



DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning and
Building Control, Regeneration
On 30th January 2007**

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To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/1505/OL/E9

Case Officer: Barbara Toy

Application Type: Outline Application

Telephone Number: 01922 652429

Applicant: Mr M Collins

Agent: Spooner Architects

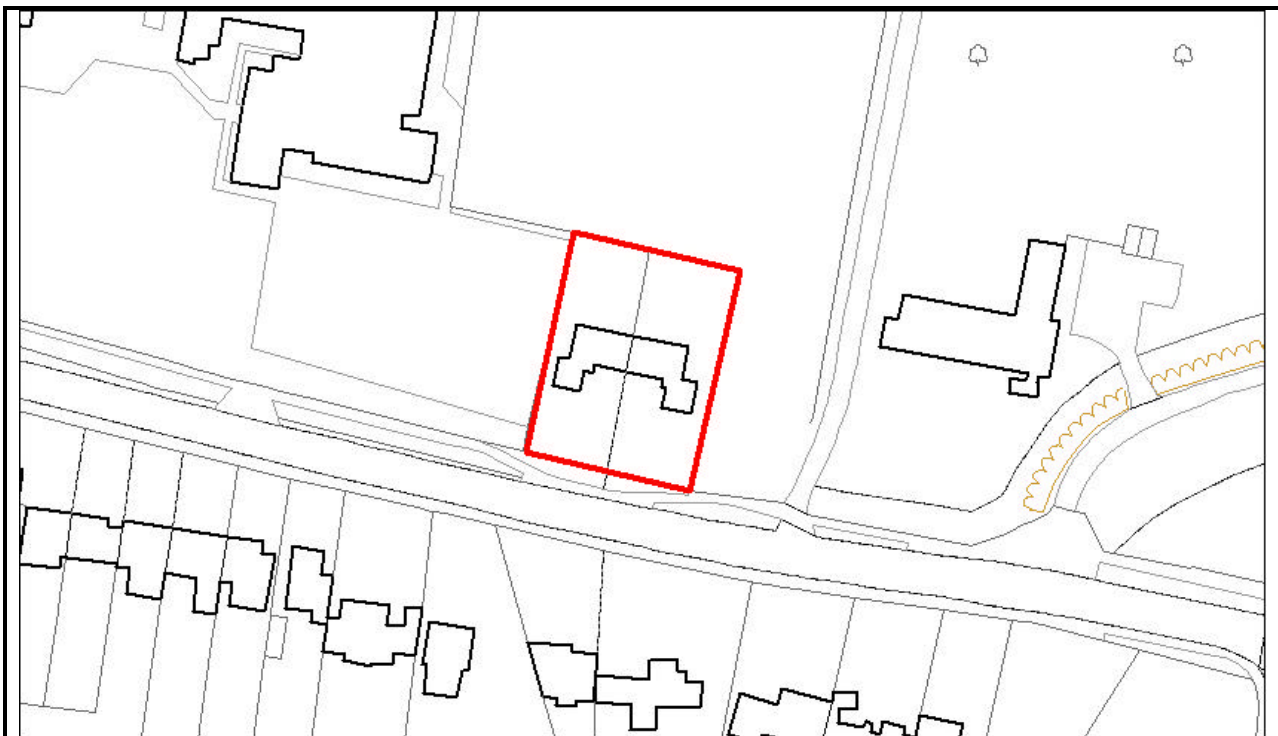
Proposal: Outline: Demolition of existing properties and erection of 10 apartments.

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

Ward: Aldridge/Central & South

Expired: 01 February 2007

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



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Application and Site Details

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

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

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

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

The green belt boundary is set to the east of the site, with a vacant two storey 1960's former Local Authority children's home further to the east, set back from the road.

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

The application is in outline with access, appearance, scale and layout to be determined and only landscaping reserved for future determination.

The application has been amended since submission and now proposes the demolition of the existing houses and erection of a single block, two and half storeys high (with second floor within the roof space), comprising of eight x 2 bed, 4 person apartments and two x 3 bed, 5 person apartments, amenity space and 14 parking spaces (12 to the rear and 2 on the frontage) together with a gated access drive to the east of the building.

The amended scheme reduced the number of units by 1, reducing the parking requirement, improving the useable amenity space, set the building further back from the road and stepped the building slightly, which has resulted in an amended roof design. The scheme also now provides direct pedestrian access from the street to both of the ground floor apartments.

The application proposes a single access from the highway, as existing but in an altered position towards the eastern boundary of the site. This access would be gated and lead to a rear parking court comprising of 12 spaces, with a further 2 spaces (including 1 disabled) situated on the frontage, which could be used by visitors.

Pedestrian access would be provided directly from Little Aston Road to the main entrance and to each of the two ground floor apartments, with additional access to the rear amenity and parking area.

Site area 0.125 hectares with a density of 80 dwellings per hectare.

Relevant Planning History

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

06/2003/CA/E9, Conservation Area Consent application for the demolition of a pair of semi detached houses - reported elsewhere on this agenda.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection and Policy 3.6

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

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

GP3: Planning Obligations

Used to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by the development.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings.

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved.

H9: Minimum Densities

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

H10: Layout, Design and Dwelling Mix

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

ENV14: Development of Derelict and Previously-Developed Land and Policy 3.9

The Council will encourage the reclamation and development of derelict and previously developed land.

ENV22: Protected Species

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

ENV23: Nature Conservation and New Development

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

ENV29: Conservation Areas

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

ENV32: Design and Development Proposals and Policy 3.16.

Considers development in relation to its setting with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

LC1(d): Urban Open Space

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

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

T7 - Car Parking

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

T13: Parking Provision

Flats with communal parking 1.5 spaces per unit

Residential Development Standards, (April 2005)

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

Urban Open Space (SPD) (April 2006)

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Regional Policy

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

National Policy

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

PPG3: Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments.

Consideration of design and layout must be formed by the wider context. Landscaping is an integral part of new development and opportunities for new planting should be taken.

PPG13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

PPG15: Planning and the Historic Environment, special attention should be paid to preserving and enhancing the character and appearance of conservation areas. A general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of conservation areas.

Consultations

Transportation - no objections. 14 parking spaces including disabled provision would fall just below the 1.5 spaces per unit required by policy for 10 apartments. However in view of the location of the site in close proximity to the District Centre and sustainable transport links, no objections are raised.

The proposed manoeuvring space in the parking court to the rear is good and good hardstanding area included on the frontage to be used on refuse collection days to enable bins to be stored adjacent to the highway.

Pollution Control - no objections, subject to conditions to restrict hours of working on the site and submission of a method statement of the proposed demolition of the existing properties.

Conservation Officer - concerns raised regarding the impact of the proposals on the character and appearance of the conservation area by reasons of lack of landscaping detail, design, massing and siting of the building.

The landscaping forms a very important part of the character and appearance of the Aldridge Conservation Area, and considerably more detail is required to ensure a high quality scheme. The proposals represent a significant increase in massing and height and together with the building being sited significantly further forward on the site than the existing buildings would make the building visually dominant in contrast to the discreet nature of the existing buildings. Whilst the amended scheme uses the articulation of the elevations and roof to break up the visual impact of the massing, there are no other single buildings of a similar massing in the area. It is therefore considered that the proposals do not preserve or enhance the character and appearance of the Aldridge Conservation Area.

Fire Officer - Satisfactory access for fire appliance.

Education Walsall - The level of surplus places in both local primary and secondary schools is below 10%, therefore a contribution towards both primary and secondary school provision is required.

Landscape Officer - serious concerns regarding the lack of information provided on landscaping. This is a prominent site situated within the Aldridge conservation area and landscaping should be a high priority.

