which will have a UDP parking requirement of 22 spaces.

Subject to the highway amendments stated above, the actual provision for the development will be 20 spaces. This is 2 spaces below the maximum UDP standard, but the site is within a sustainable location in respect of access to public transport, with the proposed introduction of cycle provision, and staff travel modes subject to review through the implementation of the Staff Travel Plan it is considered that the proposal will not have a significant impact on the highway network.

From the previous site visits it was noted that on each occasion a large majority of the car park was empty, although there was considerable on street parking. The Transport Statement submitted by the Applicant includes a Car Park Survey, which appears to reflect the fact that there is adequate provision, and this is likely not to present a problem.

In the event that the Staff Travel Plan or activity on the site should highlight there may be an issue that the car park could become full at certain times, there is capacity within the site for overspill parking, this again preventing any impact on the adjoining highway.

Pollution Control – No objections subject to conditions.

Public Participation Response

6 letters of objection received regarding the initial drawings. Further publicity has been carried out in relation to the amended plans and any new objections will be reported in Supplementary Papers. The objections so far are summarised as follows:

- The existing gardens at the rear of 33-37 Hednesford Road have been deliberately kept untidy by the applicant and now attract vermin
- Overlooking and loss of privacy from second floor bedrooms
- Overshadowing and loss of daylight due to increased height and proximity of buildings
- Lack of parking and noise and disturbance from parking areas
- Increased parking and congestion problems in Hednesford Road
- Inaccuracies in the submitted documents
- Exacerbation of existing flooding problems
- Reduction in air quality
- Loss of property value (*not directly a material planning consideration*)
- Noise and dust from construction and building when in use

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

Determining Issues

- Design and layout
- Impact of the development on the amenity of surrounding occupiers
- Access and parking
- Amenity Space for Residents

Observations

Design and layout

Amended plans have been received to address previous concerns regarding the scale and massing of the proposed extensions, the overall size of the resulting building and cramped relationship to the plot boundaries and potential adverse impact on the character of the area due to the overbearing nature of the proposals.

The amended plans show a reduction in the size, scale and massing of the proposed side extensions as the first floor accommodation has been reduced from 22m wide to 16m wide reducing further to 13m wide on the front section. This reduces the massing of the building and draws the first floor extensions further away from the boundaries of the site thus reducing the cramped appearance and overbearing nature. The separation between the facing elevation of the proposed extension and rear elevations of 33-37 Hednesford Road is 22-24m which coupled with the incorporation of additional landscaping along the boundary of these gardens will reduce the dominance and visual appearance of the building. The application site boundary has been increased specifically to include the provision of landscaping within the rear gardens of 33-37 Hednesford Road as part of the screening of the site.

Impact of the development on the amenity of surrounding occupiers

The proposed first floor extension above the existing rear wing is approximately 7m from the front elevation of 24B Wilkin Road, the new dwelling at the rear of the site. However, there are no habitable room windows immediately facing and planning permission for this extension was previously granted in October 2002, although it has just lapsed. This relationship would therefore have been a material consideration at the time of granting planning permission for the new dwelling and the relationship between the two sites has not altered therefore the proposal is considered not to have any adverse impact on this neighbouring property.

Similarly, the relationship between this element of the proposals and the adjacent dwelling at 40 Waterside Way has not altered since the original permission was granted and there are only secondary windows in the gable elevation of the dwelling which face the proposals. Although the current proposals show 5 velux windows are proposed to be incorporated in the loft space these are on the northern roof slope overlooking the new Nursing Home garden. They are not habitable rooms for residents (staff training room, rest room, locker room, kitchen and stores) and therefore by the nature of their occupation are considered to have no adverse impact upon neighbour's privacy.

The separation between the proposals and adjacent dwellings is considered acceptable as it achieves the separation distances given in Residential Design Standards and the design has been informed by the need to maintain privacy and reduce the scale and massing of the resulting building. Potential for overlooking neighbour's properties and gardens is therefore reduced. There are examples of infill development close to neighbouring boundaries in the surrounding context and although the Nursing Home is a larger building the amended plans have sought to reduce the potential impact on outlook by reducing the size of the proposals and including additional landscaping. The reduction in the width of the proposed first floor extension will also improve the outlook from the gardens of 33-37 Hednesford Road. There is also now a reasonable amount of space surrounding the proposed extensions that can be utilised as garden amenity area and give a less cramped appearance to the development.

