



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Significant public interest.

Application Number: 04/2637/FL/E2

Case Officer: Ron Moss

Application Type: Full application

Telephone Number: 01922 652420

Applicant: Mr M.S Gill

Agent: Tweedale Ltd

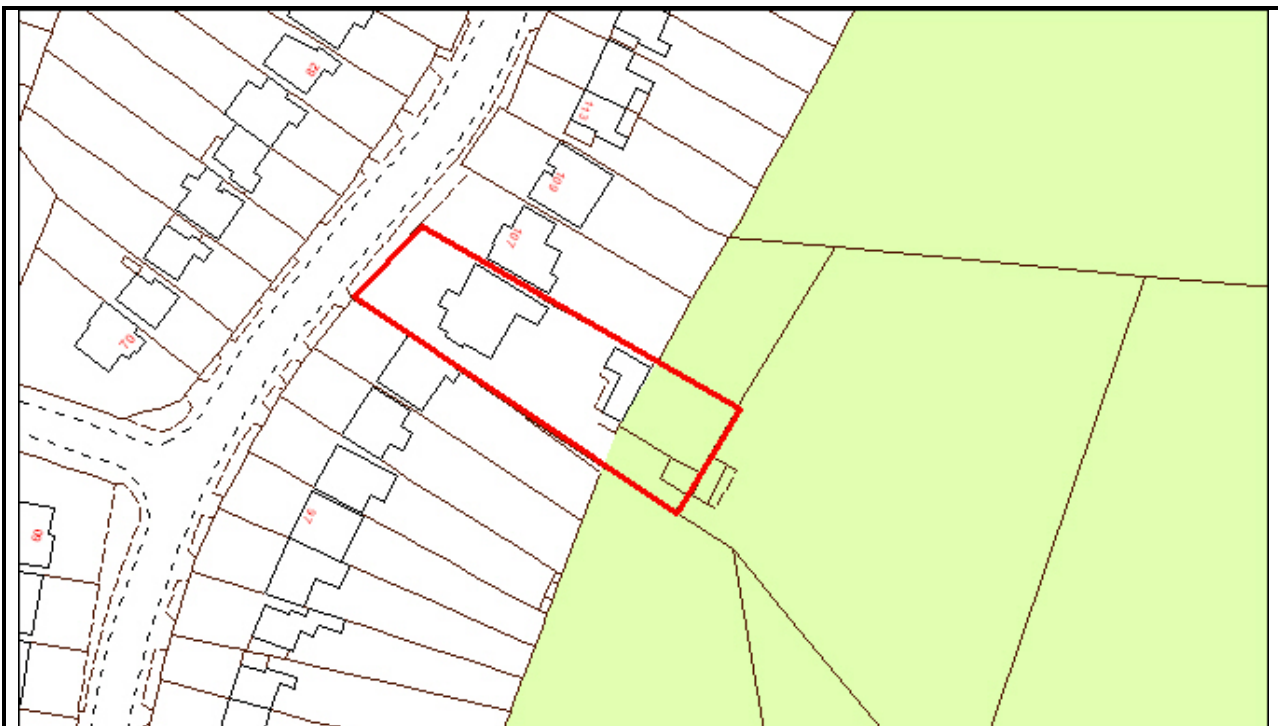
Proposal: Erection of replacement dwelling

Location: 105,SKIP
LANE,WALSALL,WEST
MIDLANDS,WS5 3LR

Ward: Paddock

Expired: 08 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application proposes a larger replacement dwelling on the site. The proposed dwelling would be 9.1m in height as opposed to the existing 9.2m to allow accommodation in the roof, would extend rearwards further than the existing main rear elevation by 4.3m at both ground floor level and first floor level with this additional rear projection set in 2.6m on the flank next to 103 Skip Lane. A centrally positioned conservatory is then proposed to the rear of this extension to a depth of 4.5m. The application also proposes accommodation in the roof in the form of a sixth bedroom with light provided by front and rear oriel windows and roof lights. On the southern flank of the property 2m high gates are proposed, set back 3.8m behind the front elevation of the dwelling.

Across Skip Lane, the dwellings are at a lower level.

Relevant Planning History

04/0531FL/E2 Replacement dwelling

Refused 26 May 2004 for the following reason:-

The proposal, by reason of its size, height, bulk and design would be overly dominant within this part of Skip Lane to the detriment of the street scene. Furthermore the excessive depth of the dwelling would have an overbearing effect and lead to loss of light and sunlight to the neighbouring dwellings 103 and 107 Skip Lane, to the detriment of the residential amenities of their occupiers. The proposal is therefore contrary to policies 3.6, 6.6, 6.8 and H4 of the Adopted UDP and policies 3.6, GP2 and ENV34 of the UDP Review - Revised Deposit Draft as well as Planning Policy Guidance Notes 1 and 3.

04/1641/FL/E2 Erection of Replacement Dwelling

Refused 17 November 2004 for the same reason.

At 101 Skip Road :

BC62689P Two storey side and single storey rear extensions

Was refused planning permission on 2 February 2001 for reasons of overdevelopment and the creation of a terracing effect.

An appeal was lodged and then dismissed with the Inspector stating

'Notwithstanding previous extensions to other properties, there remains on the whole, a perception of spaciousness enhanced by the gaps between buildings at first floor. These gaps, and the views of trees beyond, contribute significantly to the character of the street scene. This character would be eroded if the gaps were lost.'

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

ADOPTED UDP

Policy 3.6 - redevelopment schemes to contribute towards the environmental improvement of the area.

Policy 6.6 - provision of a satisfactory residential environment .

Policy 6.8 - schemes to be well integrated into the existing pattern of settlement and surrounding land use and to provide adequate open space.

Policy H4 gives guidelines for the layout and design of residential development and protection of residential amenity.

Appendix 2 'Development Control Guidelines' then provides a clear statement to prospective developers of the Council's normal requirements.

UDP REVIEW

Policy GP2 states that the Council will not permit development which would have an unacceptable adverse impact on the environment and lists the considerations will be taken into account in the assessment.

Policy 3.6 reiterates policy 3.6 of the adopted UDP.

Policy ENV15 encouragement of the reclamation and development of derelict and previously developed land.

ENV34 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

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

Policy H3 states that the Council will encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites, subject to a satisfactory environment being achieved.

Policy H10 states that residential developments should create a high quality living environment, well - integrated with surrounding land uses and local character.

Government Policy

Planning Policy Guidance Note 1: General Policy and Principles:

paragraph 13) *'...The appearance of proposed development and it's relationship to it's surroundings are material considerations in determining planning applications...'*

Planning Policy Guidance Note 3: Housing, promotes sustainable patterns of development and advocates the better use of previously developed land over Greenfield sites. Promotes the need for good design in new housing developments. Aims to achieve more efficient use of land and to increase the density of development above that generally achieved to date, it is also stated in paragraph 56 that new housing of whatever scale should not be viewed in isolation and consideration of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

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

Consultations

Transportation - No objection, Adequate parking provision is proposed for the development.

Pollution Control - No objection, however should be a condition on any approval restricting the hours of demolition and construction.

Drainage - No objection

Fire Service - No objection

Representations

29 Letters of objection on the following grounds:-

- a) Proposal would reduce the gap at first floor level, creating a terracing effect, contrary to section 8 e) of appendix 2 of the UDP.
- b) Proposal would be overbearing on properties on opposite side of road, which are lower. The eaves of the new development would be substantially higher than the existing property, significantly increasing the mass of the front wall.
- c) Would lose feeling of spaciousness achieved by gaps between buildings.
- d) Proposed design is incompatible with existing dwelling, out of character within the immediate vicinity and incongruous to the street scene. This dwelling appears Edwardian in style, whilst this part of Skip Lane consists of modern 1950's onwards type dwellings.
- e) Would lose outlook
- f) Contradiction between application form and description as to whether development is a replacement dwelling or an alteration to the existing dwelling. Form also states 'Addition to existing uses'
- g) Proposal would be a massive increase on the size of existing dwelling. Increase of some 25 %.
- h) Proposal would contravene 45 degree in the residential development design guide.
- i) No parking shown, parking on frontage would leave little space for landscaping while if to rear would bring noise fumes and disturbance to neighbouring residents, any overspill on to street would be a traffic hazard.
- j) Flank windows would lead to overlooking of neighbouring properties - persons in conservatory would have direct view in to neighbouring properties
- k) Level difference of at least 1m between 103 and 105 would exacerbate impact
- l) No details of site boundaries
- m) Proposal is contrary to PPG1 in that it would be out of scale and incompatible with the surrounding area.
- n) Proposal would contravene Council standard requiring 13m between windowed and blank elevations.
- o) Proposal should be viewed as similar application at 101 Skip lane , which was dismissed at appeal., with the Inspector stating 'Notwithstanding previous extensions to other properties, there remains on the whole, a perception of spaciousness enhanced by the gaps between the buildings at first floor. These gaps, and the views of the trees beyond, contribute significantly to the character of the street scene. This character would be eroded if the gaps were lost. 'A 2 storey extension at 115 Skip Lane replacing an existing single storey building was refused for similar reasons.
- p) Proposal would cause overshadowing
- q) Development could not be considered good neighbourliness.
- r) Where is the access for the disabled.
- s) Gates and piers would block out the views of trees and fields.
- t) Proposal would cause loss of light to neighbouring windows.
- u) The proposed development site extends in to Green Belt.

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

Determining Issues

The determining issues are whether the proposal overcomes the previous reasons for refusal of application 04/1641/FL/E2 by meeting criteria a) and b) below:-

- a) The proposed development would conform to the character and appearance of the area.
- b) The proposal would provide a satisfactory level of amenity for both the potential occupier and neighbours
- and
- c) whether access and Parking is satisfactory

Observations

a) Character and appearance of the area.

Since the previous refusal your officers have liaised with the applicant to attempt to resolve the earlier concerns. The issue is whether these amendments are sufficient to ensure the proposal is in character with the appearance of the street scene and your officers accept that this is a finely balanced case. The height of the proposed dwelling has been reduced from 9.7m to 9.1m to give a similar total height to the existing dwelling, whilst the proposed dwelling would have higher eaves level than the existing dwelling and the frontage is shown with a roof pediment, the submitted street elevation shows that the dwelling would still respect the heights of the neighbouring dwellings as read in the street scene of this part of Skip Lane.

The Inspector in dismissing an earlier appeal at 101 Skip Lane stated that there was considerable variation in the architecture, size and massing of individual properties in this part of Skip Lane. He then continued by commenting on the perception of spaciousness enhanced by the gaps between buildings at first floor and that these gaps, and the views of trees beyond contributed significantly to the character of the street scene.

There was the concern with the previous application that the proposal would infill an existing first floor gap and neighbouring residents have reiterated the concern with this application. Your officers however consider that the introduction of a 2 metre rather than previously shown 1 metre gap to the northern flank of the proposed dwelling and retention of the 3.7 metre gap to the south would ensure the perception of spaciousness and gap would be maintained. The proposed setting back of the gates to a position 3.8m behind the frontage of the house rather than under a metre as on the previous scheme also ensures that the gap on this southern side would be kept.

b) Amenity for the potential occupier and the neighbouring residents.

With respect to impact on the amenities of no.107, the neighbouring property only has roof lights, although at first floor level and to bedrooms, and an inverted dormer in the roof slope facing the proposal. It would be difficult to substantiate a reason for refusal on loss of light to these windows. With respect to overlooking, the proposal is only shown with bathroom windows at first floor level, while the proposed ground floor dining room windows would only look onto a fence and the blank ground floor flank elevation of no.107. The rear element of the proposed extension adjacent to no.107 would only project 1.7 m beyond the rear elevation of no.107 at single storey level with a gap of 3.2m between the buildings (previous scheme was shown to a depth of 4.4m at a distance of 2.2m), while at

first floor level the proposed extension has been reduced by 1.3m in depth from the previous scheme, projecting to the same depth as the ground floor level. With respect to no.103, there is only a landing window in the adjacent flank wall, while the proposal only has bathroom windows at first floor level, with study and cloakroom windows at ground floor and a set back set of patio doors to a family room. It is not considered that overlooking would take place between the properties. The proposal would however extend some 2.7m beyond rear of no.103 at two stories, before then being shown set in by 2.6m to go out a further 4.5m.at a distance of over 7m from the common flank boundary.

A conservatory is proposed to the rear of the property, but although neighbours have raised concerns in respect of overlooking, this is shown set well off the boundary and it would be difficult to substantiate a reason for refusal on overlooking grounds. Overall therefore the impact on the amenities of neighbouring occupiers would now be acceptable. A further concern was raised by residents that in conjunction with the outhouses at the rear of the site, the dwelling would leave an inadequate rear garden area, but your officers consider that sufficient amenity space and rear garden would be maintained.

3) Access and Parking

The access and parking provision is considered acceptable by the Transportation officer.

Other matters

The concerns of Pollution Control with respect to hours of construction and demolition are more effectively addressed through Environmental Health legislation.

Conclusion

This is a finely balanced case and your officers consider that whilst the proposal is still for a large dwelling house, the amendments made from the previous scheme now show a dwelling that can relate to the existing street scene and that would not have a detrimental impact on the amenities of neighbouring occupiers.

It should be noted that the red site boundary includes land within the Green Belt and that no planning permission has, or is likely to be given, for the change of use of green belt to residential land. This would form a condition on any approval.

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 years after the date of this decision.

Reason:

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

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

Reason :

To ensure the satisfactory appearance of the development.

3. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought in to use or other such period as may be agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the development

4. No development shall be carried out until details of levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with these approved details.

Reason

To protect the visual amenities of the area.

5. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

Reason

To ensure the satisfactory appearance of the development and provision of off-street parking.

6. No windows other than those shown on the approved drawings shall be inserted in the flank elevations of the proposed development.

Reason: To prevent overlooking of neighbouring properties.

7. No development shall be carried out until full details of the proposed boundary treatment of the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter retained in accordance with these approved details.

Reason

To safeguard the appearance of the development.

8. No development shall be carried out until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

Reason

To ensure the satisfactory drainage of the site.

9. No planning permission is given for the change of use to residential use of the land shown within the red lined site boundary that falls within the Green Belt

Reason

To define the terms of the permission.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 15 February 2005

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 04/2453/RM/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Wilcox Property Services

Agent: Simon and Wilkinson

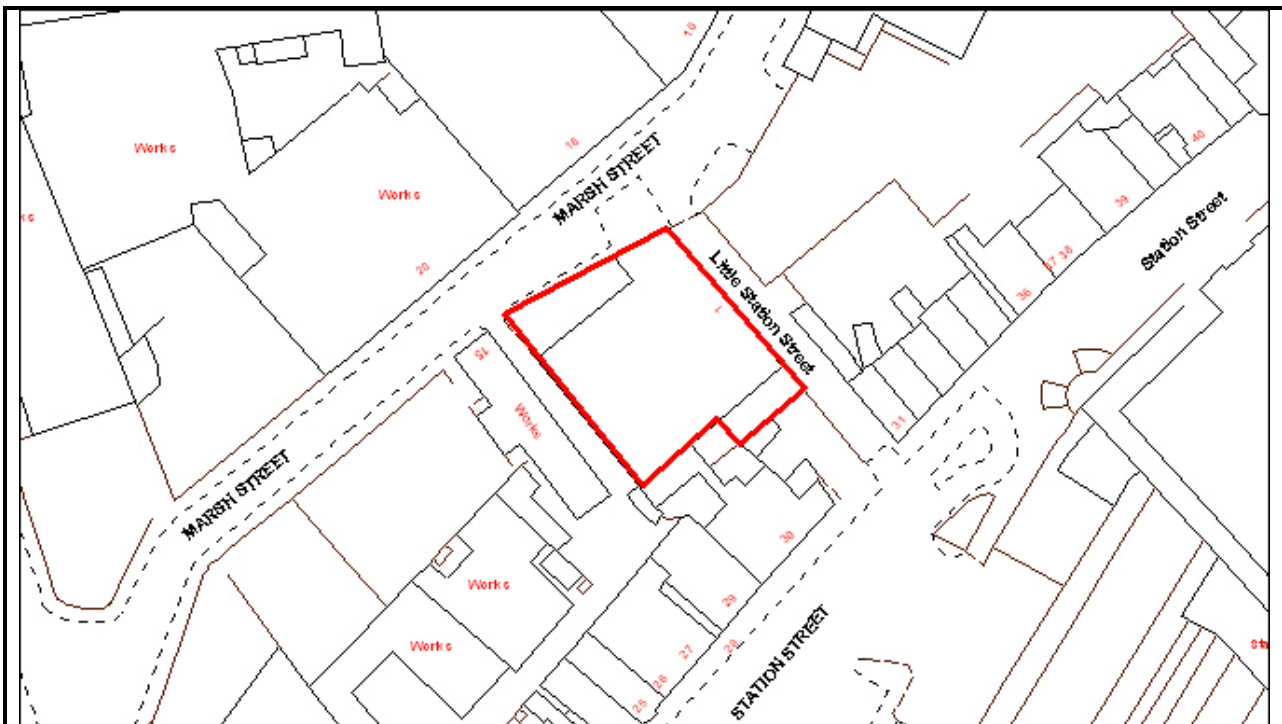
Proposal: Reserved Matters to
04/1710/OL/W5: Erection of 22 no. apartments

Location: LAND OFF LITTLE
STATION STREET AND MARSH
STREET, WALSALL

Ward: St. Matthews

Expired: 24 January 2005

Recommendation Summary: Approved Reserved Matters Conds



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Application and Site Details

This application seeks approval of reserved matters following outline consent for the residential re-development of land off Marsh Street and Little Station Street in October, 2004.

The reserved matters details are for the external appearance of the building. In addition, details of the noise survey required by condition 10 of the outline have been submitted and access to parking areas, dwellings and manoeuvring areas required by condition 11. All other matters are reserved or conditioned for a later stage.

The outline consent (04/1710/OL/W5) approved some elements of the details, comprising:-

- the use of this site for 22 residential units of up to five storeys
- siting around the corner of Little Station Street and Marsh Street
- the use of an archway into a courtyard for parking.

Relevant Planning History

Only the outline consent referred to above is relevant to the consideration of this application.

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

Adopted UDP

3.6 and 3.7 seek redevelopment proposals to contribute to environmental improvement while avoiding residential development close to high levels of nuisance.

3.18... protect and enhance the Borough's built heritage, while 3.19 proposes additional Conservation Areas.

5.3, 5.4, 5.5 and 6.7 encourage the reuse of buildings within centres, while 6.6 encourages the reuse of previously developed sites for housing provided a satisfactory residential environment can be provided.

TC4...outside main shopping area, and on upper floors...office/service activity, leisure, community and residential normally be appropriate...normally expect housing to be directed towards non-family accommodation...encourage proportion of rented accommodation and involvement of housing associations.

TC13... areas important to character of Town Centre... resist proposals for redevelopment except where involves existing properties of inappropriate design... Infill new development expected to conform to the prevailing character.

Development Control Guidelines state that in Walsall Town Centre an appropriate level of parking will be negotiated taking account of highways and circulation routes.

UDP Review

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.

ENV31... 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.

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.

T13 A VI...in town centres will negotiate an appropriate level of parking provision.

National policy

This seeks to minimise the use of the car, and improve design and the urban environment.

Consultations

Transportation - no objections

Pollution Control Division - no objections, noise report agreed.

Assistant Director of Regeneration

Regeneration & Built Conservation & Design - the contemporary approach is welcomed...does not step up the hill enough...needs to be more gradual...how does it fit in with phase two...small step backs on Little Station Street and Marsh Street may not work as well as the larger step...preferable if designed to back of pavement.

(Phase 2 is the frontage of Station Street. That is not a committed scheme, as there was opposition to the removal of the frontage building. The present scheme stands alone.)

Fire Service - satisfactory subject to domestic sprinkler system being installed

Environment Agency, Central Networks, Serco, Energis, Inland Waterway, British Waterways, Drainage - no objections

Representations

None received

Determining Issues

- appearance of the building and
- satisfactory noise measures

Observations

Appearance of Building

The conservation officer has raised an issue with the way in which the buildings step in from the back of pavement instead of following the line of the road. The siting of the buildings was previously approved at the outline stage therefore the siting is settled.