Centro - no objections

Building Control - Building control should be notified of any demolition works.

West Midlands Police - no concerns, the site is not situated in a high crime area and the layout of the building would provide good natural surveillance and access control.

Environmental Services - no comments.

Natural Environment Manager - satisfied with the submitted Bat report findings that bat roosts are unlikely in the existing 2 houses. Safeguarding conditions recommended.

Representations

Ten representations have been received and a petition against the proposals containing 60 signatures on the original submission.

The objections include:

- Little alteration from the previous unacceptable scheme
- Closer to the footpath than the existing buildings, which would be out of character
- Increase in traffic in already busy road, creating highway safety issues

- Increase in parking problems
- Out of character with surrounding area
- Already large number of apartments within Aldridge
- Increase in scale and massing from existing houses
- Negative impact on the conservation area, in terms of scale massing and proximity to the footpath and highway
- Over development and high density
- Overlooking of existing bungalows opposite and an over bearing impact
- Overlooking of school grounds, representing a security risk
- Possible sewer problems from increase in use
- Set a precedent

Occupiers were re-consulted on the amended proposals on the 5th January 2007 and any representations received as a result will be reported in the supplementary papers.

Determining Issues

- The principle of residential development.
- The design and layout of the proposals
- Impact on surrounding occupiers
- Impact on conservation area.
- Access and parking arrangements
- Education and Urban Open Space Contributions

Observations

Principle of residential development

The application site is currently occupied by a pair of semi detached houses situated in a predominantly residential area. UDP policy H3, encourages the provision of additional housing through re-use of previous developed windfall sites. PPG 3 : Housing further encourages the development of brownfield sites for residential purposes.

The site is considered to be in a sustainable location, within walking distance of Aldridge district centre, providing local services and shops and situated on a district distributor route. The principle of residential development on the site is therefore considered appropriate.

UDP policy H9 and PPG 3 - Housing, both encourage residential densities exceeding 50 dwellings per hectare on sites with good public transport accessibility and close to district and local centres. The proposed density of 80 dwellings per hectares therefore complies with policy.

Design and Layout.

The proposals would provide a two and a half storey single building larger in scale, massing and height than the existing houses on the site and sited closer to the highway. The buildings would however be of a similar width to the existing but with a 50% increased footprint.

The amended scheme submitted sets the building back from the road by between 8m and 9.4m, with the right hand side of the building stepped back from the left side. The existing buildings are set 14m back from the road. The stepping of the building has resulted in an amended roof design, which is considered would reduce the overall impact of the building.

Architectural design features and influences have been taken from surrounding properties including Georgian windows with headers and sills and bay windows, brickwork banding detail and a hipped roof design with frontage gable features. The hipped roof would assist in reducing the height of the building but still allowing for accommodation within the roof space. The residential properties on the opposite side of Little Aston Road are all of individual design with no two properties the same, providing no distinctive character within the conservation area. It is however recognised that the existing houses on the site are of no particular architectural merit and do not assist in enhancing or preserving the character or appearance of the conservation area.

There is no defined building line on the application side of Little Aston Rd, with The Maltings (to the west) set close to the road but Cooper Jordan School and Beacon View set back. The building has been set forward and stepped to provide a useable amenity space for residents and an appropriate level of parking to the rear of the building and two parking spaces on the frontage, and also to increase the distance from the rear facing windows within the development from the rear boundary with the school playing field to a minimum of 18m. This together with additional landscaping to compliment the existing trees along the boundary would assist in alleviating any direct overlooking of the playing field from the development.

The western elevation would have no windows in order to ensure no overlooking of the school playground immediately adjacent. The eastern elevation includes windows to provide overlooking of the side access driveway, providing surveillance to improve security.

The amended proposals reduce the extent of parking provision to the rear of the building which would therefore provide a more acceptable amenity space immediately outside the rear of the building, which would be separated from the vehicle access by decorative railings.

The site is adjoined either side by substantial mature hedging/trees at both the back of pavement and the kerb, which obscures the site from view when travelling in either direction along Little Aston Road. Although the proposed building would sit further forward on the site than the existing buildings (between 5 and 6m), it is considered that the new building would still not be fully visible for any great distance along Little Aston Road.

Impact on surrounding occupiers

As previously discussed the building is set forward on the site to prevent direct overlooking to the rear school playing field and no windows have been included on the western elevation to prevent overlooking of the school playground, as well as retention of existing boundary trees and hedging. The proposals would still provide a distance separation to the properties on the opposite side of the road of some 40m, well in excess of the 24m required by the RDS. Despite the increased height and massing of the building it is considered that it would have no adverse impact on the amenities of the surrounding occupiers.

Impact on Conservation Area

The existing dwellings are of no particular architectural merit. The loss of these buildings would have no adverse impact on the character or appearance of the conservation area. In addition the adjoining buildings to both the east and west are of 1960's/70's design and construction with a utilitarian appearance, which are again of no particular merit within the conservation area. The key feature of this side of Little Aston Road, which adds to the character and appearance of the conservation area is the significant landscaping along the back of pavement and kerbside. This would be unaffected by the proposals and would

continue to obscure the vision of the site from the road when travelling in either direction along Little Aston Road.

The conservation officer has raised concerns about the increase in the footprint, height and massing of the building and the forward positioning within the site, it is considered however that the existing landscaping would continue to obscure the full vision of the site from the road, except in very close proximity to the site. It is recognised that the proposed building would be significantly larger than the existing two dwellings on the site in terms of scale and massing and at the upper limit of acceptability for the site. Whilst it is in an isolated position the building would be set in its own site separate to any adjoining buildings with significant existing mature landscaping surrounding.

Landscaping is a reserved matter, with further details to be submitted in a new application, but the developers have indicated within the current submission that substantial landscaping would be provided to the rear and side boundaries with the school to complement the existing.

Access and Parking Arrangements

The site is situated on the A454, Little Aston Road, which forms part of the district distributor route within the Borough. This is a busy route leading from the Chester Road (A452 SHN) into Aldridge district centre.

The proposed level of parking would provide 1.4 spaces per apartment, slightly below the 1.5 required by Policy T13 of the UDP.

Transportation have raised no objections and welcome the good manoeuvring area that would be provided within the rear parking area and the hardstanding on the frontage which can be used on refuse collection days to enable bins to be stored adjacent to the highway.

Education and Urban open Space Contributions

Education

The level of surplus places in both local primary and secondary schools is below 10% therefore a contribution of £22,029.53 is required towards primary and secondary school provision within the local area, in line with Policy 8.8 of the UDP.

Urban Open Space

An Urban Open Space contribution of £25,366.00 is required to comply with the Urban Open Space SPD policy.

Conclusion

The proposed replacement building would be significantly larger than the existing pair of houses and due to its forward siting would be a prominent feature in the otherwise open street scene. This forward siting affords an acceptable relationship with the adjacent school grounds and the provision of an appropriate level of private rear amenity space. The concerns of the conservation officer are fully recognised but, on balance, it is considered that the scheme represents an improvement on the unremarkable properties that it would replace, which currently present a detracting element in the conservation area.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

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

3. This development shall not be commenced until details of the Landscaping Reserved Matter has been submitted to and approved by the Local Planning Authority.

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

4. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

5. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

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

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

7. Prior to any demolition operations or activities commencing, a method statement shall be submitted to and agreed in writing by the Local Planning Authority, for the purpose of controlling grit, dust and fumes. The agreed method statement shall be fully implemented and thereafter maintained throughout the duration of demolition operations and activities.