In terms of potential for overshadowing neighbour's properties due to the height of the proposals it is considered that the reduction in height of the side extension will relieve this issue. The proposed extensions above the existing wing at the rear have previously been approved and the incorporation of the velux windows in the loft are considered to cause no greater harm.

In terms of potential exacerbation of existing flooding problems it is considered that appropriate conditions will ensure the proposed development has adequate drainage.

Access and parking

It is proposed to alter the existing parking arrangements at the front of the building to create separate in/out access points and provide a total of 20 parking spaces. Policy T13 of the UDP requires that 1 parking space is provided for every 2 beds in nursing homes. As the application identifies that the proposals will create 44 bedrooms (52 residents) in total then the required parking provision is 22 spaces. This is 2 spaces below the maximum UDP standard. The Transportation officer considers the site is within a sustainable location in respect of access to public transport. This coupled with the proposed introduction of cycle storage provision,

and encouragement of alternative staff travel modes to be reviewed through the implementation of the recommended Staff Travel Plan are considered adequate measures to reduce any potential impact the proposal may have on the highway network.

Objectors claim there is a lack of parking proposed and consider the proposals will result in noise and disturbance from parking areas and increased parking and congestion problems in Hednesford Road. However, the applicant has demonstrated that the proposals are to provide a greater majority of single rooms at the nursing home to accommodate existing residents rather than additional residents. In the circumstances the parking demand would not be expected to increase by any significant amount sufficient to create such problems in terms of parking, congestion and noise.

It is also noted that on previous site visits a large majority of the car park was empty, although there was considerable on street parking. The Transport Statement submitted by the Applicant includes a Car Park Survey, which also appears to reflect the fact that there is adequate provision, and that on street parking is unlikely to present a problem. In addition, should the Staff Travel Plan or activity on the site highlight there may be an issue that the car park could become full at certain times, there is capacity within the site for overspill parking, this again preventing any impact on the adjoining highway.

Amenity Space for Residents

Additional amenity space is proposed for residents of the home, to the west of the site behind the proposed side extension. This is generous in size (approximately 22.5m wide and 16m long with an area of 348m²). It is considered given the generous space allowed and the reduction in the width of the proposed first floor extensions will reduce potential for overshadowing and allow sufficient and usable additional amenity space for residents.

Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises new material considerations

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 other than in conformity with the following approved plans and documents: -

- Site Plan dated Sept 2007 received 5/10/07 (excluding the parking layout for which revised plans are required)
- Proposed Ground Floor Plan dated Sept 2007 received 5/10/07
- Proposed First Floor Plan dated Sept 2007 received 5/10/07
- Proposed Second Floor Plan dated Sept 2007 received 5/10/07
- Proposed Elevations dated Sept 2007 received 5/10/07
- Proposed Roof Plan dated Sept 2007 received 5/10/07
- Existing Ground Floor dated Sept 2007 received 5/10/07
- Existing First Floor dated Sept 2007 received 5/10/07

- Planning Document received 23/2/07
- Transport Statement dated Sept 2007 received 17/9/07

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

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

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

Reason: In the interests of the amenity of the surrounding residents of the proposed development.

4. Within the first planting season prior to commencement of the development or in any event prior to the first occupation of the development hereby approved the landscape planting scheme for the site as shown on the proposed Ground Floor Plan drawing received on 5/10/07 shall be implemented in accordance with the agreed details and maintained throughout the life of the development.

Reason: To ensure the satisfactory appearance of the development and protect residential amenities.

5. 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 and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition;
- (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.

6. No development shall be carried out until a schedule of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments (including details of surface treatments), has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. Prior to the commencement of development hereby approved a revised parking layout shall be submitted to and agreed in writing by the Local Planning Authority to show the following: -

- Omit parking spaces 21 & 22 to maintain a one-way circulatory system
- Conversion of car parking spaces 6 and 20 to disabled spaces
- Repositioning of car parking space 20 in a north-westerly direction to maintain adequate access to the existing bin storage area

The parking layout shall then be demarcated (with disabled spaces having hatched access zones and the disabled logo within the parking bay) and implemented in accordance with the agreed details and these areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory development of the site.

