



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation on
31st August 2005**

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To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 31 August 2005**

REASON FOR BRINGING TO COMMITTEE: Significant community interest.

Application Number: 05/1366/FL/H1

Case Officer: Neville Ball

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Mr and Mrs R Singh

Agent: Nick Massey

Proposal: Conversion of existing garage into room and new detached garage

Location: 12, BODMIN RISE, WALSALL, WEST MIDLANDS, WS5 3HY

Ward: Paddock

Expired: 05 September 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application relates to a semi-detached house that lies on an elevated position on the inside of a bend in the road. The existing garage that lies to the side of the house is to be converted to living accommodation with a window inserted to the front in place of the garage door. A new detached garage is to be built in the corner of the rear garden, lying side on to the road, with access to be gained along the side of the existing garage.

The new garage is to measure 7.5 x 4.0 metres with a hipped roof between 2.5 and 3.9 metres high. A gap of between 1.2 and 3.0 metres will remain between the side of the garage and the back of pavement. The rear of the garage is to back onto the corner of the rear garden of 42 Bodmin Road.

Relevant Planning History

BC25382P. Extension to form double garage, utility room, shower room and w.c. Granted subject to conditions February 1989. Condition 3 required a line of conifers to be retained.

BC27750P. Addition of canopy. Granted subject to conditions November 1989.

These two permissions were not implemented.

A series of applications for first floor extensions were refused between January 1990 and April 2000 on the grounds of being visually intrusive. The most recent was application BC60967P.

BC61447P. Single-Storey Side Extension with Hipped Roof. Granted subject to conditions August 2000. No condition was imposed relating to a tree screen.

BC61937P. Single-storey side extension with pitched roof. Granted subject to conditions November 2000. Condition 4 required the line of conifers to be retained.

04/1753/FL/H1. Removal of condition 4 of planning permission BC61937P. Granted October 2004.

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

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

ENV18: Existing Woodlands, Trees and Hedgerows.

Development will not be permitted if it would damage or destroy trees protected by a TPO unless it would be in the interests of good arboricultural practice. Developers will be required to provide appropriate replacement planting.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

Residential Development Standards

The policies of the RDS apply.

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

British Waterways - No objection.

Arboricultural Officer - No objection to the removal of the conifer hedge for the construction of the garage although a new hedge is requested to provide some green relief to the street scene.

It has come to light that an oak tree covered by a preservation order that was situated in the front garden has been removed. There is no record of permission for its removal. A replacement tree of a suitable species and stature should be provided.

Transportation: The proposal will not alter the parking requirement or access arrangement and is therefore unlikely to have any highway implications.

Representations

Letters and a petition have been submitted from 9 residents of Bodmin Rise, querying if planning permission was granted to move the boundary fence, which originally lay behind the mature estate trees but which now lies at the back of pavement and obstructs the view on the bend. They also ask for an investigation of the application to remove the trees, and query if that application would have been passed if the present application had been included.

The neighbours also object to the current application on the grounds that the proposed garage will be visually dominant and involve the removal of further trees, and they ask that there is no change in the size or roof design of the proposed garage.

The occupiers of numbers 45 and 47 further object on the grounds that the new window in the garage conversion will overlook their property, the bend of the road means that living accommodation will be nearer the footpath than is usual for the estate, the garage will obstruct the line of sight and involve vehicles being driven alongside the footpath, providing a danger to pedestrians, the extent of the development equates to application BC60967P which was rejected and the proposal will devalue their property.

Determining Issues

The determining issues are the impact on the appearance of the area, the amenity of nearby dwellings, trees, and highway and pedestrian safety.

Observations

Appearance of Area.

The proposed garage will lie in a prominent position close to the back of pavement and the garden of the application property is approximately a metre higher than the road. The garage will however lie behind the existing fence which lies at the back of pavement. Although the area to be occupied by the garage was originally open to the street, and the fence has been increased in height since September 2004 by inserting a row of gravel boards along the base, the fence was already in its current position and 1.8 metres high at the time of the applications in 2000. The garage will not therefore worsen the existing openness of the area.

There would be space between the garage and the back of footpath to provide replacement planting to soften the impact of the building.

The hipped roof of the garage would not match the existing gable roofs of the application property or its neighbours, but the provision of a hip would reduce the dominance of the building.

Amenity of Nearby Dwellings

No windows are proposed for the new garage. The conversion of the existing garage and the insertion of a window does not itself require planning permission. The proposed garage would lie next to the corner of the rear garden of 42 Bodmin Road, which contains several mature trees.

Trees

The oak tree to the front of the house appears to have been removed prior to 2000. This is being pursued separately with respect to securing a replacement tree. The committee report for application 04/1753/FL/H1 noted that the removal of the conifers would revert the application property more closely to its original open appearance.

A large maple tree to the side of the property has also been removed since the 2004 permission, but this tree was not the subject of a preservation order and its retention was not a requirement of any planning permission.

Highway and Pedestrian Safety

No change to the existing fence or the vehicle access at the front of the house is proposed. The fence appears to have originally been built without the benefit of planning permission, but it has been in its current position since at least March 2000 and is now therefore lawful. Because the fence was already at least 1.8 metres high, the slight increase in its height that has taken place since 2004 has not worsened highway visibility.

Apart from the fence, the obstruction to highway visibility around the corner is caused by the wall that connects the side of the existing garage to the fence. This wall is to be removed to provide access to the garage.

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: The external surfaces of the development hereby permitted shall match those used in the existing building before the development is brought into use, and shall thereafter be retained as such.

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

3. No development shall commence until details of trees and/or shrubs to be planted between the side of the proposed garage and the back of pavement have been submitted to and approved in writing by the local planning authority. The details shall indicate the species, positions, and sizes at planting. The planting shall be carried out within 12 months of completion of the garage. Any tree or shrubs which dies, is diseased or removed within 5 years shall be replaced within 12 months within a tree or shrub of the same or similar species and size.

Reason: ensure the satisfactory appearance of the development and to comply with policies ENV18, ENV32 and H10 of Walsall's Unitary Development Plan.

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

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

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV18, ENV32, H10, T7 and T13, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. 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 31 August 2005

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 05/1152/FL/W7

Case Officer: Andrew White

Application Type: Full application

Telephone Number: 01922 652492

Applicant: Portland Asset Management Ltd

Agent: Mode 2 Architects

Proposal: 18no new apartments to include 8 two bedroom and 10 one bedroom units and associated parking.

Location: FORMER FILLING STATION, WOLVERHAMPTON ROAD WEST, WALSALL, WEST MIDLANDS, WS2 0XB

Ward: Bentley & Darlaston North

Expired: 14 September 2005

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



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Application and Site Details

The proposal is for the erection of 21 apartments to include 8 two bedroom and 13 one bedroom units, associated parking of 32 spaces and private amenity. This will be arranged with 4 storeys to the corner of Bentley Mill Way and Wolverhampton Road West and 3 storeys to Wolverhampton Road West. The proposed scheme would be of a modern simple clean design of render, brick and wood finishes.

The current site was formerly a petrol filling station and has been cleared. The site occupies an isolated corner position. The ground levels on the site fall in a south westerly direction.

To the north of the application site, across Wolverhampton Road West there are 1950's style civic designed properties with their garden spaces fronting the main road. To the east of the site there are interwar style semi-detached dwellings. To the south of the site are crinkly tin industrial sheds in a storage use. To the west of the site, there is the 'Lane Arms' public house occupying the corner of Wolverhampton Road West and Bentley Road North. To the north west of the application site occupying a corner position are two and three storey apartments.

The density proposed is about 200 dph. Parking is 152%.