The broad design of the building was also considered at that time and particularly with regards to how the development would relate to the possible phase two of the scheme. The design took this into account, providing a step down to 3 storeys nearest to the Station Street frontage. It was this specific feature that allowed the approval of the outline, as it would allow for a more sympathetic relationship to the Station Street frontage.

It was also considered that the site coverage and floor layout appeared appropriate at that time (this included the set backs from the highway).

The conservation officer, at the time of the outline, also referred to a 'clean' modern approach to the design and external appearance of the building working well against the more traditional original buildings in the surrounding area. As such the external appearance of the building has incorporated these comments.

Whilst there are concerns in respect of some of the materials to be used this can be satisfactorily addressed by requiring samples of materials prior to commencement.

Noise Details

The noise report submitted as part of the application has been examined by the Pollution Control Division who have agreed its contents subject to the measures in the report suggested being implemented.

Recommendation: Approved Reserved Matters Conds

1. This decision approves matters submitted under the following conditions as set out and defined by the outline planning permission 04/1710/OL/W5, dated 6th October, 2004 :-
 - 1 - subject to the development must be begun 5 years from the date of outline approval (6/10/04)
 - 2 (a) - external appearance
 - 10 - noise survey
 - 11 - access

Reason : To ensure the satisfactory development of the site and to enable the Local Planning Authority to retain effective control over the future development of the site.

2. This decision is also subject to the further submission of details of the following conditions as set out and defined by the outline planning permission 04/1710/OL/W5, dated 6th October, 2004 :-

- 2 (a) - the landscaping of the site
- 4 - proposed boundary treatment
- 5 - landscaping scheme
- 7 - external lighting scheme
- 8 - levels

12 - security gates

13 - details of domestic sprinkler system

Reason : To define the permission

3. In addition to the above and in order to ensure the satisfactory appearance of the development the Local Planning Authority require samples of facing materials to be used in external walls and roofs to be submitted to and approved in writing before any development commences.

Reason : To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, 3.7, 3.18, 3.19, 5.3, 5.4, 5.5, 6.6 and 6.7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 04/2525/FL/M1

Case Officer: Nick Long

Application Type: Full application

Telephone Number: 01922 652482

Applicant: European Metal Recycling Ltd

Agent: European Metal Recycling Ltd

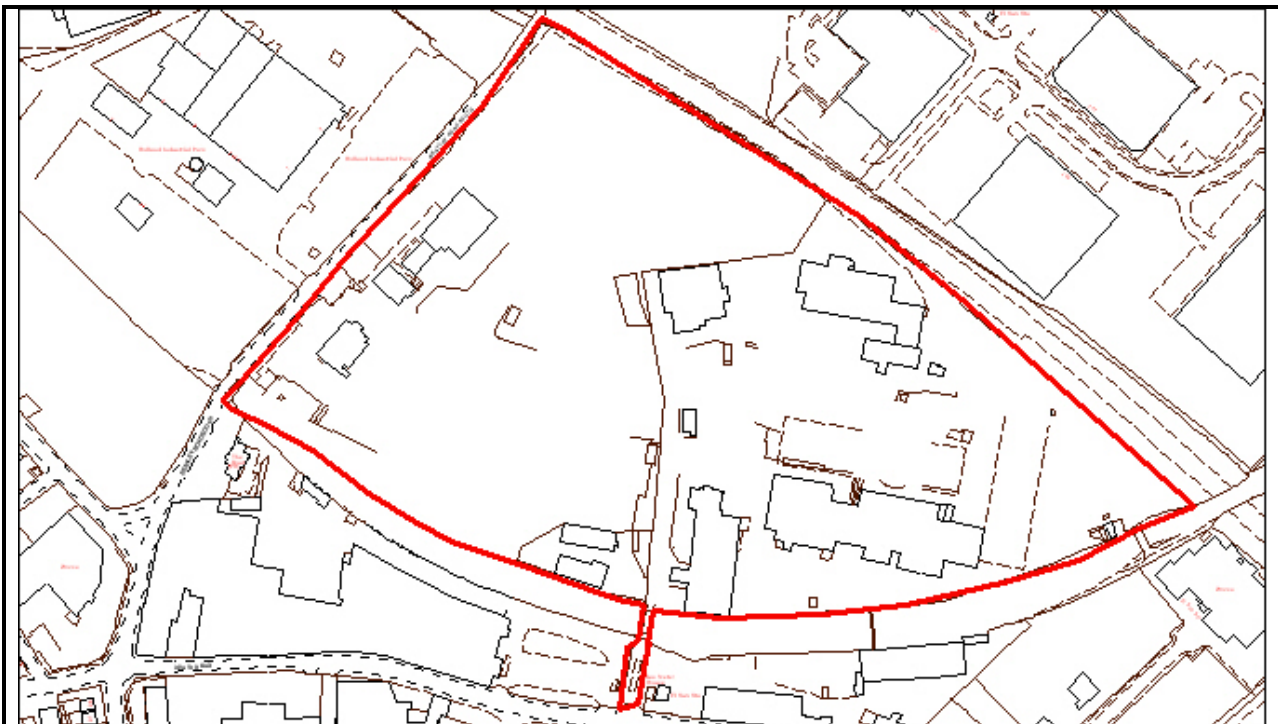
Proposal: New Consent for Metal Recycling
Facility plus Erection of Acoustic Barrier

Location: EUROPEAN METAL
RECYCLING LTD, LAND AT BENTLEY
ROAD SOUTH/HEATH
ROAD, DARLASTON, WEST
MIDLANDS, WS10 8LW

Ward: Bentley & Darlaston North

Expired: 21 January 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The proposal is for continued use of the site as a metal recycling facility incorporating the following uses:

- a) Use of land for ferrous and non ferrous metal recycling;
- b) Waste electrical and electronic equipment processing;
- c) End of life vehicle processing;
- d) End of life refrigerator/freezer processing;
- e) Storage of materials ancillary to the recycling process;
- f) Construction of an acoustic screen bund and fence adjacent to Bentley Road South.

The site is currently operated under separate consents that allow for metal recycling in the western section, scrap fridge/freezer storage in the eastern section, processing of scrap fridges and freezers in a former foundry building in the eastern section and storage of non ferrous metals in the south eastern section of the site.

The consolidating planning application proposes that the overall site is designated as a recycling facility for the uses set out above. This will include retention of all existing buildings and involve processes of cutting shearing baling and despatch of recycled metal, de -gassing refrigerators (removal of CFC ozone depleting substances). Refrigerators and freezers would be stacked up to 3.5 metres above ground level. Use of the Bentley Road South and Heath Road access points is proposed to be 6am to 7.30pm, 7 days per week. Operation of the shearing plant (used for cutting up vehicle bodies) is proposed to be between 7am and 11pm, 7 days per week. Processing of metal with the baler is proposed to be 24 hours per day, 7 days per week. Processing of End Of Life Vehicles and refrigerators/freezers is proposed to be 24 hours per day , 7 days per week. The application also proposes allowing scrap metal to be stockpiled to a height of 8 metres above ground level though fridges and freezers would be stored no more than two high up to 3.5 metres above the ground.

NB: The existing scrap yard permission (BCW549) for the western area currently allows in site operations between 07.300 to 18.30 Mondays to Fridays and 07.30 to 13.00 Saturdays and not at all on Sundays, Bank or other Public Holidays except Good Friday and May Day. Deliveries and despatches of materials are permitted between 06.00 and 19.30 Mondays to Fridays and 0.7.00 to 14.00 Saturdays. The other existing consents for non ferrous metal and fridge/freezer storage and processing place slightly greater restrictions on the eastern section of the site. The consent for the de - gassing of fridges/freezers is not restricted.

The acoustic screen bund would be a right angled structure adjacent to Bentley Road South and the railway line to the north of the site. This would consist of a base formed from construction materials on top of which there would be a profiled steel sheet fence. The base bund would be 5.5 metres high and the fence 4.0 metres high giving a total height of 9.5 metres. The length of the bund and fence would be 50m adjacent to Bentley Road South and 100m adjacent to the railway line. The total length of the bund along the railway boundary would be 200m.

The application site is an existing 10ha scrap metal yard located between Bentley Road South and Heath Road in Darlaston on land that was formerly used as a foundry. Surrounding uses are predominantly industrial. There are four residential properties located approximately 200m to the north west of the application site boundary. The total quantity of scrap metal (including fridges and freezers) handled in any year at this site is approximately 385,000

tonnes. The site is currently operated under the terms of existing permissions that require among other things the limitation of storage heights of scrap metal to 3 metres within 20 metres of the site boundary. There is currently a stockpile of scrap metal set adjacent to the railway line. This appears to be a breach of that condition. This would be removed to make way for the screen bund and fence.

Relevant Planning History

BCW549. Planning permission granted subject to conditions in 1996 for development of the western part of the site for metal processing including sorting and storage.

02/1850/FL/M1. Planning permission granted subject to conditions in 2002 for change of use of former foundry building to fridge recycling plant.

03/0487/FL/M1. Planning permission granted subject to conditions in 2003 for construction of buildings and compound for the storage and recycling of non ferrous metals with associated fencing, landscaping and surfacing.

03/0488/FL/M1. Planning permission granted subject to conditions in 2003 for use of land for storage of end of life refrigerators prior to and ancillary to fridge recycling in adjoining building.

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

Adopted UDP

Proposals Map. Western part of site designated for industrial use and subject to Proposal E1.8.

Policy E5. Potential bad neighbour uses; site selection criteria.

Policy 9.9. Waste Disposal Strategy.

Policy 9.11. Safeguarding the environment; waste management facilities to be subject to rigorous assessment.

UDP Review

Proposals Map. Within core employment area and subject to Policy JP5.

Policy JP8. Potential bad neighbour uses.

Policy 10.2. Pre treatment and recycling of waste to be encouraged.

Policy 10.3. Movement of waste up the hierarchy.

Policy 10.7. Safeguarding the environment in relation to all waste management facilities.

Policy WM1. Criteria for waste management facilities.

National Policy

Waste Strategy 2000. Waste Planning Authorities to make site specific allocations for facilities.

PPG10. Planning & Waste Management. Criteria for site selection.

Consultations

Pollution Control Division: The applicant submitted an acoustic assessment in support of the application. This did not demonstrate that the activity proposed will not impinge on the

amenity of any residents of the locality. A refusal of the application could not be sustained since with due diligence the applicant will be able to comply with conditions that are recommended by the Pollution Control Division. Assessments of complaints as to noise arising from the existing operations did not result in such noise being considered to be statutory nuisance. Noise generated was audible in the vicinity of dwellings located on Bentley Road South. Conditions controlling noise levels are appropriate for imposition any permission granted. These should cover the following:

- a) The noise to be monitored in accordance with BS4142:1997.
- b) Noise from the site as measured at the facade of nearby dwellings not to exceed 60dB during the hours of 23.00 to 07.00.
- c) No deliveries or despatches shall take place outside the hours of 06.00 to 19.30.
- d) Shearing plant and associated cranes used to feed the plant shall not be used outside the hours of 07.00 to 23.00.
- e) Ferrous metal stockpiles shall not exceed 3.0m in height within 20 metres of the property boundary and not more than 8.0m elsewhere.
- f) The 9.5m high acoustic barrier to be erected and maintained to the satisfaction of the planning authority. No changes to be made to existing operational hours and practices until the acoustic barrier has been constructed.

Transportation Division: This is an existing site with planning permission. There is no objection in principle. The proposed extension to operating hours would involve traffic on the highway outside of peak vehicle movement times. Therefore there should be no additional impact.

Environmental Regeneration Services: There is a need for vegetation to be established on the railway side of the proposed bund. Other existing vegetation on the Bentley Road South frontage would benefit from further maintenance.

Environment Agency: No objection in principle. If the proposed modifications to the existing planning consents affect the Waste Management Licences then modifications to the Licences may be required. The applicant should be advised to contact the Agency to resolve any issues that may arise.

Representations

Nine letters of representation have been received in response to consultation on this application. These are from residents of Bentley Road South, Bentley Road North and Wrexham Avenue. All of these representations object to the proposals on the following grounds:

- a) The existing level of nuisance from the site is unacceptable and the proposal to extend hours to work 24/7 will make matters worse.
- b) There will be an unacceptable additional impact from noise and traffic from the site during unsocial hours.

All letters of representation are available for inspection upon publication of this Committee Report.

Determining Issues

- a) Does the application require an Environmental Impact Assessment?
- b) Are the proposals in accordance with the development plan?

c) Are the proposed changes to the hours of operation and any other activities going to have an unacceptable level of adverse environmental impact on sensitive uses?

Observations

The Requirement For An Environmental Impact Assessment

Every planning application for a waste management facility is subject to a screening opinion to determine whether an Environmental Impact Assessment (EIA) should be submitted. The application is for an existing site operating with the benefit of planning permission. The site covers an area that exceeds the 0.5ha threshold area for waste disposal installations is to be considered for EIA, in the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. The annual tonnage of material handled exceeds the 50,000 tonne threshold set by Circular 2/99 for consideration of the requirement for EIA.

Notwithstanding the foregoing, this is an application to consolidate planning permissions at an existing operational site. It incorporates proposals to specifically deal with existing impacts and potential impacts from changes to permitted operations. Consideration of the potential environmental impacts in accordance with the advice from Pollution Control Division shows that these are not likely to be significant so that submission of an EIA is not justified. Therefore it has been concluded that an EIA should not be required to be submitted for this application

Planning Policy

National Planning Policy in Waste Strategy 2000 and in PPG10 is that as far as possible development plans should make site - specific allocations for waste management facilities and that there should be increased recycling and recovery of waste materials. The site is operating under planning permissions for recycling and recovery of metals. The consents also include a waste treatment facility for removal of ozone depleting substances. Therefore it already conforms to national planning policy in general terms.

This proposal is in general conformity with the aims of Policy 9.9 of the Adopted Walsall UDP insofar as positive provision is made for a waste management and recycling facility. Policy 9.11 requires that sites close to sensitive uses such as residential areas should be subject to rigorous assessment to determine their acceptability. Some local residents have lodged objections based on claims of noise and traffic nuisance from existing activities. The advice from the Pollution Control Division, that the operating company could achieve satisfactory operating standards in terms of noise impact even given the hours of operation proposed, means that this rigorous assessment shows that local objections can be overcome by imposition of appropriate planning conditions. This will ensure that the site is operated as a good neighbour within the terms of Policy E5.

The Walsall UDP Review is scheduled for adoption on March 7th 2005. The relevant policies repeat the provisions of the currently adopted UDP notably in Policy JP8 setting criteria for potential bad neighbour uses and in Policy WM1. The application fully complies with the overall strategy for recycling and recovery of waste in Policies 10.2 and 10.3. The wider area incorporating this site is designated as a core employment area, subject to Policy JP5, which means that a new recycling facility is not a use that could be supported as and when this policy is formally adopted with the UDP. These activities already have planning permission and could continue under these consents irrespective of either the grant or refusal of planning permission under this application. Therefore the designation of the site included as part of a

core employment area is not a factor that could justify refusal of this application as being contrary to that policy.

Potential Environmental Impact

The potential impacts that may arise from this proposal are from increased noise and nuisance firstly from traffic and secondly from on site activities that may be carried out outside of existing permitted hours of operation and are expressed in the objections received. The potential nuisance from traffic on the highway is normally not a matter for planning control. It would have to be shown that the hours for despatch and delivery of material, of 6am to 7.30pm, seven days per week, will not have a materially greater impact on occupiers of residential property than already exists, arising from the extended hours of operation. Planning permission BCW 549 already allows those hours for despatch and delivery excluding part weekends and bank holidays. For this site it is considered that there is no reason to believe that there would be any discernible additional nuisance impact on sensitive uses arising from traffic on the highway, serving this site seven days per week.

For noise and nuisance impacts arising from operations within the site the issues arising are whether or not the proposed acoustic screen bund and fence will achieve the reduction and mitigation of noise generated by the site during the extended hours of operation proposed for certain activities such as operation of the baling and/or shearing equipment. The advice from the Pollution Control Officer is that with due diligence in compliance with appropriate planning conditions and subject to noise levels also being monitored to confirm compliance with limits then appropriate mitigation is achievable. Retention of any planning condition that completely prohibited site operation during weekends and bank holidays such as exists in planning permission BCW549 could be difficult to sustain if subject to an appeal. It would be appropriate to ease the restriction for the operations applied for in this application. Retention of a planning condition maintaining such a prohibition could lead to the operating company deciding that this would be too onerous to justify construction of the bund. The company could elect to continue to operate under their existing planning permissions without the acoustic screen bund. This however would involve compliance with the existing restriction on activities for part weekends and bank holidays. The company are also presently able to operate the fridge processing plant 24 hours per day. This separate permission allows this because these operations are contained within a former industrial building set a considerable distance from noise sensitive properties and there is no adverse impact arising.

The creation of the screen bund is a relatively small development that creates an opportunity to secure some relatively significant improvements to the visual amenity of the area both as a visual screen to the existing scrap yard and stockpiles and to secure some planting on the outer face of the bund. This can be achieved by a planning condition. The purpose of the acoustic screen bund is also to provide a visual screen. The recommendation from the Pollution Control Officer that scrap metal should not be stored above 3 metres within 20 metres of the site boundary and up to 8 metres elsewhere will also assist in minimising the visual impact of the site since all stockpiles will be kept below the level of the top of the screen fence. A small exception to this would be to impose a condition restricting fridge storage before processing to a maximum of two high or up to 3.5m high above ground level. This is for practical operation of storage since fridges and freezers are made to standard dimensions and cannot be stored more than two in height. The fridges/freezers are stored in the most isolated and least visually intrusive part of the site.

Conclusion

The existing site has planning permission for the activities proposed. The advice received is that all potential impacts from the increased activities can be satisfactorily contained and hence planning permission should be granted subject to the conditions with this report.

Recommendation: Grant Permission subject to conditions

1. The development must be begun not later than 5 years from the date of this decision.

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

2. The operator shall submit for the approval in writing by the planning authority, a scheme for the seeding and planting of the outer face of the screen bund adjacent to the railway, not later than six months from the date of this decision. The scheme shall incorporate, inter alia any other matters required by the planning authority details of the planted areas, with species, numbers and planting density of trees and shrubs. The approved scheme shall thereafter, only be implemented in accordance with the approved details within one planting season of approval being given.

Reason: To enhance the appearance of and benefits from, the visual amenity of the acoustic screen bund.

3. All planted and grassed areas and associated protective fencing shall be maintained for a period of five years from the date of 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, is damaged or is removed shall be replaced with a tree or shrub or plant of the same 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 that the planted area is maintained to safeguard the enhancement to the visual amenity of the area.

4. Except as may be modified or amended by any condition with this permission, the site shall not be laid out and/or operated under the terms of this permission other than in accordance with the plans approved with this permission and subject to the following:

- (a) Storage of scrap refrigerators and freezers shall only take place in the areas granted planning permission under consent 03/0488/FL/M1.
- (b) The storage of non - ferrous metals shall only take place within the compound and building granted planning permission under consent 03/0487/FL/M1.
- (c) The processing of scrap refrigerators and freezers for the removal of ozone depleting substances shall only take place within the building granted consent by and according to, planning permission 02/1850/FL/M1.
- (d) The baling equipment and shearing equipment shall not be operated within the site in any location other than those shown on plan GD/DAR/23NOV'04 approved with this permission.

Reason: In order that all activities are carried out within the terms of the environmental controls established for the site so as to minimise any potential for any adverse environmental impact.

5. The site surfacing and drainage shall only be in accordance with details shown on plan GD/DAR/23NOV'04 approved with this permission.

Reason: To prevent any incident of ground or water pollution.

6. No materials of any kind shall be stacked or stored to a height that exceeds 3 metres above ground level and within 20 metres of any part of the site boundary, or more than 8 metres in height above ground level in any other location. Notwithstanding the foregoing requirements, storage and stacking of scrap refrigerators and freezers shall only take place with units stacked not more than two or three deep to a maximum height of 3.5 metres above ground level.

Reason: To ensure that no scrap materials are visible above the level of the perimeter screen bund and fence so minimise any potential for any adverse impact on the surrounding area from visual intrusion and to enable compliance with noise limits.