8. Prior to the commencement of the development full details of bin storage and secure covered cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall demonstrate there is sufficient space to accommodate sufficient numbers of bins and recycling facilities and sufficient cycle parking provision.

Reason: To ensure the satisfactory development of the site and encourage recycling.

9. Prior to commencement of the development a Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the agreed details and maintained throughout the life of the development unless the Local Planning Authority agrees to a variation.

Reason: In the interests of promoting sustainable travel.

10. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP7, ENV32, ENV33, H6, H10 T7 and T13 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 30 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/1401/FL/E6

Application Type: Full application

Applicant: Mr & Mrs A Youngman

Proposal: Resubmission of 07/0192/FL/E6 for
Replacement Dwelling.

Ward: Streetly

Recommendation Summary: Grant Subject to conditions

Case Officer: Paul Hinton

Telephone Number: 01922 652420

Agent: Mark Dukes Building Design

Location: 116 THORNHILL
PARK, WALSALL, B74 2LW

Expired: 22/08/2007



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Application and site details

This application is a re-submission following a delegated refusal for a replacement dwelling at 116 Thornhill Park and seeks to overcome the reason for refusal.

Currently there is a detached four bedroom dwelling which largely fills this wide plot, with a narrow front garden and an extensive rear garden. This wholly residential area is dominated by detached dwellings of which there are two main types of designs, gable ended dwellings with mansard roofs and single storey garages and hipped roofed dwellings with front gables. 114 Thornhill Park has undergone extensive works creating a property with quite an individual identity. To the north of the application site are a row of bungalows.

The estate is open plan with a semi-circular highway verge in front of 112 to 118 Thornhill Park. The highway verge defines the immediate pattern of development, with nos. 110 and 118 set forward of 112, 114 and 116. There is an established front building line shared by 112, 114 and 116 Thornhill Park. The ground floor level of the application site is approximately 0.7m higher than 118 Thornhill Park.

The application proposes a replacement 4 bedroom dwelling which would be:

- narrower in its plot than the existing building by having the garage 2m from the side elevation of number 118 Thornhill Park, compared to the existing at 1.6m, but having the side elevation of the first floor closer at 2.8m compared to 6.4m at present.
- 0.1m higher than the existing dwelling at 7.2m.
- 2m further forward than the existing premises by virtue of the proposed front gables, and at its furthest point would be level with front door of no. 118 Thornhill Park.
- extended further into the rear of the plot than the current property. This would be a further 5.9m for the central two storey element (4.7m to the eaves) including the family room and master bedroom, and 4.2m for the dining room and bedroom element (4.7m to the eaves) 1m from the boundary shared with number 114 Thornhill Park. The two storey kitchen and bedroom (4.7m to the eaves) would be a further 3.3m to the rear, 3.1m from the boundary with 118 Thornhill Park. A single storey utility room is proposed at the rear of the garage, 0.95m from the boundary with no. 118 at a height of 2.4m to the eaves. The two storey garage and bedroom element would be 4.7m to the eaves, 1m from the boundary at ground floor and 2m at first floor
- one obscure glazed toilet window to both side elevations at first floor

The proposal has been designed with a hipped roof with a central front gable forming the entrance feature while retaining one of the two existing Chimneys on the boundary shared with no. 114.

The footprint of the proposed dwelling would be 177m² compared to the existing of 85m²

Relevant Planning history

07/0192/FL/E6 – Replacement dwelling. Refused. 12/6/2007.

- 1) The proposed dwelling by virtue of the single storey garage and two storey front gable features would project further than the established building line shared by 112, 114 and

116 Thornhill Park. The application fails to take account of the context that defines the character of the area, disrupting the street scene to the detriment of visual amenity. The proposal is therefore contrary to policies 3.16, GP2, ENV32 and H10 of the Walsall Unitary Development Plan March 2005 and guidance given in Planning Policy Statement 1 and Planning Policy Statement 3.

- 2) There is insufficient information provided by the applicant to make an assessment from a transportation safety point of view. There is insufficient space within the garage to accommodate 2 vehicles and as such there are no details on the submitted plans to show how 3 cars can be accommodated within the site. The proposal is therefore contrary to policies GP2, T7 and T13 of the Walsall Unitary Development Plan March 2005.

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

Unitary Development Plan

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

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

GP2: Environmental Protection

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

I. Visual appearance.

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

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

ENV22: Protected Species – Development on sites used by species protected by European law and/or British legislation, or a species which is the subject of a national Biodiversity Action Plan, will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

1. 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 and space around dwellings and the adoption of a 45 degree code.

