



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning and
Transportation on
30th March 2005**

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To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 30 March 2005**

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 04/2708/FL/E6

Case Officer: Sally Morton

Application Type: Full application

Telephone Number: 01922 652429

Applicant: M & T Homes Ltd

Agent: KRT Associates

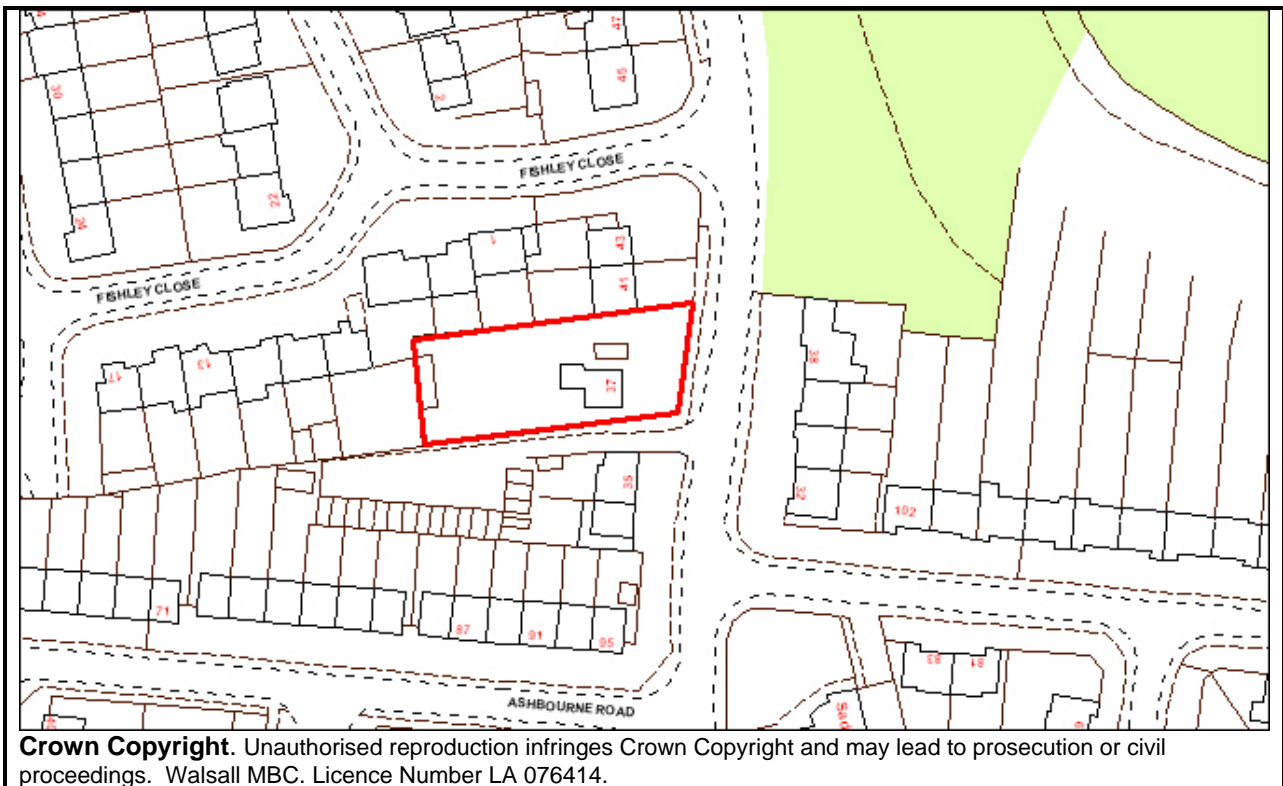
Proposal: 4 Two Bed Apartments, 1 Three Bedroom Duplex, 1 Three Bed End Terrace

Location: 37, FISHLEY LANE, BLOXWICH, WALSALL, WEST MIDLANDS, WS3 3PY

Ward: Bloxwich East

Expired: 18 February 2005

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



Application and Site Details

The application is for full permission for the demolition of an existing derelict detached dwelling and erection of a building 9.1 metres high to provide three two-bedroom flats, a duplex (split-level) three-bedroom dwelling, over three floors, and a 2 storey dwelling with three bedrooms on the side, adjacent 41 Fishley Lane. Ten parking spaces proposed at the rear of the site, accessed from a new driveway which runs to the side of 41 Fishley Close. The house and duplex dwelling are shown with gardens to the rear, while an amenity area would be located to the rear of the block for the flats.

The application has been amended in light of the consultation responses received, which are reported below. The building has been reduced in height, and car parking and access arrangements improved. Neighbours have been notified of the amended scheme. The period for receipt of representations expires 18th March. Any further comments will be reported to committee.

Relevant Planning History

04/0257/OL/E4 outline planning application for the demolition of the existing dwelling and the erection of 6 new dwellings was withdrawn by the applicant.

04/2252/FL/E2 application for 3 houses and 3 apartments. Refused 15th October 2004. The reasons for refusal were due to the cramped nature of the development, inadequate amenity space, loss of privacy and insufficient parking provision.

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

Walsall Unitary Development Plan

Policy GP2 aims to ensure no adverse impact on the environment by way of visual appearance, overlooking, loss of privacy, and the effect on day light and sun light received by nearby property, and adequacy of parking facilities

ENV32 poor design which fails to take account of context and surroundings, will not be permitted.

H3 encourage the provision of additional housing through the re-use of brownfield previously developed windfall sites.

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

Policy H10 create a high quality living environment, well - integrated with surrounding land uses and local character with good design set out in Policy ENV32

Policy LC1 d) residential developments required to make a contribution to enable provision of new, or improvement of existing, urban open spaces.

Government Policy

Planning Policy Statement 1: Delivering Sustainable Development, emphasises need to reject poor design.

Planning Policy Guidance Note 3: Housing, promotes sustainable development and better use of previously developed land. It promotes the need for good design in new housing developments. Promotes efficient use of land and density increase. Consideration of design and layout must be informed by the wider context.

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

Consultations

Transportation have no objections to the proposal.

Pollution Control request that a condition is imposed to restrict the time that work can be carried out in relation to the development. It requests that it should be limited to 07:00 to 18:00 on weekdays, and 08:00 to 13:00 Saturdays, with no works on any Sunday, Bank Holiday or Public Holiday.

Drainage comment that the application is satisfactory.

West Midlands Fire Service comment that the access for fire appliances is satisfactory.

Environmental Regeneration: Landscape and Conservation have no objections to the proposal.

Representations

Nine letters have been received objecting to the original proposal on the following grounds:-

- a) Over development of the site.
- b) Three storey high and siting of building is not in-keeping.
- c) Loss of privacy and overlooking.
- d) Loss of daylight.
- e) Extra traffic generated by proposal will cause a hazard.
- f) Sewerage capacity.
- g) Boundary treatment.
- h) Concerns about heights of trees.

A further four letters have been received to date on the amended scheme on the following grounds:-

- a) parking arrangement being adjacent boundary wall to rear of site
- b) proposed tree roots would damage wall foundations.
- c) not in keeping.
- d) loss of privacy
- e) loss of light
- f) road congestion and safety

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

Determining Issues

The determining issues with regard to this application are :

- 1) Whether the proposed development would be in character with the surrounding area.
- 2) Whether the proposed development would provide a satisfactory living environment for its potential occupiers, while preserving the amenities of the neighbouring residential occupiers
- 3) Access and parking
- 4) Other material considerations

Observations

1) Whether the proposed development would be in character with the surrounding area

The general area is characterised by residential development in the form of predominantly 2 storey attached and detached dwellings located along inter connecting roadways and within cul-de-sacs, with the residential units positioned fronting the streets and pathways. The style of properties vary in the area, however there is a distinctive set pattern and spacing of development. The proposal shows the dwellings 9.1 metres in height, over three floors with the top floor accommodated in the roof space. This is considered to be acceptable in terms of character with the spacing and pattern of development in the area.

The terraced dwellings are also shown set forward of the neighbouring dwelling by 1.5 metres adjacent 35 Fishley Lane, but are in line with 41-43 Fishley Lane. The gabled end adjacent 35 Fishley Lane would appear prominent, however in terms of the street scene would be read in conjunction with 35 and therefore would be partly obscured, particularly given that 35 Fishley Lane is slightly higher than the application site, by some 0.7 metres.

2) Whether the proposed development would provide a satisfactory living environment for its potential occupiers, while preserving the amenities of the neighbouring residential occupiers

The proposal shows adequate amenity space for the house an area measuring 13 x 4 metres, and there is provision of an area approximately 100 square metres of amenity space for the flatted development. It is considered that this provides a satisfactory amenity area.

The residential development with living accommodation in the roof are shown at just over 25 metres separation distance to the properties across the road (36 Fishley Lane) and over 40 metres back to back, which is well above standard.

3) Access and parking

The proposal provides ten parking spaces, against a requirement of 9.5, therefore it would provide sufficient parking spaces, meeting the requirements of the UDP. It is recommended that the parking is conditioned to be retained in its proposed form to ensure that there is adequate parking maintained for use and to ensure that no adverse impacts occur to the detriment of highway safety or the amenity of neighbouring properties. Furthermore, by landscaping condition, screening will have to be provided along the length of the access, the scheme shows a new close boarded fence 1.8 metres high to be provided, and there is a strip 0.5 metre wide along the access to provide further separation this will also have the advantage of improving the visual appearance. The boundary treatment should minimise any impact on the neighbouring property from use of the vehicular access to the site.

4) Other Material Considerations

The development shows no public open space. It is intended that the applicants would have to enter into a section 106 agreement in respect of compensatory provision to be made off site. This is reflected in the recommendation.

The provision of adequate capacity at the sewerage station is not a reason for refusing this application. Any details with regards to sewerage will have to be resolved between the developer and Severn Trent Water. The Drainage section was consulted on this application and raised no objection to the proposal.

Any concerns relating to securing the site during building works is governed by Health and Safety procedures, which by law the developers should obey.

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. The development shall only be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawing received by the local planning authority on 25th February 2005
Reason: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.
3. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs and detailing the surface treatment of the car park and access road has been approved 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 the proposed boundary treatment of the site have been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out before this development is brought into use and shall be thereafter retained.
Reason: To safeguard the amenity of occupants of adjoining premises and to ensure the satisfactory appearance and functioning of the development.
5. Before this development is brought into use, the accessways and vehicle parking shown on the approved plans shall be provided, and thereafter shall be retained and not altered or used for no other purpose, except with the express permission of the Local Planning Authority.
Reason: To ensure the satisfactory provision of off-street parking and to ensure the satisfactory functioning of the development.
6. 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 development shall be carried out and retained in accordance with these approved details.
Reason: To ensure the satisfactory appearance of the development and to safeguard the visual amenity of the area.
7. Before this development is brought into use, obscure glazing shall be installed and thereafter retained in the windows on the side elevation of the dwelling at plot number 6.
Reason: To safeguard the amenities of the neighbouring properties, in particular 41 Fishley Lane.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows shall be installed in the side elevation of the dwelling without the prior approval of a planning application.
Reason: To safeguard the amenities of the neighbouring properties, in particular 41 Fishley Lane.

The following policies were considered relevant in the determination of this application

The Development Plan policies GP2, ENV32, H3, H9, H10, LC1.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 30 March 2005**

REASON FOR BRINGING TO COMMITTEE: Significant community interest.