7. No use operation or activity hereby permitted shall take place outside the following hours:

- (a) Delivery and despatch of materials to and from the permitted access points on Heath Road and Bentley Road South shall only take place between 06.00 to 19.30.
- (b) Operation of the metal shearing plant and associated cranes to feed the this plant shall take place only between 07.00 to 23.00.
- (c) Operation of the baling plant at any time.
- (d) Operation of the refrigerator and freezer processing plant at any time.
- (e) Operation of the end of life vehicle processing at any time.
- (f) Any other use operation or activity not specified in or required for any activities specified in sections (a) to (e), between 07.30 to 18.30 Mondays to Fridays and 07.30 to 13.00 Saturdays and not at all on Sundays, Bank or other Public Holidays including Christmas Day but excluding Good Friday and May Day.

Reason: To ensure that there is no adverse impact on any nearby sensitive uses arising from permitted operations.

8. All fencing for the site shall be retained and maintained for the duration of operations.

Reason: To maintain the safety and security of the site.

9. Notwithstanding the requirements of any other condition with this or any earlier, planning permission for this site, no use operation or activity shall be carried out so as to give rise to noise levels, as measured at the facade of any residential property that exceeds 60dB_{L_{Amax}} during the hours of 23.00 to 07.00.

Reason: to ensure that there is no adverse impact on the amenity of residents from any permitted use and operation.

10. Not later than three months from the date of this permission the site operator shall submit for the approval in writing by the planning authority a scheme for monitoring noise from the site in accordance with British Standard BS4142:1997., 'Method For Rating Industrial Noise

Affecting Mixed Residential And Industrial Areas'. Such scheme and any results of noise monitoring shall demonstrate that noise from the site shall have a rating level above background noise of 5 or less as determined with that standard. Thereafter no use or operation or activity shall be carried out so as to breach that standard.

Reason: To ensure that there is no adverse impact on sensitive properties from noise arising from permitted operations.

11. No changes shall be made to existing operational practices as carried out under any extant planning permissions granted prior to this permission unless the noise monitoring scheme has been approved and the 9.5 metre high acoustic screen barrier comprising the bund and fence as shown on the plan Ref GD/DAR/23NOV'04 approved with this permission has been erected on the site.

Reason: To ensure that there is no adverse impact on any nearby residential property arising from any activity at the site.

12. No oils fuels or other potentially polluting liquids shall be stored within the land subject to this permission except within a tank or tanks set within a bund with an impervious base and with a capacity of not less than 110% of the tank or if there are multiple tanks not less than 110% of the largest tank or 110% of the combined volume of interlinked tanks. All inlet and outlet pipes shall be detailed to discharge downwards into the bund.

Reason: To prevent any incident of ground or water pollution.

13. The development hereby permitted is for use of the site for all uses operations and activities previously receiving planning permission under the terms of planning permissions BCW549, 02/1850/FL/M1, 03/0487/FL/M1 and 03/0488/FL/M1.

Reason: To define the terms of the permitted recycling activities and ensure the continued operation of these activities under all extant permissions, subject to any conditions appropriate to these activities under the terms of this permission.

14. Permitted metal processing shall not include the use of a fragmentiser and shall, in addition to the dismantling of scrap electrical and electronic commodities and the removal and treatment of ozone depleting substances, be limited to the sorting, storage, cutting, shearing, compaction and baling of metal which shall not involve the burning, smelting or other heat treatment of materials except during the cutting process when hand held cutting torches may be used.

Reason: To define the permitted operations that may be carried out within the terms of the noise limits set by this permission so as to safeguard the amenity of the area.

15. No floodlights or other external lighting shall be installed within the site except in accordance with details of the location, construction and direction of such lighting that have been given prior approval in writing by the planning authority.

Reason: To minimise any potential for light pollution.

Reason for granting planning permission: The development is in accordance with Policies 9.9 and 9.11 of the Adopted Walsall UDP.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 04/2672/FL/E5

Case Officer: Della Templeton

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Greensleeves Homes Trust

Agent: Peter Woods

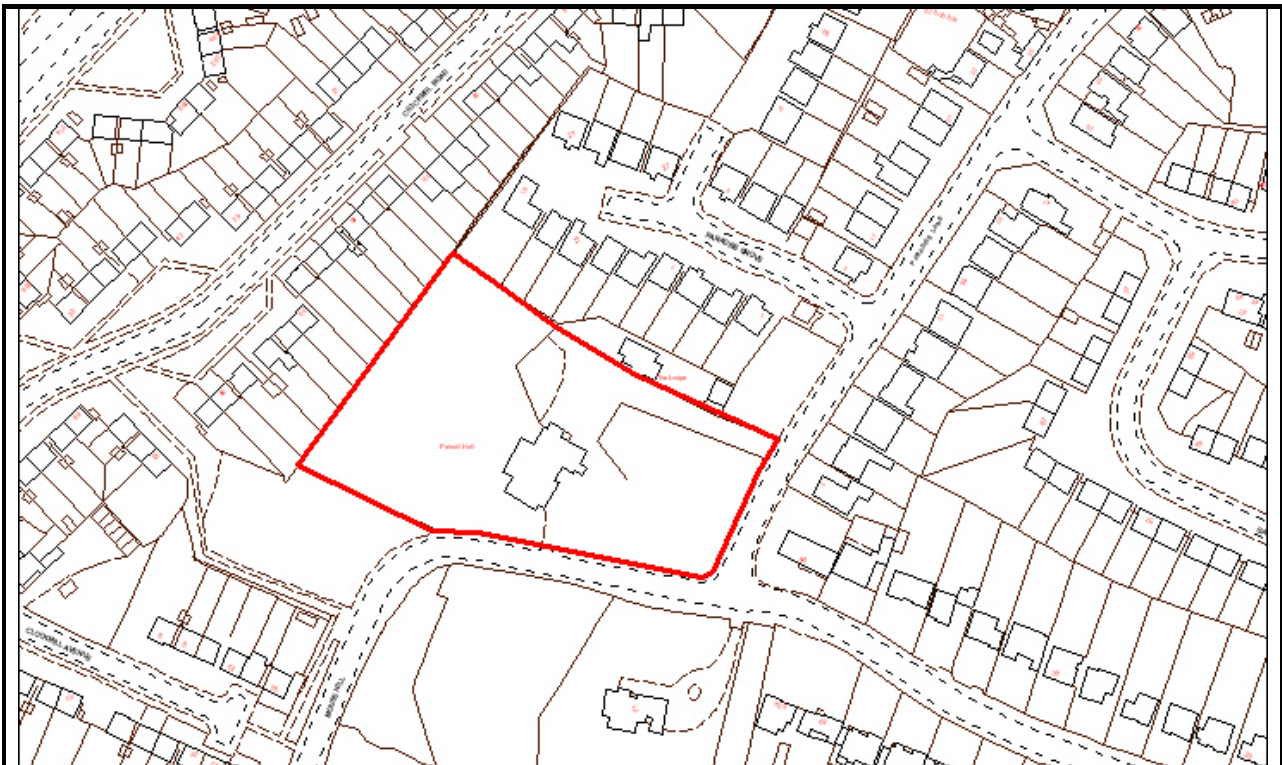
Proposal: Extensions / Alterations To Existing Residential Home For The Elderly

Location: PELSALL HALL, PARADISE LANE, WALSALL, WEST MIDLANDS

Ward: Pelsall

Expired: 14 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application proposals involve demolition of an existing conservatory to the rear of the main house and a porch and single storey extension to the front and erection of one and two storey extensions comprising a new main entrance lobby, reception and admin area, staff facilities, kitchen storage, garden room, lounge and 24 additional en-suite accommodation rooms in 2 no. 2 storey wings at the northern end of the existing building.

The grounds would be landscaped including retention of many trees particularly a tree/shrub belt around the north and west boundary and 2 mature beech and 1 sycamore to the west of the building. Pollarded lime trees along the entrance drive would be removed and replaced. The application is accompanied by an arboricultural report seeking to justify tree works proposed.

The proposed extensions would facilitate an increase in the capacity of the home from 30 to 40 residents. The extended 40 bedroom facility would generate a need for 14 car spaces. 15 spaces would be provided towards the north and east along the access driveway and around the main entrance.

The agent has taken on board advice from Officers regarding the design of the building and measures to reduce impact on the original Hall as well as measures to protect trees.

Relevant Planning History

04/1556/FL/E5 for works of the same character and description as that currently under consideration was refused in October 2004 for reasons relating to loss of trees and impact on the original fabric of Pelsall Hall. Discussions have since taken place with the applicant culminating in the submission of this application.

BC18291P/C for change of use to residential care for elderly persons was granted on 16 December 1986.

BC38146P/C for 3 storey extension to north-eastern end of Hall creating stores/boiler room and 6 additional bedrooms, construction of car parking and new front entrance was approved on 24 May 1993. (Similar to BC36381P/C) Condition 4 restricts occupation of the home to a maximum of 30 residents in order to ensure satisfactory parking provision.

BC38144P/C for erection of conservatory, craft/quiet room and toilet block was granted on 28 April 1993.

BC36381P/C for extensions to rest home was refused on 10 November 1992 on car parking and visual amenity grounds. It was considered that the design of the proposed extensions would adversely affect the architectural and historic interest of Pelsall Hall thereby harming the character of Old Pelsall Conservation Area.

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

Pelsall Hall is a locally listed building lying within the Old Pelsall Conservation Area.

Walsall Unitary Development Plan 1995

Policy 3.6 seeks environmental improvement from new development.

Policies 3.18 to 3.22 seek to protect/enhance the Borough's built heritage

Policy 6.5 encourages the provision of housing to meet the needs of all sections of society

Policy H4 provides general guidelines for the layout and design of residential development and Policy H5 is concerned specifically with nursing and rest homes. Proposals will be assessed against policies set out in Appendix 2 sections 6 to 10. Standards include requirements for a minimum of 21.5m between facing habitable room windows and 13m between habitable room windows and blank 2 storey gable walls of neighbouring properties. Appendix 2.12 sets a standard of 1 car parking space for every 3 beds at residential homes. This equates to a requirement for 14 spaces for a 40 bed home.

Walsall Unitary Development Plan Review Revised Deposit Draft Plan March 2002

Policies GP2 and 3.6 to 3.8 are concerned with environmental protection/improvement.

Policies 3.14 and ENV30 seek to protect buildings of local architectural or historic interest.

Policies 3.15 and ENV31 seek to preserve/enhance the Borough's Conservation Areas.

Policies 3.16, ENV34 and ENV35 require a high quality of built and landscape design to respect the character and quality of the existing local environment. Policy ENV34 being particularly significant in Conservation Areas and close to locally listed buildings

Policy H6 is concerned with nursing homes and rest homes for the elderly which will normally be appropriate in residential areas. Parking and access, amenity and landscaping are important considerations in assessing applications. In considering applications for extensions to converted buildings the Council will ensure that the character of the property is not spoiled.

Government Policy

Planning Policy Guidance Note 13: Transport encourages the adoption of maximum rather than minimum standards for parking and states that local authorities should not require developers to provide more car parking than they feel is necessary. Sustainable transport choices should be promoted.

Planning Policy Guidance Note 15: Planning and the Historic Environment contains policies aimed at protecting Conservation Areas and the trees they contain.

Consultations

Transportation - No objections.

Pollution Control - No adverse comments.

Drainage - No adverse comments.

Environmental Health and Consumer Services - No adverse comments.

Environmental Regeneration: Built Heritage/Urban Design - No objections subject to conditions relating to: preparation/submission to Council of photographic record of the Hall as existing, samples of material to be approved before commencement, submission/approval of details of window design, and retention of three existing stained glass windows.

Environmental Regeneration, Arboricultural Officer - No objections subject to conditions relating to tree protection and landscaping.

Fire Service - Satisfactory access for fire appliances.

Walsall Hospitals NHS Trust - Do not wish to comment.

Representations

Objections have been received from occupants of numbers 9, 11 and 15 Paradise Grove. Objections relate to:-

- Extension too large/out of context with surroundings.
- Loss of light and privacy.
- Insufficient car parking proposed.
- Loss of trees - potential for loss of more than are indicated for removal on submitted plans.
- Disruption during construction work.
- Location of refuse area.

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

Determining Issues

- Highway implications - car parking and access arrangements.
- Visual impact on locally listed building and Conservation Area.
- Impact on residential amenity of neighbours.
- Loss of trees.

Observations

Highway implications

The scheme would provide one car space more than the UDP standard requirement. The additional space would provide for taxis or parking for ambulances. There are no objections from transportation officers.

Visual impact

The application proposes substantial extensions to a locally listed building set within a Conservation Area. Recent changes in National Care Standards require an extension which, if not handled sensitively would result in the original hall being lost in a mass of new build. This was a key concern in refusing the previous application. The introduction of glazed walkways linking the existing building to the proposed new wings in order to soften their appearance and facilitate views through to the gable end of the main hall building accords with advice previously given by Officers and is considered to address this aspect of the previous refusal reason.

There is no objection in principle to new development on the site and Conservation Officers consider the overall design is appropriate to the Conservation Area.

Residential amenity

The key issues with regard to impact on the amenity of neighbouring residents relate to possible overlooking/loss of privacy and concerns of nuisance during the course of the construction works and from increased traffic/on-street parking, and possible health issues relating to the location of the bin stores should permission be granted.

The more westerly extension wing would extend towards Paradise Grove but would be separated from boundaries by the Lodge curtilage. The hipped gable end wall of the building would be around 24m from the rear of number 11 but would not 'overlook' as there would be no windows in the end gable. Front and rear facing windows in this part of the proposed extension would offer only oblique views towards the rear of Paradise Grove properties and these at distances in excess of 24m. This is considered to be adequate separation given that the proposals involve 2 storey residential development with a height of just 6.7m at its closest point 6.8m from the boundary.

Some disruption during construction work is an inevitable and acceptable consequence of development. Residents could be protected from nuisance by action under Environmental Protection Legislation.

Although the proposals involve increases in both built foot print and massing it is only proposed to increase capacity by 10 residents. Recent changes in care standards mean that extensions would be required to maintain the approved 30 resident capacity since single occupancy en-suite rooms are now required for the majority of residents. Highway engineers are satisfied that no adverse highway impacts would result.

A refuse area is designated on submitted drawings. The objection raised to this centres on the fact that this area is to the rear of the building where there is no vehicular access. Neighbours feel that this will prove unsatisfactory and that bins will be stored in a more accessible location, probably in a car parking space adjacent to their garden boundary which they feel would present a health risk. Conditions would prohibit the relocation of the refuse area into a car parking space, or anywhere else within the site. Residents would be protected from nuisance by action under Environmental Protection Legislation.

Trees

The majority of trees on the site are included in a Tree Preservation Order and those that are not are protected by Conservation Area legislation. Groups of trees are scheduled to be retained and compensatory planting is proposed where significant trees, such as those lining the entrance drive, are to be lost. The details submitted are satisfactory and the Arboricultural Officer raises no objection subject to the inclusion of certain standard conditions.

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 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 drawings numbered 108/15, 16, 17, 18, 19 and 20 submitted on 20 December 2004, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

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 development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The

submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

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

4. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

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

Reason: To ensure the satisfactory appearance of the development.

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 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.

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

Reason: To safeguard the trees and hedges on the site.

7. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees and hedges scheduled to be retained on the site has been 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 and hedges on the site.

8. At such time as this development has been completed, or appears to the Local Planning Authority to be substantially completed, an assessment of the remaining trees shall be undertaken in conjunction with the Authority. Any remedial work or replacement of trees damaged or destroyed during construction work shall be carried out as part of the implementation of an approved landscaping scheme.

Reason: To ensure the satisfactory appearance of the development.

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

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

10. Notwithstanding the notation on the deposited plans no development shall be carried out until full details of window design have been submitted to and approved in writing by the Local Planning Authority. For those on the extension these should be working sash windows, on the new build they should be timber casement windows. The submitted details shall take the form of drawings to a scale of 1:10 or an illustrated brochure giving dimensions. The three stained

Reason: To safeguard the character of the building and ensure the satisfactory appearance of the development.

11. Notwithstanding the notation on the deposited plans, the three stained glass windows in the existing Hall shall be retained, two on the elevation facing Mouse Hill and one on the elevation facing the Lodge. If any of the windows are to be removed or relocated then full details shall be provided to the local planning authority before any work commences.

Reason: To safeguard the character of the building and ensure the satisfactory appearance of the development.

12. Notwithstanding the notation on the deposited plans no development shall be carried out until a schedule of facing materials to be used in external works has been approved in writing by the Local Planning Authority. The submitted schedule shall include details of all materials visible on the exterior of the building including brick/stonework, rendering, glass, woodwork, fascias, guttering etc. Any re-pointing of the Hall shall be done with a lime mortar in a 1:3 ratio lime putty and sharp sand. Lime mortar should also be used for the extension to the Hall.

Reason: To safeguard the character of the building and ensure the satisfactory appearance of the development.

13. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown 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 and the satisfactory functioning of the development in the interests of highway safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no windows or doors, other than as shown on the deposited plans shall be installed in any elevation or gable having a north or north-easterly aspect without the prior approval of a planning application.

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

15. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than in a refuse container as shown on submitted drawing number 108/21.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 04/2580/FL/H1 **Case Officer:** Neville Ball

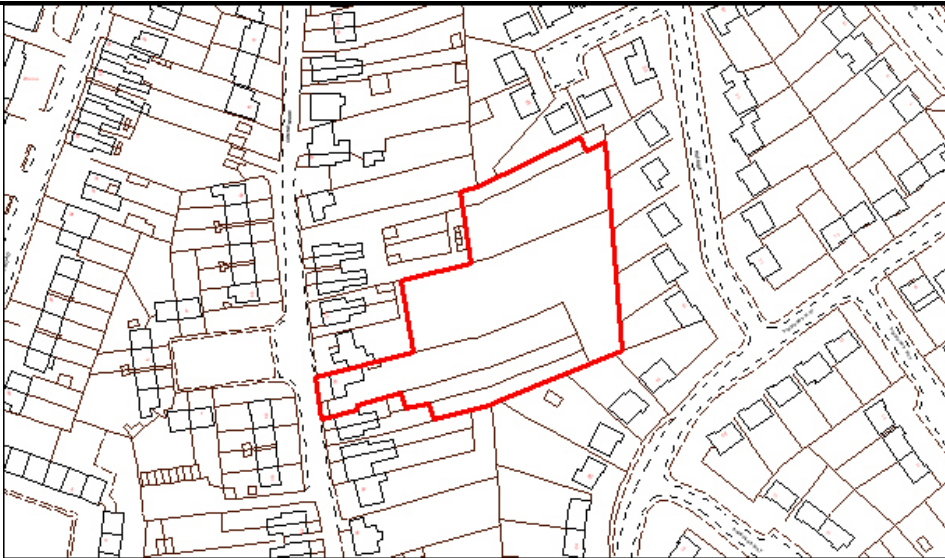
Application Type: Full application **Telephone Number:** 01922 652528

Applicant: Regal Executive Homes **Agent:** Regal Executive Homes

Proposal: Erection Of 12 Dwellings & 12 Apartments **Location:** LAND REAR OF 29-49, COMMONSIDE, BROWN HILLS, WALSALL, WEST MIDLANDS, WS8

Ward: Aldridge North and Walsall Wood **Expired:** 31 January 2005

Recommendation Summary: Grant Permission Subject to Conditions and a Section 106 Agreement



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Application and Site Details

This is for the development of 12 houses and 12 apartments on land between the rear of houses in Commonsides, and the rear of properties in Hillside and Simmonds Way. The houses, to comprise 10 no. 3 bedroom and 2 no. 4 bedroom, are to be arranged in a mixture of detached, semi-detached and terraces of three properties. The apartments, to comprise 4 no. 1 bedroom and 8 no. 2 bedroom, are to be arranged in 3 blocks of 4 apartments each. The development is to be 3-storey, with the third floor positioned in the roof space. Velux windows are to be provided on the rear elevations and dormers to the front.

The application is accompanied by a landscaping plan, bat survey and site sections showing the relationship between the proposed development and the existing houses to the rear in Hillside.