Provision of space around dwellings provides adequate private amenity space and an acceptable level of privacy and daylight.

The Council will generally seek to achieve the provision of rear gardens with a minimum length of 12 metres for the area of the garden outside the main windows of the rear of the house and a minimum area of 68 square metres.

A minimum of 24 metres will usually be required between all facing windows of habitable rooms of adjacent dwellings.

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

Policy QE1 - Environment

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

National Policy

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

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes.

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

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

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

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

Consultations

Transportation – no objection.

Pollution Control – no objection subject to condition restricting working hours.

Landscape – no objections. Earlier concern over conifer planting adjacent to boundary has been overcome by revising the scheme.

Natural Environment – no objections. The bat survey submitted confirmed bats are not using the property as a roost site. However there is a presence of 3 bat species within the garden and foraging over it is significant. A condition would be recommended to ensure the erection of 2-3 bat boxes and retention of a substantial amount of soft landscaping. The presence of House Sparrows and the potential grant of a planning permission would not override legislation relating to wildlife, a condition is not needed but a note for applicant is recommended.

Arboricultural Officer – no objections subject to condition to ensure protection of trees in rear garden during construction.

Environmental Health and Consumer Services – no objections.

Building Control – no objections. Note for applicant

Fire Service – satisfactory access for fire appliances.

Public Participation Response

Three letters of objection have been received objecting on the following grounds. The occupier of no. 118 has also requested that comments in his previous letter for the refused application are also considered.

- The proposed changes to the front elevation breach the building line.
- The bulk of the proposed 2 storey property to the rear being up to in the region of 7m beyond the rear of 118 will provide overbearing dominance of the rear of 118.
- On the amended plan the 45° line is taken from the centre of the rear window of no. 118 as opposed to the commencement of the window and shadowing and loss of light is further increased.
- The proposal will establish a precedent and potentially, over a period of time, destroy the character of the design of the estate.
- No regard had been placed upon this property being at a higher level than 118, therefore exacerbating the overbearing dominance of the development.
- House sparrows are currently nesting within the property.
- Bats are present within the roof.
- The first floor side window when opened by top hung hinge means there will be no privacy to the rear of 118, request this window is removed, made fixed or bottom hung to minimise overlooking.
- The Thornhill Park development was designed with single storey areas adjacent to neighbouring properties to one side of the houses.
- The Deeds require a minimum building line of 15 yards (13.72m) from the pavement.
- The proposal results in an over-bearing dominance to the front elevation of 118 and a design which is not in accordance with the general street scene.
- The proposal is over double the existing footprint which is not in keeping with the road.
- Concern over the suitability of the existing drains.
- The re-designing of the property does not fit into the context of the estate.
- The scale of the proposed dwelling will not be comparable to other dwellings.
- The design and access statement is incorrect as:
 - o The building line has been breached

- The length of the front garden is reduce due to the garage area
- The scale of the development will amount to months of noise, dust, inconvenience and nuisance.

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

Determining Issues

- has the current proposal overcome the previous reasons for refusal
- the impact on the character of the area
- the amenities of nearby residents
- ecology
- parking and access

Observations

Has the current proposal overcome the previous reasons for refusal?

Numbers 112, 114 and 116 Thornhill Park share a similar building line. The proposal would project 2m further forward than the existing building. The previous application was refused as the proposed building line would have extended 1.3m further forward than the front elevation of 118 Thornhill Park. The current proposal at its furthest point would be level with front door of no. 118 Thornhill Park. While there are two storey gable features to the front of the proposed dwelling, this would not unduly impact upon the pattern of development. It is considered that reason one of the previous refusal has been overcome. The proposal is now more in keeping with the existing building lines.

The previous application was refused as there was insufficient space within the garage to accommodate 2 vehicles and as a result the details submitted did not show how 3 cars could be accommodated within the site. The applicant now shows three off-street parking spaces within the curtilage of the application site.

Impact on the character of the area

The design of the building is different from the current gabled ended mansard roof building by virtue of the hipped roofs and front gables. However the design is simple and shows influence of the neighbouring properties while keeping the frontage half tiled as existing to give the impression of a mansard roof. The roof height of the main ridge is only slightly increased by 0.1m.