Relevant Planning History

02/1168/FL/W3- Outline: demolition of existing petrol station and erection of retail building. Refused 12/9/02

04/0710/OL/W5- Outline: Erection of 14 single bedroom flats including means of access, siting and parking. Approval 10/3/05

Relevant Planning Policy Summary

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

UDP

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

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

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

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

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

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

National Policy

PPS1 delivering sustainable development, PPS3 Residential, PPG13 Transportation, 'By Design' companion to PPG's, Urban Design Compendium, Planning Out Crime circular 5/94, Safer Places- The Planning System and Crime Prevention.

Consultations

Transportation- No objections

Pollution Control- No objections subject to safeguarding conditions

Fire Officer- No Objections

West Midlands Police- No objections subject to developers embracing secure by design.

Central Networks- No objections

Drainage- no objections

Education Walsall- no objections although there is a need for £15,244 towards local secondary school provision

Lifelong Learning - No objections

Representations

None

Determining Issues

- Principle of residential development
- Layout, design, security and safety
- parking / density
- contributions for education

Observations

Principle of residential development:

The principle of residential was accepted by your committee (9/3/05) with the approval of an outline application for 14 units (a density of 140 dph). The current application is a new full application and not a reserved matters application to allow some flexibility in the design of the proposal. The proposal complies with the spirit of PPS1, PPS/PPG3 and By Design a companion to the PPG.

Layout, design, security and safety:

The scheme as originally submitted proposed private amenity space adjacent to the public highway and the car park of the adjacent public house car park, with some additional amenity space to be provided at first floor on a deck over part of the car park. Amenity adjacent to the public house was considered to be an inappropriate position for a number of reasons (little passive surveillance / or overlooking, is exposed to the public highway, also exposed to the proposed car park and therefore would suffer from noise and disturbance).

The revised scheme over comes these issues by amending the shape of the block to create enclosure. The rear decked amenity space creates a terrace across most of the rear of the site. It creates a useable, defensible space

The proposal has a modern clean design and would be finished with rendered block colours, brick and wooden cladding. This is influenced by the neighbouring industrial structures, whilst the scale and mass is similar to the apartments on the opposite corner of Queen Elizabeth Avenue.

Parking / density

The proposal is sited on a major bus route though it is in an out of centre location.

The proposal provides 152% communal parking in line with the guidance in the Unitary Development Plan.

The density of the scheme is high but is comparable to the recent outline approval. It is also appropriate on this site, as the large building buffers the terrace from road noise.

Contributions For Education

Unitary Development Plan policy requires developments to fund improvements to infrastructure such as schools, where the development requires that to be done. A contribution to education has been identified in this case. It requires The preparation of a section 106 agreement, and this is reflected in the recommendation.

Conclusion

The proposed development has good security, surveillance of public spaces and better useable private amenity space. The building with its bold use of colour and materials will create a landmark on a corner of a busy strategic route that has been derelict for some time and could contribute to providing a regenerative start to the vicinity. Whilst recognising that the density of the scheme is high I consider that the proposal is acceptable in this instance subject to safeguarding conditions

The heads of terms for the section 106 agreement are simply the provision of affordable housing.

Recommendation: Grant Permission Subject to Conditions and a Section 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. Prior to any residential development on the site

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

NOTE FOR APPLICANT

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

Reason: To ensure the satisfactory development of the site.

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 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.

4. No development shall be carried out until full details of existing and proposed levels of the site, access way 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.

5. No development shall be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

6. A pedestrian visibility splay of 2.4m x 3.4m shall be provided before the new access is first used. There shall be nothing over 600mm in height within that visibility splay.

Reason: : In order to safeguard the safety of pedestrians using the adjoining highway.

7. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be hard 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. The parking spaces shall have been clearly marked out.

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

8. The vehicular access gates hereby approved under this permission shall be powder coated and colour agreed in writing with the Local Planning Authority. The colour shall be maintained throughout the life of the development.

Reason: To safeguard the visual amenities of the area.

9. The vehicular access gates hereby approved under this permission shall be electronically operated and agreed in writing with the Local Planning Authority prior to installation. Installation will take place prior to the first dwelling being brought into use. The electronic opening system for the gates shall be maintained throughout the life of the development.

Reason: In order to safeguard the safety of users of the adjoining highway.

10. This permission relates to the amended plans deposited on 11/8/05

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 policies GP1, GP2, GP7, ENV12, H3 & H10 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 31 August 2005

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 05/1528/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Westbury Homes (Holdings) Ltd

Agent: Westbury Homes (Holdings) Ltd

Proposal: Demolition Of Existing Buildings
and erection of 33 dwelling house and garages.

Location: WILLIAM BIRD LTD
,Lichfield Road

Ward: Rushall-Shelfield

Expired: 28 October 2005

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



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Application and Site Details

This application proposes a revised layout and additional landscape information following the refusal by Committee of application 05/0269/FL/E4 on 20 July 2005.

The application site is the former Travis Perkins/ Bird's saw mills on Lichfield Road, north of Rushall local centre. The site is currently occupied by disused saw mill buildings and Travis Perkin's Builder's Merchants occupy the site to the north and west. The eastern boundary is Lichfield Road and the rear garden boundaries of 20-38 Lichfield Road; the existing access to the premises has been closed. The southern boundary of the site is a public footpath linking Lichfield Road and Westminster Road.

Access is proposed from Westminster Road, which is to the south of the site. The extreme west of the site is bounded by Ford Brook.

The application is for full planning permission for the erection of 33 dwellings comprising 1 detached dwelling, 3 pairs of semi-detached houses, 6 terraces of 3 units and 2 blocks of 4 terraced units. The 3 storey properties fronting Lichfield Road would be set behind a 5m deep landscaped area, as a terrace of three and a pair of semi-detached dwellings, with the emergency access for the site from Lichfield Road between these blocks of housing. Pedestrian and cycle access for the site would be provided onto the Lichfield Road.

The northern boundary with the adjacent builder's merchants would have an area for tree planting between 4m and 10m in width.

The eastern boundary, at the end of the rear garden boundaries of 20-38 Lichfield Road, is a range of fences with some self-seeded sycamore trees, leylanidii and goat willow on the application site side of the boundary. It is proposed to fell these trees and replant so as to screen between overlooking windows, which would be 30m apart at the closest.

The boundary with Ford Brook has an area 8m in depth and between 13m and 20m long, set aside to remain as a natural habitat separate from the development.

The line of the Anchor Brook culvert has been established as outside the application site.

The applicant has submitted a Flood Risk Assessment, Tree Survey report, Topographical survey, Supporting Design statement, Bat Survey, Ecological Assessment, Noise Climate Report and Geoenvironmental Assessment, a revised Landscape Scheme and additional ecological information. A copy of an Asbestos Survey has been included in the submitted materials.

Lichfield Road is part of the Strategic highway network.

The density of the development is 31 dwellings per hectare and the level of parking provision is at 2 spaces for all units.

Relevant Planning History

04/2269/FL/E4- for 30 dwellings, withdrawn.

05/0269/FL/E4 - for 31 dwellings, Refused on 20 July 2005 for the following reason;

1. The proposed development which fails to provide adequate separation between habitable room windows of facing properties or adequate levels of private amenity space. As a result the proposal would not provide a satisfactory standard of amenity to new residents and constitutes overdevelopment. Additionally the ecological and landscape information for the proposed development is insufficient to demonstrate that the nature conservation value of the site and the Ford Brook corridor in particular, is properly reflected in the development proposals. As such the proposed development would be contrary to the policies GP2 , 3.6, ENV2, ENV22, ENV23, ENV24, ENV 32, ENV39, H10 and the Residential Development Standards of Walsall Unitary Development Plan March 2005, Planning Policy Statement 1 and Planning Policy Guidance Note 3.

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

Unitary Development Plan

Policy GP1 - relates to sustainable development- the location of facilities where they are accessible to everyone and minimise the need to travel.