The density of development would be 46 dwellings per hectare.

The site currently comprises the rear gardens of various houses on Commonsides. The existing house at number 45 is to be demolished to form the entrance. New detached garages are to be constructed to the rear of numbers 43 and 47.

Relevant Planning History

04/1796/FL/E2 Erection of 12 dwellings and 12 apartments withdrawn November 2004.

This application was similar to the current proposal except that all the houses were to have 4 bedrooms, one of the blocks at the rear of the site has now been split to provide a 1.8 metre gap between two of the houses and one of the apartment blocks, and the width of the access road and turning area has been improved. The current application also shows the line of 6 car ports proposed along the boundary with the rear of 56 Hillside reduced to 4.

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

Adopted UDP Policies

6.6 The re-use for housing of previously developed sites and the development of infill sites within the urban area (including windfall sites) will be encouraged where a satisfactory residential environment can be provided, and where there is no overriding need for other uses. In considering this type of proposal, the Council will wish to ensure that the cumulative effects will not damage the character and amenity of existing residential areas.

6.8 The density of development will depend on the location and character of individual sites, the scale of the surrounding development and the types of need to be served. The Council will expect schemes to be well integrated into the existing pattern of settlement and surrounding land use, and to provide adequate open space and an appropriate mix of housing types with a variety of design to meet individual needs.

7.2 Protection of the environment and the promotion of safety will be a central aim of all transport planning.

7.23 All development will be expected to provide vehicle parking according to the Council's standards.

8.4 New developments will be expected to provide open space to meet their own requirements. Where it is not possible or desirable to make provision within the site of a new development, the Council may seek appropriate improvements to facilities in the wider area.

Policy H4: General Guidelines for the Layout and Design of Residential Development and Protection of Residential Amenity

- (a) All new residential development should provide a reasonable degree of privacy, daylight and amenity space for residents.
- (b) The design and layout of new residential development should aim to assist personal safety and crime prevention.
- (e) All proposals for residential development will be considered against the detailed development and design criteria set out in Appendix 2, Sections 6 -9.

Appendix 2

Section 12. Car parking standards

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

UDP Review Revised Deposit Draft

GP1. The location of development will be guided by the principles of sustainable development and will involve:

... (c) Maximising the re-use of derelict, vacant and underused urban land and buildings

GP2. The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development. The following considerations will be taken into account in the assessment of development proposals:

- I Visual appearance
- VI Overlooking, loss of privacy and the effect on daylight and sunlight
- VII Accessibility by a choice of means of transport, traffic impact, including the adequacy of the proposed access; and the adequacy of parking facilities
- X The effect on species, habitats and sites of nature conservation interest

GP3. Planning obligations will be used, as appropriate, to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development.

GP7. Community Safety. Development proposals will be expected to have regard for the objective of 'designing out crime'.

H3: Brownfield Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the reuse of brownfield previously-developed windfall sites provided that:-

- I. A satisfactory residential environment can be achieved, taking into account the considerations set out in Policy ENV11.
- III. The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities.

H10: Layout, Design and Dwelling Mix

T13: Parking provision. The UDP Review Revised Deposit Draft omitted parking standards for residential development. Following the recommendation of the Inspector after the Examination in Public, Cabinet on 20th October 2004 resolved to reintroduce these standards into the proposed modifications to the UDP that were due to be published on 5th November. The standards remain as per the adopted UDP, with a requirement for 3 spaces for 4 bedroom houses.

Policy 8.8 states that developers should make a financial contribution towards additional educational or other forms of social and community infrastructure if necessary.

Policy ENV 34 requires developments to take account of their surroundings, and criteria such as scale, appearance and materials.

Policies ENV23 and 24 require development to take account of protected species and nature conservation.

National Policy

Planning Policy Guidance Note 3 states that sustainable patterns of development should be promoted by concentrating existing housing development within urban areas and the re-use of previously developed land. Reduced levels of parking can be accepted in certain locations.

Developers should think imaginatively about design and layouts which make more efficient use of land without compromising the quality of the environment.

Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but the townscape and landscape of the wider locality.

Circular 5/94 Planning and Crime provides guidelines for the layout and form of development in order to discourage crime, such as vandalism and burglary.

Consultation Replies

Transportation: No objections. The highway concerns raised in respect of the previous application have been addressed.

Pollution Control: No objection but recommend that a ground gas/ contamination survey and site investigation should be undertaken, and controls imposed over pollution and the hours of operation during construction.

Drainage Officer: No objections.

Severn Trent Water: No objection subject to the inclusion of a condition requiring the submission of drainage details.

Environment Agency: No objection but advise that there is a former landfill site within 250 metres, and the Council's pollution control officers should be consulted for additional information. Sustainable drainage methods should be used.

Education Services: No financial contribution to school funding is required.

Leisure and Lifelong Learning: Request that any Section 106 monies are directed towards Oak Park playing fields.

Environmental Regeneration: The bat report is appropriate and its conclusions acceptable. The report shows that the site is well used by foraging bats and there should be a requirement for the landscape scheme to incorporate vegetation likely to provide shelter and insects for foraging bats. It is also important that the existing trees bordering the site are not lost through the proposed development.

Detailed comments are made on the trees and shrubs proposed. A survey of the existing trees on the site and construction details in relation to them is required.

Fire Service: Satisfactory.

Police: The developers should be encouraged to seek Secured by Design. Amendments are recommended to the pedestrian accesses to some of the rear gardens.

Centro: No objection.

Representations

Ten letters have been received from surrounding residents, together with a petition containing 74 signatures, raising the following main issues:

- Oppose infill development because it changes the nature of the area, with loss of existing building and modern buildings lacking character being added;
- Inordinately high density of properties abutting the rear fence of properties in Hillside, with a loss of view and privacy;
- Concern about increased traffic in the area, especially as Commonside is very narrow with no pavement in parts, and the junctions at either end are very difficult to negotiate;
- The proposed access will cause a loss of parking space on Commonside;
- Increase in pollution and noise from traffic;
- Loss of wildlife. Bats have been seen in the area;
- Impact on water table and drainage due to removal of trees;
- Heavy rainfall has in the past soaked away on the site. The development will lead to flooding;
- Trees shown on plan belong to neighbour and must not be removed without permission;
- The proposed trees will cut out daylight to the neighbours and damage drainage;
- A high wall has been requested along the boundary to provide privacy and security to the neighbour;
- Impact on water supply and already overloaded electrical supply;
- Impact on already oversubscribed GP's, dentists and schools;
- Walkways alongside existing properties may affect security;
- Adverse effect on light, privacy and view to existing homes and gardens;

All letters received are available for inspection on publication of this report.

Determining Issues

The determining issues are:

- 1) whether the development is in keeping with the character of the area;
- 2) the impact on the amenity of neighbours;
- 3) highways;
- 4) wildlife;
- 5) access and parking.

Observations

1) Character of the Area

The principle of residential development is supported by policy. The area comprises a wide variety of house types, with a mixture of traditional, ex local authority and modern designs, especially on Commonsides. The mix of house types and apartments proposed for the development would reflect this variety.

Although there are no three-storey properties nearby, some of the older houses on Commonsides are of a similar height to the proposed dwellings. The greatest density of development in the area at present is on Commonsides, with a number of terraced and semi-detached properties built close together. The houses in Hillside and Simmonds Way are mainly detached with generous gaps between dwellings.

The proposed layout for the application site would reverse this character, with the greatest density at the rear. The minor amendment in the current application, with the splitting of one of the blocks, would not substantially change the character compared with the previous application. I do not consider this contrast in character between the layout of the existing houses in Hillside and the layout of the proposed development would be sufficient reason by itself to oppose the development.

2) Amenity of Neighbours

The distances between the proposed dwellings and the adjoining properties meet and in some cases considerably exceed the minimum separations required by the UDP. The dwellings proposed for the rear of the site would be somewhat high however relative to some of the existing dwellings in Hillside and Simmonds Way, with ridge heights of up to 9.5 metres proposed. The site slopes slightly up towards the rear however, and most of the existing houses to the rear are at a higher level than the application site. Numbers 56 and 58 Hillside to the north lie in a slight hollow, but these two houses would be separated from the nearest apartment block by a parking area and car ports.

Some of the representations refer to concern about security issues. The site is currently open which allows intruders to gain access to surrounding gardens without being seen. The proposed development will provide natural surveillance and close such obvious routes that will improve the security of neighbours, subject to the provision of suitable boundary treatment.

3) Highways

As noted in the representations, Commonsides is narrow in parts with sub-standard footpaths along much of its length and poor visibility at the junctions to either end. The development

would lead to an increase of approximately 25% in the number of dwellings in Commonside. Although this number is a significant increase, no objection on this issue has been raised by the highway authority.

4) Wildlife

The site is currently tidy. In common with most large older gardens, there is likely to be some wildlife interest on the site, especially for birds and insects. Amendments to the species of shrubs and trees proposed would improve the wildlife potential of the development and retain foraging areas for bats, as well as reduce the possibility of nuisance to occupiers being caused in the future by the use of inappropriate species of trees in gardens.

5) Access and Parking

The access and turning area proposed in the current application would comply with the Council's highway design standards. The total number of parking spaces proposed would also comply with the standards in the UDP, except that only 2 spaces are shown for the 2 no. 4 bedroom houses, instead of the 3 spaces required. This shortfall could be addressed by widening the driveway to each house.

Other Issues

Drainage would be addressed under the Building Regulations. The health and education authorities have been consulted on the application. No requirement for additional health or school provision has been identified. The provision of adequate water and electricity supplies is a matter for the statutory undertakers.

Conclusion

Subject to the provision of revised landscaping details, the application is acceptable. I recommend that you approve the application subject to the completion of a Section 106 obligation or other mechanism to secure the provision of improvements to off-site open space, and the following conditions:

Recommendation: Grant Permission Subject to Conditions and a Section 106 Agreement

Conditions and Reasons for conditions, including relevant policies and proposals in the development plan

1. This development must be begun not later than 5 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 commence until a ground gas/ contamination survey and site investigation has been carried out and the results, including a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any gas and/ or land contamination, submitted to and approved in writing by the local planning authority. The survey shall have regard to the advice and guidance contained in British Standards BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930: 1999 'Code of Practice for Site Investigations', Waste Management Paper

no. 27 'Landfill Gas', and the Contaminated Land Assessment (CLEA) Model 2002 or any relevant antecedents of such guidance.

The development shall be constructed in accordance with any recommendations in the report, and thereafter retained.

Reason: To safeguard future occupiers of the development and the surrounding area.

3. This development shall not be carried out until a schedule of facing materials to be used in external walls, roofs, windows and doors has been approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and shall thereafter be retained as such.

Reason: To ensure the satisfactory appearance of the development and to comply with policy 3.6 of Walsall's Unitary Development Plan.

4. No development shall be carried out until a detailed landscaping scheme, to include planting and boundary treatment, has been approved in writing by the Local Planning Authority. The landscaping details shall include measures to retain and create foraging areas for bats. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to comply with policies 3.6 and ENV 13 of the Unitary Development Plan.

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 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 or similar species as that originally required to be planted; and
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development and to comply with policies 3.6 and ENV 13 of the Unitary Development Plan.

6. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect those trees on the site that are indicated on the approved landscaping plan to be retained, has been submitted to and approved in writing by the Local Planning Authority. The guards or fencing shall be installed before the development commences and shall be retained until the development is complete.

Reason: To safeguard the trees on the site and to comply with policy ENV 13 of the Unitary Development Plan.

7. The existing soil level shall not be altered within the full extent of the canopy of each tree to be retained or to such lesser distance as the Local Planning Authority may agree in writing.

Reason: To safeguard the trees on the site and to comply with policy ENV 13 of the Unitary Development Plan.

8. No demolition , engineering or construction works, (including land reclamation , stabilisation , preparation, remediation, or investigation) , shall take place on any Sunday, Bank Holiday, or Public Holiday, and otherwise such works shall only take place between the hours of 0800 to 1800 weekdays and 0900 to 1400 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant , machinery , or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

9. Details of the means of any lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid any undue light spillage onto adjacent residential properties and the development shall be carried out and retained in accordance with these approved details.

Reason: To ensure the safety of the occupants of the scheme and to protect the amenities of the occupiers of neighbouring residential properties, in accordance with policy 3.6 of the adopted Unitary Development Plan and policy ENV 12 of the UDP Review Revised Deposit Draft.

10. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown 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, and in accordance with Section 12 in Appendix 2 of the adopted Unitary Development Plan and policy T13 of the UDP Review Revised Deposit Draft.

11. The site access shall maintain 2.4 x 3.4 metre pedestrian visibility splays and 2.4 x 90 metre vehicular visibility splays onto Commonsides. These splays shall be kept clear of landscaping over 600mm in height and structures over 1.05m in height from carriageway level.

Reason: In the interest of highway safety

12. This permission relates to the amended plans deposited on 4 February 05

Reason: To define the permission.

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 the following:

Adopted Unitary Development Plan: Policies 6.6, 6.8, 7.2, 7.23. 8.4, H4 and Appendix 2 Sections 6 and 12

UDP Review: Policies GP1, GP2, GP3, GP7, H3, H10, T13, 8.8, ENV23, ENV24, ENV34

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 <<http://www.walsall.gov.uk>> .



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Major development

Application Number: 04/2097/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652486

Applicant: SGH Limited

Agent: CT Planning Limited

Proposal: Proposed erection of 31 apartments

Location: FORMERLY SELECT
WINDOWS, WALSALL ROAD, WALSALL
WOOD, WALSALL, WEST
MIDLANDS, WS9

Ward: Aldridge North and Walsall Wood

Expired: 26 January 2005

Recommendation Summary: Grant Permission Subject to Conditions and a Section 106 Agreement



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Application and Site Details

The application proposes thirty-one 2-bed apartments in two blocks sited between the Daw End canal and Walsall Road which rises in level at the northern end of the site where it crosses the canal. The overall design of the scheme is to give emphasis to the local context and replicate canal warehouses, with the northern four storey block mirrored in two parts with a central all-glazed stair well. On the north and south elevations there would be a brick and timber insert in the elevation and dormer-like roof feature to look like lifting gear housing for a crane.

The southern three story block would extend along the canal frontage some 36m and have similar external features, with a ridged roof projection to provide staircase access facing towards Walsall Road.

Ground floor units are proposed to have French doors onto a small area of landscaping between the building and the canal or car park areas.

Forty seven car parking spaces are proposed off an access road running parallel with Walsall Road.

The development would have a density of 93 dwellings per hectare.

Relevant Planning History

03/0690/FL/E4 - for the erection of 23 residential apartments was refused for the following reason;

The proposed development would result in an overdevelopment of the site resulting in:-

a) An overbearing impact on the amenity of the canal corridor and the amenity of the occupants of Queen Street, particularly from loss of privacy. The proposal would therefore be contrary to policies 3.6 and 6.6 of the adopted UDP and policy 3.6 of the Walsall Unitary Development Plan Review - Revised Deposit Draft Plan.

b) Risk to the safety of users of the highway due to the proposed traffic generation and access on to the strategic highway.. The proposal would therefore be contrary to policy 7.2 of the adopted Unitary Development Plan.

Relevant Planning Policy Summary

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

Adopted UDP

Policy 3.6- schemes to contribute in terms of layout, design and landscaping ;

Policy 6.6 - re-use for housing of previously developed sites, (including 'windfall' sites) will be encouraged;

Policy 6.8 - density will depend on location and character and will need to integrate well into the existing pattern of settlement;

Policy 8.4 requires new developments to provide open spaces or contributions;

Policy 8.14 aims to safeguard and enhance the canal network

Policy H4 gives guidelines in Appendix 2 for the layout and design of residential development and protection of residential amenity.

Parking - 1.5 spaces per unit

Revised Deposit Draft UDP Review Plan

Policy GP3 and LC 1 d) - Planning obligations to be used to secure open space provision
ENV11 - development will not be permitted if the health, safety or amenity are adversely effected.

ENV15 - encourages the reclamation of derelict land.

ENV34 (b) considers design and poorly designed schemes will not be permitted.

ENV 35 - refers to good landscape design.

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

H4 seeks provision, where suitable, of affordable housing at sites creating over 25 dwellings.

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

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

Policy 8.6 and LC10 aim to enhance value of canal network and seeks incorporation of canal side vernacular architecture in new schemes to make optimum use of the visual potential.

Agreements will be sought where appropriate to secure improvements to the canal network.

Policy T13 sets out parking standards

Policy 8.8 Residential developments will only be permitted where adequate school capacity exists.

8.8a Developers should ensure that adequate provision exists, or is made available for accessible healthcare facilities.

National Policy

Planning Policy Guidance Note 1: General Policy and Principles:

paragraph 13) '*...The appearance of proposed development and it's relationship to it's surroundings are material considerations in determining planning applications...*'

Planning Policy Guidance Note 3: Housing; Aims to achieve more efficient use of land and to increase the density of development. It provides guidance on a range of issues relating to the provision of housing. Relevant extracts are set out below:-

Paragraph 21 ' The Government is committed to promoting more sustainable patterns of development, by:

- Good design and layout can maximize and make the best use of previously developed sites without compromising the quality of the environment

- that local planning authorities should encourage between 30 and 50 dwellings per hectare and seek greater intensity of development at places with good public transport accessibility such as local centres or around major transport nodes along good quality public transport corridors.'

, promotes sustainable patterns of development, which reduce the need for travel, especially by car advises on maximum parking standards.

Consultations

Transportation - no objections, subject to conditions as appear in the recommendation. The turning head provided is adequate to accommodate emergency vehicles. The application was supported by a Transport statement with which Transportation broadly agrees in that the proposal would not have a material impact on the operation of the highway network.

Drainage Team - A Severn Trent sewer crosses the site and a copy of the location plan has been sent to the applicant

Landscape and Conservation- The proposal will make a significant visual impact on the street scene and the proposed boundary treatment will be of equal importance. A secure boundary fence will be needed along the whole length of the canal towpath.

Natural Environment, Regeneration- The bat report accompanying the application is acceptable and the conclusion are agreed with. Relevant conditions appear in the recommendation

Pollution Control - No objections subject to conditions as appear in the recommendation

Severn Trent - no objections subject to conditions as appear in the recommendation

Environment Agency - no objections, subject to conditions as appear in the recommendations

British Waterways Board - recognise the canal corridor improvement opportunities that this development presents in particular with respect to the hard and soft landscaping for the interface between the canal and the development site. BWB would seek contributions to improvement work via a 106 agreement.

Inland Waterways Association - support the application and are pleased to see such an imaginative design.

Black Country Archaeologist - No archaeological implications

Centro - No objections

Central Networks - no objections. Plant is located in close proximity and copies of the plans have been sent to the applicant

Housing Services - advice awaited

Walsall Primary Care Trust - advice awaited.

West Midland Police - advocates secured by design approach with emphasis on ground floor security, lighting to car parking and natural surveillance.

Representations

One letter expresses a resident's concern that noise and light pollution will arise from the development, because flats may have air conditioning fans and the development may have floodlighting

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

Determining Issues

- Sustainability of the development
- Design and relationship with surrounding development
- Car parking and access

Observations

Sustainability of the development

This site, which was previously commercial use, is not core employment land and the loss of industrial land to residential use is acceptable. The proposal would therefore be in accordance with PPG3 advice to develop brownfield sites for residential purposes. The site is adjacent to housing across the canal and only a short distance from amenities at Walsall Wood Local Centre. The site is served by a major transport route. The principle of residential use is therefore acceptable in land use and sustainable planning terms.

Design and relationship with surrounding development

The proposal seeks to emulate a canal wharf side building with bold building frontages and side gables which reflect Victorian architecture with vertical emphasis, set close to the canal side. The linked stairwells are shown with tall narrow glazing elements. Although incorporating balconies to improve both the amenities for the occupying residents and towpath surveillance, the balconies, give the appearance of high level loading areas typical of wharfside buildings. It is considered that the higher 4 storey element to the north of the site on the bend in the canal provides a landmark feature in a prominent position, while the 3 storey block at the southern end relates sympathetically to building heights and neighbouring properties in the area. The proposal is therefore considered to enhance the appearance of the area, particularly with the trees shown on the Walsall road frontage, and to provide a good example for any possible further developments along this side of the canal. A lighting condition is also suggested on any approval to provide lighting of the towpath from lights positioned within the site.