Application Number: 05/0264/FL/H1

Case Officer: Neville Ball

Application Type: Full application

Telephone Number: 01922 652528

Applicant: Mr O. Nandra

Agent: Mr O. Nandra

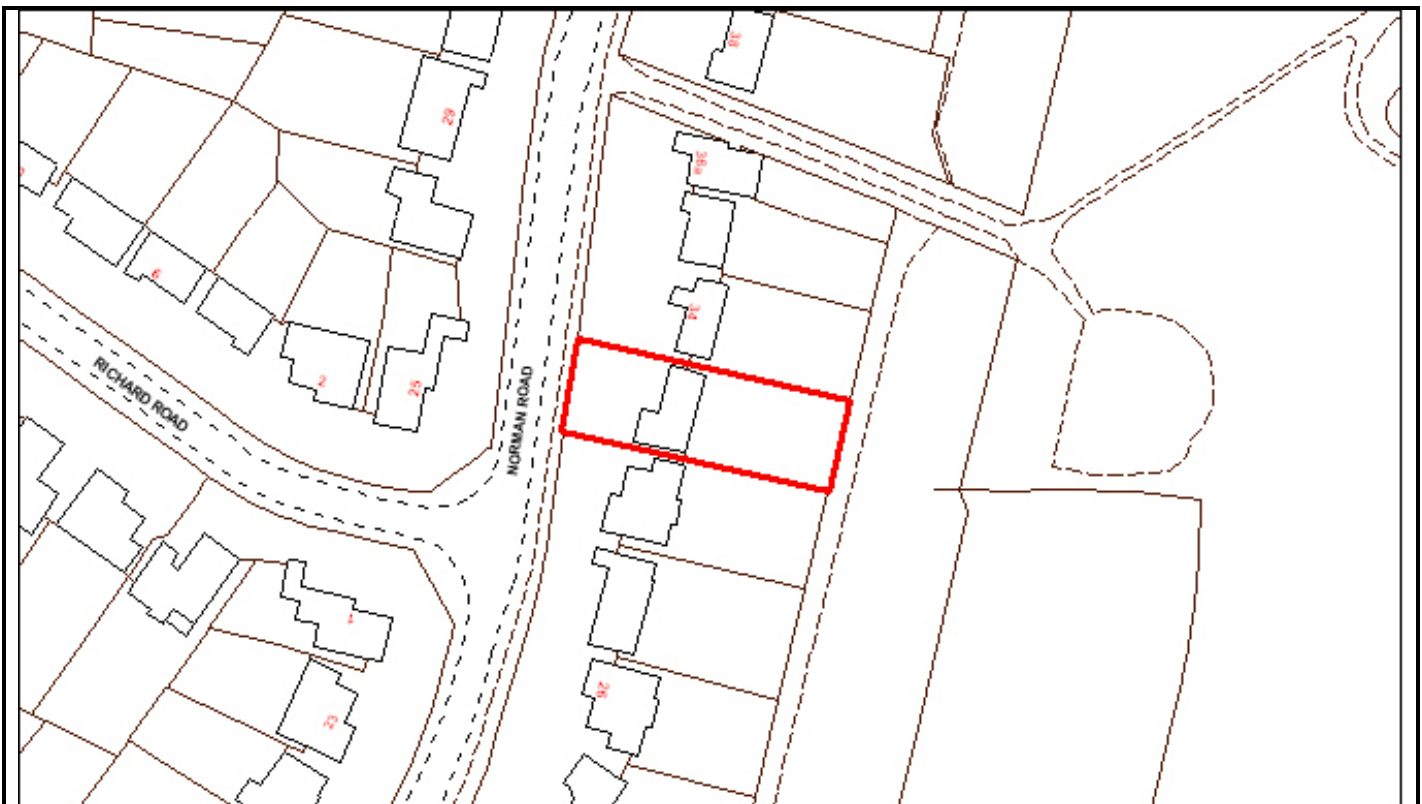
Proposal: Part Two-storey, Part Single-storey
Front, Side and Rear Extension

Location: 32,NORMAN
ROAD,WALSALL,WEST
MIDLANDS,WS5 3QL

Ward: Paddock

Expired: 08 April 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This is for extensions to a detached house to enlarge the living rooms on the ground floor and increase the total number of bedrooms on the first floor from 3 to 4.

There is currently an integral double garage between the side of the house and the adjoining bungalow number 30. The garage projects 4 metres in front of the rest of the application property and number 30. There is a 1 metre gap between the side of the garage and the boundary.

It is proposed to add a first floor above part of the garage. This is to project 2 metres in front of the rest of the house, with the side to be set in 1 metre from the side of the garage.

A sloping roof is to be added above the remainder of the garage to the front and side, with a single-storey extension to infill the area between the side of the garage and the front corner of the application property nearest the neighbouring house number 34. The single-storey extension will also project 2 metres in front of the rest of the house.

To the rear, the ground floor is to be extended by 5.1 metres across almost the full width of the house and garage, whilst the first floor is to be extended to the rear by 3.5 metres from the rear of the existing house.

A step in is proposed for the ground floor section nearest the boundary with number 30.

Relevant Planning History

03/2073/FL/E6. Replacement dwelling. Withdrawn November 2003.

Three applications for extensions were refused between April 2004 and January 2005, on the grounds of impact on number 30, and being out of character with the existing house and the street, with the close proximity of the side of the proposed extension to the boundary with the adjoining bungalow causing a jarring effect.

The latest application was similar to the current proposal except that the front and side part of the proposed first floor was to be the full width of the existing garage, whilst the rear part was to be stepped in 2 metres from the side of the proposed ground floor, compared with 1 metre in the current application. No step in was proposed for the rear corner of the proposed ground floor.

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

GP2: Environmental Protection.

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

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

ENV32: Design and Development Proposal.

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.

Your committee on 30th March is due to be considering draft Residential Development Standards. These will, amongst other policies, introduce a 45 degree code for use when assessing applications for extensions to dwellings.

T7 - Car Parking

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

Consultation Replies

British Waterways - no objection

Representations

Letters have been received from the occupiers of 15 properties in Norman Road and Richard Road. 10 of the letters are copies of a standard letter objecting on the grounds that the application is:

- out of proportion,
- out of scale and mass,
- out of character with surrounding houses and bungalows,
- not in keeping with the existing street scene, and
- the application amounts in reality to almost complete gutting, demolition and rebuild.

5 individual letters have been received raising the following additional main concerns:

- The overall size of the extension does not appear to differ from the previous application which was rejected.
- The proposal would create a 'swamping' and overbearing effect to the surrounding properties, especially the bungalow adjacent.
- Disruption from building work over an unknown period of time.
- Loss of sunlight to 27 Norman Road.
- Loss of views across road.
- Overlooking of properties on opposite side of road.
- Is the proposal really for a family house?

The occupier of number 34 Norman Road has also objected on the grounds that:

- the rear extension will cause a loss of views, sunlight and over-domination to the rear of their house and garden,
- the front and side two-storey part of the extension will project further forward than the adjacent properties and is therefore out of character, and will have an over-dominant effect on the bungalow at number 30,
- and the increase in floor area in excess of 120% compared with the existing is out of keeping with the street.

The neighbour argues that these points mean that the application will be contrary to the policies of the UDP, and argues that the Council should refuse such repetitive applications.

The occupier of number 30 Norman Road has advised that they have no objection to the current plans.

All representations are available for inspection on the planning application file.

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,
- parking, and
- whether the application has addressed the reasons for refusal of the previous applications or has raised any new issues.

Observations

Compatibility with existing dwelling and character of wider area

The retention of the main part of the existing roof and the reduction in the length of the proposed first floor front projection means that the front part of the extension would be more in keeping with the existing house than the previous refused proposals.

There are two-storey front projections of a similar length at other houses in the street. The gap at first floor level and the single-storey section to remain to the side, would provide a 'step down' to the adjoining bungalow at number 30. The impact on the appearance of the street would therefore, on balance, be acceptable.

Impact on amenities of nearby residents

There are no habitable room windows to the side of number 30. The single-storey rear part of the extension nearest the boundary with number 30 will only project 3.5 metres relative to the rear of number 30. The part that will exceed 3.5 metres in length will lie 2 metres from the boundary. With the orientation of number 30 to the south, this means that the impact of the ground floor on the rear of number 30 will be acceptable.

The first floor rear part of the extension is to lie 2 metres away from the boundary with number 30. This separation and the orientation to the north means that the relationship of this part of the extension on number 30 will remain satisfactory.

Although number 34 lies to the north, the provision of a hipped roof instead of the gable shown in an earlier application, and the 2 metre gap between the two houses, means that the

impact of the first floor rear part of the extension on the rear of the first floor of number 34 would be acceptable. The existing single-storey rear extension to the neighbour means that there would be no impact on the ground floor at the rear of number 34.

Most of the properties on the opposite side of the road are bungalows. Although number 32 lies in an elevated position above the road, there is a gap of over 30 metres between the front of the garage to number 32 and the front of the directly facing neighbour at number 25. This separation means that there will be no loss of light or privacy to this neighbour.

The limited length of the single-storey front extension, together with the separation from the side boundary, means that the impact of this element of the extension on number 34 would be acceptable.

Parking

Part of the garage is to be converted to other uses, but the remaining part together with the driveway in front would provide adequate parking space to comply with the UDP parking standards.

Other Issues

With respect to the other concerns of the neighbours, although the extension, if built, would involve substantial alterations to the property, disruption caused by building work is not a material planning consideration.

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 policies ENV32 and H10 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 ENV32 of Walsall's Unitary Development Plan.

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 ENV32, H10, T7 and T13 of Walsall's Unitary

Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Transportation
on 30 March 2005**

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 05/0404/RM/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: George Wimpey Midland Ltd

Agent: I D Architects (Midlands) Ltd

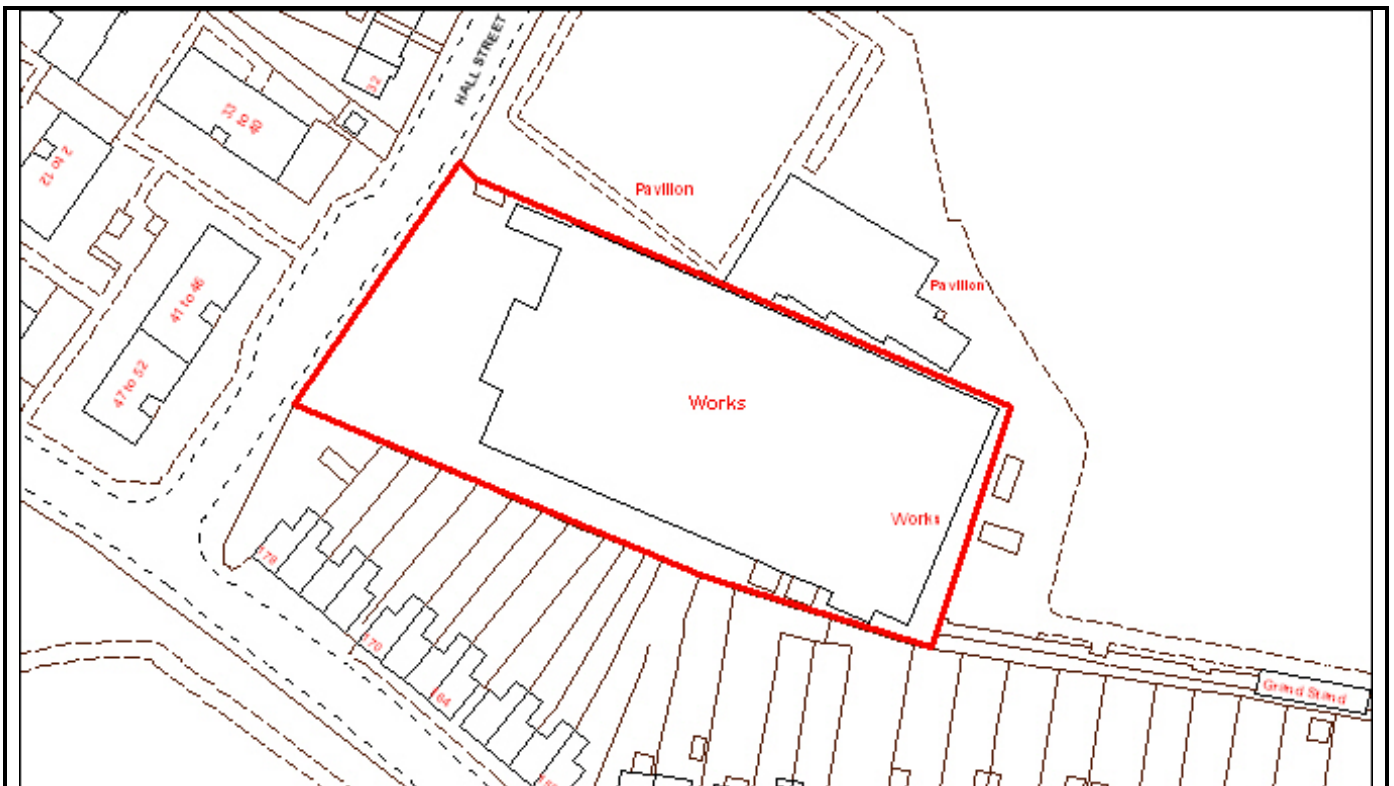
Proposal: Demolition Of Industrial Building
And Erection Of 41 X 2 Bedroom Flats & 4 X 2
Bedroom Houses With Associated Car Parking,
External Works & Gardens

Location: LONGMORE TUBES, HALL
STREET, WEDNESBURY, WALSALL, WEST
MIDLANDS

Ward: Darlaston South

Expired: 31 May 2005

Recommendation Summary: Approved Reserved Matters



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Application and Site Details

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

The application is a reserved matters submission to 03/1939/OL/W4. It proposes the construction of 41 flats and 4 houses based on a series of linked courtyards. A design statement has been supplied with the application which indicates that the development promotes the principle of Homezones where the aim is to create streets as places for people. This is achieved by reducing the traditional dominance of the car in various ways, by reducing speed limits and providing shared surfaces, without kerbs. The linked courtyards would be landscaped and each courtyard would contain a landscaped amenity area adjacent to the flats. The four houses would have garden lengths of between 11 and 13 metres.