Policy GP3 states that planning obligations will be used to secure the provision of infrastructure , facilities, services or any mitigating measures made necessary by the development.

Policy 3.6 states that redevelopment schemes should improve the appearance of the Borough.

Policy ENV2- Control of development in the Green Belt. Development proposals should not impact on the character and openness of the Green Belt.

Policy ENV14 is for the encouragement of the reclamation and development of derelict and previously developed land.

Policy ENV 22 - Protected species; development needs to demonstrate no adverse impact on species protected by European law.

Policy ENV 23 - Nature Conservation; proposals must take account of opportunities for nature conservation.

Policy ENV 24 - Wildlife corridors; new development should maintain the integrity of wildlife corridors.

ENV32 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 ENV 39, Renewable Energy - asks applicants to demonstrate their consideration of these issues;

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

Policy H10 states that residential developments should create a high quality living environment, well - integrated with surrounding land uses and local character. Supplementary Planning Document - Residential Development Standards; guidelines set minimum standards. Although failure to comply will not be reason for refusal by itself, it will be a factor in determining whether the proposal would be compatible with the wider character of the area.

The standards for space around dwellings provides:

- Rear gardens to have a minimum length of 12 metres and a minimum area of 68 square metres
- A minimum of 24 metres between all facing windows of habitable rooms of adjacent dwellings....

Policy 8.8 then states that residential developments will only be permitted where adequate school capacity exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

Policy 7.1 seeks to promote an efficient highway network;

Policy T4 - defines the strategic highway network;

Policy T8 - Walking- advocates measure to promote pedestrian links with development and local centres;

Policy T13 advises on the parking provision for cars, cycles...

Policy LC1 d) states that residential developments will be required to make a financial or other contributions which will enable the provision of new, or the improvement of existing, urban open spaces.

National Policy

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

Planning Policy Guidance Note 3: Housing, 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; 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 Group- No objections. Adequate parking provision is provided in accordance with standards, and a condition to safeguard pedestrian visibility is recommended.

The existing access onto Lichfield Road is opposite Winterley Lane. The owner could re-use this for any purpose with the existing use. The use of this access for residential development would create a cross roads, which would be unsafe. The closure of this access onto Lichfield Road represents an improvement in highway safety.

The development will probably double the traffic the traffic using Westminster Road. However, this road is more than adequate to accommodate both the existing traffic and the development traffic. There have been no accidents in Westminster Road or in the vicinity of the junction with Pelsall Lane in the five years to December 2004. The existing road is a cul-de-sac, which will effectively be extended. Consequently, traffic using the road will either be residents visitors and traffic calming measures are unnecessary.

Pollution Control - no objections subject to conditions.

Environmental Regeneration, Natural Environment; No objections. The applicant has submitted a range of documents in support of the evaluation of the ecological circumstances of the site.

Environmental Regeneration, Landscape; recommends a condition securing the long term retention and management of the Ford Brook area and a protective fence for the tree screen.

Education Walsall - advise that, in order to maintain the minimum surplus capacity at secondary level a contribution would be required.

Environment Agency - no objections subject to conditions for a scheme of works to limit surface water run-off, land contamination assessment.

Fire Service - satisfactory access can be achieved with the emergency access from Lichfield Road.

Drainage Section -The alignment of the Anchor Brook culvert has been satisfactorily established as outside of the application site.

CENTRO - no objections

Central Networks - No objection

Representations

13 letters have been received objecting to the proposal on the following grounds;

- Use of Westminster Road for access to the site will impact on highway safety; the use of the road will increase traffic levels in the cul de sac which will impact on Pelsall Road, cause damage to services that are near to the road surface and create a hazard for pedestrians who use Westminster Road as a short cut to shops and the health centre.

Determining Issues

- The principle of sustainability of residential development on this site;
- Design
- Ecological impact
- Access and parking

Observations

Principle of residential development

The principle of redevelopment of the site for residential purposes is acceptable. The site is occupied by a former industrial use, and has an industrial use to the north. Residential development surrounds this brownfield site to the south, east and west. It is close to the Rushall Local Centre and would be served by the bus route of Lichfield Road. Policy H3 describes this type of site as acceptable for development for residential purposes.

Design

The design of the scheme would provide an adequate level of amenity.

The proposed dwellings would be distributed around a central access road, from Westminster Road. The proposed mix of detached, semi-detached and terraced dwellings reflects the character of the house types in the area. The frontage to Lichfield Road would be 3 storey 'Leicester' type with dormer windows in the roof space on front and rear elevations. The scaling of the window form, reducing in size with the height of the house, would mean that this would be acceptable on the road frontage.

The boundary with the builder's merchants at the north would be screened by extensive tree planting and a 2.4m high acoustic fence. It is intended that the tree screen, once established, would be protected by Tree Preservation Order. The tree planting is considered essential to mitigate the impact of the adjoining use and is considered separate from the amenity areas for each dwelling.

The house type 'Dartford', as a full three storey dwelling, is proposed for the western part of the site, adjoining the Ford Brook area. The layout provides for 15m long back gardens. The buffer landscaping is now identified as an additional area to gardens and would be included in the subsequent Tree Preservation Order.

The layout of the proposed development complies with the requirements of Policy H10 and Residential development Standards.

Ecological impact

The issues related to the Ford Brook Wildlife corridor have been addressed. A landscape scheme has been submitted which adequately provides for the wildlife corridor and a management plan will be required by condition and a section 106 agreement.

Access

Westminster Road is considered acceptable in its design for access to the development and traffic calming measures are not considered appropriate at this stage.

Other matters

The pedestrian and cycle access would be an appropriate measure that will play a part in mitigation in terms of air quality.

The trees to be felled on the boundary with properties fronting Lichfield Road would be replaced by trees of species more compatible with a residential environment. The applicant has submitted the appropriate Certificate and is satisfied that the site is within their possession.

Conclusion

A satisfactory access can be achieved from Westminster Road. The proposal adequately provides for spaces between buildings, garden areas and the ecologically sensitive Ford Brook wildlife corridor and bats. The proposed development meets all relevant standards.

Recommendation: Grant Permission Subject to Conditions and a Section 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 other than in conformity with the approved plans and documents, in particular including drawing number 05-65-01, by BEA Landscape Design Limited, dated 08'05, and drawings numbered GA/1 dated Feb 04, ,DE/1, dated Feb 2005, LE/01/BAY, dated Feb 2005, DA/1 Dartford, 'fence details', received on 29 July 2005, L2 Landscaping Layout(indicative), dated July 2005 and (a layout plan remains missing). Additionally no development shall commence until a landscaping scheme, providing for the planting of extra heavy and heavy standards of trees in the buffer planting screen, has been submitted to and approved by the LPA.

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

3. No demolition shall take place and no development shall commence until a landscape plan for the site providing full details of the retention or replacement of existing vegetation in the Ford Brook wildlife corridor, and full details of all replacement planting and habitat creation works has been submitted to and agreed in writing with the Local Planning Authority.

Reason; In order to safeguard the habitat of protected species and the wildlife corridor.

4. 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.

5. No development shall be carried out until full details of existing and proposed levels of the site, access way 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 adjoining the site and marked for retention.

6. Notwithstanding the submitted details, no dwellings hereby approved shall be occupied until the buffer landscaping and acoustic fence, as identified by a green edge in the submitted plans, has been completed. This area shall be maintained as separate from the garden areas of adjoining dwellings.

Reason; In the interests of the amenity of the occupiers of the dwellings hereby approved.

7. 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 that planting is successful so that the Local Planning Authority can protect trees in the buffer landscape zone, and so as to achieve a satisfactory appearance of the development.