Reason: To protect the amenity of the surrounding residential occupiers.

8. No development shall take place until details of the access gates and control system for the vehicle access have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained in working order.

Reason: In the interests of securing the site.

9. No development shall be carried out until details of the design of a refuse storage area are submitted to and approved by the Local Planning Authority.

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

10. No development shall take place until details of a refuse management scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented upon the first occupation of any part of the development and maintained thereafter.

Reason: In the interests of securing the site.

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

Reason: To safeguard the visual amenities of the area.

12. No development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises.

Reason: In the interests of securing the development.

13. No development shall commence on the site until details of boundary treatment to the front elevation to Little Aston Road have been submitted to and approved in writing by the Local Planning Authority, such treatment shall not exceed 1m in height and the approved details shall be implemented prior to first occupation of the premises.

Reason: In the interests of securing the development and to safeguard the visual amenity of the area..

14. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 08.00 to 18.00 weekdays and 09.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To protect the amenity of the surrounding residential occupiers.

15. The demolition of the buildings should be supervised by a person suitably licensed, qualified and experienced in bat ecology and legislation. The person shall instruct personnel

involved in the demolition of the building and be available to supervise the demolition of those parts of the building most likely to contain bats. In the event that bats are discovered, a person suitably licensed, qualified and experienced in bat ecology and legislation shall be available immediately to liaise with English Nature and take steps to ensure the necessary remedial steps to comply with the law.

Reason: In the interests of protecting any bats on site.

16. If demolition of the buildings has not begun within 12 months of the initial bat survey carried out by Land Care Associates dated 30th August 2006, then a follow up survey shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of protecting any bats on site.

17. This permission relates to drawing No. 0641/1 Rev E and 0641/2 submitted on 05-01-07 and Design and Access Statement submitted on 01-11-06

Reason: In order 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, 2.2, 3.6, 3.16, GP2, GP3, ENV14, ENV22, ENV23, ENV29, ENV32, H3, H9, H10, 8.8, LC1 and T13 of Walsall's Unitary Development Plan, and Residential Development Standards and Urban Open Space Supplementary Planning Documents, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/2003/CA/E9

Case Officer: Barbara Toy

Application Type: Conservation Area
Consent

Telephone Number: 01922 652429

Applicant: Mr M Collins

Agent: Spooner Architects

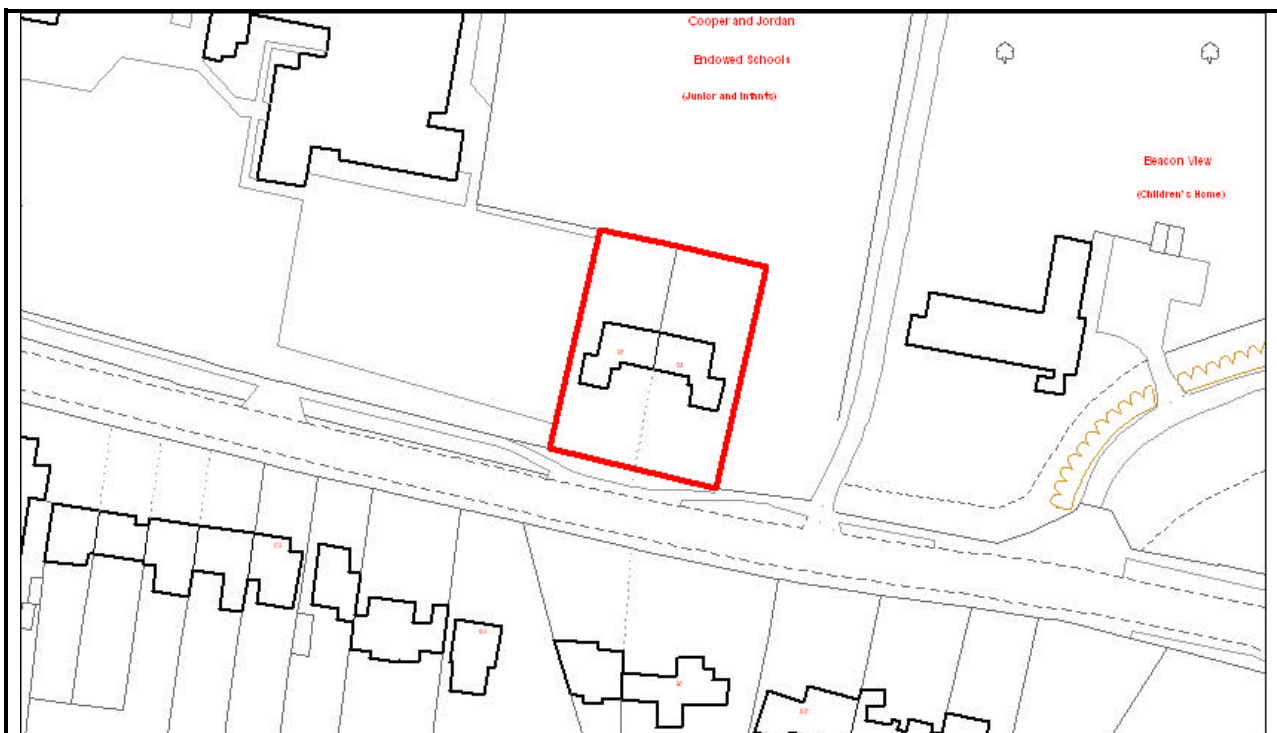
Proposal: Conservation Area Consent:
Demolition of existing properties for
redevelopment

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

Ward: Aldridge/Central & South

Expired: 25 January 2007

Recommendation Summary: Grant Conservation Area Consent



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Application and Site Details

The application site is situated on the northern side of Little Aston Road (A454) within the Aldridge Conservation Area, and within walking distance of Aldridge District Centre. The site comprises of an isolated pair of two storey semi detached 1940's/50's former police houses with single storey flat roofed garages set forward of the main houses. The properties are set back from the main road with an open frontage and joint access driveway in the centre of the site.

The site is adjoined either side by substantial mature hedging/trees which extend to the front edge of the site.

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

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

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

The green belt boundary is set to the east of the site, with a vacant two storey 1960's former Local Authority children's home further to the east , set back from the road.

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

The application proposes the demolition of the two existing houses and garages, ready for redevelopment of the site for residential purposes.

Relevant Planning History

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

06/1505/OL/E9, Outline application for the erection of 10 apartments - reported elsewhere on this agenda.

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection and Policy 3.6

Requires new development to contribute to the improvement of the environment. Policy 3.16 considers development in relation to its setting with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

ENV29: Conservation Areas

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

Policy 3.104 seeks to enhance and preserve the appearance and character of Conservation Areas.

Policy 3.105 indicates that there is a presumption against the demolition of buildings within a conservation area which positively contributes to the appearance and character of the area.

Policy 13.6 indicates that the Aldridge Conservation Area will be protected under Policy ENV29 (above).

National Policy

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

PPG15: Planning and the Historic Environment, special attention should be paid to preserving and enhancing the character and appearance of conservation areas. A general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of conservation areas. In less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.

Consultations

Transportation - no objections.

Pollution Control - no objections, subject to conditions to restrict hours of working on the site and submission of a method statement of the proposed demolition of the existing properties.

Conservation Officer - No objections in principle to the demolition, subject to a satisfactory replacement scheme being approved. The existing properties date from the 1940's or 50's and do not possess any significant architectural merit. Whilst they do not detract from the conservation area, nor do they positively contribute to its special character and appearance.

Fire Officer - Satisfactory access for fire appliance.

Representations

Six representations have been received.