62 car parking spaces would be provided, including 6 disabled persons spaces, together with cycle storage throughout the development. The site is close to public transport and within walking distance of local shops, schools and a public park.

Distances between the rear of dwellings in Wolverhampton Street/Stafford Road and the proposed flat blocks vary between a minimum of 17 metres and 30 metres. Levels between the site and the houses in Wolverhampton Street/Stafford Road vary, with the houses furthest from Hall Street being higher than the site.

A section 106 agreement to provide for off-site open space works has been signed at outline application stage.

Relevant Planning History

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

04/2506/RM/W3 Demolition of industrial building and erection of 45x2 bedroom flats and 4x2 bedroom houses with associated car parking and external work. Withdrawn 9.2.05.

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

UDP

2.1 (overall strategy); GP2 (environmental protection); GP7 (community safety)
3.1 (strategic environment policy); 3.6 (environmental improvement); 3.16 (design); ENV32 (design and development proposals); ENV33 (landscape design); H3 (windfall sites); H10 (layout, design and mix); T13 (parking)

National Policy

Planning Policy Guidance Note PPG3 supports the re-use of previously developed sites for residential development. This and PPG13 seek to control use of the car, by reducing parking to realistic levels, and locating development where the car needs to be used less e.g. for short journeys.

Consultations

Transportation: No objection.

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

Fire Service: No objection regarding access.

Drainage: No objection. A Severn-Trent foul sewer crosses the site.

Representations

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

None to date. The period for neighbour response expires on 24.3.05. Any response will be reported to the meeting.

Determining Issues

- visual amenity
- amenity of future occupiers of the site and adjacent neighbours
- parking and highway safety

Observations

Visual amenity.

The design of the buildings is simple, modern, and uses brick, render and sloping tiled roofs to create an attractive effect. The siting, design and external appearance of the proposed development are acceptable. Overall the scheme represents a significant improvement in outlook for the residents adjoining the site and a more attractive setting for the adjacent sports facilities. The utilisation of the Homezone principle will create an unusual and interesting development both externally and for the future residents of the site.

Amenity of future occupiers of the site and adjacent neighbours.

The outline application considered the residential use in relation to the floodlighting and use of the adjoining sports facilities but concluded that these issues could be resolved satisfactorily through detailed design.

The design of the scheme provides a varied elevation to the houses in Wolverhampton Street/Stafford Road, in contrast to the side elevation of the existing industrial unit. The differing levels between the adjacent houses and the site will need to be addressed by condition, both to ensure the stability of the adjacent gardens and the privacy of residents.

The scheme will protect and promote existing residential amenity. Within the site the four houses will have their own private rear gardens and the flats will all be set within areas of landscaping. The Homezone concept is intended to provide shared open space that is not dominated by cars and can be used by residents for sitting out and by children as a safe play area. The site also benefits from proximity to a sports ground and a public park.

Parking and highway safety.

The submitted scheme provides 7 fewer parking spaces than Council standards require, although cycle storage facilities are greater than average. Given the proximity of the site to local facilities and the generous provision of cycle storage facilities this level of provision is satisfactory.

Recommendation: Approved Reserved Matters

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

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

Reason: In the interests of highway safety.

2. This decision relates to drawing nos. 1208/PO1H, 1208/PO6, 1208/PO5A and 1208/PO4.

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 2.1, GP2, 3.1,3.6,GP7, 3.16, ENV32 and H3 of Walsall's Unitary Development Plan, and on, balance, having taken into account all material planning considerations, the proposal is acceptable.

NOTE FOR APPLICANT

This approval does not include any approval for the boundary treatment of the site, which requires to for part of a future submission.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Transportation
on 30 March 2005

REASON FOR BRINGING TO COMMITTEE: Major Development / disposal of Council owned land

Application Number: 05/0084/FL/W5

Case Officer: Karon Hulse

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Hawkcrown Ltd

Agent: Hawkcrown Ltd

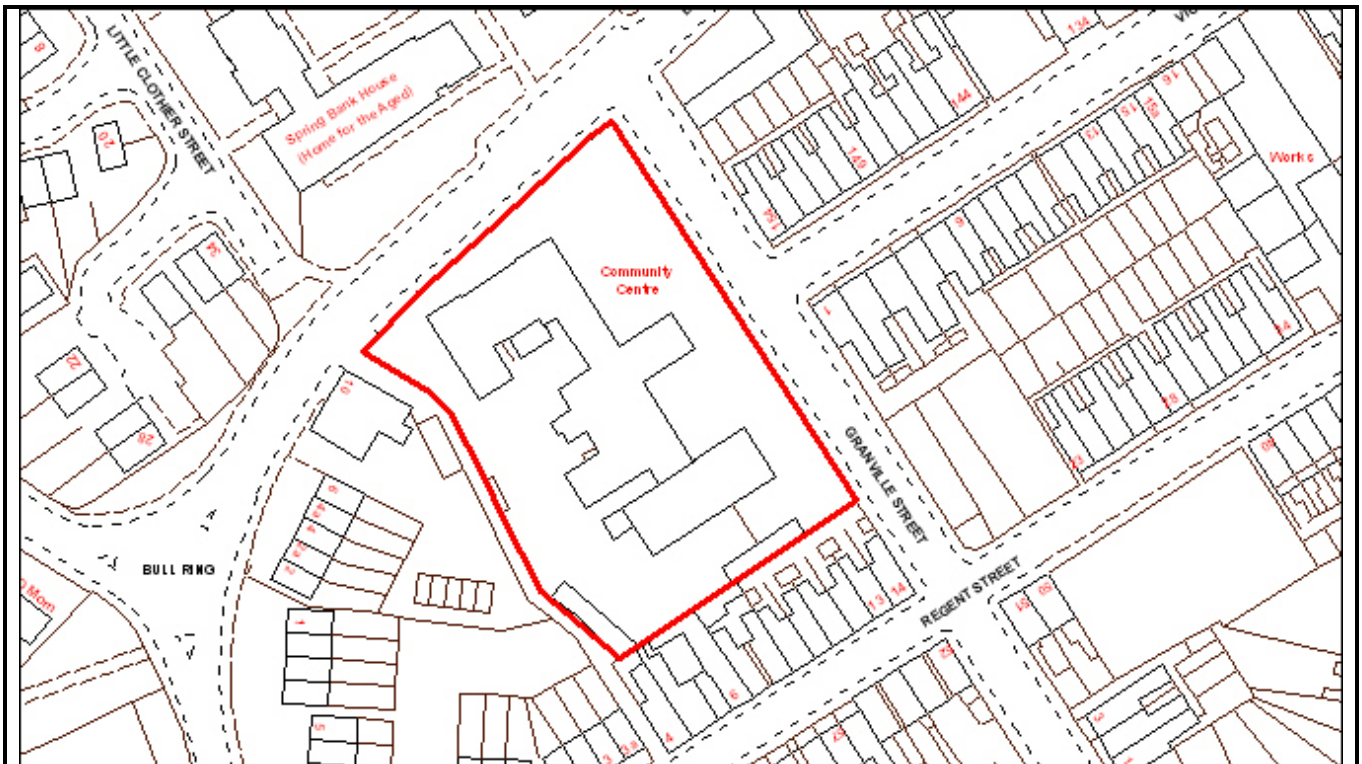
Proposal: Erection Of 15 No Houses & 9 No Apartments

Location: LAND AT, GRANVILLE STREET, WILLENHALL, WALSALL, WEST MIDLANDS, WV131DN

Ward: Willenhall South

Expired: 15 April 2005

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



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Application and Site Details

The extent of the site runs along the side of the existing alleyway between Bloxwich Road South and Regent Street, along the rear of properties in Regent Street, along the side of Granville Street and along the frontage of Bloxwich Road South.

This application seeks consent for the development of the land, formerly occupied by a local primary/infant school. The site has been cleared and recently marketed by the council as a development opportunity for residential development. This application proposes a mix of housing types consisting of 1 one bedroom flat, 7 two bedroom houses, 5 three bedroom houses, 9 three bedroom apartments and 2 four bedroom houses (total of 24 units). The total site area is 0.37 ha. (equating to approximately 70 dwellings per hectare).

The main corner of the site, Bloxwich Road South and Granville Street would be occupied by the two and half / three storey apartment block, each apartment would have two bedrooms with most of the third floor being created in the roof space with dormer windows, the exception being the corner of the building which is a three storey turret providing lounge areas for three of the apartments. This turret would be up lit from ground level.

The street frontage along Granville Street would consist of two storey dwellings with the main vehicular access into the site being gained from here (opposite but slightly past Victoria Street).

A cul de sac into the centre of the site serves a terrace of four, two and three bedroom, two storey properties with garages / parking spaces. There is also a flat-over-garages unit (a block of four garages and a parking space adjoining each, with a one bedroom flat above the garages). The parking is for the properties fronting Bloxwich Road South (it adjoins their rear boundary). The apartments have their own access from Granville Street.

The scheme proposes car parking for the apartments within an enclosed rear courtyard at 150%, this area also includes drying area and sitting out/amenity areas.

The design and external appearance of all the dwellings including the apartment block on the corner position are mostly Victorian in style. This replicates the dominant character of the surrounding properties in Granville Street, Victoria Street and Regent Street.

The frontage to the apartment block is well landscaped and will allow for good vehicular visibility splays into and out of Granville Street onto Bloxwich Road South.

Six dwellings are intended for shared ownership housing which equates to 25% of housing on the site.

Relevant Planning History

None relevant to the determination of the application

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

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

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

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

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

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

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

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

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

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

H4...Affordable Housing

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

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

National Government Policy

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

- ~ to meet the housing needs of the whole community,
- ~ create more sustainable patterns of development,

- ~ make more efficient use of land,
- ~ promote good design,
- ~ reduce car dependence.

Consultations

Transportation - no objections subject to the apartment access being widened to 4.1 metres to allow for two way traffic.

Pollution Control - no objections subject to construction restrictions

Fire Service - satisfactory

Drainage - no objections

Centro - no objections

Energis - no objections

Environment Agency - no objections

Education Walsall - no requirement for financial contribution for education

Development Team - The relationship of the site with the adjacent footpath needs to be improved...The development guidelines require part of the site to be used to straighten the footpath and improve visibility and the safety of pedestrians...illumination of plots 5,6 and 11, would help to illuminate the footpath also... 25% of all dwellings not constructed for elderly to be shared ownership...Per Cent for Art policy.

Police Architectural Liaison Officer - no objections subject to removal or access way going through the site are removed or gated (this has been achieved through the amended scheme now subject of this application)

Representations

One letter received from the occupier of 4 Regent Street which shares its side boundary with the adjacent footpath. It is accompanied by a petition containing 18 signatures and raises the following concerns in respect of the footpath / alleyway running along the side of the development site.