Some of the houses within the area, notably numbers 20, 34, 41 and 58 Thornhill Park, 15 and 16 Tudor Grove have been extended to the sides at first floor level to close the gap with the neighbouring houses. The proposal would therefore not be uncharacteristic of the surrounding area while maintaining a visual gap between the application site and no. 118.

The application site is higher than no.118 by 0.7m, the height of the proposal is shown to increase by 0.1m compared to the existing. Therefore the stepped effect to the street would remain.

All of the above design elements are considered to maintain the character of the street scene.

Amenities of nearby residents

One of the differences between the existing building and the proposed replacement is the proposed two storey element to the boundary shared with 118 Thornhill Park. The side of the two storey elevation would be 1m from this boundary at ground floor and 2m at first floor, with the ground floor extending 4.1m to the rear in comparison with no. 118. The first floor would extend 2.5m further from the rear of no. 118 at 2m from the boundary, then a further 3.5m at 3.1m from the boundary.

The side elevation would be 4.7m above ground floor to the eaves, with the ground level of the application 0.7m higher than no. 118. The proposed two storey element, incorporating a hipped roof, next to the boundary would not breach the 45 degree code therefore it is considered to have a minimal impact upon the residential amenity of no. 118.

The main difference between the existing dwelling and the proposed replacement dwelling is the two-storey element to the rear of the site. This can be split into three sections, the central section, the section closest to no.114 and the section closest to no.118. The central section including the family room and master bedroom would be 5.9m further into the rear of the plot than the existing dwelling, having a similar roof height of the existing building at 7.1m. The section next to no. 114 with a dining room at ground floor and bedroom at first floor would be 6.3m to roof height, set back 2.15m from the rear corner of the extended no. 114. It is considered to not have an impact.

The two-storey section closest to no. 118, with a kitchen and en-suite would be 6.3m to its roof, 3.6m from the boundary with no.118. The kitchen and en-suite complies with the 45 degree code. When measured from the middle of the nearest ground floor window of no. 118, the corner of this section would be 8.4m from no. 118, which is considered acceptable to maintain residential amenity. A 2m high fence forms the boundary.

The proposed toilet windows would have obscure glass and restricted to top hung opening, the windows would have no impact upon no.114 as it would be away from the landing window of no.114 and by its nature of use would have a minimal impact upon residential amenity of no. 118.

The garden length and area exceed the requirements of the Council's Residential Development Standards.

Objection letters have raised concern over noise, dust, inconvenience and nuisance as a result of the proposed demolition and re-construction. A condition is recommended to control the working hours on site.

Ecology

The bat survey submitted confirmed bats are not using the property as a roost site. However there is a presence of 3 bat species within the garden and foraging over it is significant. A condition is recommended to ensure the erection of 3 bat boxes.

Other matters

One letter of objection raises concerns over the capacity and capability of the drains. This is a matter that would be assessed under the Building Regulations. The same letter also

comments that the proposal would breach the details stated in the property deeds. This is not a material consideration as part of the planning process. This would be a private matter.

The occupier of no. 118 comments the proposal will establish a precedent and potentially, over a period of time, destroy the character of the design of the estate. The estate can be characterised as large detached dwellings, many of which have been extended. Any future planning applications for neighbouring properties will be considered on their merit in accordance with the current guidance.

Concern has been raised over the how the 45° code has been applied, the applicant has followed the appropriate guidance given in the Councils Residential Development Standards.

Recommendation: Grant Subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. No development shall commence or site clearance works take place until a scheme fully detailing the provision of 3 bat roosting boxes to be placed on a large tree along the north-eastern boundary of the application site has been submitted to and agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the habitat of protected species.

4. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees on the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any site preparation, or construction work, is undertaken, and shall be retained until the development is finished and all other equipment and installations have been removed from the site.

Reason: To safeguard the trees on the site.

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

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

Reason: To safeguard the amenities of nearby occupants.

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no gates, fences, walls or other means of enclosure other than those shown on the approved plans, shall be constructed without the prior submission and approval of a planning application.

Reason: In the interests of the amenity of the locality.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the dwelling hereby permitted shall not be altered or enlarged so as to deprive it of an existing garage or its drive or parking area as approved and first constructed, except with the express permission of the Local Planning Authority.