The proposal would be over 35m away from the rear of properties in Prince Street, and at an angle to them, while retaining a 23m distance from the flank elevation of the nearest dwelling at 101 Beechtree Road. The proposal therefore complies with the distance standards set in the UDP. Due to the existence of industrial/commercial sites within the area, a noise survey and any necessary sound insulation measures to meet British standards before occupation would be a condition on any approval. A condition is also included in the recommendation requiring the prior submission of detailed lighting scheme.

Car parking and access

Car parking is provided at a ratio of 1.5 spaces per unit which meets the UDP standard and adequate access has been provided. The submitted transport statement indicates that the proposal would not have a material impact on the operation of the highway network.

Other matters

The applicant has agreed to enter into a Planning Agreement to provide a financial contribution at a rate of £100 per bedroom, towards the improvement of open space, in lieu of site provision under policy 8.4 of the UDP Review and to make the financial contribution identified as necessary by Education Walsall, as identified under policy GP3.

In conclusion the proposal would make good use of a currently vacant site to assist in the general enhancement of the area and in accordance with central government advice on brownfield site redevelopment. The application is therefore supported subject to the applicants entering in to a planning agreement to provide a financial contribution under the provision of UDP Policy 8.4 at a rate of £100 per bedroom to contribute towards off site improvements in open space provision, educational provision, and Health Care if appropriate.

Recommendation: Grant Permission Subject to Conditions and a Section 106 Agreement

Recommendation

Grant subject to conditions and an agreement under section 106;

1. This development must be begun not later than 5 years after the date of this decision.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

4. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The landscape scheme shall provide details of the proposed surface treatments for new driveway areas and the treatment of boundaries thereto. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development

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

Reason: To ensure the satisfactory appearance of the development.

7. Notwithstanding the submitted details, no development shall be carried out until full details of the proposed boundary treatment of the site, including the treatment of boundaries on the canalside and roadside embankment, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme for boundary treatments shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained in accordance with these approved details.

Reason ;To safeguard the appearance of the development.

8. No development shall be carried out until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

Reason; To ensure the satisfactory drainage of the site as well as to reduce the risk of creating or exacerbating a flood problem and to minimise the risk of pollution.

9. No development shall be carried out until full details of bin stores have been approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter retained in accordance with these approved details.

Reason :To ensure the satisfactory functioning of the development.

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

Reason: In the interests of highway safety.

11. No development shall commence until a noise survey has been undertaken to include daytime and night time monitoring has been submitted to the Local Planning Authority.

Reason; In the interests of the amenity of the resident of the proposed development

12. Before development commences details of a noise insulation scheme to protect the occupants of the proposed dwellings from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter retained in accordance with these approved details.

Reason; In the interests of the amenity of the resident of the proposed development

13. No development shall commence until a desk study has been undertaken to investigate the potential for on site contamination and produce a risk assessment of the site contamination agreed by the Local Planning Authority. If the desk study identifies contamination, a detailed site investigation shall be carried out to establish the degree and nature of the contamination and its potential to pollute the local 'controlled waters'. If remediation measures are necessary then they must be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To prevent the possibility of surface and/or groundwater pollution.

14. A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any gas and/or land contamination shall be submitted to the Local Planning Authority within 1 month of completion.

Reason: To prevent the possibility of surface and/or groundwater pollution.

15. No development shall take place until the site validation statement, detailing the remedial measures undertaken to address ground contamination and ground gases, has been approved in writing by the Local Planning Authority, and shall be implemented to the satisfaction of the same. The site validation report should contain substantiating data, together with details and justifications of any changes from the original remediation report.

Reason: To prevent the possibility of surface and/or groundwater pollution.

16. No development or site clearance works shall take place until full details of roosting sites for bats within the proposed development have been submitted to and approved in writing by the Local Planning Authority. No demolition shall take place other than on accordance with the recommendations set out in section 6 of the report submitted by K R Stevenson dated November 2004.

Reason: To ensure that the conservation of bats is taken into account in this development

17. Vehicular visibility splays of 2.4m by 90m should be kept clear of landscaping over 600mm in height and structures over 1.05m in height from the carriageway level and thereafter maintained.

Reason; In the interests of highway safety.

18. Before development commences a scheme for the lighting of the access, car park and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. No external lighting, particularly during the construction phase shall be installed on the site unless 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; in the interests of the amenity of nearby occupiers.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6 and 3.7, Appendix 2 of Walsall's Unitary Development Plan and Walsall Unitary Development Plan Review Revised Deposit Draft March 2002, policies GP2 and ENV34 of Walsall's Unitary Development Plan of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 04/2506/RM/W3

Case Officer: Mrs J Scrivens

Application Type: Reserved Matters

Telephone Number: 01922 652436

Applicant: George Wimpey Midland Ltd

Agent: I D Architects (Midlands) Ltd

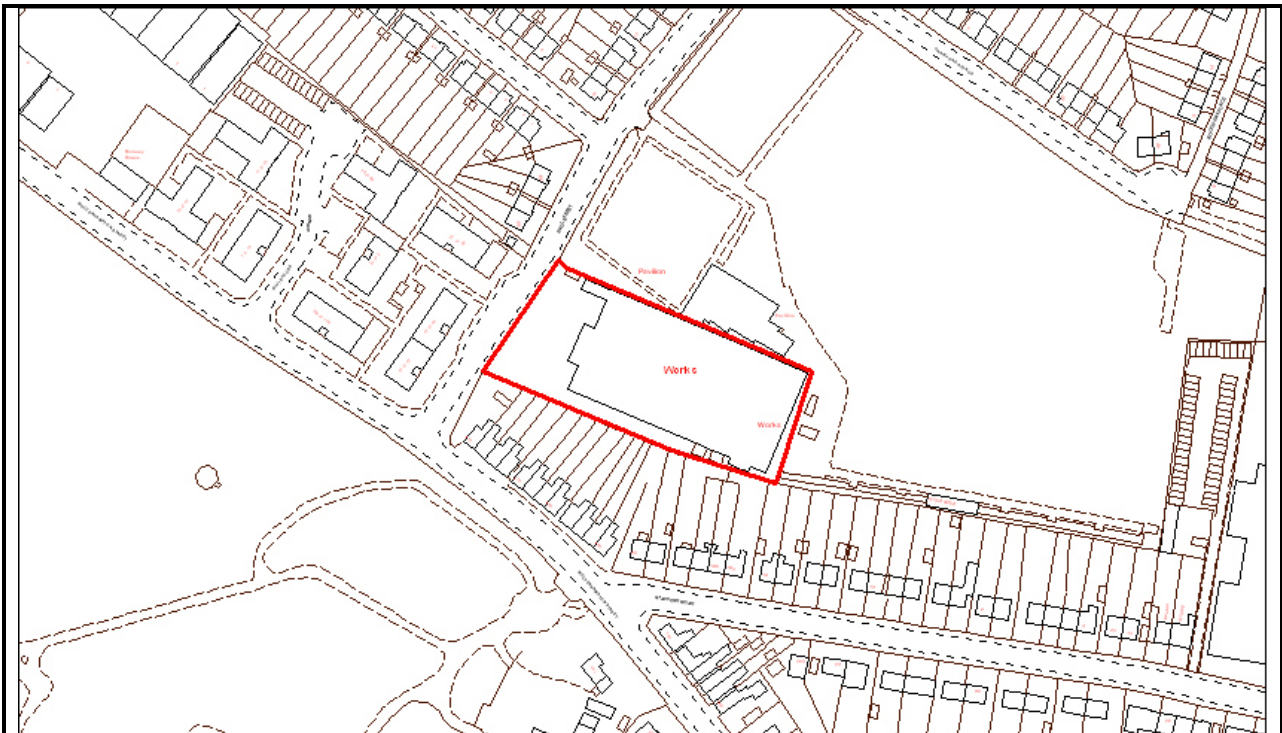
Proposal: Demolition of industrial building and erection of 45 x 2 bedroom flats and 4 x 2 bedroom house with associated car parking and external work.

Location: FORMER LONGMORE
TUBES BUILDING, HALL
STREET, DARLASTON, WEST
MIDLANDS, WS10

Ward: Darlaston South

Expired: 19 January 2005

Recommendation Summary: Approved Reserved Matters



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Application and Site Details

This application relates to the former Longmore Tubes site in Hall Street, Darlaston. The site is occupied by an industrial unit, approximately 6 - 7 metres high to the eaves, located between two storey dwellings fronting Wolverhampton Street/Stafford Road and the Darlaston Community Association sports ground. The latter has 15m high lighting columns. Conditions restrict the use of the floodlights to between November and March, up to 2200 on any day.

The application is a reserved matters submission to 03/1939/OL/W4, and proposes the construction of 45 flats and 4 houses based on a series of linked courtyards. A design statement has been submitted with the application which indicates that the development promotes the principle of Homezones where the aim is to create streets as places for people. This is achieved by reducing the traditional dominance of the car in various ways, by reducing speed limits and providing shared surfaces, without kerbs. The linked courtyards would be landscaped and provide the majority of the amenity space for residents of the flats. 72 parking spaces are provided together with cycle storage throughout the development. The site is close to public transport and within walking distance of local shops, schools and a public park.

Distances between facing habitable room windows are maintained within the development and with the surrounding residential properties. Distances between the rear of dwellings in Wolverhampton Street/Stafford Road and the proposed flat blocks vary between a minimum of 17 metres and 35 metres. Levels between the site and the houses in Wolverhampton Street/Stafford Road vary, with the houses furthest from Hall Street being up to 1.5 metres higher than the site.

Relevant Planning History

03/1939/OL/W4 Outline residential development. Granted subject to conditions 10.11.04. A section 106 Agreement was completed in connection with this application, to provide a financial contribution towards the provision/ improvement of open space in the vicinity of the site as required by paragraph 8.4 of the adopted Development Plan.

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

Adopted UDP

2.2, 3.6 (environmental improvement); ENV13 (landscaping); H4 (general guidelines for the layout of residential development); 7.23 (car parking); 8.4 (provision of open space)

UDP Review

2.1 (overall strategy); GP2 (environmental protection); GP7 (community safety); 3.1 (strategic environment policy); 3.6 (environmental improvement); 3.16 (design); ENV34 (design and development proposals); ENV35 (landscape design); H3 (windfall sites); H10 (layout, design and mix); T13 (parking).

National Policy

Planning Policy Guidance Note PPG3 supports the re-use of previously developed sites for residential development.

Consultations

Transportation: No fundamental objection. Requests minor amendments to notation of road layout and a condition to protect visibility.

Pollution Control: No objection. Recommends conditions requiring a ground investigation, remedial measures if appropriate and a restriction on construction times.

Environmental Regeneration/Urban Design: Make recommendations regarding window design and materials of turret roof.

Fire Service: Satisfactory access for fire appliances.

Environment Agency: No objection. Recommends site investigation/ remediation.

Drainage: No objections. A public sewer crosses the site.

Education Walsall: No objections.

Black Country Archaeologist: No objections.

Centro: No objections.

Central Networks: No objection

Energis Communications: No objections.

Representations

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

Two letters have been received on behalf of the occupiers of 18A, 18B and 19 Stafford Road who express concern at the inadequacy of the proposed boundary treatment to retain their gardens which are higher than the site.

Determining Issues

- i) visual amenity
- ii) amenity of future occupiers of the site and adjacent neighbours
- iii) parking and highway safety

Observations

Visual amenity.

The siting, design and external appearance of the proposed development are acceptable. The comments made by Urban Regeneration relate to the design of some windows in the development but these reflect the style of window found in adjacent housing. Overall the

scheme will represent a significant improvement in outlook for the residents adjoining the site and a more attractive setting for the adjacent sports facilities. The utilisation of the Homezone principle will create an unusual and interesting development both externally and for future residents of the site.

The landscaping scheme is generally acceptable and provides a satisfactory setting for the flats. It does however require some amendment to replace larger trees which are potentially too close to buildings. These amendments will be minor and will not require re-consultation of neighbours.

Amenity of future occupiers of the site and adjacent neighbours.

The outline application considered the residential use in relation to the floodlighting and use of the adjoining sports facilities but concluded that these issues could be resolved satisfactorily through detailed design. There have been no objections raised by Pollution Control in respect of these issues, which have been resolved through the design and layout of the scheme.

The design of the scheme provides a varied elevation to the houses in Wolverhampton Street/Stafford Road, in contrast to the side elevation of the industrial unit. The concerns expressed by neighbours relate to the treatment of the differing levels between the site and their rear gardens. Additional information has now been supplied by the applicant which shows retaining walls with 1.8m high fencing on top, at garden level, or boundary walls. Neighbours have been reconsulted on this additional information and any response will be reported to the meeting. The proposals would however ensure stability and privacy to these gardens.

The scheme will protect existing residential amenity. Within the site there will be little separate amenity space (except for private gardens for the houses). However the Homezone concept is intended to ensure that the shared external space is useable by residents for sitting out and will provide a safe environment for children's play. While this form of development may be unusual in a suburban area the site does benefit from the proximity of a sports ground and public park and there would be no shortage of amenity space available to future residents of the scheme.

Parking and highway safety.

The submitted scheme provides fewer parking spaces than Council standards require (74 are proposed and 76 required), although cycle storage facilities are greater than average. The applicants have been requested to make minor alterations to the road layout which would reduce the proposed number to 70. Given the proximity of the site to local facilities and the generous provision of cycle storage facilities the level of parking is satisfactory.

It is anticipated that revised drawings of the road layout will be available at the meeting. These revisions are minor and will not require reconsultation.

Conclusion

Subject to the receipt of a satisfactory revised road layout and minor amendments to the proposed landscaping this scheme is acceptable.

Recommendation: Approved Reserved Matters

Approve reserved matters 2a,2b,2c,2d and 2e of 03/1939/OL/W4 subject to the following conditions:

1.The visibility splays at the junction of the access with Hall Street shall be kept clear of landscaping over 600 millimetres in height and structures over 1.05m in height from carriageway level at all times.

Reason: In the interests of highway safety.

2. This decision relates to drawing nos.*****



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Significant Community interest.

Application Number: 04/2160/OL/E3

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Barton Property Developments Ltd

Agent: Russell Overs Architects

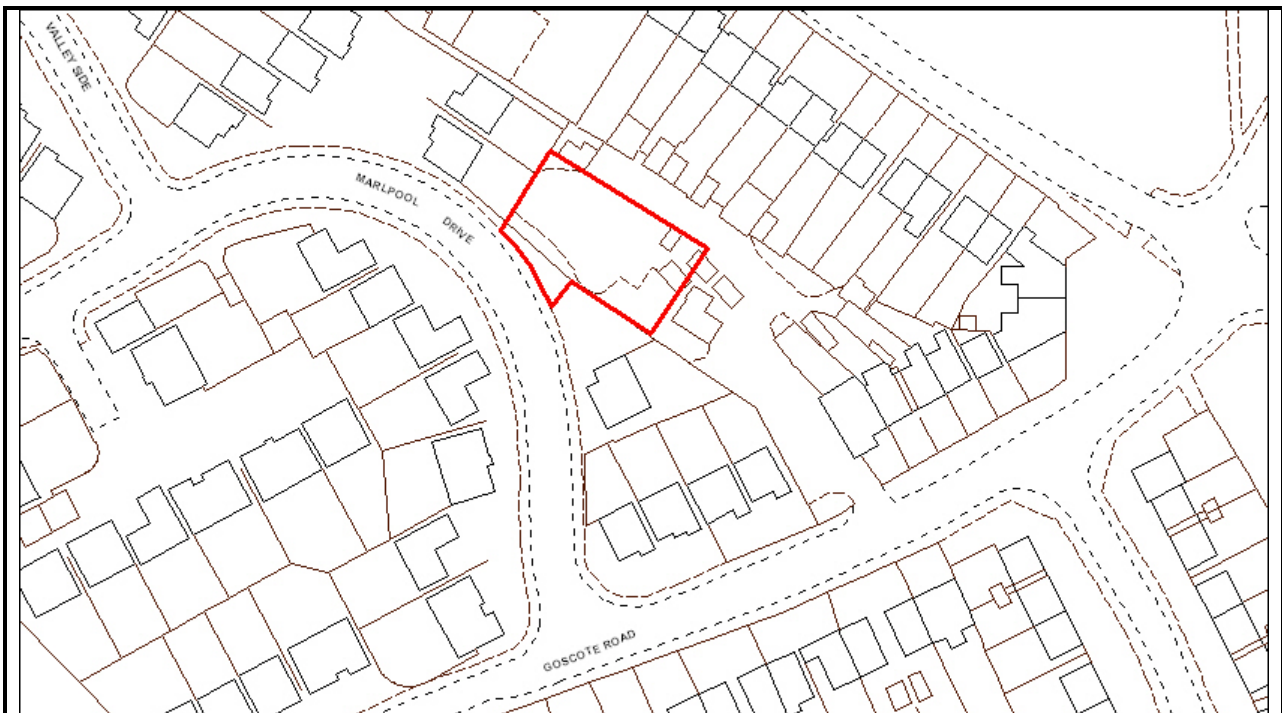
Proposal: Outline: Erection of 2 detached houses and new access from Marlpool Drive.

Location: LAND BETWEEN 2 &
6, MARLPOOL
DRIVE, PELSALL, WALSALL, WS3 4LH

Ward: Pelsall

Expired: 14 December 2004

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application is for outline permission for the erection of two detached dwellings with associated garages and access off Marlpool Drive. Only access and siting is to be considered at this stage. Planning permission has previously been granted for the erection of a pair of semi detached dwellings with associated garages at this site with access off Goscote Lane. The agent submits that an agreement has been reached with the owners of 2 Marlpool Drive to access the site from land in their ownership.

The site lies to the rear (north west) of 15 and 19 Goscote Lane and north of 2 Marlpool Drive, a piece of land, which is overgrown and set at a much higher level than the residential properties on Marlpool Drive. North east of the site are garages owned by the occupiers of Allen's Lane, which are accessed off Goscote Lane. There are timber buildings to the south east of the site, which are outside the application site. A large tree west of the application site dominates the skyline.

Relevant Planning History

BC56671P - Outline for erection of 1 pair of semi-detached dwellings and associated garages Refused on 15 December 1998.

BC58247P - Outline for erection of 1 pair of semi-detached dwellings and associated garages (re-submission of BC56671P). Refused on 20 July 1999 following a site visit. Local Appeal allowed on 9 December 1999 following a site visit.

BC60441P - After Local Appeal, Outline for proposed erection of 1 pair of semi-detached dwellings and associated garages. Granted Subject to Conditions on 23 March 2000.

03/0380/FL/E5 - Renewal of BC60441P for outline planning permission for the erection of a pair of semi-detached houses with associated garages. Granted subject to condition on 9 July 2003.

Relevant Planning Policy Summary

Adopted Unitary Development Plan

Paragraph 3.6 seeks to secure environmental improvement. Paragraph 6.6 promotes use of previously developed site, emphasising need to maintain amenity.

Paragraph 6.6 encourages infill sites where a satisfactory residential environment can be provided whilst safeguarding the character and amenity of existing residential areas.

Policy H4 states that a reasonable degree of privacy, daylight and amenity space for residents should be provided; the design should aim to assist crime prevention. Appendix 2, sections 6-9 includes amongst other things the provision of 13 metres rear garden lengths and 21.5m between facing habitable room windows. Parking standards stipulate that for dwellings with up to 3 bedrooms 2 car parking spaces should be provided and for dwellings with 4 bedrooms and above 3 car parking spaces should be provided.

Revised Deposit Draft UDP Plan March 2002

Policy GP2 aims to secure environmental improvement and sustainable development. Considerations to be taken into account include: visual appearance - refers to policy ENV34;

overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property - refers to policy H10; accessibility by a choice of means of transport, traffic impact, including the adequacy of the proposed access and the adequacy of parking facilities.

Policy ENV34 - Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

Policy H10 states that residential developments should create a high quality living environment, well integrated with surrounding land use and local character.