Obscene graffiti, a place to urinate, vandalism and burglary, litter, rubbish, general dumping ground, gathering place for local youths, would be better to be completely closed and used in the development.

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

Determining Issues

- Principle of the development
- Creation of a satisfactory residential environment
- Highway / access arrangements / Car parking

- Open space provision/shared ownership/percent for art
- Footpath

Observations

Principle of the development

This area is predominantly residential, the scheme will provide units of differing sizes and types which will benefit the local community and will promote and enhance the area generally.

The site is on a bus route, and within easy walking distance of the centre of Willenhall.

The proposal is therefore in accordance with Planning Policy Guidance 3, and the Unitary Development Plan. The scheme would support and promote an emerging character within this area, and the principle is therefore to be encouraged.

Creation of a satisfactory residential environment

In that in accordance with the general aims of the Unitary Development Plan a satisfactory residential amenity can be secured for both existing residents around the site and future occupiers of the development.

Proposed houses which would have a side elevation onto the existing alleyway between Bloxwich Road South and Regent Street will provide surveillance along a route which as existing has very little.

The concerns raised by the occupier of no. 4 Regent Street and the petition which accompanied his letter of representation regarding nuisance caused by unsociable activities taking place along the alleyway are acknowledged. However, it is anticipated that with the siting of several units along the alleyway that natural surveillance provided by those properties would reduce if not remove any problems which may exist or have been experienced in the past.

Members will be aware that alleyways historically have been the cause of nuisance however this can usually be accounted for through the lack of natural surveillance. In this case even when the school was operational there would be very little security and overlooking of the alleyway by surrounding occupiers. This scheme will provide an increased level if approved.

Amenity space including drying areas and general recreational areas for sitting out is provided for the apartment block in a traditional courtyard area which also provides for car parking off a secure gated access from Granville Street. This amenity is further enhanced by the external areas provided to the front of the apartment block which turns around the corner of Granville Street and Bloxwich Road South giving a spacious look to the whole development.

Enhancement works to the rear boundary of Regent Street will ensure that a satisfactory outlook is provided for plots 1 and 4 to 7.

The whole development is nicely balanced between well designed street frontages and security at the rear with the use of natural surveillance being developed fully.

The scheme is intimate and provides individual privacy for its occupiers but also fits into the existing residential area.

Highway / access arrangements / car parking

Access for refuse vehicles is acceptable and the cul de sac is to adoptable standards.

Each house is provided with two parking spaces, the apartment block with communal parking at a ratio of 150%. This is in accordance with the Unitary Development Plan standards.

The vehicular entrance to the apartment's courtyard is to be gated. This access needs to be a minimum of 4.1 metres wide to allow for two way traffic, a condition requiring full details of this access and any gate mechanism to ensure the above is proposed.

Open space provision/shared ownership/Percent for Art

Members will be familiar with the requirement to provide open space as part of a development. In cases where it is impractical, a policy has been agreed for a payment to be made to be used for improvements to open space provision in the area. If permission is given, it should be subject to a Section 106 Agreement for payments for alternative provision on nearby open space. The applicants have accepted this idea, and an agreement would be appropriate if permission were envisaged.

Notwithstanding the above, the development brief (agreed by the District Committee) required that 25% of the site was to be for shared ownership housing. Again this will need to be secured through a section 106 agreement. The applicants have indicated that apartments 17,18,20,21,23,and 24 (25% of the total) would be set aside for this provision and agree to this being included in the 106 agreement with the open space.

A further requirement of the development brief was the incorporation of a feature or features into the development to strengthen its identity and that of the area. The three storey turret on the main corner which will be up lit is considered to satisfy this and will provide a striking feature in the area

Footpath

As stated above the existence of alleyways can be a nuisance to those residents who live next to them. However, the purpose of alleyways is usually to link areas together and particularly to give easier access to local facilities and services. In this case there are a number of small corner shops, doctors surgeries and bus stops which are accessed more directly by this alleyway than any other route.

Consequently and whilst those concerns regarding the use of this alleyway are acknowledged, it is considered this development will potentially offer the amount of natural surveillance required for it to be used as intended.

The Police Architectural Liaison Officer was consulted on the details of the application however no issues were raised in respect of this particular alleyway being the subject of complaints from local residents.

In addition to this the development brief prepared for the site aimed to secure improvements to this alleyway. The applicants have used part of the site to straighten the route along it and now provides full visibility into, out of and along its entire length, previously it doglegged with some areas not being visible until the very last moment.

Conclusions

This scheme provides the best development option for the site, it will provide housing of a scale and type which is to be found in the immediate area thereby being in keeping with its character. Furthermore it will provide a percentage of shared ownership housing to support the policies of the UDP and government. In view of the above approval is recommended.

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 92 of the Town and Country Planning Act 1990.

2. 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.

3. No dwelling shall be occupied until the drive to that dwelling has been hardsurfaced in tarmacadam, or concrete, or such other material as may be agreed in writing by the Local Planning Authority.

Reason : To ensure the satisfactory functioning of the development.

4. No development shall take place until details of the location and types of lighting columns have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling hereby approved is occupied.

Reason : In the interest of highway safety and safeguard the amenities of future occupiers of the development and those of existing adjacent and adjoining occupiers

5. No development shall not be carried out until a schedule of facing materials to be used in external walls and roofs of each dwelling has been approved in writing by the Local Planning Authority.

Reason : To ensure the satisfactory appearance of the development.

6. Prior to first occupation of any dwelling details of up lighters to illuminate the main turret on the corner of Bloxwich Road South and Granville Street shall be submitted to and approved in writing, the details shall include type, size, location and illumination, the approved details shall be implemented and thereafter retained in good working order.

Reason : To ensure the satisfactory appearance of the development and in order to satisfy the requirements of the development brief.

7. Prior to any part of this development being first occupied a scheme for the control of the proposed security gates for the apartments shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall make provision for a 4.1 metre wide access into the courtyard to allow for two way traffic as well as the control arrangements. The approved details shall be fully implemented and in working order prior to occupation of any residential unit.

Reason : To ensure the satisfactory access for emergency vehicles

(Note : The Fire Service do not consider the use of override switches and key pads to be an acceptable method of controlling the use of security gates. However it has been suggested that such a system can be made acceptable if an override switch at a high level to the main entrance is fitted in order that the Fire Services have control over the electronic gate system.)

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

Reason : To ensure the satisfactory functioning of the development and in the interests of highway safety.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason : To prevent pollution of the water environment

10. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, or succeeding Orders, no gates, fences, walls or other means of enclosure which significantly affect the appearance or functioning of the public areas of the development, except those included on the approved plans, will be erected or moved without the prior approval of a planning application relating to that work.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

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

Reason : To ensure the satisfactory appearance of the development.

13. For the duration of the reclamation of the site, and the construction period, the access(es) to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

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

14. No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours 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 these works shall be started up or operational on the development outside these permitted hours.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, 3.7, 3.16, ENV 32(a and b), ENV33, GP2, GP7, H3, H4, H9, 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 30 March 2005**

REASON FOR BRINGING TO COMMITTEE: Major Development.

Application Number: 04/2377/OL/W3

Case Officer: Mrs J Scrivens

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Stanley Developments Ltd

Agent: Paul Clifton Associates

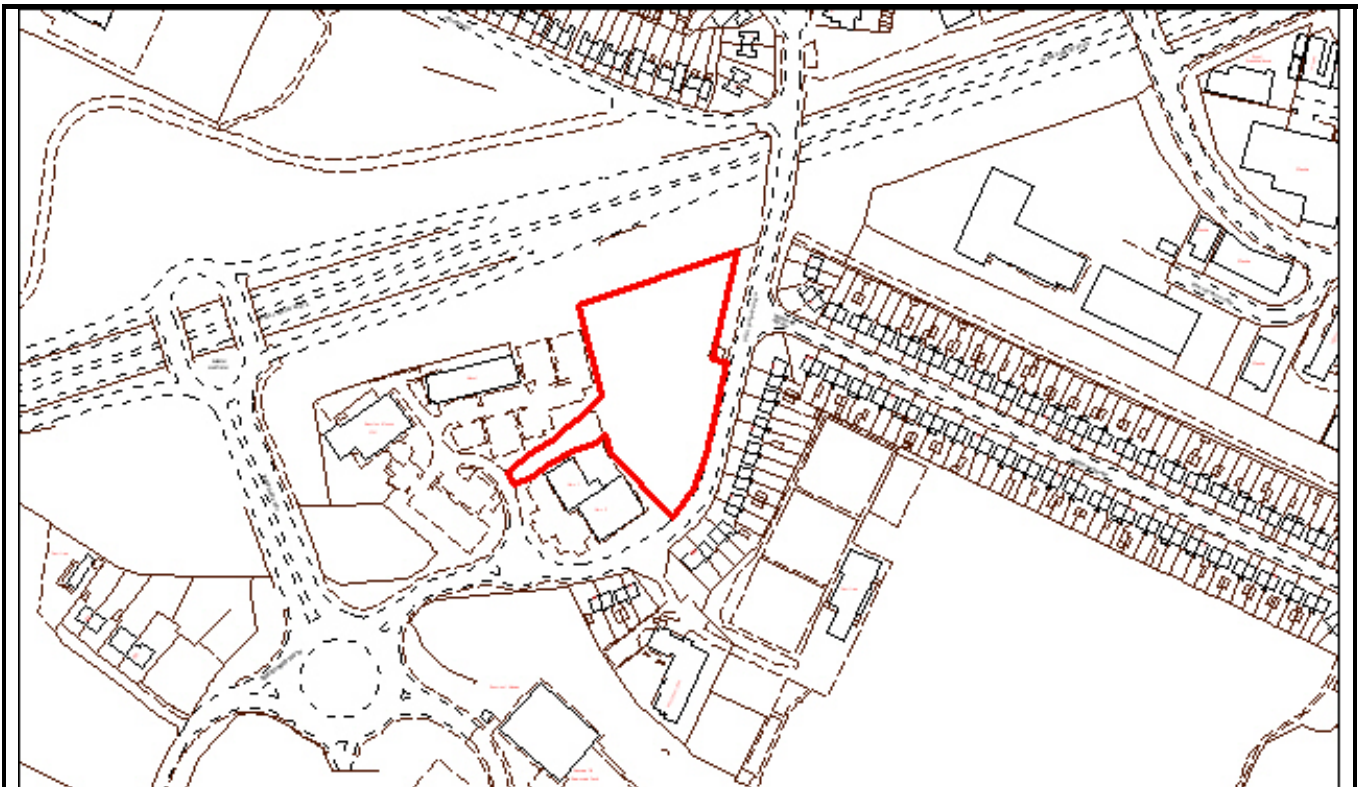
Proposal: Outline: Erection of nursing/care home & car park.

Location: LAND AT:,BENTLEY ROAD NORTH,WALSALL,WEST MIDLANDS

Ward: Bentley & Darlaston North

Expired: 02 February 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site is between Bentley Road North and the Travel Lodge. There are houses directly opposite the site. The application is for the erection of a nursing/care home and car park in outline with all matters reserved for subsequent consideration.

An illustrative scheme has been submitted which shows a two and three storey building at the rear of the site (closest to the Travel Lodge) and parking on the Bentley Road frontage of the site. Access would be from Bentley Road North and egress from a service road to two industrial units to the south west of the site.

The application is accompanied by a supporting statement which indicates that:

- i) the site has been allocated for employment use for over 10 years and remains vacant. It is therefore a wasted resource.
- ii) Black Country Investments have confirmed that funding is not available to assist the redevelopment of the site
- iii) the site has been marketed for B1 and B8 uses but there has been no interest in developing it
- iv) the site is not in an existing employment use and therefore makes no contribution to employment land supply. It is within a mixed use area surrounded by employment, leisure and residential uses.
- v) Paragraph 42 of PPG3 advises that land allocated for employment use which cannot realistically be taken up should be reconsidered by local planning authorities for housing or mixed use development, particularly where the site in question includes previously developed land .
- vi) the site is outside the core employment area and is not classified as a Best Quality Site. There is a significant amount of vacant employment space on nearby sites which are solely within employment areas.