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

9. The side facing toilet windows shall be obscure glazed with a restricted top hung hinge.

Reason: In the interests of neighbouring privacy.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.16, GP2, ENV22, ENV32, H10 of Walsall Unitary Development Plan, the Residential Development Standards and guidance given in Planning Policy Statement 3: Housing, and having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 30 Oct 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/1808/FL/E12
Application Type: Full application
Applicant: UNDERWATER PROPERTIES LTD

Proposal: A3 restaurant with ancillary A5 takeaway

Ward: Aldridge North and Walsall Wood

Recommendation Summary: Grant Subject to conditions

Case Officer: Devinder Matharu
Telephone Number: 01922 652429

Agent: DAVID McGUIRE & ASSOCIATES LTD

Location: UNIT 2, NEIGHBOURHOOD SHOPPING CENTRE, 6 SALTERS ROAD, WALSALL, WS9 9JD

Expired: 18/10/2007



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Application and Site Details

The site lies between an existing Chip shop on one side and a newsagents on the other. The unit lies within the Street Corner Walsall Wood local centre. The access to this local centre off Salter's Road and local centre is served by a large car park.

The application proposes the change of use of the existing butcher's shop to an A3 restaurant use with ancillary A5 take away use. The hours of opening have not been specified. An illustration showing the location of the flue has been provided and this is to be positioned at the rear of the building. No manufacturer's details of the flue have been provided. The plans illustrate a seating plan for 30 people waiting area towards the front of the building. The kitchen will be towards the rear of the building. No changes are proposed to the front elevation.

Above this commercial unit there is a residential flat. The supporting document states that the residential unit above is within the same property and will be let as one.

Relevant Planning History

None

Relevant Planning Policy Summary

Unitary Development Plan 2005

Policies 2.2, 3.7, 3.6, GP2 and ENV10 seek to protect residents from unacceptable noise and pollution, whilst ensuring development makes a positive contribution to the quality of the environment.

Policy ENV32, 3.16, 3.116 seeks to ensure the design of buildings takes into account the context and surroundings.

Policy 5.2 seeks to enhance the vitality and viability of local centres.

Policy S2 (c) defines local centres to meet the day to day convenience shopping and local service needs of their communities.

Policy S5 boundaries of local centres are drawn tightly to concentrate investment and within these areas the retention, enhancement and further development of shops will be encouraged.

Policy S10 advises that such uses will be appropriate in Town, District and Local Centres subject to the following considerations:

- i) The use proposed must not adversely affect the amenities of existing or proposed dwellings (including those on upper floors above commercial premises) by reason of noise, smell disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- ii) Where the Council is minded to grant planning permission, the closing time for hot food take-aways will be considered in relation to the amenities of nearby dwellings – both existing and proposed – where these are likely to be affected. In such locations, the Council will usually impose a condition requiring the premises to

- close at 23:00 hours Mondays to Friday and 23:30 hours on Saturdays. Later opening hours and Sunday opening will be considered on their merits.
- iii) Permission will not be granted where the absence of adequate off street parking would likely to lead to on street parking in a hazardous area.
 - iv) Permission will only be granted where fume and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment will not be detrimental to visual amenity.

Policy T13 states in section C4 car parking spaces are required for establishments with a gross floor space up to 50m²: then 1 space per 22m² of gross floor space.

Government Policy

Planning Policy Statement 6: Planning for Town Centre states that investment should be encouraged in centres to protect the vitality and viability of them and that local centres meet the day to day needs of local people.

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

Consultations

Pollution Control – No observations

Environmental Health and Consumer Services – With residential accommodation above there is potential for noise and odour complaints. To minimise this, the extract flue from the cooking range should be fitted with suitable grease and odour removal and terminated 1 metre above the eaves of the highest point of the flat roof.

Any motor extract motor used in the flue to pull the flue gases through should be suitably insulated so as not to allow the noise of the motor to cause noise or vibration nuisance to persons in the vicinity.

Suitable grease trap should be fitted to prevent grease and fat entering the drains.

Opening hours should be kept in line with other similar establishments.

The problem of anti social behaviour, litter or noise would not be increased significantly such as to cause a nuisance to the residents in the locality bearing in mind the existing make up of the businesses.