National Policy

Planning Policy Guidance Note 1 (PPG1) states at paragraph 13 that the appearance of proposed development and its relationship to its surroundings are material considerations in determining planning applications.

Planning Policy Guidance Note 3 (PPG3): Housing, aims to achieve a more efficient use of land. New housing of whatever scale should not be viewed in isolation and considerations of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

Consultations

Transportation - there are no transportation objects to the proposal subject to the imposition of conditions relating to pedestrian visibility splays.

The development generates the need for 4 parking spaces, which the applicant proposes in the form of two garages and two spaces in front. A turning head is proposed to allow vehicles to enter/exit the highway in a forward gear.

No details of the boundary treatment have been provided, however the proposed access should be provided with a 2.4 metre by 3.4 metre pedestrian visibility splays, which should be kept clear of landscaping/structures over 600mm in height from carriageway level and maintained thereafter.

Environmental Health - no objections in general to the proposed development however there are some issues relating to the previous use of the ground and adjoining land that need to be addressed.

The site itself has been used for commercial activity, including vehicle storage and maintenance that may have caused local ground contamination. Adjoining land has previously been used for waste disposal of industrial and commercial wastes. This land, 1 - 17 Marlpool Drive and Cricketers Meadow, has been reclaimed and remediated to enable residential development. This process required the conditioning of the land and the incorporation of measures into building structures to protect against ingress of ground gasses.

In these circumstances it will be prudent to require investigation of the proposed development site to establish the prevailing ground conditions and the presence or otherwise of contamination or ground gas. Depending upon the results of such an investigation the need for any appropriate remediation can be decided. Recommended a list conditions to be attached to any decision issued.

Environment Agency - No objections to the proposal, there are three known landfill sites within 250 metres. The developer will need to take account of the proximity to the landfill.

Environmental Regeneration - agree with the proposal subject to conditions to protect the existing tree on site.

Drainage Section - No drainage issues.

Fire Officer - Fire access satisfactory.

Representations

Four letters have been received objecting on the following grounds:

- a) The right of way off Goscote Lane is shown incorrectly by means of encroachment.
- b) Access from Marlpool Drive was previously refused because of the difference in levels.
- c) There appears to be little space for emergency vehicles and private vehicles to manoeuvre to the rear of Allen's Lane.
- d) Land Contamination Issues
- e) Use of landfill from the marl hole site to stop flooding.
- f) Fire hazard dwellings being located in close proximity to garages.
- g) Loss of privacy
- h) Height of the retaining wall and upkeep of the tree
- i) Youths congregating around the area behind 6 Marlpool Drive
- j) Obtain proof that all the land and buildings on current proposals are owned by the proposer.
- k) Garages demolished without owners consent

Amended plans were received on 25 November 2004 and a further 3 letters objecting to the proposal were submitted by those residents who have previously objected to the scheme. They reiterate the points highlighted above.

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

Determining Issues

The determining issues to this application relate to:

- a) Access
- b) Street scene
- c) Residential Amenity

Observations

The principle of housing has already been accepted here by the granting of outline planning permission for a pair of semi detached houses. Two detached houses are now proposed. This and the new access raised the following issues.

- a) Access

The proposal would require 4 car parking spaces to meet the Council's parking requirements and these spaces are shown on the plans submitted along with turning facilities for vehicles to enter and exit the site in a forward gear.

The site here is located at a higher level than those properties on Marlpool Drive, thus the proposed access off Marlpool Drive would slope down to provide a satisfactory junction with the highway.

b) Street Scene

The revised access would allow the development to relate to the housing development on Marlpool Drive, rather than sit as isolated backland development, with no relationship to a street frontage or active frontage. The development not only relates to the properties to the north west of the site but generally reflects the type of dwellings that are in the immediate environment of this site.

c) Residential Amenity

The siting proposed meets the Council's layout and separation standards. The ground floor level of the proposed dwellings will be approximately 150mm above the existing site level, which is at the same level as the development approved under planning reference 03/0380/FL/E5.

The existing properties in the immediate area on Marlpool Drive are at a lower ground level in relation to the application site, almost some 150mm lower. Conditions on any permission would ensure the floor levels of the new dwellings are at a reduced level, so as to reduce the height of the buildings and to minimise any potential overlooking, providing a satisfactory relationship with neighbouring properties.

There is a large tree on the western corner of the application site, it is a prominent skyline feature and its retention is essential and this can be achieved through the imposition of relevant conditions seeking its protection during and after the construction period.

The relationship between the two proposed properties is considered to be acceptable, in that secondary room windows could face the access between the properties and the access drive relates the development together as well as providing security for the new site.

Other issues raised by representations

The occupants of 15 Goscote Road have advised that some of the land edged in blue on the plans belongs to them. This land does not form part of the application site and any dispute over land ownership and the demolition of private residential garages to the rear of Allen's Lane would be a civil matter between the applicants and their neighbours, and falls outside the jurisdiction of planning law.

Planning permission has been refused in 1998 for the erection of a pair of semi detached dwellings off Goscote Lane; permission has never been refused for vehicular access to the site via Marlpool Drive. The accessway to the rear of Allen's Lane is 500mm wider than the accessway approved under planning reference BC60441P. The Fire Officer has advised that the access is satisfactory.

Environmental Health have advised conditions requiring ground contamination surveys and site investigation surveys are carried out prior to any development works commencing on site.

With regards to loss of privacy, the proposed layout meets the Council's standards requiring a minimum of 21.5 metres between habitable rooms of adjacent dwellings. The design of the scheme here is considered to design out crime, with both properties facing one another and the area immediately behind 6 Marlpool Drive forming part of the development here. With the revised access the development would integrate well with the housing estate with properties

facing the site, encouraging neighbourhood watch. The congregation of youths is not considered to be so significant to warrant a refusal here. Whilst being a material consideration antisocial behaviour is a matter for the Police to control and the proposal would not encourage such behaviour. Conditions requiring details of the protection of the tree on site and details of the retaining walls along the access drive have been attached.

The applicants have submitted Certificates of ownership under Article 6 and 7 of the Town and Country (General Development procedure) Order 1995.

Recommendation: Grant Permission subject to conditions

1) Application for approval of the Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than:

i) 5 years from the date of decision.

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

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

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

- a) The design of the building(s);
- b) The external appearance
- c) The landscaping of the site

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

3) A ground contamination survey and site investigation shall be submitted before development commences and approved in writing by the Local Planning Authority and any necessary remedial works in accordance with the approval shall be undertaken. Any ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases.

Reason: In the interests of public safety and health, to safeguard the amenity of occupants and prevent pollution in the water environment.

4) The results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination or ground gasses, and a time scale for their implementation in relation to the development of the site, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any approved remedial measures shall be implemented in accordance with the approved timetable.

Reason: In the interests of public safety and health, to safeguard the amenity of

occupants and prevent pollution in the water environment.

5) The design, specification and location of boreholes for the purpose of ground gas monitoring, (if applicable), shall be agreed in writing with the Local Planning Authority prior to their installation.

Reason: In the interests of public safety and health, to safeguard the amenity of occupants and prevent pollution in the water environment.

6) The design and specification of foundations and sub floor structures if required for the purpose of preventing the ingress of ground gases to buildings, shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To safeguard the amenity of occupants.

7) No building shall be occupied until all remedial measures or gas ingress protection measures have been implemented to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenity of occupants.

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

Reason: To safeguard the trees on the site.

10) A 1.5 metre high chestnut paling fence shall be erected to the full extent of the canopy of the tree to be retained, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

Reason: To safeguard the trees included on the site.

11) The existing soil level shall not be altered within the full extent of the canopy of the tree to be retained or to such lesser distance as the Local Planning Authority agree in writing.

Reason: To safeguard the trees included on the site.

12) The approved guards or fencing shall be erected around the tree to be retained before development commences, and shall be retained until the development is entirely complete. The land so enclosed shall be kept clear of all contractors' material and machinery at all times.

Reason: To safeguard the trees included on the site.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no development of any kind, other than as shown on the approved plans, within the spread of any tree included on the site without the prior approval of a planning application.

Reason: To safeguard the tree on the site.

14) At such time as this development has been completed, or appears to the Local Planning Authority to be substantially completed, an assessment of the remaining tree shall be undertaken in conjunction with the Authority. Any remedial work or replacement of tree damaged or destroyed during construction work shall be carried out as part of the implementation of an approved landscaping scheme.

Reason: To ensure the satisfactory appearance of the development.

15) The existing tree on the site shall not be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the trees and or hedges on the site.

16) During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees and or hedges on the site.

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

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

18) 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 the site can be satisfactorily drained.

19) No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any ground lowering and retaining structures required to ensure the stability of the site or adjoining land and cross sections to demonstrate a satisfactory relationship between the proposed dwelling and neighbouring properties.

Reason: To safeguard the amenity of occupants of adjoining premises and to ensure the satisfactory appearance of the development.

20) Before the development is brought into use, the accessways, vehicle parking and manoeuvring areas on the approved plans shall be hardsurfaced in materials and to a specification 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 and to ensure the satisfactory functioning of the development.

21) 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 or any dwelling within the site, other than the access(es) as shown on the deposited plans, without the prior approval of a planning application.

Reason: To ensure the satisfactory functioning of the development.

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

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

23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, no gates, fences, walls or other means of enclosure, except those included on the approved plans, shall be moved or erected without the prior approval of a planning application. The means of enclosure shown on the approved plans shall not be removed, or moved, without the prior approval of a planning application.

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

24) No development shall commence until details of the facing materials and roofing materials to be used in the construction of the dwellings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

26) Before this development is brought into use obscure glazing shall be installed and thereafter retained in all bathroom/W.C windows.

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

27) The proposed access must be provided with a 2.4 metre by 3.4 metre pedestrian visibility splay, which must be kept clear of landscaping/structures over 600mm in height from the carriageway. Details of these visibility splays shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 15 February 2005

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest / Council Owned Land

Application Number: 04/2676/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Mr Kaza Miah

Agent: Sueshire Services

Proposal: Proposed New Dwelling house.

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

Ward: St. Matthews

Expired: 14 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application seeks consent for the erection of a single, two storey dwelling on land to the rear of Tasker Street / Corporation Street West and Wednesbury Road, Walsall. The site is currently a back land site having been previously used as a children's play area.

Access to the new dwelling would be gained through the existing access between 82 and 84, Corporation Street West which provides the only right of way to garages at the rear of properties in Tasker Street / Corporation Street West and Wednesbury Road.

The dwelling would consist of five bedrooms with ample parking for three vehicles. Right of access for the surrounding properties would be maintained.

Relevant Planning History

None relevant

Relevant Planning Policy Summary

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

Adopted UDP

2.2 and 3.6 relate to the improvement of the Borough's environment and the protection of environmental assets.

6.6promotes re-use for housing of previously developed sites and development of infill sites

6.8schemes should be well integrated into the existing pattern of settlement and surrounding land use.

Policy H4 (a) states that all new residential development should provide a reasonable degree of privacy, daylight and amenity space for residents.

Policy H4(e) sets out that all proposals will be considered against the detailed development and design criteria set out in Appendix 2 of the UDP.

7.2 ... protection of the environment and the promotion of safety will be a central aim of all transport planning.

7.23...requires all development will be expected to provide vehicle parking according to the Council's standards.

Appendix 2 : Development Control Guidelines regarding space around dwellings standards.

UDP Review

Generally aims to support the Unitary Development Plan policies

ENV15 - encourage the development of previously developed land

GP3 - planning obligations

S8(a) - encourages investment in housing development within and close to local centres.

H3(a) - encourages reuse of previously developed land for housing, provided (l) a satisfactory residential environment can be provided.

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

National Government Policy

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

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

Consultations

Pollution Control Division - no objections

Transportation - no objections

Environmental Regeneration Services - no objections (although the design of the dwelling is poor)

Drainage - satisfactory

Fire Service - no objection subject to domestic sprinkler systems

Police Architectural Liaison Officer - over the last twelve months there have been numerous incidents of disorder, drug taking and assaults, any development which fills the void or prevents misuse would deter activities and reduce loss of amenity to residents.

Representations

I have received one letter of representation containing a petition with 20 signatures on it from no. 84, Corporation Street West which is adjacent to the access driveway. The grounds of objection are :

Access for Fire Service vehicles and safety and loss of property values

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

Determining Issues

- Principle of the development
- Suitability of the site
- Access

Principle of development and amenity

The site is currently surrounded by residential on all sides and is effectively land locked with the only access being along an existing driveway between no. 82 and 84, Corporation Street West. There is evidence on the site that it was previously intended to be a children's play area, play equipment has since been vandalised and is now being used for tipping rubbish and other anti social activities.

Whilst policies of the adopted plan aims to retain such facilities it is clear that in this instance its intended purpose has not been achieved. The site has no natural surveillance and has been the source of nuisance and activities not usually associated with children's play areas for some time. In view of this I am of the opinion that its intended purpose no longer serves any useful function to the local community.

The proposed design of the dwelling whilst not being synonymous with the character of dwellings in this area, which is typified by Victorian type terraces, will provide a type and scale of dwelling and appeal possibly more to the larger extended family in an area which is devoid of such and should therefore be supported.

The development of this area would also remove the antisocial issues identified above and create a more welcoming and safer environment for those residents who use the driveway to gain access to the rear of their properties.

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

Access and Parking

Access - access to the proposed dwelling would be through the existing driveway which gives access to the rear of residential properties around Tasker Street and Corporation Street West. The drive is also used by a couple of small commercial properties at the rear of Tasker Street. Whilst the driveway can only allow for single file traffic this situation has existed for many years. The Fire Service are satisfied that the installation of a domestic sprinkler system will allow for the acceptable development of this site.

Parking - Parking provision can be provided in accordance with the Unitary Development Plan standards.

Conclusion

The principle of the use of the site for residential is acceptable, the submitted details are satisfactory therefore recommend approval of this application

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 years after the date of this decision.

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

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

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

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

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

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

Reason : To ensure the satisfactory appearance of the development.

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

Reason : To ensure the satisfactory appearance of the development.

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the

site, other than through the access as shown on the deposited plans, without the prior approval of a planning application.

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

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

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

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

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

Reason : To ensure the satisfactory functioning of the development.

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 2.2, 3.6, 6.6, 6.8, Policy H4 (a and e), 7.2, 7.23 and design criteria and space around dwelling standards as set out in Appendix 2 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Previous History

Application Number: 04/2656/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Wilfred Long

Agent: Wilfred Long

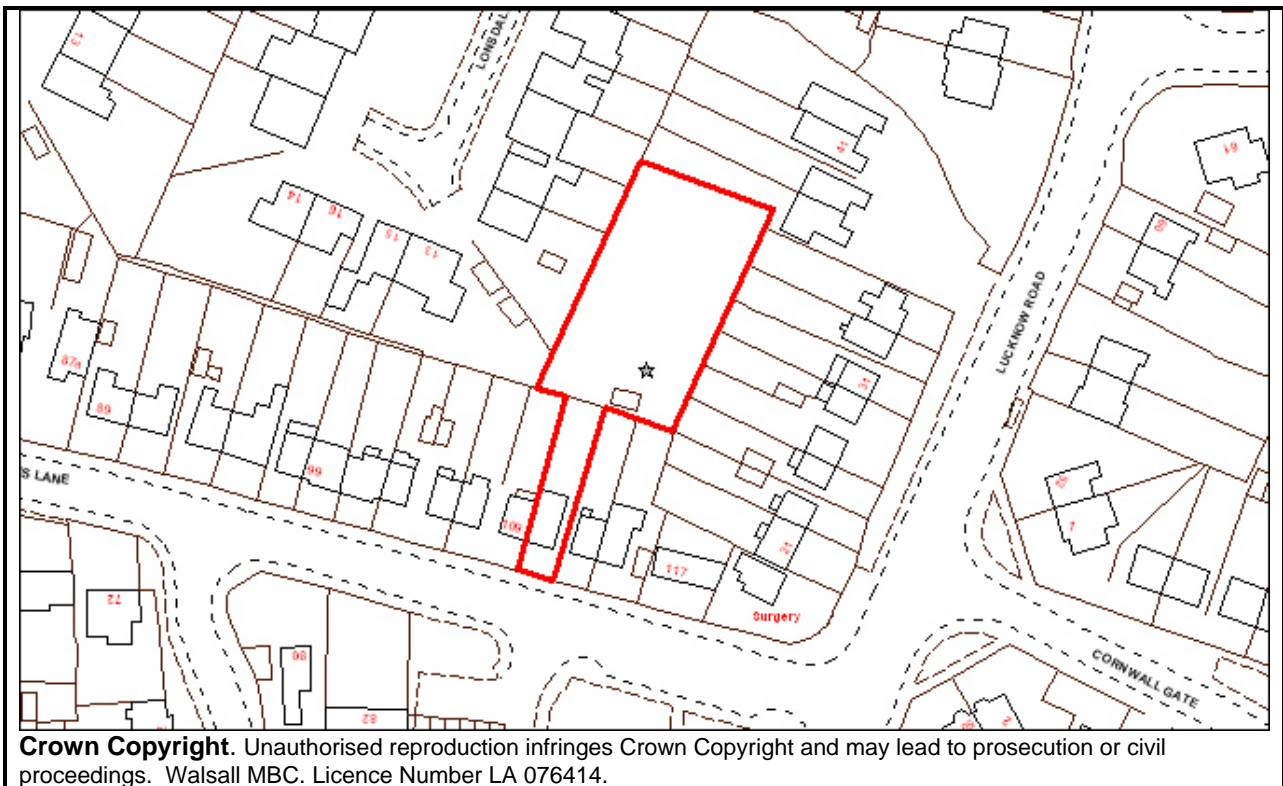
Proposal: Erection Of 4 Dormer Bungalows

Location: REAR OF 115, POOL
HAYES
LANE, WILLENHALL, WALSALL, WEST
MIDLANDS, WV124PX

Ward: Short Heath

Expired: 11 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application follows a recent refusal which sought consent for the erection of a two storey block of 8 apartments on land rear of Pool Hayes Lane, Willenhall (details are in the History).

This application proposes the erection of four detached 3 bedroom dormer bungalows.

Access to the site would be unchanged, via the newly created driveway space which has resulted from the demolition of no. 111 Pool Hayes Lane granted as part of the outline planning consent in December, 2002.

The extent of the land remains the same as previously : along the rear boundaries of numbers 25 to 37 Pool Hayes Lane, along the side boundary of no. 37 Pool Hayes Lane rear garden, along the rear garden boundaries of nos. 7 to 11 Lonsdale Close and along the rear garden boundaries of no. 109 to 115 Pool Hayes Lane.

The proposed scheme includes 9 car parking spaces (200% plus a spare one), a turning area, and rear gardens to each property approximately 14 metres in length to the rear boundary of the site (no. 37 Lucknow Road). Each dwelling would have one parking space within the curtilage of its boundary with an additional space provided on the opposite side of the turning head (which at the most would be approximately 25 metres away). Again an area of hardstandings would be provided at the entrance to the new access road for refuse containers to be placed on collection days.

Relevant Planning History

04/2305/FL/W5 - Erection of a two storey block of eight x 2 bedroom apartments.
Refused 8th December, 2004 for the following reasons :

'Each apartment would consist of two bedrooms and be accessed by the newly created driveway which has resulted from the demolition of no. 111 Pool Hayes Lane which was granted as part of the outline planning consent in December, 2002.

1. *The siting and relationship of the apartments to the rear garden of No. 37 Pool Hayes Lane, which runs across the rear of the site and would only be 8 metres from that boundary is unacceptable and will have a detrimental impact on the privacy and reasonable use of the garden of that property. This is therefore contrary to policies 2.2, 3.6 and Policy H4 (a) of the Unitary Development Plan*

2. *The design and scale of the proposed buildings would not integrate into the existing character and pattern of the surrounding dwellings and in particular those which are bungalows in Lonsdale Close and is therefore contrary to policy H10 (a) of the Unitary Development Plan Review.'*

This site has the benefit of outline residential planning permission which was granted in December, 2002 reference number 02/1511/OL/W5, which included the creation of a new access by the demolition of no. 111 Pool Hayes Lane. It was agreed on the basis that the principle of using this site for residential was acceptable and that with careful consideration of the siting, design and number of dwellings on the site a satisfactory environment can be achieved which will have little impact on either existing or future residential amenity and that highway safety and security around the site can also be maintained. The current application is

not, however, for Reserved Matters (the distinction in this case is largely a technicality though).