Relevant Planning History

BCW 391 Outline: B1, B2, B8, pub/hotel/leisure (D2) on the site and land to the west was granted in 1994 followed by a detailed approval (BCW476) for the hotel and pub granted in 1995.

A series of industrial permissions were given from 1997 to 2003. (BCW369, BC57250P, 03/0411/FL/W1).

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

UDP

Policies JP1 and JP7 identify the site for employment purposes and list acceptable uses. Residential institutions are not considered acceptable on employment sites.

Policy H3 relates to residential development on previously developed land.

Policy H6 relates to nursing/care homes, which are acceptable in areas of mixed residential and commercial use.

Policies T10 -T12 relate to accessibility.

National Policy

PPG1 defies the primacy of development plans.

PPG3 advises that local planning authorities should consider favourably planning applications for residential or mixed use development on land which has been allocated for industrial or commercial use.

Consultations

Transportation: No objections. Access, layout and parking would have to comply with current standards.

Pollution Control: Support the application. Recommend conditions relating to working hours; site investigation/remediation; noise levels/appropriate noise protection measures.

Environmental Health: No objection.

Fire Service: Access for fire appliances should comply with B5, DB32 and West Midlands County Council Act.

Drainage: Satisfactory but advise that two sewers cross the site.

Assistant Director Regeneration Landscape and Conservation

No objections. A detailed landscape scheme will be required, providing a buffer with the warehouses and taking into account site levels.

Assistant Director Regeneration Strategic Planning - Urban Regeneration

Accessibility of the site is important. It needs to be close to buses. After hours staff transport needs to be accommodated.

Environment Agency: No objections. Recommends a condition relating to floor levels, designed to protect against a 1 in 50 year flood.

Energis Communications: No objections.

Walsall Regeneration Company: Objects. The site is designated as employment land in the UDP Review, for which residential uses such as nursing/care home will not be permitted. As employment land the site can make a valuable contribution to the local economy particularly in view of its close proximity to the Darlaston Strategic Employment Area.

Representations

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

Letters have been received from the occupiers of 81 and 82 Bentley Road North. who object to the position of the entrance, on the grounds of the volume of traffic which the road

experiences, the location of the site on a bend, the proximity of two bus stops and current on-street parking. One writer suggests moving the entrance further south.

Determining Issues

- the development plan allocation of the site and previous planning permissions.
- accessibility
- the suitability of the site for a nursing/care home

Observations

The development plan allocation of the site and previous planning permissions.

Application 03/0411/FL/W1 was granted permission for industrial units on the site in 2003, following outline permission BC57250P. It is possible for a site to be suitable for more than one purpose and the granting of planning permission for industrial use would not in itself prevent the approval of this application. The mixed nature of the surrounding uses would lead to such a situation. The recent history of the Rapida site in Bentley Road South, which held permissions for industrial and residential usage simultaneously, would support the possibility of this.

There is no support for the view that this is an unsuitable site, in environmental terms, for a nursing/care home. The only real issue is the allocation of the site in the development plan, which is a recent statement of the need to retain the site for employment purposes.

The supporting evidence which accompanies the current application does however demonstrate that the site has been marketed for B1 and B8 uses without success. Recent government guidance advises that local planning authorities should favourably consider alternative uses for employment sites in these circumstances.

The application has provided justification for setting aside the expressed preference for an employment use. The loss of this relatively small site would not significantly undermine the strategy of the development plan to provide for the needs of industry.

The location of the site (on the boundary between largely-commercial and largely-residential areas) is also relevant.

Accessibility

The site is within the specified distance of a bus route. In this case it is the well served Wolverhampton - Walsall route. Given the size of the proposal no further requirement is warranted.

After hours, this route is still well served, and connects to a range of choices of modes and routes.

The suitability of the site for a nursing/care home

The site is part of a mixed residential and commercial area. Policy H6 of the Development Plan indicates that such areas are acceptable in principle for nursing/care homes.

There have been no objections from consultees on the basis that the site would provide an unsatisfactory residential environment for its future occupiers or that the proposed use would

have an adverse effect on adjacent residential occupiers. It may indeed have less effect on adjacent residential occupiers.

There has been no Transportation objection to the use (and in terms of residents' objections it should be noted that access is not to be considered as part of this application). The position of the access to the site is not a matter for consideration at this stage. In principle however, access from Bentley Road North and egress from the service road would be acceptable.

The use of the site for a nursing/care home development would therefore appear acceptable on the basis of amenity and its relationship to its surroundings.

Recommendation: Grant Permission subject to conditions

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

i) 5 years from the date of decision.

ii) 2 years from the approval of the Reserved Matters or in

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

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

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

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

3. The Reserved Matters submission will include details of car parking/ disabled parking, bicycle parking, taxi and ambulance/ Ring and Ride dropping off points and delivery and manoeuvring areas have been approved in writing by the Local Planning Authority. The plans shall clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme shall be implemented before this development is brought into use and the parking and dropping off spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory functioning of the development.

4. Traffic to the site during civil engineering and construction periods shall only use the service road between unit 1 and the Travel Inn.

Reason: To minimise disruption to the highway network and neighbours.

5. For the duration of the reclamation of the site, and the construction period, the access to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

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

6. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation and investigation) shall take place on any Sunday or Public Holiday, or outside the hours of 0700 to 1800 weekdays or 0800 to 1300 on a Saturday, unless otherwise agreed in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development outside these permitted hours.

Reason: To safeguard the amenity of the area.

7. No development shall be carried out until:

- a) the terms of reference of a ground contamination survey and site investigation have been approved in writing by the Local Planning Authority
- b) the approved survey and investigation has been undertaken in accordance with the approved details
- c) the results of the ground contamination survey and site investigation, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.
- d) the approved measures shall be implemented in accordance with the approved timetable.

Reason: To ensure the satisfactory development of the site.

8. No development shall be carried out until:

- a) the terms of reference of an investigation into the noise climate of the area have been approved in writing by the Local Planning Authority
- b) the approved investigation has been carried out in accordance with the approved details
- c) the results of the investigation, together with a report setting out appropriate measures and a timescale to alleviate any identified problems, have been submitted to and approved in writing by the Local Planning Authority
- d) the approved measures shall be implemented in accordance with the agreed timetable.

Reason: In the interests of the amenity of future occupiers of the site.

9. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority. Floor levels should be set at least 600mm above the 1 in 100 year flood level of 117.55 metres above Ordnance Datum. 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 in the interests of the visual amenity of the area and to protect the development from flooding..

10. No development shall be carried out until details of proposed refuse facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be

implemented before the development is brought into use, and shall be thereafter retained. No refuse shall be stored or deposited on the site otherwise than in accordance with the approved scheme.

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

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

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

12. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season (1st October - 1st April) following any part of the development being brought into use, or in accordance with any agreed phasing.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

15. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or succeeding legislation, this permission grants consent for the use of the site as a nursing home or elderly persons home, or a combination of the two, only.

Reason: The site is not necessarily suitable for other uses.

16. This permission does not grant consent for the layout shown on drawing no.2093/01A.

Reason: To define the permission.

Note for applicant: Two sewers cross the site. Their presence needs to be reflected in the development. Advice may need to be sought from Severn Trent Water.

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 H3 and H6 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. 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 30 March 2005**

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 04/2703/FL/E5

Case Officer: Della Templeton

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Castings Plc

Agent: Barnett Ratcliffe Partnership

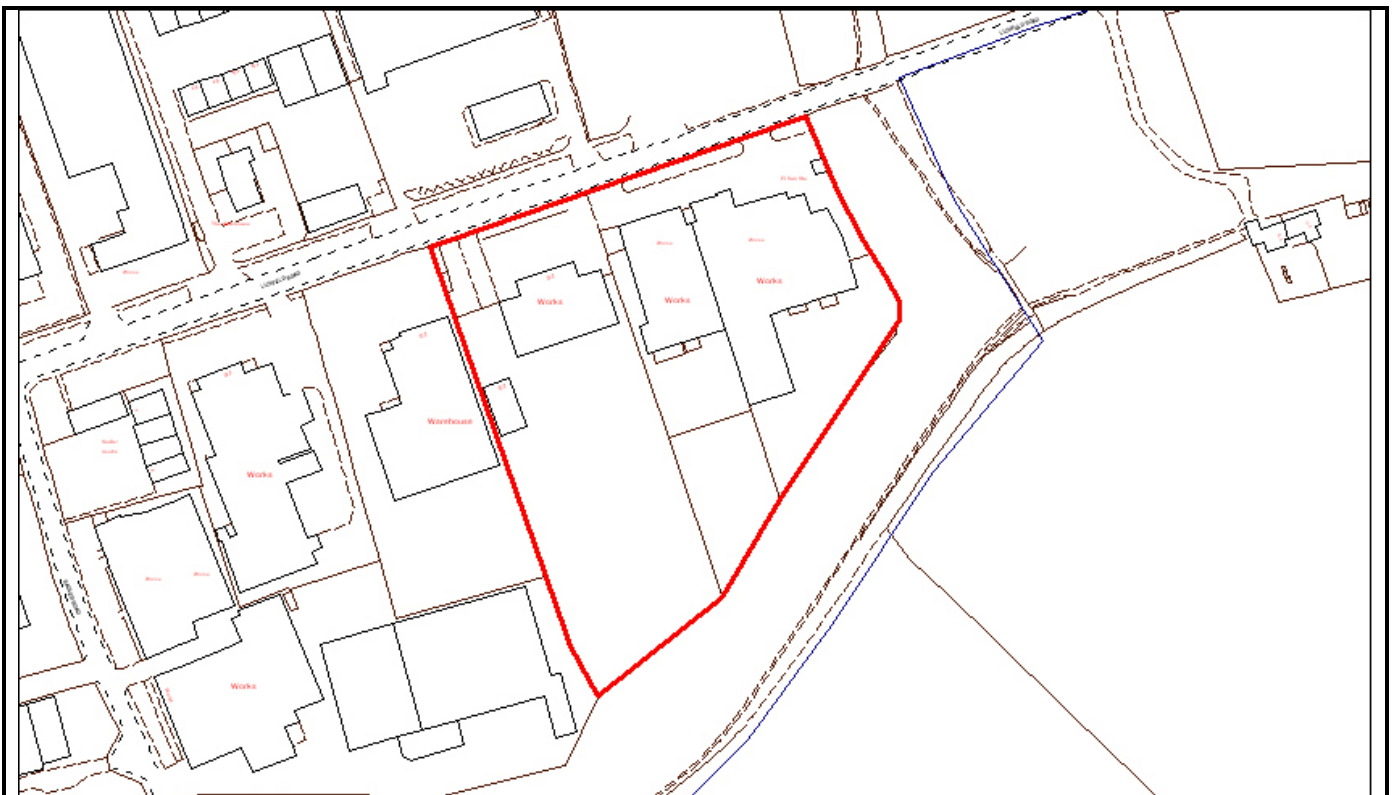
Proposal: Proposed factory and associated office extension.

Location: CASTINGS PLC, LICHFIELD ROAD, BROWNHILLS, WALSALL, WEST MIDLANDS

Ward: Brownhills

Expired: 14 April 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application proposes an extension providing an additional 5,300 square metres of floor space to the north-east of an existing industrial building.

The site is bounded by the Lichfield Road to the north, the Wyrley and Essington Canal to the east and south and existing industrial development sites to the west. The existing building comprises 2 bays with gables fronting Lichfield Road and it is proposed to add a further 3 bays to this. These would be of the same width and height and following the same front building line but becoming progressively shorter at the rear to fit the shape of the site. The front 6.5m would be internally separated to provide office/admin space over 2 floors.

Supporting information indicates an increase of 5 lorry deliveries/collections bringing the total to 25 per week and an increase in workforce from 40 to 100 manufacturing jobs. 70 additional car parking spaces would be provided for use by the increased workforce bringing the total up to 114.