8. Demolition and vegetation clearance should be carried out between 1 September and 1 April when bats are least likely to be present and to avoid the bird nesting period. If demolition takes place outside this period a final survey for roosting bats must be carried out in the four weeks prior to demolition. This must be carried out by appropriately qualified and experienced people and must examine all buildings to be demolished. During demolition itself, works shall be overseen by an appropriately qualified and experienced bat worker who will identify sites of potential bat roosts to be dismantled by hand. Demolition shall only take place in accordance with advice provided by this person.

Reason; In order to safeguard the habitat of protected species and the wildlife corridor.

9. No development shall be carried out until drainage details, including the drainage works in the wildlife area and a scheme for the restoration of the wildlife corridor following the construction of the sewer diversion, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme for restoration 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 and the wildlife corridor.

10. 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.

11 Notwithstanding the submitted plans, the access ways, vehicle parking areas and manoeuvring spaces shall be hard-surfaced in materials to be agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the access drives, vehicular turning areas and garage parking have been provided as shown on the approved plans. The areas shall thereafter be retained and used for no other purpose.

Reason: In the interests of highway safety.

12. No development shall commence until a noise survey, 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 residents of the proposed development

13. 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 prior to the occupation of the development and thereafter retained in accordance with these approved details.

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

14. 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 before the occupation of development to establish the degree and nature of the contamination and its potential to pollute the local 'controlled waters'. The remediation measures must be implemented in accordance with the approved details (as referred to in condition 16), to the satisfaction of the Local Planning Authority, prior to the occupation of the development or as otherwise agreed in writing with the Local Planning Authority.

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

15. 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.

16. No development shall take place until the site validation statement, detailing the remedial measures undertaken to address ground contamination, contaminated materials and ground gases, has been approved in writing by the Local Planning Authority, and shall be implemented prior to occupation or as agreed otherwise in writing by the Local Planning Authority. 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.

17. No development or site clearance works shall take place until full details of proposed roosting sites for bats, or other mitigation measures within the proposed development have been submitted to and approved in writing by the Local Planning Authority. No demolition shall take place until the report setting out proposals to accommodate bat has been submitted to and approved by the Local Planning Authority. The recommendations included in the approved report shall be implemented subject to confirmation by DEFRA if a licence is required.

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

18. Notwithstanding the approved plans, a management plan shall be submitted and approved in writing by the Local Planning Authority for the wildlife corridor adjoining Ford Brook.

Reason; In order to protect the sensitive ecological habitat of the Ford Brook wildlife corridor.

19. Pedestrian visibility splays for the proposed vehicular access, of 2.4m by 3.4m should be kept clear of obstruction over 600mm in height from the carriageway level and thereafter maintained.

Reason; In the interests of pedestrian safety.

20. Visibility splays on driveways and access roads of 2m by 3.4m must 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.

21. No development shall be carried out until a protocol to ensure that the immediate surrounding highways are not adversely effected 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 and other cleaning systems), has been submitted to and approved in writing by the Local Planning Authority.

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

22. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details. Such a scheme shall be prepared with reference to the Ground Investigations undertaken for the site.

Reason; To prevent the risk of flooding.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2 and ENV24, ENV32, and H10 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 31 August 2005

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/1271/FL/W1

Case Officer: Bob Scrivens

Application Type: Full application

Telephone Number: 01922 652488

Applicant: J.S. Bloor (Tamworth) Ltd

Agent: J S Bloor (Services) Ltd

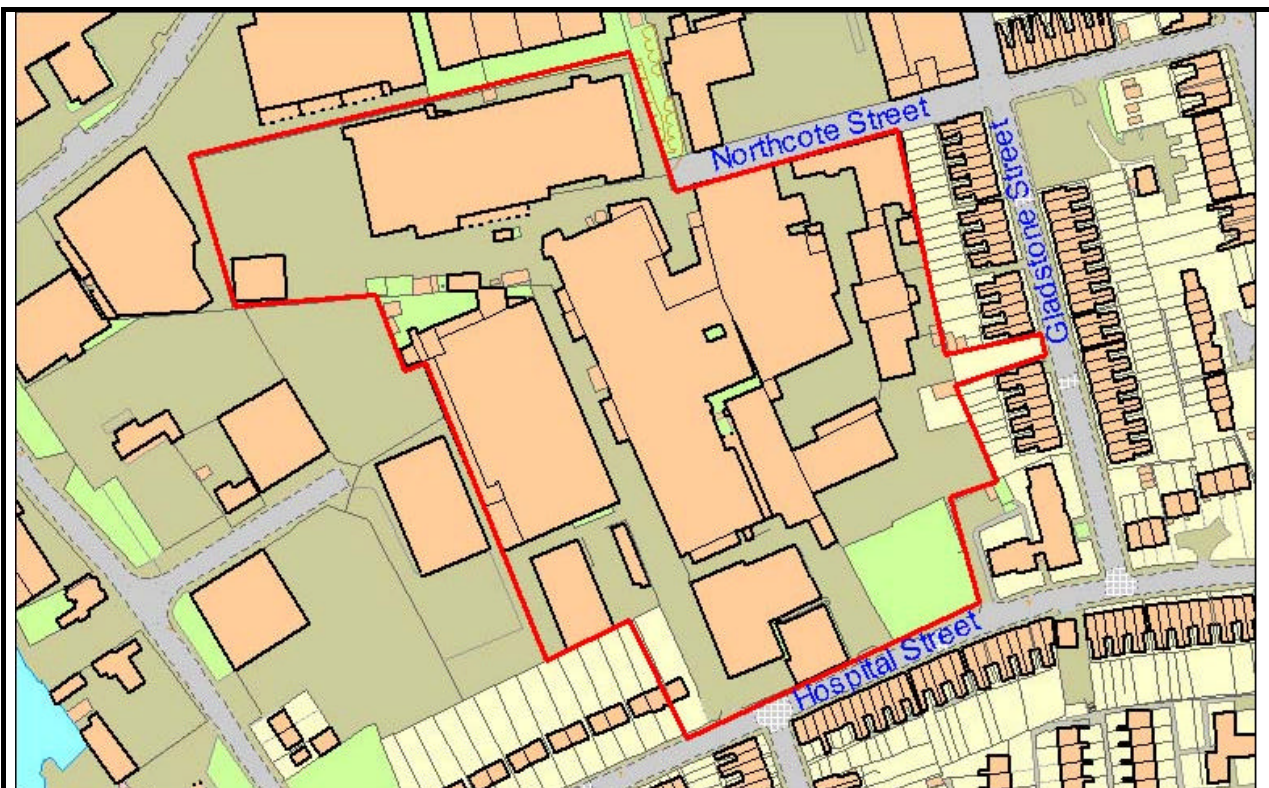
Proposal: Substitution of house types to plots 153-156 & 162 -188 inc and amendments to road 2 turning head - 27 plots (Amendment to 04/0306/FL/W1)

Location: LAND BETWEEN HOSPITAL STREET, NORTHCOTE STREET AND GLADSTONE STREET, WALSALL

Ward: Birchills Leamore

Expired: 22 September 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

There is an approval for 205 dwellings (a mix of houses and flats) on land enclosing this site. The current application is to amend the house types and make modest changes to the layout.

The site is part of a group of old industrial properties north of Hospital Street and west of Gladstone Street. Demolition has started, reflecting the existing permission.

Hospital Street opposite the southern boundary of the site is essentially Victorian terraced houses (physically unaffected by the proposal).

The northern and western boundaries of the site are onto industrial / commercial areas.

Parking is proposed for the dwellings (two per houses).

There is an area of proposed open space in the centre of the site. The roads and visibility splays remain unchanged.

This scheme is not directly affected, but the design of the larger site has had regard to the existence of Stokes Forgings in Northcote Street (adjoining one part of the site boundary). Single aspect flats are proposed, and the car park areas are used to separate the buildings from the site boundary, to increase noise attenuation, by distance. That part of the design was in accordance with the recommendations of a noise study prepared for the applicants.