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

The relevant policies were examined thoroughly in my previous report to you however for fullness of this report I have again included them for your information.

Adopted Unitary Development Plan

The UDP contains several policies relevant to this application.

2.2, 3.6 and 3.7 relates to the improvement of the Borough's environment and the protection of environmental assets.

6.6promotes re-use for housing of previously developed sites and development of infill sites

6.8schemes well integrated into the existing pattern of settlement and surrounding land use.

Policy ENV 13... landscape and environmental matters must be taken into account at the outset...Appropriate provision must be for the planting of trees and shrubs, screening, boundary treatment, and the retention and protection of existing landscape features of value.

Policy H4 (a) states that all new residential development should provide a reasonable degree of privacy, daylight and amenity space for residents.

Policy H4(e) sets out that all proposals will be considered against the detailed development and design criteria set out in Appendix 2 of the UDP.

7.2 protection of the environment and the promotion of safety will be a central aim of all transport planning.

7.23 ...requires all development will be expected to provide vehicle parking according to the Council's standards.

Policy 8.4 requires development to provide play areas, and sports facilities to meet the need of the development.

Appendix 2 : Development Control Guidelines regarding space around dwellings standards.

Unitary Development Plan Review

Generally aims to support the Unitary Development Plan policies though there is an increased emphasis on the quality of design as an important environmental issue and the following are specifically relevant.

Policy H9...(a) net density should be at least 30 dwellings per hectare (c) higher densities, exceeding 50 dwellings per hectare, will be encouraged if close to a town, district or local centre or other location with good accessibility by transport... small units for people such as single persons or the elderly.

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

National Government Policy

Planning Policy Guidance Note 3 (Housing) promotes the redevelopment of previously developed land for housing within urban areas, while protecting green spaces. It allows for some flexibility in the application of standards to achieve development. Its other objectives are :

- ~ to meet the housing needs of the whole community,
- ~ create more sustainable patterns of development,
- ~ make more efficient use of land,
- ~ promote good design,
- ~ reduce car dependence.

Consultations

Transportation - no objections

Pollution Control - reiterate their previous comments in so far as they have no objections subject construction times restriction.

Fire Service - satisfactory

Drainage - satisfactory

Representations

I have received one letter of objection from the occupier of no. 9 Lonsdale Close. The landing window, kitchen window and side door of one of the bungalows will overlook their property and garden, there will be a general loss of privacy and security. While the windows might be obscure glazed residents will still be able to open them.

Determining Issues

- Previous reasons for refusal and principle of the design, scale and size of the development and impact on existing residential amenity
- other issues : Highway / access arrangements / Car parking and residents concerns

Observations

Previous reasons for refusal and principle of the design, scale and size of the development and impact on existing residential amenity

The previous refusal reasons were based on the siting and relationship of the apartments to the rear garden of No. 37 Pool Hayes Lane which would have been only 8 metres from the boundary and the design and scale of the proposed buildings would not integrate into the existing character and pattern of the surrounding dwellings.

Following extensive discussions and debates regarding the form of development acceptable on this site, I am now of the opinion that this submitted scheme reflects and addresses both the previous reasons for refusal and the concerns raised by local residents. It has been

radically reduced in both scale and density to reduce any potential for overlooking, or dominance.

Rear gardens to the individual bungalows would be in excess of the Unitary Development Plan standard and overall.

This small development would be well integrated into the character and patterns of the existing neighbourhood. I do not regard the developer's choice of dormer bungalows as challenging that conclusion.

Other issues : Highway / access arrangements / Car parking and residents concerns

I consider that the scheme will provide a satisfactory environment for future residents, highway, access arrangements and car parking are all satisfactory.

I do not share the concerns of the objectors regarding overlooking of properties in Lonsdale Close by the siting of a landing window, kitchen window and side door in the side elevation. Any new boundary treatment, two metre high fencing, would reduce any potential overlooking from the ground floor entrance door (and from the pathway to that front door) and the side facing windows could be conditioned to be obscure glazed as both are for bathrooms. The degree to which occupiers would leave the windows open does not, in my view, so damage neighbouring amenity as to justify refusal.

Conclusion

The amended scheme is acceptable and will allow for the development of this site without any detrimental impact on neighbouring occupiers

Recommendation: Grant Permission subject to conditions

1. This development must be begun not later than 5 years after the date of this decision.

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

2. Notwithstanding the deposited plans, no development shall be carried out until full details of the proposed boundary treatment of the site, including measures to secure pedestrian and vehicular visibility splays, 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 and completed before the development is brought into use and shall be thereafter retained.

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

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

- i) existing and proposed ground levels
- ii) dimensions of planting beds
- iii) site preparation
- iv) plant species/densities; tree species/sizes and locations

- v) arrangements to be made for the disposal of surface water
- vi) hard landscaping works.

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

Reason : To ensure the satisfactory appearance of the development.

4. 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.

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

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

6. No development shall be carried out until a protocol is submitted to and approved in writing by the Local Planning Authority to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site in connection with the construction phase (this may involve the use of a wheel wash, road sweepers, etc.).

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

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

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

8. 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 and highway safety.

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

- (a) grassed areas will be maintained in a tidy condition by regular cutting and any areas that fail to establish will be reinstated;
- (b) planted areas will be maintained in a tidy condition by regular weeding;

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

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

10. Before this development is brought into use, obscure glazing shall be installed and thereafter retained in the windows of the side facing gable wall of plot one on the approved plans.

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

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 2.2, 3.6 , 3.7, 6.6, 6.8, Policy REG 1, Policy H4 (a) and (e), 7.2, 7.23, Policy 8.4 and Appendix 2 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Disposal of Council owned land

Application Number: 05/0035/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652486

Applicant: Derngate Property Developments Ltd

Agent: Harc Design Bureau

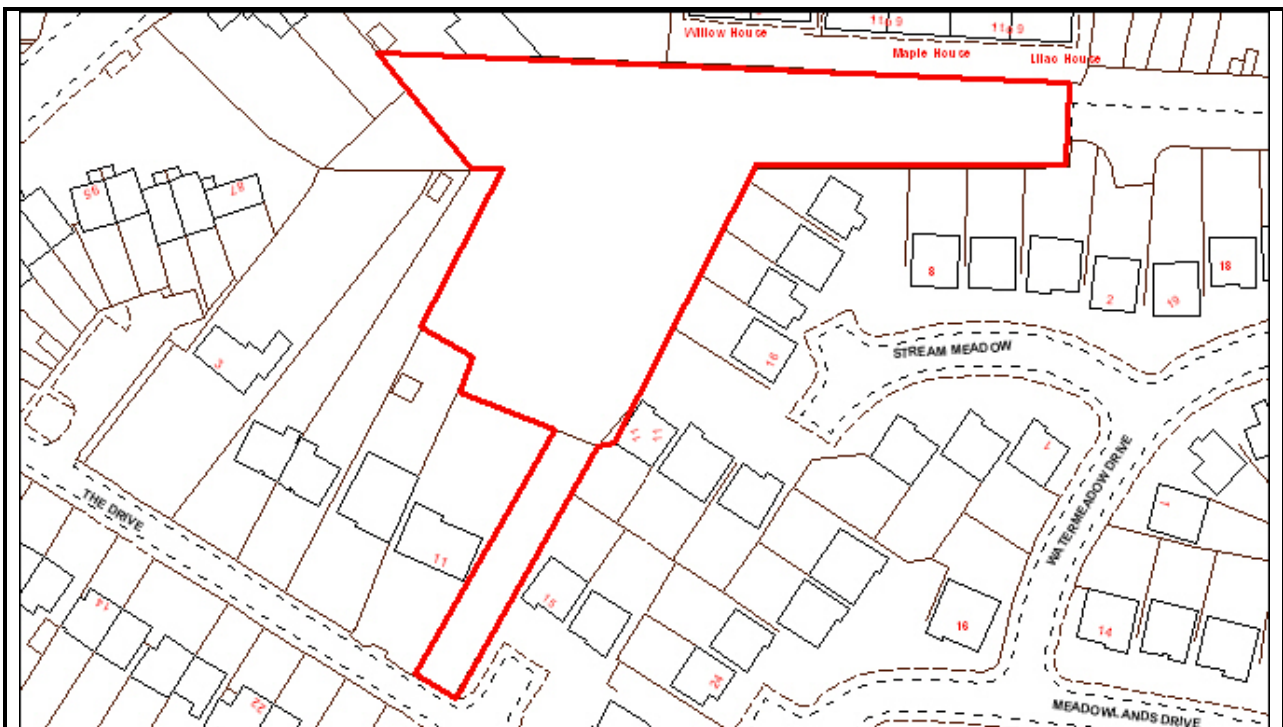
Proposal: Proposed development of a total of eight 3,4 & 5 bed detached houses and associated access road, Car parking Provision & Private amenity areas

Location: LAND R/O 3-11 THE DRIVE AND R/O WIL, SPRINGHILL CLOSE, SHELFIELD, WALSALL

Ward: Rushall-Shelfield

Expired: 07 March 2005

Recommendation Summary: Grant Permission Subject to Conditions and a Section 106 Agreement



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Application and Site Details

The application site is land behind properties fronting The Drive, Lichfield Road, Spring Road and Stream Meadow, Shelfield. The northern part of the site was formerly the railway line for mineral workings that is now vacant land and the north-south part of the site is in part the derelict garden area to 11 The Drive. Access would be between numbers 11 and 15 The Drive.

Willow House, Maple House and Lilac House are three storey flat developments which overlook the site at the north and the car park area for Wesley Methodist Church adjoins in the north-west corner. The rear elevations of numbers 77-85 Lichfield Road, 4-16 Stream Meadow, and 3-11 The Drive overlook the site. The gable elevations of 11 Stream Meadow and, 11 and 15 The Drive, would be adjacent to the proposed access road.

The application proposes a shared surface access road of 4.2m width from The Drive, adjacent to the existing turning head at the end of the cul-de-sac and between numbers 11 and 15 The Drive and widening to 5.5m. The plans show a further 1.8m wide service strip on the west side, that would act as part of the frontage to the gable of 11 the Drive and which the applicant has described this as an 'active frontage'. The bay window at the side of the property would therefore be 3m from the proposed roadway.

The application is for full planning permission for the erection 8 dwellings comprising four 3 bed, four -4 bed and one-5 bed detached dwellings, as two storey development with frontage driveways. Seven of the proposed units would be sited on the west of the proposed access road and one unit on the east of the access road, nearest to Maple House.

The density of the proposed development would be 21 dwellings per hectare, which is below the range recommended in Planning Policy Guidance Note 3 Housing.

Sprinklers in all the dwellings.

Relevant Planning History

BC 12366P- proposed the erection of one detached dwelling and was refused permission for the following reason

'The plans submitted in support of the application are inadequate to indicate whether the site can be satisfactorily developed by the erection of a further dwelling'.

04/2248/FL/E4 - proposed 9 dwellings at the site and was withdrawn on 5 December 2004.

Relevant Planning Policy Summary

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

Adopted UDP

Policy 3.6- schemes to contribute in terms of layout, design and landscaping ;

Policy 6.6 - re-use for housing of previously developed sites, (including 'windfall' sites) will be encouraged;

Policy 6.8 - density will depend on location and character and will need to integrate well into the existing pattern of settlement;

Policy 8.4 requires new developments to provide open spaces;

Policy H4 gives guidelines in Appendix 2 for the layout and design of residential development and protection of residential amenity.

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

Revised Deposit Draft UDP Review Plan

Policy GP3 - Planning obligations to be used to secure open space provision

Policy ENV11 - development will not be permitted if the health, safety or amenity are adversely effected.

Policy ENV15 - encourages the reclamation of derelict land.

ENV34 (b) considers design and poorly designed schemes will not be permitted.

ENV 35 - refers to good landscape design.

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

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

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

Policy T13 sets out parking standards

Policy LC 1 d) - residential developments will be required to make a financial or other contribution to urban open spaces.

National Policy

Planning Policy Guidance Note 1: General Policy and Principles:

paragraph 13) '*...The appearance of proposed development and it's relationship to it's surroundings are material considerations in determining planning applications...*'

Planning Policy Guidance Note 3: Housing; Aims to achieve more efficient use of land without compromising the quality of the environment and should avoid densities of less than 30 dwellings per hectare. Considerations of layout must be informed by the wider context.

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

Consultations

Transportation - no objections subject to conditions as appear in the recommendation and;

- adequate parking spaces are proposed to comply with the Council's parking standards.
- The access road is adequate to accommodate simultaneous traffic movement ;
- The turning head is adequate to accommodate the pantechnicon sized refuse vehicles that the Council operates and emergency vehicles.

Pollution Control - refers to ground contamination surveys required, as appear in conditions of the recommendation.

Drainage Section - satisfactory

Fire Service - satisfactory access for fire appliances.

Environment Agency - no objections, subject to conditions as in the recommendation

Representations

12 letters object to the proposal on the following grounds;

Highway and pedestrian safety concerns

- The Drive is too narrow and two vehicles find it difficult to pass;
- There are difficulties for residents to access their properties, even though vehicles park on the footways;
- Refuse collection services experience difficulties accessing The Drive and frequently do not gain access to the entire length of the access so that collections are not made;
- The location of the access road is adjacent to a turning head and residents from numbers 15 to 21 and 28 and 30 The Drive would have inadequate visibility to see any vehicles travelling from the application site to The Drive;
- The proposed access would be directly opposite the pathway to Shelfield Park and, as a well used short cut by local children, there is considerable concern for any increase in traffic that would be a hazard to children. The existing turning head is used as a play area and safety issues would therefore arise.
- The Police have had to deal with traffic violations owing to cars parked on the pavement to allow access for any vehicle however small.

Amenity concerns

- The proposed access road would, as an active frontage, be very close to the bay window on the side elevation of 11 The Drive, affecting the amenity of the house.
- The proposed access road would be very close to number 15 The Drive, which would detrimental to the amenity of the occupiers of the dwelling.

Other issues

- Security concerns with a new road alongside rear garden boundaries;
- To build land on this site is an unnecessary use of green belt land, and loss of open space;
- There would be a loss of privacy for the occupiers of Willow House, Maple House and Lilac House;
- The occupiers of 11 The Drive will gain financially from the proposal;
- The proposed development will remove the frequent nuisance of fly tipping.

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

Determining Issues

- Acceptability of layout and design
- Impact on the amenity of occupiers of nearby housing
- Adequacy of access - Highway safety
- Provision of Open Space

Observations

Layout and design

The constraints of the irregular shape of the site and the need to secure a good relationship with surrounding properties limits the capacity of the site to achieve a high density, as recommended in Policy Guidance Note 3. It is considered that the overall layout is

representative of the established character of the area, achieves a satisfactory relationship with nearby dwellings and the density is therefore considered acceptable.

Amenity

The proposed development complies with the Councils adopted standards for space about dwellings, with the exception of plot 8 which is overlooked by Lilac House, some 7.6m from the boundary.

Whilst a distance of 13m is achieved between the blank gable elevation of the proposed unit at plot 8 and the rear elevation of Lilac House, a single storey ridge roof garage is proposed on the boundary. The gable of the proposed garage would be 6m in length and the hedgerow on the boundary is identified for replanting so as to reinforce the existing boundary. It is considered that the applicant has mitigated the impact of the garage and on this plot as much as is possible, taking account of other nearby properties and overall this would not warrant refusal of the scheme.

New 1.8m high boundary walls and close boarded fencing would secure existing and proposed rear garden areas so that the site would no longer be a through route for unauthorised access.

Adequacy of access

Access for the scheme has been designed to allow adequate turning for refuse collection vehicles and the Fire service is satisfied by the provision of sprinklers throughout the development. Transportation has commented that access is acceptable.

Open Space

The applicant has agreed to enter into a Planning Agreement to provide a financial contribution at a rate of £100 per bedroom, towards the improvement of provision at Shelfield Playing Fields, in lieu of site provision under policy 8.4 of the UDP Review.

Recommendation: Grant Permission Subject to Conditions and a Section 106 Agreement

Recommendation; Grant subject to conditions and the completion of a 106 agreement

1. This development must be begun not later than 5 years after the date of this decision.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

4. No development shall be carried out until a detailed landscaping scheme for the site and in particular to reinforce the existing planting on the northern boundary, has been approved in writing by the Local Planning Authority. The landscape scheme shall provide details of the proposed surface treatments for new driveway areas and the treatment of boundaries thereto. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

7. A 1.5 metre high chestnut paling fence or other suitable structure shall be erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, as indicated on the submitted plans, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

Reason: To safeguard the trees identified in the approved plan of the site for retention.

8. The existing soil level shall not be altered within the full extent of the canopy of each tree, group of trees or hedge to be retained or to such lesser distance as the Local Planning Authority agree in writing.

Reason: To safeguard the trees included at the site as identified for retention.

9. None of the existing trees on the site or the boundary hedgerows shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the trees and or hedges on the site.

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

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

11. The boundary treatment shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained.

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

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

Reason ; In the interests of highway safety

13. A ground gas/ contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken before development commences.

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

14. A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any gas and/or land contamination shall be submitted to the Local Planning Authority within 1 month of completion.

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

15. No development shall take place until the site validation statement, detailing the remedial measures undertaken to address ground contamination and ground gases, has been approved in writing by the Local Planning Authority, and shall be implemented to the satisfaction of the same. The site validation report should contain substantiating data, together with details and justifications of any changes from the original remediation report.

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 3.6 and 3.7, Appendix 2 of Walsall's Unitary Development Plan and Walsall Unitary Development Plan Review Revised Deposit Draft March 2002, policies GP2, ENV34 and 35 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Notes for applicant

The Land Contamination and gas survey should have regard to the advice and guidance contained in Planning Policy Guidance Statement 23 - Planning and Pollution Control : British Standard BS 10175: 2001 ' Investigation of potentially contaminated sites - Code of Practice ' ; British Standard BS 5930:1999 ' Code of Practise for site investigations'; Waste Management Paper No 27 ' Landfill Gas' and The Contaminated Land Exposure Assessment (CLEA) Model 2002 or any relevant antecedents of such guidance.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Significant public interest

Application Number: 04/2700/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652486

Applicant: Morris Homes (West Midlands Ltd)

Agent: Roger Beckett

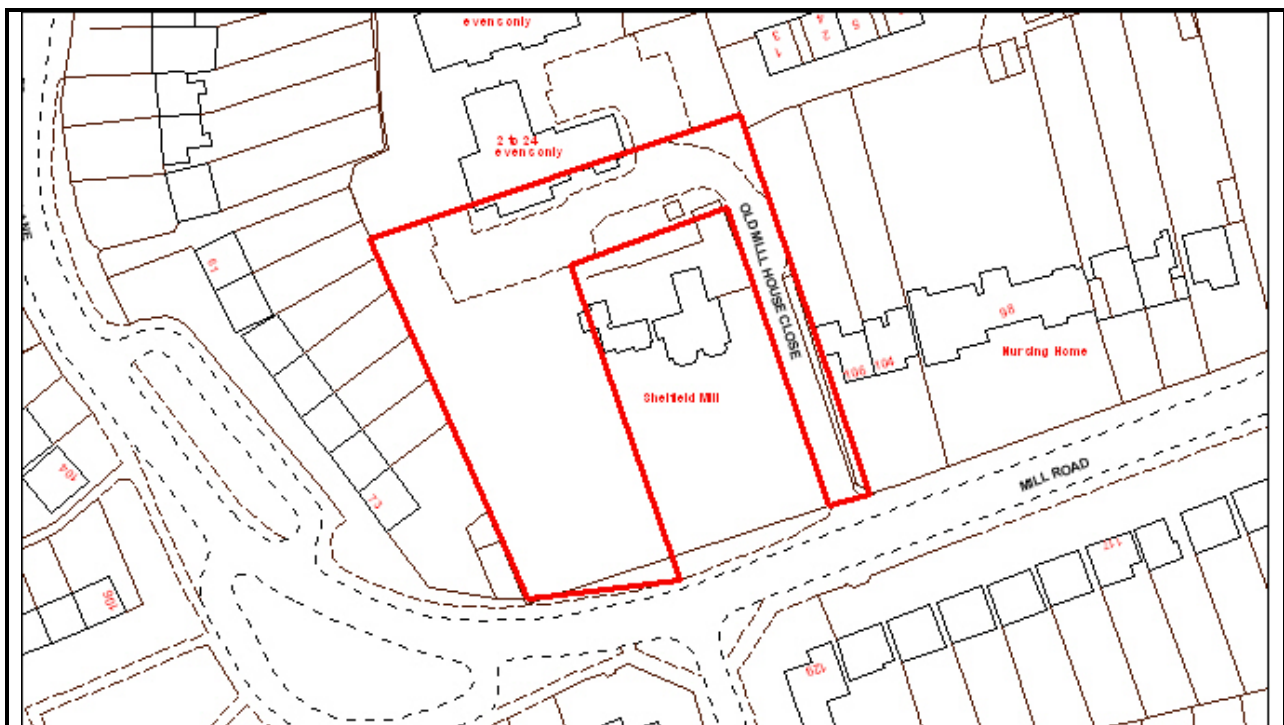
Proposal: Resubmission of 04/0682/FL/E6 (to reduce the number of dwellings from 8 to 6)

Location: LAND AT SHELFIELD MILL
HOUSE 100, MILL
ROAD, PELSALL, WALSALL, WEST
MIDLANDS

Ward: Pelsall

Expired: 17 February 2005

Recommendation Summary: Grant Permission Subject to Conditions following resolution of tree issue and a Section 106 Agreement



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Application and Site Details

The application proposes the erection of four 1-bed. and two 2-bed. dwellings in an almshouse style laid out as a courtyard block externally measuring 23m by 21m, on land to the south east of Shelfield Mill House, a Listed Building. The proposed block would be set in a side and front garden area of Shelfield Mill House, approximately 15m from the Listed Building, and separated from it by a line of trees. The proposal therefore aims to respect the setting of a Listed Building.