The objections include:

- The properties have been continually occupied since being built
- The land should be donated to the school rather than for redevelopment
- The demolition would detract from the character and appearance of the conservation area.
- The existing properties in a set back position are in keeping with the area

- The demolition should be considered only in conjunction with the application for redevelopment for an apartment block, which would be out of character with the area
- Land on the opposite side of the road was CPO'd for road widening and new footpath, as residents were told the application side of the road could not be altered because of the conservation area.

Determining Issues

- Impact on conservation area from loss of buildings
- Need to secure redevelopment.

Observations

Impact on Conservation area from loss of buildings

The existing dwellings are of no particular architectural merit. Whilst they do not detract from the Aldridge conservation area, nor do they positively contribute to its special character and appearance. It is therefore considered that the loss of these buildings would have no adverse impact on the character or appearance of the conservation area.

The key feature of this side of Little Aston Road, which adds to the character and appearance of the conservation area is the significant landscaping along the back of pavement and kerbside. This would be unaffected by the proposals and would continue to obscure the vision of the site from the road when travelling in either direction along Little Aston Road.

Redevelopment Proposals

In line with PPG15 an outline application for redevelopment of the site with an apartment block containing 10 units is reported elsewhere in this agenda.

Recommendation: Grant Conservation Area Consent

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

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

2. Prior to any demolition operations or activities commencing, a method statement shall be submitted to and agreed in writing by the Local Planning Authority, for the purpose of controlling grit, dust and fumes. The agreed method statement shall be fully implemented and thereafter maintained throughout the duration of demolition operations and activities.

Reason: To protect the amenity of the surrounding residential occupiers.

3. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 08.00 to 18.00 weekdays and 09.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To protect the amenity of the surrounding residential occupiers.

4. The demolition of the buildings should be supervised by a person suitably licensed, qualified and experienced in bat ecology and legislation. The person shall instruct personnel involved in the demolition of the building and be available to supervise the demolition of those parts of the building most likely to contain bats. In the event that bats are discovered, a person suitably licensed, qualified and experienced in bat ecology and legislation shall be available immediately to liaise with English Nature and take steps to ensure the necessary remedial steps to comply with the law.

Reason: In the interests of protecting any bats on site.

5. If demolition of the buildings has not begun within 12 months of the initial bat survey carried out by Land Care Associates dated 30th August 2006, then a follow up survey would be required to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of protecting any bats on site.

6. Prior to any demolition operations or activities commencing on site, details of ground treatment and site security before, during and following demolition shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and thereafter retained prior to commencement of any work on site.

Reason: To protect the amenity of the surrounding residential occupiers, the impact on the Conservation Area and ensure security of the site.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, GP2, ENV29, 3.104 and 3.105 of Walsall's Unitary Development Plan, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/1705/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Mr & Mrs Chohan

Agent: Mistry Design Services

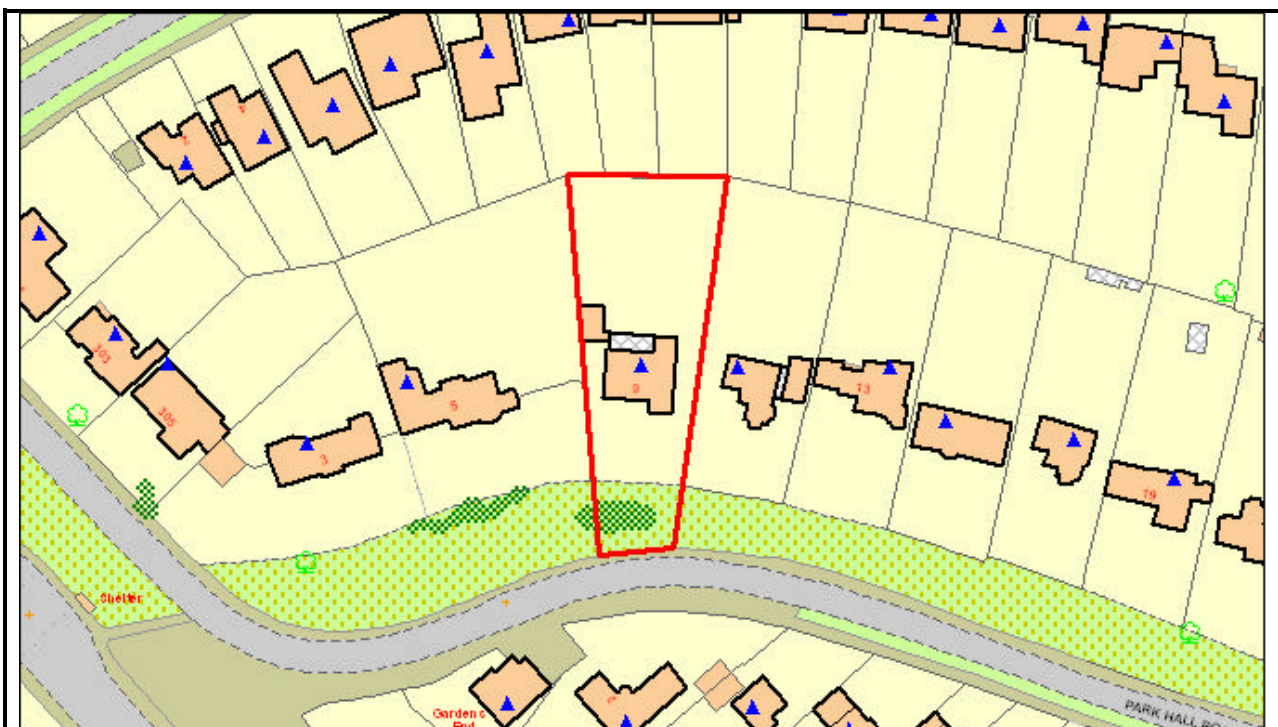
Proposal: Erection of replacement dwelling.

Location: 9,PARK HALL
ROAD,WALSALL,WEST
MIDLANDS,WS5 3HF

Ward: Paddock

Expired: 15 February 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application site is situated on the northern side of Park Hall Road, and currently comprises of a vacant three bed dormer bungalow with detached single storey garage set back to the side. The Bungalow is set back from the road by 24m, with a substantial front garden and front driveway, containing 5 mature trees, that are protected under Tree Preservation Order (TPO) 3 of 1965.

Park Hall Road is characterised by large detached houses and bungalows with substantial frontages and rear gardens and the properties vary in age, style and massing. The road slopes from east to west with a shallow gradient.

The site is adjoined either side (No.5 to the west and No.11 to the east) by detached 2 storey houses. No.11 has recently been substantially extended. Directly opposite the site is a large detached bungalow and to the rear of the site are two storey detached houses in Springvale Avenue, with rear gardens backing onto the site.

An outline approval exists for the erection of one dwelling house on the land between No. 5 and the application site.

The application proposes the demolition of the existing bungalow and garage with the erection of a new two storey detached house (1m higher than the existing bungalow) with single storey garage set back to the side. The accommodation would comprise of 6 bedrooms, including a gym to the rear of the proposed garage at the side.

The application represents revised proposals following a previous refusal by reasons of design detail, roof design and massing, the overall massing and the scale and height of the proposals within the general street scene. The proposals have been substantially amended and now include a hipped roof, reduced overall height (by 1.9m), frontage gable features, front ground floor bay windows and a revised turret feature.

An Arboricultural Impact Assessment submitted with the application recommends that a temporary road surface be laid on the frontage during all works on the site (to protect the root systems of the protected trees) as well as full tree protection measures to the protected trees on the frontage. The report also advises on the most appropriate location for materials storage and some pruning and works to the trees.