Additional information provided 18 February 2005

The applicant provided the following information in response to concerns raised by British Waterways Board:-

- Additional planting is proposed along the north-eastern canal side boundary of the site and low level planting along the Lichfield Road frontage. Further landscaping, including tree planting will take place along the existing fence line.
- The applicants state that the building would be of good quality to match earlier phases of development on site. There are no plans to alter the site boundary treatment which consists of new chain link fencing with concrete angle posts and three strands of barbed wire.
- Floodlights would be installed on the building to illuminate the rear yard areas only.
- Details of walls and foundations to suit site conditions are contained in the Ground Investigation Report as submitted.
- A license was granted by BWB for consent to discharge to the canal for previous phases and further application would be made as necessary.
- Risk assessment will be carried out relating to vehicle movements and barriers erected as necessary.
- Construction would be in accordance with all relevant codes of practice including Party Wall Act if appropriate.
- Investigation of historical maps of the area have revealed no evidence of basins etc or feeder culverts.

These comments also address many of the concerns of the Inland Waterways Association.

The applicants confirm that, having carried out works to earlier phases, they are familiar with the requirements of BWB.

Additional information provided 1 March 2005

An indicative landscape scheme has been provided demonstrating areas of landscaping but not giving full details of species, height, spacing etc.

Relevant Planning History

There have been a number of permission granted for extensions/alterations at this site and the application currently under consideration represents the fourth phase of a series of proposals to incrementally increase the size of the factory building over a number of years beginning with Phase one, 02/0194/FL/E6, for 150.58 square metres approved in March 2002. Phase two, 02/1004/FL/E6 permitted a second 150.58 square metres of additional floor space in August 2002 and the third phase approved a further 150.58 under 03/1405/FL/E3 in January 2004.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

Policy 3.6 and GP2 are concerned with environmental improvement relating to development. The site is within a core employment area where policy JP5 applies. Core employment areas will be safeguarded for core employment uses, permission for which may be subject to conditions prohibiting change to other uses such as Class B1(a) offices. Policy 4.4 defines core employment uses as those within Classes B1b, B1c, B2 and B8 of the Use Classes Order.

Policy JP8 prohibits the inclusion of bad neighbour industrial uses within core employment areas.

Policies 8.4 and LC5 promote the provision of a greenway network along linear features such as canals and 8.6 seeks to safeguard and enhance the waterway network.

Policy LC9 encourages facilities and environmental improvements to enhance the attractiveness and recreational potential of the canal network. Development alongside and near to canals will be expected to positively relate to the opportunity presented by the waterway, to achieve high standards of design and to be sensitively integrated with the canal and any associated canal side feature.

National Planning Guidance

Planning Policy Guidance Note 13: Transport - Paragraph 23 requires Transport Assessments to be prepared where developments will have significant transport implications and paragraph 89 highlights the need for Travel Plans in association with such development.

Consultations

Transportation - No objections in principle, however further information is required to fully assess the highway implications of the proposal in the form of transport assessment and draft travel plan. These can be provided under conditions.

Pollution Control - The applicant has confirmed that the primary use of the extension is for the expansion of the machining shop. Whilst this in itself is unlikely to create any major environmental issues it will establish a use falling within Part A(2) to Part 1 of Schedule 1 to the Pollution Prevention and Control (England and Wales) Regulations 2000 which basically means that increased control is required over emissions to air, water, land and energy use. As this is however an existing use it is recommended that any conditions relating to hours of

operation; delivery and despatch; handling of materials or other potential environmental impacts currently imposed on the existing site are replicated on any permission forthcoming.

Impact noise generated from the movement of materials and vehicle reversing alarms may be distinctly audible outside the site. A suitable condition could mitigate impacts to nearby residents.

Whilst officers are in general agreement with the conclusions drawn from the Ground investigation report, gas protection measures should be required.

Environment Agency - No objection in principle subject to conditions relating to land contamination/site investigation to prevent pollution.

British Waterways Board - Consideration should be given to canal side location - preventing pollution, preserving canal infrastructure site investigation etc. Require a good quality, well constructed industrial building; additional planting along canal boundary; details of good quality boundary fencing; details of external lighting etc.

Inland waterways Association - Object to the application and suggest redesigning the building so as to position the offices closest to the Canal and/or to re-locate the building closer to the road frontage in order to allow a wider area between built development and Canal so that a more substantial landscape planting area would be available to screen the building.

Environmental Regeneration, Landscape and Conservation - Details of boundary treatment, including planting, to canal frontages should be secured before reporting to Committee. Lichfield Road frontage boundary treatment could be dealt with by condition.

On the basis of the indicative landscaping scheme the proposals appear acceptable subject to conditions to secure full details of planting etc and a 5 year maintenance plan. Planting along the east and south canal boundaries should include native species trees and shrubs and frontage planting should ultimately be high enough to screen parked cars.

Fire Service - Satisfactory.

Drainage - No adverse comments.

Energis Communications - No adverse comments.

The adjoining authority, Lichfield District Council, have raised no objections.

Representations

The occupants of 272 Lichfield Road would not wish to see loading bays on the north-eastern side of the proposed building because of the continuous beeping from fork lift trucks and would like to see the elevations overlooking the Green Belt finished in an 'environmentally friendly' colour. They are also concerned about potential dumping of rubbish on the canal embankment.

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

Determining Issues

- Opportunity to secure enhanced employment provision.
- Impact on the visual amenities of the area and on the canal corridor.
- Car parking, manoeuvring and access arrangements.

Observations

Opportunity to secure enhanced employment provision

There is a policy presumption in favour of the proposed development. The site is within an established industrial area and is allocated for employment uses in the Adopted UDP. The increased provision is welcomed in principle.

Impact on the visual amenities of the area and on the canal corridor

The Lichfield Road frontage totals 130m in length, the majority of which would be laid out to car parking with access openings at the east and west ends. The building frontage would be extended by 60m at roughly the same building line thus presenting a uniform frontage to the road. This would respect the character and form of adjacent development and would not harm visual amenity when viewed from the north.

The land drops sharply away from the eastern and southern boundaries of the site to the canal around 6m below. Vegetation on the steeply sloping bank would mean that the extended building would barely be visible from the towpath and the canal itself. The land continues to fall from the far side of the canal corridor towards the east and south. The most significant visual impact of the proposals would be on distant views from surrounding open countryside and footpaths in those directions. It is therefore considered that quite robust landscaping would be required along the canal frontage in order to break up and screen the massing of the building. Furthermore it is vital that materials, colours and finishes for the building and for boundary treatment are submitted for approval before development commences. The bold blue colour used in parts of the existing building would not be appropriate along the canal frontages where it would be prominently visible in long views from open countryside.

The existing boundary treatment of concrete posts with chain link fencing and barbed wire would blend into its background when viewed from any significant distance. It would however be visible at the extreme edges of the site when viewed close up from the canal and towpath. Native species planting on the inside would provide a solid but natural backdrop to this which would reduce its prominence.

Car parking, manoeuvring and access arrangements

The closest residential neighbours, occupying number 272 Lichfield Road, express concern over the noise of fork lift trucks along the eastern side of the site. They are sited approximately 120m away from the site boundary. As this is an existing industrial site I would not consider it appropriate to prohibit movement of such vehicles on any part of it I would however, consider it expedient to restrict the hours that they could operate.

Government Guidance requires the submission of transport assessment and Travel plans with developments having the potential to generate significant vehicle movements. The

applicant has indicated a willingness to comply with any reasonable requests along these lines.

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 construction shall commence until a written scheme has been submitted to and approved in writing by the local planning authority aimed at protecting the building from the ingress of ground gasses. The development shall not be occupied until all agreed remediation requirements have been completed.

Reason: In the interests of safety and health.

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

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The submitted scheme should pay particular attention to the south and east boundaries to the Wyrley and Essington Canal. It shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

- i) existing and proposed ground levels
- ii) dimensions of planting beds
- iii) site preparation
- iv) plant species/densities; tree species/ sizes and locations. The scheme shall include native species tree and shrub planting with a minimum 15% advanced nursery stock trees around the south-eastern boundary of the site overlooking the Canal. Planting along the Lichfield Road frontage shall comprise shrub planting of a height to screen parked vehicles interspersed with trees at 7 to 8m centres.
- v) arrangements to be made for the disposal of surface water
- vi) hard landscaping

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.

NOTE FOR APPLICANT: Further guidance is available from Environmental Regeneration, Urban Regeneration services.

Reason: To ensure the satisfactory appearance of the development.

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

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

Reason: To ensure the satisfactory appearance of the development.

6. Notwithstanding the notation on any submitted plan this development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority. This shall include subdued colours to any south or eastern elevation fronting the canal. The solent blue trim referred to on submitted drawing number 0421/PL/04 revision B shall be used only on the front (northern) elevation facing Lichfield Road.

Reason: To ensure the satisfactory appearance of the development.

7. No development shall be carried out until:-

- a. a transport assessment, demonstrating how the development and its associated traffic can be safely integrated into the highway network; and
- b. a draft travel plan demonstrating how the site can be made accessible to walking, cycling and public transport to reduce reliance on the private car

have been submitted to and approved in writing by the local planning authority.

Reason: In line with Government Guidance contained within Planning Policy Guidance Note 13: Transport and Council policies to raise awareness of the impacts of travel decisions and promote sustainable travel choices.

NOTE FOR APPLICANT: Further advice can be obtained from the Council's Business Travel Advisors on 01922 652471.

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

Reason: To ensure the satisfactory appearance and functioning of the development in the interests of highway safety.

9. The movement of materials and delivery/motorised transport vehicles shall not take place along the eastern and southern boundaries of the site for the extent of the new building, outside the hours of 0700 to 1900 hours Mondays to Saturdays and not at all on Sundays and Bank/public holidays.'

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

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 and functioning of the development.

11. This development shall not be carried out other than in conformity with drawings numbered 0421/PL/01, 02, 04 and 05 submitted on 23 December 2004; drawings numbered 0421/PL/07 and 08 submitted on 13 January 2005 and drawing number 0421/PL/04 revision B submitted on 1 March 2005, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

Reason: To ensure that the development undertaken 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.)

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, PG2, JP5, 4.4, JP8, 8.4, LC5, 8.6 and LC9 Walsall's Unitary Development Plan adopted March 2005, 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 30 March 2005