The current application is to change house types in the centre of the site.

Access to the site is from Hospital Street. The ends of the culs-de-sac in this part of the site are proposed to be revised.

Relevant Planning History

The site has been in use for a range of industrial activities for many years.

In 2001, BC57150P was submitted, seeking outline permission for residential development on a larger version of this site. It was withdrawn early in 2004.

In 2003 another outline application for residential (02/1883/OL/W2) was submitted. It included the site and an additional area of land on the east side of Gladstone Street. The latter was proposed for development (currently a company car park for Stokes). That development would have facilitated the closure of Gladstone Street at its northern end, and relocation of the car park.

The most recent permission for a housing estate (04/0306/fl/w1), has already been referred to.

In addition to this application for amendments, I have an application to amend part of the rest of the site. It will be presented to a future meeting of your committee. (There is no reason in that situation to delay this application - the two are independent.)

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

UDP

The land is designated as a Core Employment area under Policy JP5 in the UDP Review, though this is now only of historical relevance given the housing estate approval..

The Council's Residential Design Standards have been adopted.

National Policy

PPG3 encourages the reuse of previously-developed sites for housing, in preference to greenfield sites, at relatively high densities.

Consultations

Transportation - no objection.

Pollution Control

Site needs to be remediated as on previous application. Acoustic measures as previously defined are still relevant, but do not affect this part of the site.

Drainage - Acceptable.

Central Networks - no objection. Offer advice on safe working practises.

Fire Service - object to the revised road layout..

Wildlife Trust for Birmingham and the Black Country - reiterate their previous comments.

Representations

One occupier of the commercial premises to the northwest (Stockton Close). runs a chilled food operation and is concerned at noise from its refrigeration units having an adverse effect on the proposed dwellings, and similar concerns at their early movements of vehicles. They have chosen their unit to be away from dwellings, to address the nature of their operation, and seek assurances about the new development not having an adverse impact on them. They support the idea of the development, other than in this respect. They have submitted a noises study which concludes there is a risk of nuisance in the north west corner of the site Approval would threaten pressures on them to control their noise output.

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

Determining Issues

I consider that the determining issues in this case are:-

amenity space

the changes made in relation to the previous approval

fire service comments

affordable housing and education contributions

Observations

Amenity space

At the time of the last application on the site, it was UDP policy that residential development should provide amenity space (kickabout areas, open spaces etc.) Council policy is that such provision can be deleted from a development, and replaced by a financial contribution to the improvement of public spaces in the area. The standard arrangement is embodied in a section 106 Agreement, at the rate of £100 per bedroom. Such an agreement was made. The two current developers have arranged payment under that agreement, to simplify the progress on the amendment applications.

The changes made in relation to the previous approval

The applicants seek to substitute their house types for the previous scheme. There are minor changes in layout to achieve this, but overall, the scheme meets the Council standards embodied in the earlier approval.

The introduction of the newer Residential Design Standards has increased some design requirements. These have not been specifically sought in the new application, given the underlying principles of the redesign. However, in most cases those new standards are met or exceeded.

Fire Service comments

The revised roads are shorter. As a result, the distances to the flats are increased, beyond the limits of good fire fighting practise. The developers have agreed to re-instate the roads to the previous distances. Subject to the Fire Service agreeing the revised plans, I have recommended approval.

Affordable housing and education contributions

Policy has moved on since the recent approval of this development. Contributions are now sought for affordable housing and education, where appropriate. Given the very recent approval of this development, without those requirements, I do not consider it is appropriate to impose those requirements on this application, for a minor change to the scheme.

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 commenced until details of existing and proposed levels of the site, access way and floor levels, in relation to land adjoining the site have been submitted to and 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 and functioning of the development.

3. No building shall be commenced until a schedule of facing materials to be used in external walls and roofs, and a statement of which design option has been adopted for the elevations from the available choices for each building, has been approved in writing by the Local Planning Authority.

Reason.

To ensure the satisfactory appearance of the development.

4. No development shall be commenced until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority., The approved scheme shall be implemented within 12 months of any part of the development in that submission 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 noise measures specified on drawing T206_01E submitted under application 04/0306/FL/W1 will be implemented before any of the dwellings affected by, or adjoining, the specified measures (as appropriate) are occupied.

Reason.

To ensure the satisfactory development of the site.

6. (a) No development shall be commenced until a scheme for the provision of storm and foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- (b) There shall be no discharge of foul sewage, trade effluent or contaminated drainage from the site into either groundwater or surface waters, whether direct or via soakaways. Any such drainage shall be discharged to the public foul water sewerage system, subject to the prior approval of the sewerage undertaker.

Reason.

To prevent pollution of the water environment.

7. No development shall be commenced until a protocol has been submitted to and approved in writing by the Local Planning Authority, to ensure that the immediately surrounding highways are not adversely affected by the deposition of materials from vehicles leaving the site. All operations on the site shall comply with the provisions of the approved protocol.

Reason.

To prevent mud etc. being deposited on the public highway.

8. No development shall be commenced on plots 155, 156, or 189 until revised details of plot 189 showing the preservation of pedestrian access to the houses to the north and south of the plot have been submitted to and approved

in writing by the Local Planning Authority. The approved details shall be implemented and completed concurrently with the development of the plot.

Reason.

To protect long established pedestrian access.

NOTE FOR APPLICANT

The Council offers no view on the status of vehicle access to the garages at the rear of the houses to the north of this plot. Protection of that access, in any revised design, will be necessary, if there is an entitlement to vehicle access.

9. Prior to any residential development on the site

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

NOTE FOR APPLICANT

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

Reason.

To ensure the satisfactory development of the site.

10. Prior to remediation works commencing, details of plant required for any crushing and / or grading of brick / concrete shall be submitted to the Local Planning Authority for written approval. The machinery shall be operated in accordance with the approved details.

Reason.

To control the environmental impact of the remediation of the site, to protect nearby occupiers.

11. No construction, demolition or engineering works (including land reclamation, 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 0700 to 1800 weekdays and 0800 to 1300 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 operated on the site outside of these permitted hours.

Reason.

To safeguard the amenity of surrounding residents.

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

Reason.

To prevent pollution of the water environment.

13. Before any part of this development is brought into use, the accessways, vehicle parking and maneuvering areas (including the drives and / or car parking spaces associated with individual houses) shown on the approved plans for that part of the development 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.

Reason.

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

14. Before more than 50 dwellings are occupied on the site of application 04/0306/FL/W1, the raised pedestrian crossing shown on the deposited plans, shall have been installed.

Reason

To assist children crossing the road.

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

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

Reason.

To ensure the satisfactory appearance of the development.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995, or succeeding Orders, no development within Classes A, and E of Schedule 2 Part 1 to the Order shall be carried out to the dwellings on plots 177, 180, 182 or 183, without the prior approval of a planning application.

Reason

To control the provision of extensions on plots where the design of the scheme increases the impact of such extensions beyond normal.

17. At no time will there be any

- extensions to the dwellings proposed on the site,
- garden sheds or any other buildings associated with those dwellings
- any other substantial enclosure comparable to a building associated with those dwellings

erected without the prior approval of a planning application.

Reason.

To control the implications of landfill gas for such structures.

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 JP7 and H3 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 31 August 2005**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 05/1201/FL/E3

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Commercial Development Projects Ltd

Agent: Building Management Services Ltd

Proposal: Proposed Re-Development to Form Open A1 Food and Non Food Retail Units

Location: LAND REAR OF 12-28, HIGH STREET, BROWNHILLS, WALSALL, WEST MIDLANDS

Ward: Brownhills

Expired: 12 September 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application site is within the District Centre of Brownhills. It is on the South western side of the High Street next to the Aldi store. The site is 0.156 hectares. The proposal is to provide seven two storey retail units, three of these would be small units with a total floor space of 1836 sq.ft., 1850 sq. ft., and 1880 sq. ft respectively and four slightly larger units. Two of these units, including the first floor have a floor space of 2900 sq. ft., and the other two having a total floor space of 3900 sq. ft each. The ground floor of the units will be used for retail with the first floors used for storage and staff facilities.