Relevant Planning History

05/1188/OL/E3, outline application for the erection of one house on land between No5 and No9 Park Hall Road, siting and access only approved 03-08-05, with all other matters reserved.

05/0947/FL/H4, a householder application for extension to the existing bungalow. The applicant/agent were advised that the proposals amounted to a replacement dwelling. The application was withdrawn to be re-submitted for a replacement dwelling.

05/1325/FL/E6, replacement of bungalow with a house, refused 14-09-05 for the following reason:

The detailed design of the house is considered an inappropriate mixture of styles. 1930's style bays and a neo-gothic turret with large windows are not considered harmonious. The

mass of the roof is considered out of keeping with the dwelling. Furthermore, the proposed mass, size, scale and height of the dwelling would be out of keeping within the street scene in the context of neighbouring dwellings, and the wider area. As such the proposal is contrary to Unitary Development Plan policies 2.2, GP2, 3.16, ENV32 and H10 and Planning Policy Statements 1 and 3.

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

Paragraphs 2.1 and 2.2 state that creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design is a key consideration.

GP2: Environmental Protection

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

Policy 3.6 seeks environmental improvement resulting from development.

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

H10: Layout, Design and Dwelling Mix

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

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

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

ENV18: Existing Woodlands, Trees and Hedgerows.

Loss of TPO'd trees will be resisted unless it would be in the interests of good arboricultural practice. Where any trees are lost replacements should be provided to minimise the loss.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

T7 - Car Parking

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

T13: Parking Provision

4 bed houses and above 3 spaces per unit

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens should have a minimum length of 12m.

National Policy

Planning Policy Statement 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

Consultations

Transportation - No transportation objections.

Fire Officer - Satisfactory access for fire appliance.

Arboricultural Officer - No objections to the proposed development, concurrence with the recommendations of the Arboricultural Impact Assessment by Tree Health Consulting Ltd, dated 12-12-06, submitted.

Representations

11 representations received, from 9 households.

Comments include:

- Improvement on previous scheme
- Ground floor bays represent an improvement on original proposals
- Noise and disturbance during construction period.
- No significant alterations from previous refusal
- Massing, size and scale out of keeping with the surroundings and the street scene
- Turret a prominent feature, out of character and would detract from the street scene
- Doubles the floor area of the existing bungalow, resulting in over development of the site
- No levels details
- Eaves and foundations of the side garage and gym would overlap the boundary with No.5.
- Insufficient manoeuvring space on the driveway to allow vehicles to leave the site in forward gear, being detrimental to highway safety.
- Overlooking of rear garden area from the new property and loss of privacy
- Additional traffic, creating further dangers to pedestrians, particularly those walking to nearby school
- Lack of detail within the Design and Access Statement
- Roof lights to the rear elevation imply conversion of the loft space to further accommodation and possible overlooking.

Determining Issues

The determining issues are whether this proposal overcomes the previous reasons for refusal in terms of:

- The design of the proposals
- Impact on the street scene

And Other matters.

Observations

The site lies within a residential area and currently comprises of a detached dormer bungalow. Policy H3 encourages the re-use of windfall sites for residential development and the proposals would provide a replacement dwelling. The principle of residential development in the form of a house to replace the existing bungalow was considered acceptable under the previous application. The proposals represent a small increase in the overall footprint of the existing bungalow that it would replace. The previous refusal reasons made no reference to any detrimental impact on the amenity of neighbours and the current proposals maintain this appropriate relationship.

The previous reasons for refusal focused on scale, design and massing issues and impact on the street scene, these are the issues that require to be overcome within the current proposals.

Design

The proposals represent a revised scheme following previous refusal and negotiations with Planning and Urban Design officers.

The proposals represent significant amendments to the previous refusal. The roof has been completely redesigned to provide a hip and reduced in overall height by approx 1.9m. The overall height of the roof has been reduced from 4.7m on the previous refusal to 2.8m currently, significantly reducing the overall mass and proportions of the house, with the roof now at an acceptable one third of the overall height of the building being no longer top heavy as the previous refusal. The overall height of the proposed house would now be similar to the existing house at No.11 adjacent, with the hipped detail removing the height from the boundary, which is considered acceptable with the small difference in levels between No.11 and the site, the site being approx 0.8m lower than No.11.

The application now proposes a two storey dwelling rather than the previous three storey in the previous application, which reduces the overall accommodation within the dwelling. Amended plans have also been received to remove the rear facing roof lights from the proposals as it is the applicant's intention to use the roof space for storage purposes only.

The refused scheme included two, two storey front bay features with prominent hipped roofs. These have been amended to ground floor bays only within front gable features, picking up on local characteristics of properties within the immediate vicinity.

The right hand bay and gable would project forward of the remainder of the house as an appropriate dominant feature, with the left side set back and the turret feature set between as a secondary feature. The turret feature incorporates the main front entrance door for the house and would help to emphasis the entrance improving the legibility of the building.

The footprint of the existing bungalow would be marginally increased as a result of the proposals, approx 1.2m increase in depth to the rear, a larger garage/gym footprint and the floor area of the turret on the frontage. The proposals have been reduced from 3 storey to 2 storey. The single storey garage would be larger than the existing but set in a similar position adjacent to the side boundary with No.5.

An addendum to the submitted Design and Access Statement has been submitted that includes a more detailed analysis of the design and character of the surrounding area and how the proposals relate to this. Principle characteristics of properties within the street include dominant front gable features and bay windows, both of which have been included in the proposals.

The design overcomes the previous reasons for refusal in terms of the style of the bays and turret and their dominance within the design, the mass of the roof and the scale, size and overall height of the proposed dwelling. The proposals would maintain an acceptable relationship with the neighbouring properties, avoiding any adverse impact on the levels of privacy and amenity currently enjoyed.

Impact on the street scene.

The proposals would meet the Council's space and separation distances standards. Mature landscaping and trees exist along each of the boundaries to the rear amenity space, which would provide additional screening of the proposed house. It is therefore considered that the proposed dwelling would have no adverse impact on the amenities of the surrounding residential occupiers.

The proposals would be set at the same position and angle as the existing bungalow, maintaining existing separation distances to the side boundaries. The existing TPO mature trees in the front garden would remain unaffected and protected during construction and therefore continue to provide a natural screening of the building from the street.

Although the building would change from a dormer bungalow to a 2 storey house and increase the overall mass of the building, the overall height would only increase by 1m. The site is situated between two existing 2 storey detached houses of similar height. It is therefore considered that the resultant additional massing would be in keeping with the general character of the immediate vicinity and would not have any adverse impact on the general street scene.

Other Matters

The existing vehicle access and parking arrangements would be maintained and utilized. The driveway would easily accommodate the 1 additional parking space that the proposals would require and transportation have raised no objections to the proposals.

An outline planning approval exists for the erection of one new dwelling house on the land between the application site and No. 5. Siting and access only have been approved with all other matters reserved. As the proposals would follow the same building line as the existing bungalow this would have no adverse impact on the existing approval on the adjacent land.

Recommendation: Grant Permission subject to conditions

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

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

2. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

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

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

5. No development shall be carried out until details of the temporary road surface to provide root protection to the TPO trees on the frontage of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to commencement of any works on site and remain in place until completion of the development.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

6. No development shall be carried out until details of the materials storage area, to be used during construction have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of any work on site and retained until the completion of the development.

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

7. The first floor secondary bedroom windows and store room window, on the side elevation facing No.11 Park Hall Road shall be fixed, non opening and fitted with opaque glazing, details to be submitted to and approved by the Local Planning Authority. The windows shall be installed in accordance with the approved details and thereafter retained.