REASON FOR BRINGING TO COMMITTEE: Major Development

Application Number: 05/0207/FL/E4

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652486

Applicant: Mr. N. Drury

Agent: Online Architects Ltd

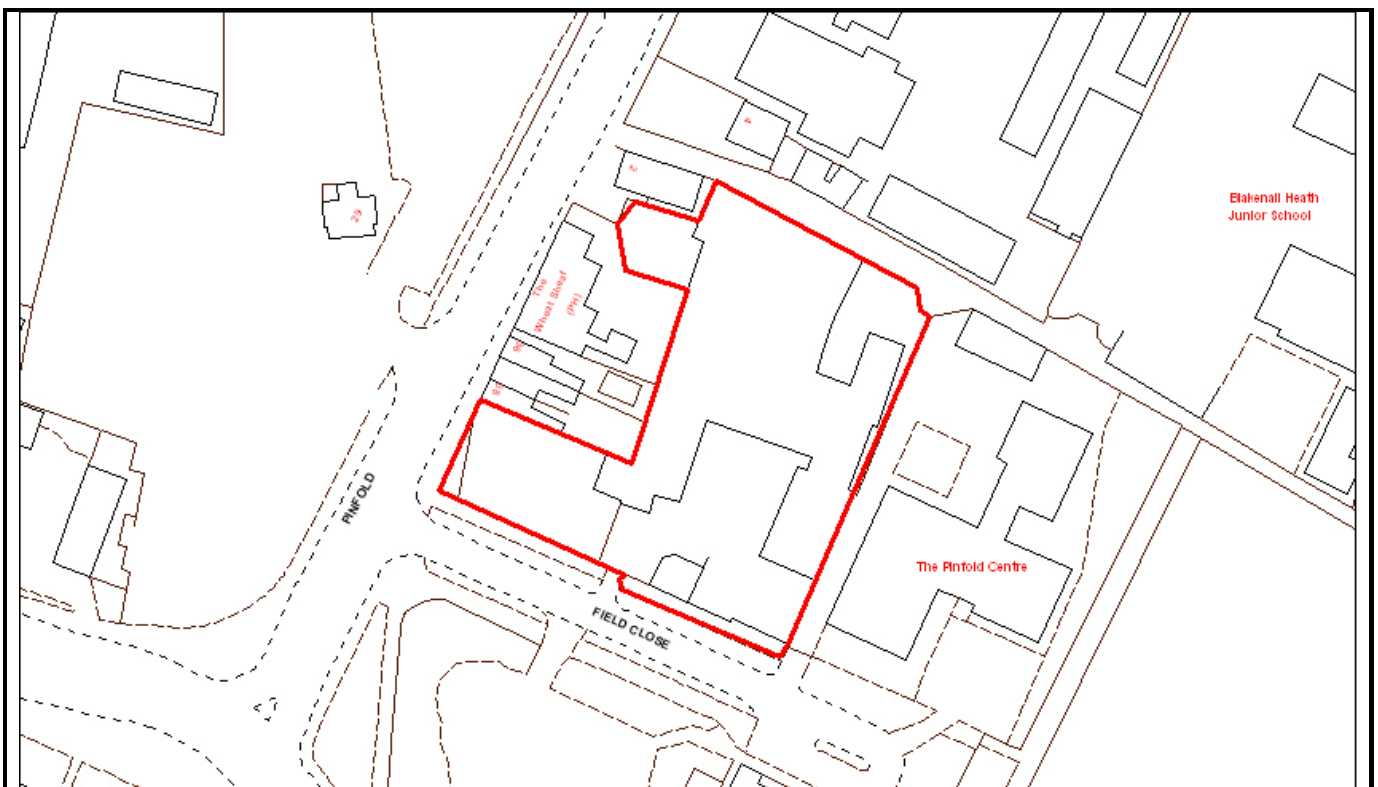
Proposal: Proposed new residential scheme comprising 8 houses and 18 two bed apartments

Location: PINFOLD INDUSTRIAL ESTATE, FIELD CLOSE, WALSALL, WEST MIDLANDS

Ward: Blakenall

Expired: 09 May 2005

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application aims to address the issues related to layout in the reasons for refusal of a similar scheme in January 2005. (See History)

This is for the redevelopment of Pinfold Industrial Estate to provide 8 terraced 3 bedroom houses in two blocks on the frontages of the site facing Field Close and Pinfold, and an L-shaped 3-storey block of 18 apartments to the rear adjacent to the Education Development Centre. The block of houses facing Field Close would be 3-storey. Access to the apartment block would be from Field Close, with the houses facing Pinfold having parking to the rear and the houses facing Field Close having integral garages with access directly onto Field Close.

27 parking spaces would be provided for the 18 apartments. Each house would have two parking spaces. The density for the development would be 60 units per hectare.

Relevant Planning History

04/2254/FL/E4 - for a similar development to the current application was refused permission for reasons of:

- The proximity of the proposed development to No 4 Field Road would have an unacceptable impact on the amenity of that property due to the overbearing impact of the development and potential loss of privacy
- The proposed siting of the gable wall for a unit at the south eastern corner of the site, on the boundary with the vehicular access to the Pinfold Centre, would not provide a satisfactory level of amenity for the occupier of the unit due to the likely impact from noise and disturbance arising from vehicles using the access
- The proposed construction of driveways to the Type 5 units at the south eastern corner of the site could lead to root damage and a potential unacceptable loss of valuable street trees in Field Close
- The proximity of the proposed bin store, adjacent to the western-most Type 5 unit would have an undesirable impact on the level of residential amenity that the occupiers could reasonably expect to enjoy
-

04/1577/FL/E6 - for development similar to the current application was refused permission for the following reason;

The proposed development fails to provide satisfactory access and egress arrangements for fire and other large vehicles and the parking layout does not provide for the required number of accessible parking spaces. As such, the development is contrary to the Unitary Development Plan (UDP) policies 7.2 and 7.23, Appendix 2.12 Guidelines and UDP Review Revised Deposit Draft policies GP.2.(a)VII.

Various applications have been granted relating to the existing industrial/ commercial use of the site. Other relevant applications include the following:

BC44373P. Outline, Erection of 30 three storey flats. Refused September 1995 on the grounds that the development would be out of character with the surrounding area and inadequate amenity space would be provided for future occupants.

BC45457P. Outline Residential Development. Committee resolved to grant subject to a Section 106 agreement to contribute to off-site open space. This agreement was not completed and the application was withdrawn April 1996.

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

Policy GP3: Planning Obligations - can secure contributions for infrastructure provision including public open space.

Policy GP7: Community Safety - designs to have regard to the objective of 'designing out crime'.

Policy H3: Windfall Sites and Conversion of Existing Buildings

Policy H9.. (a) net density should be at least 30 dwellings per hectare, (c) higher densities may be encouraged.

Policy H10..(a) design to ensure good integration with surrounding land uses.

Policy ENV 19 seeks to protect and enhance existing woodland and trees

Policy ENV34: Design and Development Proposals

Policy JP7: windfall sites and their relationship to surrounding land uses because the site is not well located to meet the needs of modern industry.

Policy T7 - Car Parking- to satisfy the car parking standards set out in Policy T13.

National guidance:

Planning Policy Statement 1 refers to the need for good design, relating to context.

Planning Policy Guidance Note 3 supports new housing development close to town centres and public transport routes and encourages high quality design and a variety of types of accommodation.

Consultation Replies

Transportation Comments: The amended proposal addresses all but one of the concerns raised in the previous comments. There is inadequate manoeuvring space for parking spaces marked flat 11 to flat 16 inclusive. An amendment is therefore required to make these spaces easily accessible. The applicant may consider 45° or 60° parking layout. This can be secured by the imposition of a suitable condition requesting details of the amended layout to be submitted.

Pollution Control: Recommend conditions to address possible ground contamination.

Arboricultural Officer, Environmental Regeneration-

Sunlight availability / shading would be an issue for the residents of the proposed Type 5 block, with the south facing rooms obscured by the tree canopies and the north facing gardens constantly in shade. Soil compaction around the root zones of the trees would be to their extreme detriment with Root death a likely consequence. The loss of any trees in this mature avenue towards the park where two trees are already missing would be of enormous consequence to the street scene.

Education Walsall (SERCO) - the surplus capacity in the local area means that no contribution is sought.

West Midlands Fire Service: Satisfactory, as the applicant has agreed to provide sprinklers to all areas.

Black Country Archaeologist: Recommends a condition to ensure archaeological remains are recorded ahead of and during development.

Environment Agency: Recommend a condition to investigate any potential for on site contamination, and to address issues of water run-off and minimisation.

Severn Trent: Recommend a condition to require details of drainage works to be submitted.

Housing Strategy; comments to be reported at Committee.

Representations

The occupiers of 37 and 38 Pinfold and 4 Field Road have objected on the grounds;

- Field Road comprises predominantly single and three storey development. The proposed three storey development, located in a narrow plot, would be completely out of character and ruin the harmony of the street scene.
- The immediate vicinity of Pinfold and Field Road is very busy with traffic from the Health Centre, pharmacies, schools, pupil referral unit, deliveries for Asda and the Pinfold Centre. The parking of more cars on the road would increase traffic hazards. The level of car parking provision is considered minimal and would encourage on street parking to the detriment of highway safety;
- The 8 vehicular accesses on Field Road would be a hazard to highway safety.
- The proposed dwellings would be constructed 3m from the side of an existing two storey house and have a 'towering over effect'.
- The proposal would significantly block out a lot of light from the garden
- Loss of privacy- the proposal would involve the removal of boundary walls and window elevations would directly overlook into garden and yard areas, taking away the only privacy available;
- Increase in population and the location of the car park at the end of rear gardens would cause noise nuisance;
- There would be a loss of security because of the removal of a high wall on garden boundaries.
- The plan is ill conceived and cramming too much on the site.

Determining Issues

The determining issues are

- whether the principle of the use is acceptable;
- detailed considerations relating to the design and layout of the site;
- relationship with surrounding buildings and uses;
- requirement for contributions to open space.

Observations

Principle of redevelopment

The principle of redevelopment of this site for residential purposes has been accepted for many years. The site is not suitable for modern employment uses and does not make a significant contribution to the employment land supply.

Planning Policy Guidance Note 3 refers to making the best use of land and recommends densities of between 30-50 dwellings per hectare. In this case, the design and layout of the proposed development provides satisfactory accommodation, private amenity spaces, landscaped areas, access and parking facilities.

Design and Layout

This submission has addressed the reasons for the previous refusal in that :

- The northern block has been returned to the original location of application 04/1577/FL/E6, which members considered acceptable. The design of the building has been amended to relocate the stairs 3m further away from the side elevation of 4 Field Close, so that a distance of 14m is achieved at the nearest point. This has also allowed for the relocation of an overlooking bedroom window to the western side of the block.
- The block of three storey town houses has been re-sited to provide for separation between the site and the access for Pinfold Centre.
- The applicant has now provided appropriately for the trees on Field Close.
- The bin store has been relocated to its original and acceptable position.
- Identified areas for Landscaping have been increased.

Details of the boundary treatment can be covered by conditions.

Relationship with surrounding buildings

The block of houses facing Pinfold would relate well to the existing terraced houses alongside, as two storey development with similar shapes of windows and height to ridge.

The apartments to the rear are to be of a two and a half storey design, with the third floor being positioned partly in the roof space. It is considered that the modern design of the apartments and the block of houses facing Field Close would complement the recently completed Health Centre on the opposite side of the road.

With respect to 4 Field Road, the nearest windows are for a kitchen at 12m distance to the gable of the house and the amended scheme is an improvement on that previously supported by Committee in terms of the relationship with this house.

Contributions to off-site provision of public open space would be secured under a section 106 Planning Agreement.

Recommendation: Grant Permission subject to conditions

Grant, subject to the following conditions and the completion of an agreement under Section 106 ;

1. This development must be begun not later than 5 years after the date of this decision.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason; to ensure that below ground archaeological remains are recorded ahead of and/or during development.
3. No development shall take place until a desk study has been undertaken to investigate the potential for on site contamination agreed by the Local Planning Authority. If the desk study identifies contamination, a detailed site investigation shall be carried out to establish the degree and nature of the contamination and its potential to pollute the local 'controlled waters'. If remediation measures are necessary then they must be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.
Reason: To prevent the possibility of surface and/or groundwater pollution.
4. 4 Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed housing development (and its future occupants, and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases.
Reason; In the interests of the safety of the occupiers of the future residents of the development and the local area.
5. A copy of any 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 shall be submitted to the Local Planning Authority within one month of completion.
Reason; In the interests of the safety of the occupiers of the future residents of the development and the local area.
6. No development shall take place until remedial measures to address ground contamination and gases have been approved in writing by the Local Planning Authority and implemented to the satisfaction of the same.
Reason; In the interests of the safety of the occupiers of the future residents of the development and the local area.

7. The design and specification of foundations and sub-floor structures for the purpose of preventing the ingress of ground gases to buildings shall be agreed in writing with the Local Planning Authority prior to installation.
Reason; In the interests of the safety of the occupiers of the future residents of the development and the local area.
8. The design, specification and location of boreholes for the purpose of ground gas monitoring shall be agreed in writing with the Local Planning Authority prior to their installation.
Reason: In the interests of the safety of the occupiers of the future residents of the development and the local area.
9. No development shall take place until drainage works for the disposal of both surface and foul sewerage have been carried out in accordance with the details to be submitted and approved in writing by the Local Planning Authority.
Reason; To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
10. The proposed development shall be provided with sprinklers throughout the accommodation.
Reason; In order to ensure the satisfactory protection of the occupiers, in the interests of safety.
11. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.
Reason; To ensure the satisfactory appearance of the development.
12. 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 detailed scheme shall particularly provide for boundary treatment of the site, in particular boundary walls, railings and fencing and the retention or replacement of trees on Field Close. The landscape scheme shall also, on an accurately plan, represent the trees on Field Close, including their canopy spread. The approved scheme shall be implemented within 12 months of any part of the development being brought in to use or other such period as may be agreed in writing by the Local Planning Authority.
Reason; To ensure the satisfactory appearance of the development
13. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within three years of planting, shall be replaced by a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.
Reason: To ensure the satisfactory appearance of the development.
14. Notwithstanding the annotations on the plans hereby approved, none of the existing trees on the site shall be lopped, topped, felled or root pruned without the prior written consent of the Local Planning Authority.
Reason: To ensure the satisfactory appearance of the development.
15. Notwithstanding the annotations on the plans hereby approved, no development shall take place until a detailed tree survey to BS 5837 standard and arboricultural method

statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall also include details of sustainable drainage for the site, its trees and landscaping and identify tree protection measures, including any special surfacing. A sunlight map to BRE standard should also be submitted.
Reason: To ensure the satisfactory appearance of the development.