The two storey element facing the High Street will be covered by a pitched roof while the rear single storey element would be flat roofed. The building will be in brick work with a slate roof. The first floor is shown with windows on all four elevations. The first small unit to the east would have an angled frontage. Servicing of the proposed units would take place to the rear in the area behind the three smaller units.

This scheme is overall smaller in floorspace than the one recently approved under planning reference 05/0171/FL/E2.

The agent has advised that the multiple occupiers they are trying to encourage into the town require units of 1800-2500 sq. ft ground floor trading space with storage above. They advise Brownhills is lacking in the larger units that they are creating. A letter from FitzGerald Associates has been submitted providing evidence of interest in these units.

Relevant Planning History

05/0171/FL/E2, Proposed redevelopment to form open A1 food and non food retail units to provide four retail units. Granted subject to conditions 13 May 2005.

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

Unitary Development Plan

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

(b) Maintaining and enhancing our established district centre as the main focus for shopping, services, leisure and most aspects of community life.

Policy 3.6 states that redevelopment schemes should contribute towards the environmental improvement of the area.

Policy GP2 all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment.

Policy ENV32 states that poorly designed proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in District Centres.

(b) when assessing the quality of design of any development proposal, the appearance of the proposed development, the height, mass of proposed buildings, materials, integration and co-

ordination of buildings and external space, community safety, visual relationship and the proposed development with adjacent areas, effect on the local character, vehicular and pedestrian movements.

Policy 3.116 states that Good design should be a feature of all development.

Policy S2 identifies Brownhills as a District Centre.

Policy S3 states that proposals should be of a scale and nature appropriate to the size and function of the centre concerned to ensure the proper integration.

Policy 5.29 states that it is important that all developments within centres are carefully integrated into the existing urban fabric, both visually and functionally, so that they function properly as part of the centre as a whole and contribute positively toward the local townscape.

Policy S4 states that the Council will seek to sustain and enhance the range and quality of shopping and other town centre uses, which these centres provide. Furthermore that in some centres there is scope for an increase in these uses, which would help those centres maintain their vitality and viability. All new developments should be attractive for modern investment and it is considered that, provided that they are acceptable in design and other terms, the creation of larger units should be encouraged.

Policy BR8 identifies the application site as an opportunity for retailing development.

Policy BR13 brings attention to the pedestrian route identified on the inset map to run down the east of the site from the High Street to Silver Street.

National Policy

Planning Policy Statement 6: Planning for Town Centres supports retail development within District Centres. Paragraph 1.3 states 'key objective for town centre is to promote their vitality and viability by planning for growth and development of existing centres: and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all'.

Consultations

Pollution Control - No objection but raise some concerns about the potential for land contamination due to previous industrial activity in the area. Additionally they are concerned that the demolition and redevelopment of the site may impact upon existing uses on surrounding land. Conditions have been recommended to address these issues.

Transportation - There are no transportation objections to the proposal and are satisfied with the turning facilities however they would resist any future extensions of the units as this may lead to an intensification in use of the service road leading to the application site. The bin store may need resiting if the Council were to be involved in collecting the refuse.

Environmental Health - No observations

Urban Regeneration - Note the reason for the number of retail units is supported by the statement from J Marshall Esq. Consultants and raise no objections with the size or massing of the buildings. The relationship with the street is acceptable although some concern is

expressed regarding the servicing and the location of the Bin Storage. Concern also raised over the creation of an alleyway between the new building and Aldi and more sensible approach to avoid this feature is desirable without compromising the proposal.

Physical Regeneration - generally support the proposal in principle which will assist the regeneration of this part of Brownhills Centre.

Necessary to resolve the issue of rear servicing of the units. An increase in the number of individual units could increase the number of service vehicles detrimental to the functioning of the rear service area.

Strategy - The current application is, supportable because it proposes retailing within the centre of Brownhills, but it proposes that an increased number of smaller retail units within a similar, slightly smaller, footprint to that approved previously.

UDP Policy S4(b) generally encourages the creation of larger shop units in existing centres, and the change to more, smaller units, would appear to run counter to this. The change, compared to the previous scheme could give cause for concern in a context where (as reported by the New Economics Foundation - 'Ghost Town Britain') the demand for shop units in centres like Brownhills is declining nationally, whilst more specific research (Focus / EGi) indicates that expressed demand is limited locally. In addition, the creation of more units means that several of them would appear to depend on a very constrained service access that might deter traders from taking up units within the scheme.

The applicants have sought to respond to such concerns. They have made the point that the units proposed are larger than many of the existing units in Brownhills. They also refer to a letter from their agents that indicates '*dialogue*' with retailers is at an advanced stage in respect of four of the proposed units whilst several other multiple retailers have '*expressed interest*' in the scheme.

It appears there has been a potential problem with regard to the servicing of some of the shop units and I think that such a problem needs to be resolved so that the strategy to encourage investment in the centre of Brownhills is not put at risk.

Fire Officer - No objection.

Drainage - There is a Severn Trent Water sewer very close to the back corner of the site.

Waste Management - No objection to the siting of the proposed bin area, providing the area leading to and including the bin area will be a hard standing surface.

West Midlands Police - The upper floor rear windows can be accessed from climbing onto the lower floor roof. Recommend a number of crime preventative measures.

Central Networks West - No objection. Central Networks has network within close proximity to the proposed development. The applicant has responsibility to ensure that he has up to date plans available during any site activity.

Awareness of responsibilities as outlined in the Health and Safety Executive documents.

Representations

None

Determining Issues

The determining issues are:

- a) Whether the principle of the development would be acceptable
- b) Whether the proposal would have any detrimental impact on the amenities of the area and neighbouring occupiers.
- c) Design
- d) Access and Servicing arrangements

Observations

The principle of development

The proposal seeks to erect medium sized retail development within a district centre upon a site, which is identified for this purpose.

The previous application for retail redevelopment here was supported in principle, because it accorded with planning policies to direct investment to sustain and enhance the existing centre of Brownhills and to maximise accessibility in relation to the local catchment.

This current application is also supported because it proposes retailing within the centre of Brownhills, but it proposes an increased number of smaller retail units within a similar, slightly smaller, footprint to that approved previously. Policy S4(b) generally encourages the creation of larger shop units in existing centres, and the change to more, smaller units, would appear to run counter to this.

The applicants have sought to respond to such concerns. They have made the point that the units proposed are larger than many of the existing units in Brownhills. They also refer to a letter from their agents that indicates '*dialogue*' with retailers is at an advanced stage in respect of four of the proposed units whilst several other multiple retailers have '*expressed interest*' in the scheme. Whilst this falls some way short of showing that the development will actually be let, this is mainly a matter of risk for the developer.

Although the proposal does not wholly comply with Policy S4(b), it is considered that this commercial risk would not justify refusal of planning permission. They are of the opinion that it will sustain and enhance the centre.

Impact on Amenity

The dilapidated buildings, which previously occupied the site have been demolished, the site is currently vacant. The proposed two storey pitched roof development would visually enhance this part of High Street, as the proposed building will be constructed out of brick with a slate roof. This scheme is similar to that approved previously, and it appears that the proposal would have no detrimental impact on the amenities of neighbouring site occupiers, which are predominantly commercial.

Design

The design of this scheme in comparison to the previous approved scheme is slightly different; in that each of the retail units have their own entrance from the High Street and a shop front window display area. The units fronting the High Street have centrally located

doors with large window display areas either side and a window panel above the fascia. The unit on the eastern side has smaller window display areas either side with a separate larger display area, with a fascia above.