Reason: In order to safeguard the amenities of residential occupiers in the vicinity.

8. 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 included in the Tree Preservation Order on the site.

9. The approved tree protection measures detailed in the Arboricultural Impact Assessment by Tree Health Consulting Ltd, dated 12th December 2006, shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. 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 Tree Preservation Order on the site.

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

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

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

Reason: To safeguard the trees included in the Tree Preservation Order on the site.

12. 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 included in the Tree Preservation Order on the site.

13. This permission relates to drawing No.6003/1B submitted on 12-01-07

Reason: In order 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, 2.2, 3.6, 3.16, GP2, ENV18, ENV32, H3, H10 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/1974/RM/E8

Case Officer: Neville Ball

Application Type: Reserved Matters

Telephone Number: 01922 652528

Applicant: Bovis Homes Limited

Agent: B Herrod

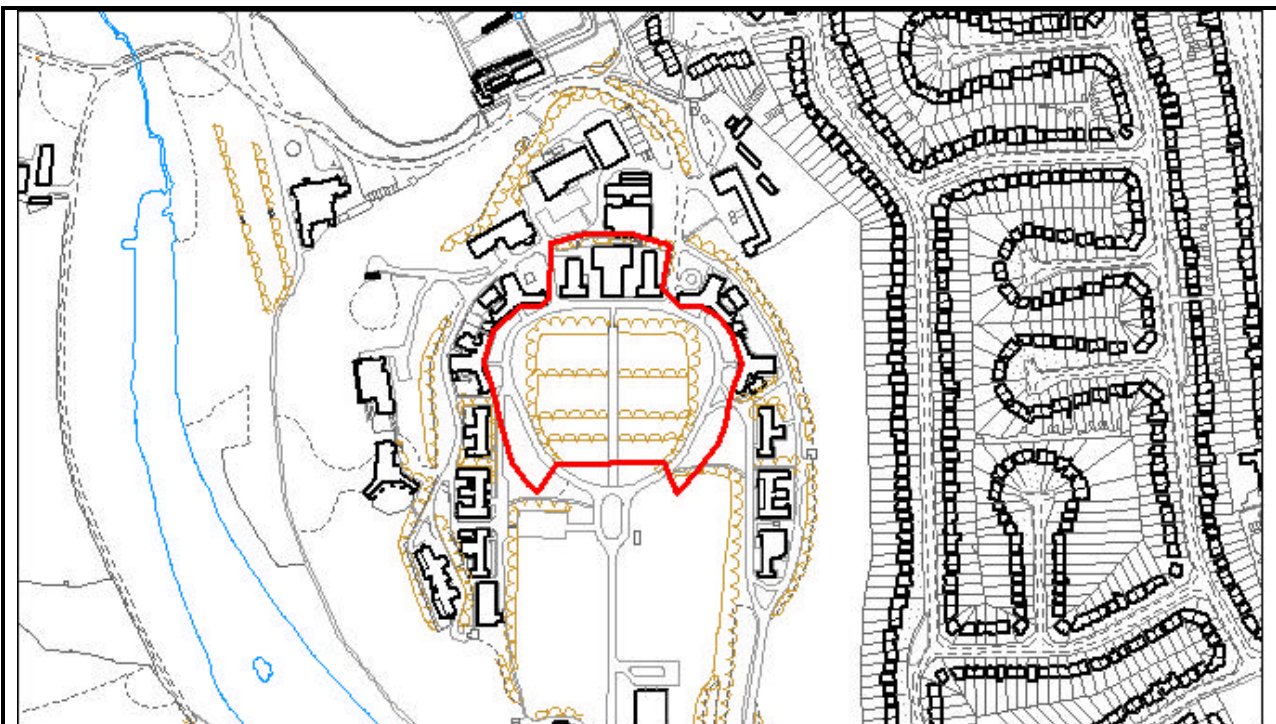
Proposal: 146 Apartments and Houses -
Reserved Matters To Outline Permission
02/2417/OL/E2

Location: ST MARGARETS
HOSPITAL, QUESLETT
ROAD, BIRMINGHAM, WALSALL, WEST
MIDLANDS

Ward: Pheasey Park Farm

Expired: 08 February 2007

Recommendation Summary: Approved Reserved Matters Conds



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Introduction and Background

This application is the second of a series of detailed submissions for the redevelopment of the former St Margaret's Hospital. They follow the granting of outline planning permission by the Secretary of State in September 2004 after a public inquiry which took place in March 2004. The first phase of the development, which was for 152 houses and apartments, was approved by your committee in September 2005 and is now under construction.

Some historical background is set out below for Members who may not be familiar with the site.

St Margaret's Hospital occupies part of what was originally the estate belonging to Great Barr Hall. The historical development of the site centres on works done to the Hall and surrounding parkland by successive generations of the Scott family and later, in the twentieth century, the building of the hospital.

In brief, prior to the development of the estate, Great Barr formed part of the Royal Forest of Cannock. In 1125 it was deforested and became part of Sutton Chase, a private chase belonging to the Earl of Warwick. Richard Scott established Nether-House Farm, now the site of Great Barr Hall, some time between 1641 and 1660. Throughout the 18th and 19th centuries, the original Nether House and surrounding gardens/parkland were developed into Great Barr Hall and Estate.

The development of Great Barr Hall is entwined with important historical figures. Different phases of the design of the parkland have associations with the leading and influential gardeners/landscape architects Shenstone, Repton and Nash. In the 18th century, the Hall was leased to Samuel Galton who played host to some of the nation's foremost scientists and thinkers, holding meetings of the Lunar Society which were attended by Josiah Wedgwood, James Watt and Matthew Boulton, amongst others.

The estate was taken over for the development of the Great Barr Colony and Hospital in 1912 and the hospital buildings were developed in stages from this time, utilising designs attributed to local architect Gerald McMichael. The horseshoe of the female homes was complete by 1930, and the male homes blocks were complete by 1937.

In the early 1970's the construction of the M6 motorway severed the original estate, with the bulk remaining to its north.

In the late 1970's the Hall and the land to the west, including the lakes, became surplus to the requirements of the NHS and were disposed of. Shortly afterwards the owner went into receivership. The Hall has been vacant since then but was sold to a new owner in September 2003.

In August 2004, your committee considered applications for the erection of two individual dwellings on either side of the lake which formed 'enabling development' to part fund the restoration of the Hall. You resolved to defer consideration pending the receipt of a full package of enabling proposals to secure the full restoration of the Hall. These two applications remain undetermined.

The current application proposals relate to the eastern half of the site involving the hospital buildings which remained in use until 1997.

Because of the historic and landscape value of Great Barr and the parkland with which it was historically associated, the site is subject to a number of designations. The site lies within the Green Belt, forms part of the Great Barr Conservation Area, includes 2 Sites of Importance for Nature Conservation, 6 Sites of Local Importance for Nature Conservation, and 3 areas of Ancient Woodland. Great Barr Hall is a Grade II* listed building, whilst its remaining estate is a Grade II listed Park of Special Historic Interest.

Application and Site Details

The planning permission granted in September 2004 is in outline with details including design and landscaping reserved for subsequent approval, but the permission includes approval of a master plan which sets out the general proposed layout of the site, to accommodate a total of 445 dwellings. The master plan which was approved by the Secretary of State shows the provision of a central spine road forming the access from Queslett Road with a loop around the higher part of the site. The master plan reflects the existing layout of the hospital buildings, with a formal layout of predominantly apartment buildings in the central area and houses in a formal line along the spine road, before reverting to a more informal layout around the edges of the site adjacent to the surrounding woodland.