16. No development shall take place until full details of existing and proposed levels of the site, accessways 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 adjoining land, or the retention of the trees on Filed Close. The development shall be carried out and retained in accordance with these approved details.
Reason: To ensure the satisfactory appearance of the development.
17. No development shall be carried out until details of the means of lighting of the courtyard and car parking area at the rear of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid any undue light spillage on adjacent residential properties and the development shall be carried out and retained in accordance with these approved details.
Reason; To ensure the safety of the occupants of the scheme and to protect the amenities of the occupiers of neighbouring residential properties.
Reason: To ensure the satisfactory appearance of the development.
18. No development shall be carried out until details of the layout for the car parking spaces has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
19. 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 and the development shall not be occupied until the access, parking and cycle storage facilities are available for use.
Reason; To ensure the satisfactory provision of off-street parking
20. No development shall be carried out until full details of bin stores have been approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter retained in accordance with these approved details.
Reason: To ensure the satisfactory functioning of the development.

Summary of Reasons

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV19, ENV34 and 35 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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 30 March 2005

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 03/0400/FL/E3

Case Officer: Della Templeton

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Downes Property Ltd

Agent: Mason Richards Partnership

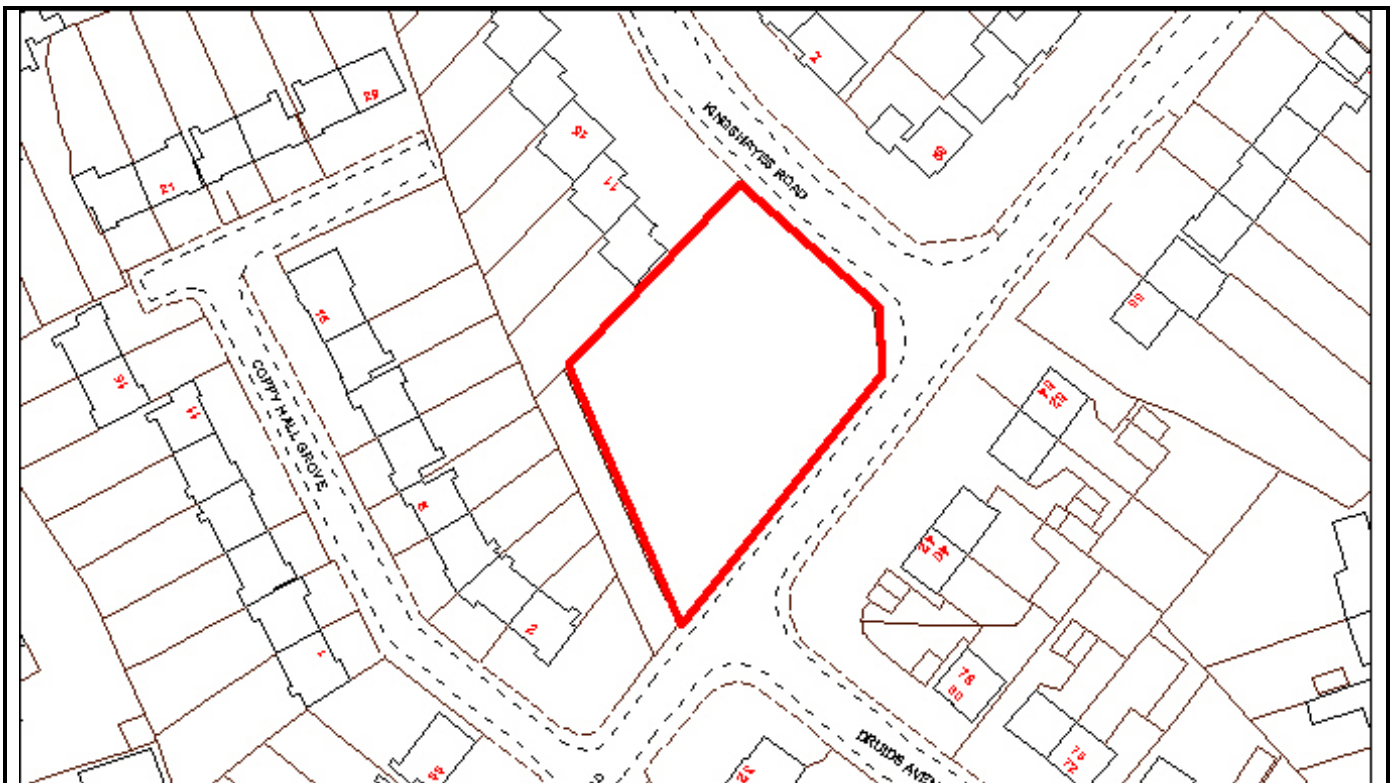
Proposal: Residential development comprising single 4 bedroom detached dwelling.

Location: Land corner of Lazy Hill Road/,Kingshayes Road,Aldridge,Walsall

Ward: Aldridge North and Walsall Wood

Expired: 15 July 2004

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

An application for 2 dwellings on this site was received in March 2003. This was amended to a single dwelling in October 2004 and there have been several further amendments made to the scheme since that date including changes to site boundary, layout and design, in an attempt to alleviate potential harm to protected trees.

The site is currently an open unkempt area containing a number of trees which are the subject of a Tree Preservation Order. Access to the new dwelling would be from Kingshayes Road.

Information provided includes a tree survey, details of the protection measures during construction, level changes, and boundary fence construction. The applicant considers that the new dwelling would receive an acceptable level of sunlight and not be unduly shaded by retained trees.

Relevant Planning History

None.

Relevant Planning Policy Summary

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

Unitary Development Plan March 2005

Policy H10 states that residential developments should create a high quality living environment, well-integrated with surrounding land uses and local character and in accordance with the principles of good design set out in Policy ENV32.

Policies GP2 and 3.6 expect development to improve the environment.

Policy ENV18 will not permit development which would damage or destroy trees or woodlands protected by Tree Preservation Order. Where developments are permitted which involve the loss of trees developers will be required to minimise the loss and provide compensatory planting.

Policy ENV32 (a) will not permit poorly designed development or proposals which fail to properly take account of the context or surroundings with particular emphasis on visually prominent sites. (b) sets criteria that the Council will consider in assessing the quality of design of any development proposal, including, appearance, height, proportion, scale and massing, materials, external spaces, visual relationship to adjacent areas, the street and character of the surrounding neighbourhood, the effect on the local character of the area and integration of existing natural features of value.

Consultations

Environmental Health and Consumer Services - No adverse comments.

Severn Trent Water - Recommend a condition regarding drainage works.

Transportation Planning Group - No objections.

Landscape Officer, Environmental Regeneration - No objections subject to conditions restricting permitted development rights.

Representations

Objections have been received from 2, 4 and 6 Coppy Hall Grovet:-

- Contrary to covenant;
- impact on wildlife, trees etc;
- loss of trees could lead to damage to adjacent property;
- overlooking of properties;
- devaluation of properties.

Determining Issues

- the effect of the development on the character and appearance of the area;
- the impact of the proposed development on the residential amenities of neighbours in terms of loss of privacy, overlooking and disturbance;
- there may be any highways?whether safety impacts arising from the proposal;
- the impact of the development on the TPO trees at the site.

Observations

Impact on the Character of the Area

The application site is an overgrown area to the side of no.9 Kingshayes Road containing a number of TPO trees.

The area contains a mixture of detached, semi-detached and link-detached properties. In this context the development of a detached dwelling on the site is acceptable. The house would be prominently located in the eastern corner of the site, situated marginally closer to back of pavement than adjoining houses. In its present state the site detracts from the visual amenities of the area. Therefore the opportunity to redevelop it, with a form of development appropriate to the area with resultant benefits to the general appearance of the area, should be welcomed. I am satisfied that the house would not have any adverse impact on the visual amenities of the area sufficient to warrant refusal of this application.

Although at a very low density the site is constrained by the presence of protected trees and thus cannot be intensively developed.

Residential Amenity

No.9 Kingshayes Road (adjacent to the site) would have no view of the proposed building from its habitable room windows, and neither would it be overlooked by the new dwelling. Separation and orientation of the 2 properties would achieve an acceptable relationship.

Objections to the scheme have been raised by residents of Coppy Hall Grove whose rear gardens back onto the site. The distance from the rear elevations of these properties to the new dwelling is in the region of 45 to 50m. Views of the new property from Coppy Hall Grove would be screened by the TPO trees at the site which are to be retained. I am satisfied, given the distances involved and the presence of mature trees at the site, that the proposed development would not result in any adverse privacy impacts on the residents of Coppy Hall

Grove. The development is in accordance with UDP requirements for distance between habitable room windows and rear garden lengths.

Highway Safety

Highways Officers have raised no objection to the proposal. The development provides for 3 off-street parking spaces for the dwelling, in accordance with UDP standards.

Impact on TPO trees

The Arboricultural officer is satisfied with the additional information provided but remains concerned that there will be pressure for tree removal or severe pruning in the future due to overshadowing. A restriction on permitted development rights would be appropriate to help in addressing this issue.

A landscaping scheme should indicate compensatory planting for the trees identified to be removed. The applicant should provide details of underground services to the site before development commences.

Recommendation: Grant Permission subject to conditions

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

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

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

Reason: To ensure the satisfactory appearance of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders:-

- a) no gates, fences, walls or other means of enclosure, except those included on the approved plans, shall be moved or erected without the prior approval of a planning application relating to that work.
- b) there shall be no vehicular access to the site, other than through the access as shown on the deposited plans, without the prior approval of a planning application, and;
- c) no extensions to the development hereby permitted shall be constructed without the prior submission and approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over future development of this site and ensure the satisfactory appearance of the development and in the interests of highway safety.

4. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The landscape scheme shall include details of compensatory tree planting and shall provide details of the proposed

surface treatments for new driveway areas and any treatment of boundaries thereto. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

6. The approved guards or fencing as detailed on drawing number 32521/15 revision E shall be erected around all trees and hedges to be retained before development commences, and shall be retained until the development is entirely complete. The land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

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

7. No development shall be carried out until full details of all existing and proposed underground services and sewers have been approved in writing by the local planning authority.

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

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

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

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

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

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

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

11. When this development has been completed, or appears to the local planning authority to be substantially completed, an assessment of the existing landscaping shall be undertaken in conjunction with the local planning authority. A detailed scheme of any remedial, replacement or enhancement works required by the assessment shall be submitted for the approval of the local planning authority, within 2 month of that assessment. The approved scheme shall be implemented in the first planting season (1st October - 1st April) following completion of the development, or the approval of the scheme, whichever is the earlier.

Reason: To ensure the satisfactory appearance of the development.

12. This development shall not be carried out until a schedule of facing materials to be used in external walls and roof of the dwelling and 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.

13. The development hereby approved shall not commence until drainage works for the disposal of surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory means of drainage of the site and to reduce the risk of creating or exacerbating a flooding problem.

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

Reason: In the interests of highway safety.

15. This development shall not be carried out other than in conformity with drawing number 5883/S1 submitted on 5 March 2003; drawing number 32521/16 revision A jcm 22.01.04 submitted on 29 January 2004; drawings numbered 32521/7 and 32521/15 revision B submitted on 21 April 2004 and drawing number 32521/15 revision E submitted on 27 January 2005, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

Reason: To define the permission and ensure that the development undertaken 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).

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, H10, ENV18 and ENV32 of Walsall's Unitary Development Plan (2005), 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