The design details on the front elevation include a vertical soldier course above the windows, with mock sash windows and stepped brick courses at first floor level. All doors and windows are to be constructed out of aluminium and powder coated. Details of the colours have not been provided, however a condition to this effect can be attached.

The windows at first floor level at the rear of the premises, over the flat roof area have been deleted and these have been replaced with velux windows on the rear elevation. A security steel door on the rear elevation has been added for access to the flat roof. Furthermore, razor tape at first floor level has been included, details of which have not been provided and a condition is included in my recommendation.

It is considered that the design of the development here is acceptable and in keeping with commercial buildings in the immediate area.

Access and Servicing arrangements

Servicing of these units will be to the rear of the premises, via Ferrie Grove, which is also used for serving other units at Ravens Court and access to the Aldi car park. To the south of Aldi car park there is an access road to the rear of the premises of Ravens Court and to the application site. The application is replacing retail units with no existing parking.

The turning facilities for the site are acceptable, however, any future extensions of the units, would be resisted, as this is likely to lead to a significant intensification in use of the service road leading to the application site. Furthermore, Waste Management have advised that they have no objections to the proposed siting of the bin area, and the agent has confirmed that the bin store areas will be on hard standing. Therefore, the potential problem with regards to the servicing of the retail units have been addressed, and the proposal would encourage investment in the centre of Brownhills.

Other Issues

The alley way between Aldi and the application site is an existing access route to the car park of Aldi to the rear of the application site. However, the development would run the full length of the neighbouring building, Aldi. This development being two storey, fronting the High Street with a single storey element to the rear would enclose this alleyway further. It is considered that lighting along the wall forming the boundary with this alleyway should be incorporated into the design of this side wall to light the alleyway, creating a safer environment for pedestrians using this pathway to access the High Street.

Conclusion

It is considered that the proposed retail development would be a positive benefit to Brownhills, both economically and in respect of bringing vitality to the centre and in terms of its visual appearance. Furthermore, the principle of development has already been accepted here, by the granting of planning permission of a recent retail scheme. Subject to conditions it is considered that this scheme can also be supported.

Recommendation: Grant Permission subject to conditions

Recommendation

That planning permission is granted subject to the following 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) The works hereby approved shall only be carried out as shown on drawing numbers M2280/16/A submitted on 18th July 2005, M2280/17/A submitted on 13th June 2005, M2280/18/A submitted on 19th June 2005, M2280/03/G submitted on 9th August 2005 and the location plan submitted on 13th June 2005.

Reason: To ensure only the approved works are implemented.

3) This development shall not be carried out until samples of the facing and roofing materials to be used have been approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

5) No development shall be carried out until a ground contamination survey and site investigation survey has been submitted to the Local Planning Authority. The surveys shall be undertaken having regard to the advice and guidance contained in British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; 'Guidance on the Assessment of Contaminated Land' and The Contaminated Land Exposure Assessment (CLEA) model. When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 10.

Reason: In the interest of health and safety.

6) No development shall commence on site until a copy of any ground contamination survey and site investigations survey, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination shall be submitted to the Local Planning Authority within One calendar month of completion.

Reason: In the interest of health and safety.

7) No development shall take place until remedial measures to address ground contamination and ground gases have been approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented.

Reason: In the interests of health and safety.

8) Details of the shutters on the shop front and rear elevations shall be submitted to and approved in writing by the Local Planning Authority before any shutters are erected. The proposal shall then be constructed and retained in accordance with these approved details.

Reason: To protect the visual appearance of the area.

9) No development shall commence on site until details of the external finish of the windows and doors and materials to be used in the construction of the windows and doors have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory appearance of the development.

11) No development shall commence on site until details of the hard surface area around the bin store have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

Reason: To ensure satisfactory development of the site.

12) Notwithstanding the notations on the submitted plans, no development shall commence on site until details of a anti climbing device, to be installed at the rear of the premises, has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: In the interests of highway safety.

14) No external lighting shall be installed unless details are first submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented.

Reason: To ensure satisfactory development of the site and in the interests of light pollution.

15) The development shall not be brought into use until a lighting scheme for the alleyway between the development site and Aldi has been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented and maintained at all times.

Reason: To ensure satisfactory development of the site and to create a safer environment.

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 2.2, 3.6, GP2 ENV32, 3.116, S2, S3, 5.9, S4, BR8 and BR13 of the development plan, in particular policies JP7 and H3 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 31 August 2005**

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Oliver

Application Number: 05/1233/FL/E7

Case Officer: Owain Williams

Application Type: Full application

Telephone Number: 01922 652420

Applicant: Mr. Joynal Islam

Agent: Mr. Joynal Islam

Proposal: Change of use to hot food takeaway (A5).

Location: 600, BLOXWICH ROAD, WALSALL, WEST MIDLANDS, WS3 2XE

Ward: Blakenall

Expired: 24 August 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for the change of use to a hot food takeaway.

The building is located on the Bloxwich Road within the local centre of Leamore and is currently vacant. The shop is located within a row of shops which consists of a post office, pharmacy, sandwich shop, and furniture shop.

The proposed take away will be approximately 50 metres away from the junction of Harden Road and Leamore Lane. There are two public houses located on this junction either side of Harden Road. Opposite the proposed take away is a parade of 10 shops with car parking to the front. Within this parade there are 3 hot food take aways with another 4 in and around the local centre of Leamore.

Relevant Planning History

None

Relevant Planning Policy Summary

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

UDP

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment.

GP4: Local area Regeneration

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

II. Help to sustain established centres

IV. Help bring forward derelict, vacant or underused land and buildings for new uses.

S2: The Hierarchy of Centres

(c) The Local centres - Their main function is to meet the day to day convenience shopping and local service needs of their communities. These centres often have a special importance for certain sections of the community, such as ethnic minorities and the elderly.

S5: The Local Centres

(a) The boundaries of the Local Centres are drawn tightly to concentrate investment and within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged.

S10: Hot Food Takeaways

These uses will be appropriate in the Town, District and Local Centres subject to the following considerations:-

- I. The use proposed must not adversely affect the amenities of the existing or proposed dwellings by reason of noise, smell, disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.
- II. Where the Council is minded to grant planning permission, the closing time for hot food take aways will be considered in relation to the amenities of nearby dwellings. Conditions can be imposed on the permission stating opening and closing times
- III. Permission will not be granted where the absence of adequate off street parking would be likely to lead to on street parking in a hazardous location.
- IV. Permission will only be granted where ventilation and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment would not be detrimental to visual amenity.

T13 Parking Standards

C. Retail Development

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

Consultations

Transportation - No objections to the proposal subject to the imposition of conditions restricting opening hours to between 18:00 and 23:00hrs when the majority of other premises will be closed

Pollution Control - No observations

Environmental Health - object on the ground that there is the means of odour nuisance to occur of which would affect the domestic properties above the proposed take away.

Fire Officer - No objections

Representations

There have been four letters of objection to the proposed use and also 2 petitions containing 146 signatures. The main general consensuses of objections are the following:-

- The area is already very well served by existing hot food take aways
- It will create more pollution both noise and litter
- Anti social behaviour will be encouraged
- Environmental issues regarding odours
- Parking and traffic problems

A petition of support from potential customers was submitted with the application which consisted of 73 signatures.

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

Determining Issues

The determining issues are:-

- The impact on the area
- The impact on the neighbouring amenities
- The impact on highway safety (parking)

Observations

The impact on the area

The proposed take away would be located within a Local Centre which in itself is busy with regards to both the small shopping parade and through road. The addition of the take away would bring a derelict vacant building into use improving the street scene. The addition of a take away into this part of the Local Centre is supported in principal. Although there are other take aways in the area of Leamore the use is more suited to this area than any other outside the centre.