The current application is for the design of the dwellings for phase 2. The proposed layout follows the intended layout shown on the master plan and relates to the area inside the loop. A total of 146 dwellings is proposed, with a mix of house types as follows:

120 x 2 bed apartments
14 x 3 bed terraced houses
12 x 4 bed terraced houses

The houses and apartments are to be mainly three and four storeys. 27 of the apartments are to be affordable dwellings, to be sold to key workers or through shared ownership via a housing association.

Phase 2 includes the provision of a large area of open space in the centre of the loop. This open space and the adjoining apartments will form the central focus of the development. The open space is to be maintained by a management company to be funded by future residents.

The layout has been amended since initial submission to omit 6 houses in order to provide additional parking spaces.

Relevant Planning History

02/2417/OL/E2. Outline (except for means of access) Residential Development. Appeal against non-determination allowed September 2004 subject to conditions, including a requirement to submit various reserved matters and other details, including a design brief, phasing, an ecological management plan, and an arboricultural survey for each phase. A legal agreement was also completed to secure additional funding for schools, health provision, affordable housing, the future management of the landscape of the site, and the provision of a bus service.

The approval includes a master plan that sets out in principal the proposed layout of the site.

The landscape management plan, which includes selective tree felling as part of the management of the woodlands, has now been submitted and approved. The first payment towards additional school capacity has also been made as required by the legal agreement.

02/2416/LB/E2: Listed Building Application for relocation of the gate posts at the Queslett Road entrance to allow the access road to be widened.

03/0057/CA/E2: Conservation Area Consent to allow the demolition of the existing hospital buildings.

Both granted on appeal as above.

05/0395/RM/H1: Reserved matters application 152 apartments and houses.

05/0396/RM/H1: Construction of loop road.

Both applications granted September 2005.

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

This summary only refers to policies that are directly relevant to issues raised by the current application. Other policies are relevant to the St Margaret's Hospital development but have already been taken into account in the granting of the outline permission.

Unitary Development Plan

ENV8: Site specific policy for the Great Barr Hall and Estate and St. Margaret's Hospital. States that all proposals must provide for the preservation, enhancement and management of the historic landscape, other historic features and other areas of nature conservation value.

ENV18: Refers to the protection of existing woodlands, trees and hedgerows.

ENV23: Nature conservation and new development. Requires new development to take full account of existing features of value for wildlife.

ENV25: Archaeology. States that proposals for development which affect archaeological sites will normally need to be accompanied by an evaluation of the archaeological resource.

ENV29: Conservation Areas.

ENV30: Registered Parks and Gardens.

ENV32: Design and Development Proposals. Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The Council will use criteria when assessing the quality of design of any development proposal, including appearance, height, proportion and scale, materials, the integration and co-ordination of buildings and external space, community safety and security, the proposed vehicular and pedestrian circulation patterns, and the maintenance requirements of the development.

ENV33: Landscape Design.

H10: Layout, Design and Dwelling Mix.

- (a) The Council will expect the design of residential developments, including residential extensions to:-
- I. Create a high quality living environment, well-integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.
 - II. Provide adequate additional open space, or improvements to existing open space, in accordance with Policy LC1.
 - III. Provide an appropriate mix of housing types, sizes and tenures with a variety of design.
 - IV. Facilitate the efficient provision of public transport services.
 - V. Maximise pedestrian and cyclist access to local amenities.
- (c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

T7 and T13 - Car Parking

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

Residential Development Standards

This sets out the council's standards for space around dwellings. Key standards include:

- Rear gardens to have a minimum length of 12 metres and a minimum area of 68 square metres;
- A minimum of 24 metres between all facing windows of habitable rooms of adjacent dwellings;
- A minimum of 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

The advice outlines the main considerations taken into account by the council when assessing residential development and extensions to dwellings. The council would not wish to stifle innovative design solutions. These guidelines should be seen as being minimum standards that should normally be met when submitting planning applications.

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

Consultation Replies

Transportation - The original submitted layout had a significant shortfall in parking provision. There were also detailed concerns about the positions of some of the parking spaces.

The amended plans are intended to address these concerns but confirmation is awaited of this.

West Midlands Fire Authority - No objection to the amended plans subject to clarification of the access arrangement for some of the apartments.

Pollution Control - No adverse comments.

Highways Agency - No adverse comments.

Centro - It is vital that there is a long term commitment to funding the bus service through the site. A Residential Travel Plan should also be developed to include marketing and promotion of sustainable modes, a car club and possibly discounted travel cards to be included in welcome packs for new residents. Advice should also be sought over the location of bus shelters.

English Heritage - No adverse comments.

Natural England - No objection.

Representations

The occupier of 32 Foxwood Avenue has objected on the grounds that additional dwellings will increase traffic on Queslett Road, and pressure on doctors, schools and services.

The occupier of 44 Park Farm Road has objected on the grounds that having already declined the initial application for over 600 dwellings, there is no justification for allowing a further 152 apartments and houses.

Determining Issues

Because the site has outline planning permission, including approval of the master plan, many issues of principle are settled.

With respect to the concerns raised in the consultation replies and representations, no change in the total number of dwellings is proposed. The legal agreement that has been completed as part of the outline permission provides for the funding of a bus service and the provision of travel cards. Conditions of the outline permission also require the provision of cycle and pedestrian routes.

The determining issues are therefore whether the proposal:

- Creates a high quality living environment;
- Is an appropriate design in the Conservation Area.

Observations

High Quality Living Environment

The principle of the layout, including the site density, has already been approved at the outline application stage as part of the master plan for the site.

With the exception of the gardens to approximately four of the houses, the detailed layout meets the requirements of the Residential Development Standards. There are several houses that have rear gardens that are below the minimum of 12 metres in length. However, none of these gardens back onto other dwellings, and the fronts of the houses will face the open space to the front. Occupiers of these houses will therefore enjoy an acceptable level of amenity in accordance with the aims of the Standards, and the positions of the houses follow the Master Plan layout.

The proposed parking provision as shown on the amended plans also complies with the Council's standards, except that there is a shortfall of 6 spaces (out of a total of 246 for Phase 2) caused by some of the 4 bedroom houses having only 2 spaces per dwelling. The applicants have argued that one of the smaller rooms on the upper floors in these 3-storey houses is to be used as a study rather than a bedroom. I do not consider that this slight shortfall is significant in relation to the total provision on the site.

The details for phase 2 indicate a higher proportionate of apartments than in phase 1. This reflects the formal layout of this part of the site. Most of the apartments will have parking to the front and rear but this lack of amenity space directly adjacent to the apartments is compensated for by the large area of open space that is proposed for the centre of the site.

The provision of affordable housing is a requirement of the legal agreement that was made during preparation for the public inquiry in March 2004. The agreement was produced in consultation with officers from Housing Services.

Design in the Conservation Area

The proposed layout and elevational details indicate a high standard of design that is appropriate for the conservation area, with a formal layout that reflects the formal layout of the hospital buildings.

A design brief has been submitted and approved as required by conditions of the outline permission. This separates the site into character zones that reflect the different parts of the site, with layouts and facing materials to be used for each zone that will be appropriate to the surroundings. The reserved matters application for phase 2 follows the requirements of the design brief.

Recommendation: Approved Reserved Matters Conds

1. This permission relates to the submitted plans as amended by the drawings received on 10 January 2007.

Reason: To define the permission.

Summary of reasons for the grant and a summary of 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 ENV8, ENV18, ENV23, ENV25, ENV29, ENV30, ENV32, ENV33, H10, T7 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 06/1822/OL/W7

Case Officer: Andrew Thompson

Application Type: Outline Application

Telephone Number: 01922 652403

Applicant: Brookdale Investments Ltd.