The development would be enclosed on the western side by the existing ornamental red brick wall 1.7m high, with the northern boundary formed by a garden wall screening an adjacent car park. The southern boundary would be formed by the road frontage to Mill Lane and set back between 5 and 9m from Mill Lane.

The rectangular, single storey, ridge roof block has a central courtyard void of 10m by 8m with velux roof lights for first floor bedroom accommodation in the roof void. A half-hip roof at gable ends would have triangular windows to provide daylight to the bedrooms in the roof void.

Car parking for 10 cars is proposed as an extended area additional to the existing car park at the front of apartments already erected at the site and to the rear of the Listed Building.

Relevant Planning History

BC 60477P - 11 4-bed, and 2 3-bed detached houses, dismissed at Appeal 11.9.00.

BC 6414P - residential development of 18 apartments, approved 305/02

02/1128/FL/E2 - 18 apartments at the rear of Shelfield Mill House, approved 13/09/02.

04/0682/FL/E6 - erection of 8 apartments grouped around a courtyard, withdrawn 29 March 2004

Relevant Planning Policy Summary

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

Adopted UDP

Policy 3.6- schemes to contribute in terms of layout, design and landscaping ;

Policy 3.20 refers to the safeguarding and economic re-use of Listed Buildings

Policy 6.6 - re-use for housing of previously developed sites, (including 'windfall' sites) will be encouraged;

Policy 6.8 - density will depend on location and character and will need to integrate well into the existing pattern of settlement;

Policy 8.4 requires new developments to provide open spaces or contributions;

Policy H4 gives guidelines in Appendix 2 for the layout and design of residential development and protection of residential amenity.

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

Revised Deposit Draft UDP Review Plan

Policy GP3 - Planning obligations to be used to secure open space provision

ENV11 - development will not be permitted if the health, safety or amenity are adversely effected.

ENV15 - encourages the reclamation of derelict land.

ENV 19 - protection of trees

ENV 29 - refers at (e) to 'enabling development' and the safeguarding of the setting of a Listed Building.

ENV34 (b) considers design and poorly designed schemes will not be permitted.

ENV 35 - refers to good landscape design.

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

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

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

Policy T13 sets out parking standards

Policy LC 1 d) - residential developments will be required to make a financial or other contribution to urban open spaces.

National Policy

Planning Policy Guidance Note 1: General Policy and Principles:

paragraph 13) '*...The appearance of proposed development and it's relationship to it's surroundings are material considerations in determining planning applications...*'

Planning Policy Guidance Note 3: Housing; Aims to achieve more efficient use of land and to increase the density of development;

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

Planning Policy Guidance Note 15 - Planning and the Historic Environment, refers to the need to safeguard the setting of Listed Building as it is often an essential part of their character.

Consultations

Transportation - no objections. Adequate off street parking is provided.

Pollution Control - No observations

Conservation Officer, Environmental Regeneration - No objections in principle. This application represents an increase in the gap between new build and the restored outbuildings. The design is acceptable although samples of materials and type of brick bond should be submitted for approval.

Arboricultural Officer, Environmental Regeneration - The Council has remade the Tree Preservation Order covering this and the site of the Listed Building. The following information should be submitted;

1. a properly detailed tree and landscape survey to BS 5837 standard;
2. An arboricultural implication study, which will include details of 1. and protection measures for all affected trees;
3. Details of levels, including current, proposed and temporary;
4. Details of site access, storage,welfare and mixing fuel areas;
5. Drainage details - sUDS
6. Service details including position of main connection to service.

Black Country Archaeologist - No archaeological implications

Central Networks - no objections

Fire Service - No objections

Drainage - satisfactory

Representations

16 letters have been received objecting on the following grounds;

- Trees protected by a TPO are omitted from the submitted plans
- Local bird life has disappeared because of the felling of the orchard
- Further building work would be overdevelopment, as the original schemes identified this area to be landscaped
- The proposal does not meet the 21.5m guideline for distances between facing windows and differences in levels would make window levels very obtrusive to downstairs and upstairs to an adjacent dwelling
- Roof lights would shine directly into existing buildings
- The proposed car park behind 71 Ford Brook Lane would cause noise disturbance
- The extra vehicles would create even more danger on to Mill Road
- The volume of traffic on the access road, including the construction traffic will cause disturbance, reduce privacy and cause damage to block pavements.
- disruption and inconvenience caused by construction work;
- The proposal will impact on the value of homes, particularly those overlooking the site, where occupiers expected an open aspect.

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

Determining Issues

- The setting of the Listed Building
- Relationship with existing and surrounding development
- Protection of trees
- Access and car parking
- Open Space

Observations

The setting of the Listed Building

The proposed development has been set back some 5m to 9m from Mill Lane road frontage and comprises single storey development with the steep pitch roof of an almshouse appearance. This design and scale is considered compatible with the Listed Building and the siting, set away from Shelfield Mill House, is considered the optimum location.

Relationship with the existing and surrounding development

The proposed development is sited 37m from the front elevation of apartment buildings at the rear of the site and the garden walls for the proposed scheme would be 26m away from the existing apartments, at their nearest point. The adopted guidelines require a minimum

distance of 21.5m between overlooking habitable room windows and the proposal therefore complies with this distance standards.

There would be no loss of privacy because the single storey side elevation of the proposed almshouses would be half-hipped and have a triangular roof light in the apex of the roof, with the ground floor elevation some 17m at the nearest point to the rear elevation of 73 Ford Brook Lane. Furthermore, there is a 1.7m high ornamental wall on the boundary between 73 Ford Brook Lane and the application site that is protected as part of the schedule of the Listed Building. In terms of view from the nearest property, 73 Ford Brook Lane, some 5.7m of the gable elevation of the proposal would appear over the boundary wall, at approximately 18m distant. This complies with the adopted guidelines which require a distance of 13m between overlooking habitable rooms and a blank gable end.

The noise and disturbance caused by building work are able to be controlled by Environment legislation.

The effect of this proposal on value of property is outside of the remit of Planning control.

Protection of trees

A Tree Preservation Order was placed on the site on 18 January 2005 to include trees on the western boundary of the site that had been omitted from the scheme. An amended tree survey plan is awaited at the time of writing the report. Officers will confirm at the Committee the precise position of a protected yew tree in relation to the footprint of the development and measures to ensure that the development does not threaten the future of the tree.

Access and Car parking

There is an existing 16 space car park at the rear of properties fronting Fordbrook Road, set approximately 7m away from the boundary line with rear gardens and beyond landscaping and protected trees. The proposed development would be an extension of the existing car park area, providing 8 spaces for the 6 apartments. The access road to the car park areas has been designed to accommodate two-way traffic as part of the first scheme (02/1128/FL/E2), and Transportation consider the proposal to be adequate. The LPA are unable to control private rights of way and the damage that might be caused to such accesses.

Open Space

The applicant has agreed to enter into a Planning Agreement to provide a financial contribution at a rate of £100 per bedroom, towards the improvement of open space, in lieu of site provision under policy 8.4 of the UDP Review.

Grant subject to conditions following resolution of the tree issue and completion of a 106 agreement

1. This development must be begun not later than 5 years after the date of this decision.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

4. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The landscape scheme shall provide details of the proposed surface treatments for new driveway areas and the treatment of boundaries thereto. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

7. A 1.5 metre high chestnut paling fence shall be erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

Reason: To safeguard the trees identified in the approved plan of the site for retention.

8. The existing soil level shall not be altered within the full extent of the canopy of each tree, group of trees or hedge to be retained or to such lesser distance as the Local Planning Authority agree in writing.

Reason: To safeguard the trees included in the TPO on the site.

9. None of the existing trees on the site shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the trees and or hedges on the site.

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

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

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

Reason: To ensure the satisfactory appearance of the development.

12. The boundary treatment shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained.

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

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

Reason: In the interests of highway safety.

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions to the development hereby permitted shall be constructed without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this 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 3.6 and 3.7, Appendix 2 of Walsall's Unitary Development Plan and Walsall Unitary Development Plan Review Revised Deposit Draft March 2002, policies GP2, ENV19, ENV34 and 35 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 15 February 2005**

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Withnall

Application Number: 04/2719/FL/H5

Case Officer: Owain Williams

Application Type: Full application

Telephone Number: 01922 652403

Applicant: John Peach

Agent: Hephher Dixon

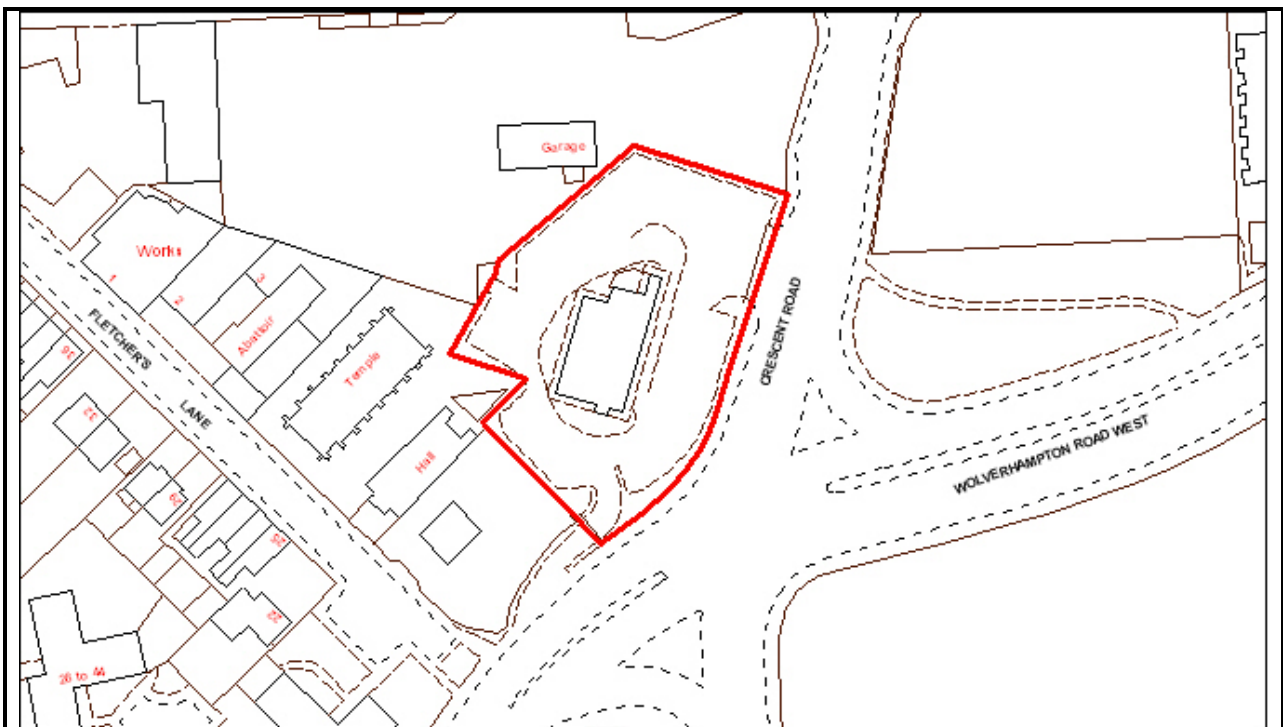
Proposal: Variation of Condition 3 of planning permission BC47210P (to change hours of operation from between 7.30am and 11.30pm to between 6.00am and 12.00 midnight - 7 days a week)

Location: MCDONALDS
RESTAURANT, CRESCENT
ROAD, SHEPWELL
GREEN, WILLENHALL, WEST
MIDLANDS

Ward: Willenhall South

Expired: 25 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The McDonalds Restaurant is located on the junction of Crescent Road, Wolverhampton Road West and Shepwell Green. The area is of mixed use with the nearest residents located on Fletchers Lane.

Planning permission was granted subject to conditions in August 1997 for redevelopment of the then existing petrol filling station. One of the conditions numbered 3 stated

'The premises shall not be open for trading outside the hours of 7.30 am to 11.30 pm on any day'

The applicants seek to amend the wording of this condition to extend the hours of trading from 6.00 am to 12.00 midnight. They state that the restaurant has been operating for some time without causing any amenity problems. The condition numbered 4 of the original planning permission restricting deliveries to outside the trading hours will still apply.

Relevant Planning History

BC47210P - Erection of Restaurant (class A3) with Drive-Thru Facility - Granted permission subject to conditions on 06/08/97

BC51470P - Erection of sign mounted on 6m high pole (resubmission of BC49866P) - Refused consent on 09/06/98

02/1768/AD/E3 - Illuminated double sided advertising unit mounted on a lighting column - Refused consent on 20/12/02 for the reason of an unacceptable impact on the public safety and visual amenity of the area.

04/1374/OL/W3 - Outline: Residential Development to the Holloway's site, Walsall Road (rear of McDonalds) - Delegated report undetermined

Relevant Planning Policy Summary

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

Adopted UDP

Policy S11: Hot Food Take-aways, Restaurants and Wine Bars states that these uses will be appropriate, in principle, in the Town, District and Local Centre and in some shopping and commercial frontages elsewhere, subject to considerations such as:

- The use should not adversely effect the amenities of nearby existing or potential dwellings, by reason of noise, smell disturbance or traffic impact
- The need to impose restrictions on late opening hours, and Sunday opening if near to existing or potential residential property

UDP Review

Policy S10 reiterates policy S11 of the UDP

National Policy

PPG 6 and PPG13 would relate to the development of a restaurant however they would have little relevance to this current application as the development is already established.

Consultations

Transportation - Transportation have no objections to the increase in opening hours however the delivery vehicles need to use part of the car park to manoeuvre, hence the condition requiring deliveries when the restraint is closed. If this condition is varied, there is the potential that HGVs will not be able to manoeuvre due to the presence of parked cars. This will have road safety implications.

It would be preferred this condition not to be varied but if it is, it is suggested an alternate condition to the effect that deliveries are restricted to times when the restaurant is relatively quiet and that staff are required to cone off the appropriate spaces on the car park to ensure the necessary area is available for the lorry to manoeuvre.

Pollution Control - No objections

Environmental Health have the following observations.

No complaints relating to noise or odour nuisance have been received by this division concerning the restaurant however, the extension of the trading period has the potential to create disturbance where it extends into the more sensitive times of the day namely the early morning and late evening, such disturbance may arise from noise from customers frequenting the premises and from deliveries.

A current condition requiring deliveries to take place outside trading hours affects the sensitive hours of the day.

The proposed redevelopment of the Holloway's site in Walsall Road (to the rear of McDonalds) for residential use, in close proximity to the restaurant introduces a further area which will be sensitive to the activities of the restaurant site.

In a Willenhall Area Planning Committee report dated 20th 1998 concern was expressed about 24 hour opening and at a time it was stated there was no indication that they would apply for such permission. This proposal would result in 18 hours of opening and it is therefore more likely that further extensions will be requested in future.

Fire Officer - No objections

Representations

No representations have been received however Councillor Withnall when calling in the application advised that numerous adverse comments have been made to him regarding the restaurant

Determining Issues

The noise and nuisance to residents and implications on the potential site for proposed residential use to the rear of the restaurant

Observations

Noise and nuisance to residents

The restaurant is located on a busy junction within an area of mixed use. Noise will be generated from the road 24 hours a day 7 days a week and with the added noise generated from the other uses, increasing the hours would not increase the noise levels in the area any more than the existing ambient level. The restaurant is located in an isolated position on the junction over 50 metres away from the nearest residential property which would help reduce the impact that noise and nuisance would have upon the amenities of the residents.

There have been no objections to the application to date nor have there been any to the environmental health division with regard to noise or smell nuisance since the restaurant was established in 1997/98. The lack of public interest leads me to believe that the restaurant has been operational without causing a noise or nuisance problem to the nearby residents. Therefore I am of the opinion that increasing the trading hours by the amount requested would not significantly change the impact on the residents or the area.

The delivery times to the restaurant were conditioned to be outside trading hours in the interest of highway safety and to ensure the satisfactory functioning of the development on the original application for the restaurant. This means that deliveries currently can be made at any time between 11.30pm and 7.30am to comply with the condition. If the trading times were to change it is felt that the opportunity should be taken to adjust the delivery times. It is proposed to amend this condition restricting delivery times to the quieter hours during the day e.g. 10am - 12 midday and 9pm - 12 midnight to try and eliminate the potential disturbance from the more sensitive hours of the night.

Transportation Department have suggested that delivering in quieter hours when the car park is at its smallest capacity with a scheme to cordon off an area to allow the delivery vehicle to manoeuvre clear of the highway may be a suitable option.

Although the hours of trading will be increased, during opening hours, I feel that restricting delivery times will give a net improvement to the existing surrounding residents as it will remove any potential disturbances out of the more sensitive hours of the day.

Implications on the potential site for proposed residential use to the rear of the restaurant

Application 04/1374/OL/W3 is a delegated report for Outline permission for residential development to the Holloway's site on Walsall Road and is undetermined. If the application is to be approved it would be because the site is suitable for residential development and that the surrounding commercial uses would not be detrimental to the amenities of the new occupants. It is therefore necessary to bear the amenities of any future occupier in mind at this stage. I am of the opinion that the existing residents would not be adversely affected by the extension of opening hours. Future residents will be subject to the same environment therefore neither will they be adversely affected.

If the application for residential development is refused the site would remain in use for vehicle use. This would not influence the current application to increase the opening hours.

Taking into account the lack of objections along with the location of the restaurant I recommend approval.

Recommendation: Grant Permission subject to conditions

Grant Permission Subject to Conditions

1. That Planning Permission to vary Condition 3 on the previous consent (BC47210P) be allowed, and the condition varied to read:

'The premises shall not be open for trading outside the hours of 6 am to 11.30 pm on any day'

2. The wording for Condition 4 on the previous consent (BC47210P) shall be revised to say the following:

'Before the trading hours are altered, details of delivery times and a method of reserving an area within the site to allow delivery vehicles to manoeuvre clear of the highway shall be submitted and approved in writing by the Local Planning Authority'

Reason: In the interest of highway safety and to safeguard the amenities of the local residents.

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 S11 of Walsall's Unitary Development Plan, and policies S10 of Walsall's Unitary Development Plan Review Draft Deposit, 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