The impact on the neighbouring amenities

The nearest residential property to the proposed take away would be the flat above the shop and the other flats along the top of the row of shops. These neighbouring residents to the proposed take away already have 2 public houses, 7 take aways and a busy junction all within 200 yards of each other. It is therefore considered that the proposed development would not generate additional levels of noise, anti social behaviour and potential litter levels above the relatively high existing levels already within the area. The impact that the take away may have on the neighbours by means of the odours can be minimised with the installation of appropriately designed filters and other measures which would reduce the odours that are released. The position of the flue and extraction system on the submitted plans is unclear so full details would have to be submitted and approved in writing to avoid any potential negative impacts on the neighbouring visual amenity. It is considered that the amenity of neighbours will be further safeguarded by the restriction of opening hours to 11pm and with the facility being closed on Sundays.

The impact on highway safety

The proposed take away is located approximately 50 metres away from a junction which in peak times is very busy. Parking outside the take away during these times, where there is no allocated spaces would cause a hazardous danger. The transportation section have stated that the parking issue in general is not a major concern as the take away is located within a Local Centre which is well served by public transport and where there are parking spaces available within the centre itself. With regard to the proximity to the junction it is suggested that the opening times are restricted until after 6pm so to avoid the peak times of traffic. By

this time other shops would have closed freeing up parking spaces opposite allowing customers of the take away to park elsewhere.

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. The premises shall not be open for business outside the hours of 1800 to 2300 Mondays to Saturdays and shall not be open at all on Sundays

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

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

Reason: To safeguard the amenities of the occupiers of nearby adjoining residential 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 GP2, GP4, S2, S5, S10 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. If the application is 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 31 August 2005**

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Towe

Application Number: 05/1318/FL/H4

Case Officer: Jenny Townsend

Application Type: Full application

Telephone Number: 01922 652485

Applicant: Mr and Mrs D Middleton

Agent: John R Bradbury

Proposal: Alterations and extensions to front,
side and rear of property

Location: 5, LONGWOOD
LANE, WALSALL, WEST
MIDLANDS, WS5 3AT

Ward: Pheasey Park Farm

Expired: 25 August 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for ground and first floor extensions to either side and to the rear of a detached house, together with a canopy and two-storey bay to the front. The extensions are to enlarge the existing rooms and increase the total number of bedrooms from three to four.

The existing design of the house has the roof sloping down to either side and the front to be level with the top of the ground floor, with two gables projecting to the rear. There is a large single-storey section to the rear and the side nearest the neighbouring house number 7. The extensions are to involve building over the single-storey section, enlarging the roof areas to either side and the gables to the rear, and adding a third rear gable.

There is currently a 2.6 metre gap between the side of the main part of the house and the boundary with the adjoining house number 3, and a 1 metre gap between the side and the boundary with the house on the opposite side number 7. Number 3 has a garage to the side along the boundary. Number 7 has a 1 metre gap to the side, with kitchen and bathroom windows on the side elevation, and a single-storey projection to the rear close to the boundary with number 5.

The extensions will retain a 1 metre gap to the boundary with number 3. The current submitted plans show the gap to the boundary with number 7 to be infilled, but the front corner of the roof on this side is to continue to slope down to the top of the ground floor, reflecting the shape of the existing roof. Amended plans have been requested to retain the existing gap along the side next to number 7.

The enlarged gable to the rear nearest the boundary with number 3 is to be in line with the existing ground floor of the application property. The gable on the opposite nearest to number 7 is to project 0.5 metres beyond the existing ground floor. The gable in the centre of the rear elevation is to project 4.1 metres beyond the existing ground floor. The current submitted plans indicate a conservatory to be attached with the end of the centre gable, but amended plans have been requested to omit this conservatory.

Relevant Planning History

Four planning applications for single and two-storey extensions were granted between 1991 and 1998, although the first of these was not implemented.

Application BC51575P, for the erection of study at side and rear with 2-storey side extension above & balcony at first floor at rear, was refused January 1998 on the grounds that the extension would be out of keeping with the design and appearance of the existing house and the character of the wider area, with a reduction in the gap to the adjacent dwelling, and the proposed balcony would be detrimental to the privacy of number 7.

The current application is an amendment to application 05/0166/FL/H4, which was refused in March 2005 on the grounds that the proposed extension would be out of keeping with the design and appearance of the existing dwelling by introducing a hipped roof to the side near the adjoining house number 7 in place of the existing sloping roof and with the roof of the first floor section near number 3 appearing detached from the rest of the house, and the reduction in the width of the gap at first floor level to the boundary with number 7 would be detrimental

to the character of the area, which comprises detached house with mainly generous gaps between houses at first floor level, and open Green Belt land to the front and rear.

This application was to be similar to the current proposal, except that 05/0166/FL/H4 proposed a full height roof on the side next to number 7, the roof over the part of the extension nearest to number 3 was to be independent of the main roof of the house, the bay to the front was to be single-storey only, and no front canopy was proposed. The central two-storey gable to the rear was only proposed to project 2 metres from the existing house, but the conservatory was to project 4 metres.

Relevant Policies

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

T7 - Car Parking

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

Residential Development Standards

These include a 45 degree code to assess the impact of extensions on neighbouring dwellings.

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

None

Representations

The occupiers of 7 Longwood Lane have objected on the grounds that the rear extension is significantly larger than in the previous application and will intrude on their property, the closing of the space between the two houses will create an almost terraced house effect, and concern that if the application is approved further applications will be made to add a patio door to the master bedroom and then a conservatory, which will remove their privacy.

Determining Issues

The determining issues are whether the design of the extension would be compatible with the existing dwelling and the character of the wider area, the impact on the amenities of nearby residents, and parking.

Observations

Design and Character of Area

The extensions will retain the asymmetric shape of the existing house when viewed from the front. The rear part will substantially enlarge the house, but the proposed gables will reflect the existing gables and will allow the elimination of the existing large areas of flat roof at ground floor level.

The area contains a wide variety of house designs and the extensions would keep this variety. There are gaps of different widths between houses at first floor level. In particular, number 7 has 1 metre gaps to either side. Number 7 has a totally different roof shape to number 5, with a ground floor section that projects over 2 metres in front of the application property. The reduction in the height of the roof over the proposed extension next to number 7 compared with the previous application means that this part of the reasons for refusal of the previous application has been overcome.

The requested amended plans would retain the existing gap at ground floor level to the boundary with number 7.

Impact on Amenity of Neighbouring Dwellings

The rear of the extension nearest the boundary with number 3 is to project approximately 3 metres beyond the rear of number 3, but the nearest part of this property comprises a garage. Number 3 also lies to the south. The central part of the rear extension will project a further 5.5 metres, but this section will lie 5 metres from the boundary and will have little impact on number 3.

The rear part of the extension will be screened from the rear part of the ground floor of number 7 by the single-storey rear projection to number 7. The part of the extension nearest the boundary would project 2 metres beyond the rear of the two-storey part of number 7, but would comply with the 45 degree code in relation to the neighbour's bedroom. The central part of the rear extension would, at a length of 5.5 metres measured from number 7, project further than that proposed in the previous application, but it would lie 6 metres away from the rear bedroom window to number 7.

The side part of the extension would cause loss of light to the side-facing kitchen window at number 7, but this window already faces the single-storey part of number 5. The window is only a secondary one to the room concerned. The main source of light is a rear-facing patio door. The requested amended plans would set the extension away from number 7.

Parking

Much of the front garden is already hardsurfaced with space for parking at least 3 cars even without the use of the garage.

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: The external surfaces of the development hereby permitted shall match those used in the existing building before the development is brought into use, and shall thereafter be retained as such.

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

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

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

4: This permission relates to the amended plans deposited on

Reason: To define the permission.

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

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

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