Fire Officer – No access issues

Representations

Two letters from local neighbours have been received one of the letters has eleven signatures, objecting to the proposal on the following grounds:

- Urgent need for grocery/provisions outlet in the area with the amount of older people residing, shortage due to closure of supermarket

- Saturation of fast food outlets in the area. A list of all the outlets have been provided, which concludes to 7 outlets.
- Outlets within 200 yards of Brook Close
- Noise – loud car radios, slamming of doors, shouting is all taken place on a daily basis going into the early hours.
- Litter
- These outlets attract gangs of youths.
- Lack of parking on a busy junction with fitness first taking up the majority of the car parking facilities.

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

Determining Issues

The determining issues here relate to:

- Impact on the amenity of local residents and flue extraction
- Car parking
- Hours of opening

Observations

Impact on the amenity of local residents and flue extraction

This is a Local Centre, where commercial units and residential premises are in close proximity. The operation of a takeaway from these premises would be acceptable given that this is a local centre location where such activities are controlled under Policy S1 of the Unitary Development Plan. Residential uses are also encouraged in such centres close to commercial premises, to enhance the vitality and viability of our centres. It has been indicated in the supporting document that the flat above will be tied into the commercial premises.

It is not considered that the use of these premises for a restaurant and ancillary take away would have a detrimental impact on the amenities of the nearby residential occupiers to warrant refusal of this application.

Objectors have raised issues regarding litter. The control of litter can be a material consideration but there is no real evidential basis to refuse on this alone and this is provided for under other legislation.

Objectors have also raised issues regarding youths hanging around and causing nuisance and noise. The fear of crime and anti social behaviour can be a material consideration but in this instance it is considered that the site lies in a local centre. There are residential properties on the opposite side of the road, so the area would be surveillanced from private homes and any unsocial activity likely to be reported to the Police Authority. Furthermore, the residential properties in the area are situated away from the local centre and not immediately adjacent. Some ambient low level noise will be associated with the proposed use. Environmental Health have advised that the proposal would not cause a nuisance to local residents in terms of anti social behaviour, noise or litter given the existing make up of

businesses. It is not considered that use of the site would produce a level of noise activity which would warrant refusal of this application.

The proposed flue will be attached to the rear elevation of the property facing the rear car park of the local centre. No manufacturer's details have been provided for the proposed flue and its maintenance; however this information can be secured by way of planning condition. The condition would also include details of the external finish of the flue to be provided to minimise the visual impact of the proposed flue. A planning condition can also be attached requiring details of the grease trap to prevent grease and fats entering the drainage system.

The submitted plans illustrate the proposed flue as projecting 1.4 metres above the eaves of the existing building. It is considered that the flue should only project one metre above the eaves to minimise any visual impact. This can be secured by way of planning condition.

Objectors have raised concerns over the saturation of fast food outlets in the area. There are no policies in the Unitary Development Plan which restrict the number of A3 and A5 uses in local centres. Policy S5 seeks to enhance development of local centres. At present, this is a vacant unit and the re-use of the site would assist in the enhancement and economic well being of the local centre. The re-use of this unit would prevent a 'dead' frontage within this local centre. Therefore on balance the re-use of the premises should be supported.

Car parking

There is the provision for short term parking within the local centre. It is considered that there is ample parking within the centre for the proposed use. Furthermore, the local centre serves local residents, it is likely that those residents who immediately surround the site would likely to walk to the restaurant / take away.

Hours of opening

The hours of opening for the premises have not been specified. There are no restrictive hours of operation for the chip shop however it closes at 10pm every night apart from Sundays.

Policy S10 recommends that premises close at 23:00 hours Mondays to Friday and 23:30 hours on Saturdays. It is considered that such times are appropriate in this location.

Recommendation: Grant Subject to conditions

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

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

2) The premises shall only be open for business between the hours of 11:00 to 2300 Sundays to Fridays and 11:00 to 23:30 on Saturdays.

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

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

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

4) No development shall commence until full details of the siting, design, appearance and vibration mitigation measures of the ventilation extraction duct have been submitted to and approved in writing by the Local Planning Authority. The ventilation duct should be painted with a weather proof material intended not to peel or flake from the galvanised substrate. The ventilation duct should extend to one metre above the top of the building eaves and should be maintained thereafter.

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

5) The use hereby approved shall not have more than 32 covers available at any one time to visiting members of the public unless agreed in writing with the local planning authority.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, ENV10, 5.2, S2, S5, S10 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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