Agent: Cass Associates

Proposal: Demolition of 232 Lichfield Road and buildings at the rear and erection of 2 and 3 storey residential blocks comprising 11 no. 2 bed apartments and 10 no. 1 bed apartments

Location: 232 LICHFIELD ROAD AND LAND TO THE REAR, NEW INVENTION, WALSALL, WEST MIDLANDS

Ward: Willenhall North

Expired: 26 February 2007

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



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Application and Site Details

At the time of writing, the plans have been recently amended, reflecting discussions with officers. Updated consultations / neighbour notifications are being conducted. This is reflected in the recommendation.

The application proposals are in outline with layout and means of access to be considered at this stage with appearance, scale and landscaping to be considered as reserved matters. The proposals are for 21 units in a mix of 11, 2-bedroom units and 10, 1-bedroom units. The proposals include 27 car parking spaces (128%) with one space being allocated for each one bed unit and an average of 1.5 spaces for each 2 bedroom unit.

The application site, known locally as Rowbotham's Yard is 0.23hectares, and therefore the development density is 91.3dph. The proposals will involve the demolition of 232 Lichfield Road, which is already in a derelict state.

The proposals are laid out in two 3-storey blocks with a central 2 storey element. Behind the properties of 238 and 240 Lichfield Road, to the east of the site is a dedicated area of amenity space of approximately 225 square metres. The bin stores and cycle stores to be incorporated within the building. At the entrance to the site it is proposed to install landscaping to define the entrance to the development.

The spacing to the rear boundary would be 5metres with distances to the side wall of the 21 Rugeley Avenue being 10.5metres. The element that is closest to the neighbouring dwelling is two storey with the three storey elements further away from 21 Rugeley Avenue.

Relevant Planning History

The site has a history of enforcement investigations and action and has been the subject of a recent appeal.

There have been planning approvals relating to residential redevelopment in the past:-
04/0995/FL/W4 - Outline planning permission for residential development (all matters reserved) was granted on 6th May 2005
In 1994 BC41695P approved 14 flats in outline
In 1997 BC50146P was approved for 3 semi-detached dwellings.

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

Unitary Development Plan

The relevant planning policies include the General Principles for Development (Chapter 2 of the UDP) which encourage sustainable regeneration and seek to maximise the development of previously developed land in sustainable locations and promote high quality development. High quality design is at the core of the Principles for Development.

Policy Env14 specifically encourages the development of previously developed land. Policy Env32 sets out design criteria and Policy Env33 seeks good landscape design.

Policy H1 seeks renewal of existing residential areas, with Policy H3 promotes redevelopment of windfall sites on previously developed land. Policy H9 and H10 seek to encourage appropriate densities on developments with the proposed layout, design and mix.

Chapter 7 of the UDP (Transportation) seeks to encourage alternative modes of transport to the public car. Policies T7 and T13 seek a well designed scheme in relation to car parking provision and policies T8 and T9 seek to promote walking and cycling respectively. Accessibility for all members of the community is reflected in policy T10.

Policy LC1 of the UDP is an important consideration in the provision of open space within the development.

The Urban Open Space SPD (April 2006) and Residential Design Standards SPD (April 2005) are all relevant.

Regional Spatial Strategy for the West Midlands (RSS11)

Promotes sustainable regeneration of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes.

The Regional Plan is currently in the initial stages of review with Phase 1, the Black Country Study, recently considered at Public Examination. The Study seeks to provide a regional strategy and background for the delivery of an urban renaissance to achieve growth and competitiveness of the Black Country.

National Policy Guidance

The principal national planning policy guidance that is relevant in this instance is contained within PPS1, PPS3, and PPG13. The guidance seeks to encourage high quality development that maximises the potential of previously developed land, particularly in locations close to public transport and local facilities. PPS1, supported by CABE, encourages high quality sustainable designs and layouts that promote local identity and distinctiveness and seek to eliminate social exclusion and promote a sense of community.

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

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

In considering high quality design, PPS3 (paragraph 16) suggest matters to consider for proposed development are whether it:-

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

Circular 05/2005 (Planning Obligations) is of relevance in this instance with regard to the appropriate level of planning contributions that will be sought.

Consultations

Transportation - To be reported verbally to Committee.

Pollution Control - Requests conditions to survey the site in respect of ground contamination and to mediate against any potential noise issues arising from the development. Noise attenuation for the proposed units also requested.

Education - Contribution is sought towards secondary school provision.

Environmental Health - No observations.

Police - This location has been subject to a number of attacks. The main points of entry are from the allotments to the south and the open space to the east. The present owner has tried a number of methods to prevent access, but none have had a great deal of success. Cost implications have prevented the installation of quality fencing and this would have helped greatly if utilised. We would wish to see the entire development enclosed in a suitable security screen. Every effort should be made to encourage the developers to fully embrace Secured By Design to minimise the risk of attack when built. There should be no other form of access to the development other than the one off Lichfield Rd. It would be useful to use psychological barriers at the entrance to the development, such as changes in road surface and textures to

give the feeling and appearance of private, semi private areas to reduce unauthorised intrusion. This could also be accompanied by appropriate signage.

Fire Access Officer - Fire Service needs highway access within 45m of all front doors.

Urban Open Space SPD - Contribution is sought towards environmental improvements in line with the Council's SPD.

Public Participation Responses

One local resident who lives to the rear has written in support of the scheme citing the improvement to the environment and tidying of the site and the positive impact that development of this site would create.

One local resident whose property adjoins the application site has written to welcome the development but highlight the need for a comprehensive development and to develop the land to the back of their property which adjoins the application site. The modern design of the illustrative plans should be applauded.

One local resident who also adjoins the site has raised concerns with regard to the position of the bin store, a public right of access over the site, the amount of traffic on the site, and ecological value of the site (presence of Barn Owls).

One local resident objects on the following grounds:

- Highway safety from the access to the site
- Access for emergency vehicles
- Lack of car parking
- Too many flats in the area - impact on the quality of life.
- Development should be a maximum of two storeys
- Pit shafts are located on the allotments to the rear, is the development too close?
- Proposals should be 4 to 5 houses.

Determining Issues

- Comprehensive development opportunities
- Development density and design
- Layout and relationship to neighbouring properties
- Means of access
- Other issues raised through public participation

Observations

Comprehensive Development Opportunities

Officers recognise and support the need for comprehensive development. Negotiations have begun with regard to including land to the rear of 238 and 240 Lichfield Road and the inclusion of this land would be welcomed in adding additional car parking, amenity space and potentially additional units to the layout as proposed. It is considered that this would be of benefit to the overall development of the scheme. Nonetheless the scheme has been designed in a manner to allow for future development to be easily incorporated (e.g. by extending the car park) and as such the layout proposed is acceptable in this regard. It is also noted that redevelopment of 234 and 236 Lichfield Road and to the side of 238 Lichfield would present an opportunity for a strong frontage development that would promote the

quality of the area. However it is considered that these developments could also come forward at a later date with the redevelopment and approval of the proposals acting as a catalyst to development.

Development Density and Design

It is noted that the development density is high, however it is noted that the site is on a principal public transport route and is within walking distance of New Invention Local Centre. To the west there is also the public open space with a community hall and public library beyond.

Given the location of the development, the use of flats rather than family dwellings is appropriate, and in addition the regeneration benefits and the provision of a reasonably sized area of amenity space, the proposed density is appropriate in this instance.

Layout and relationship to neighbouring properties

The proposals show an acceptable relationship to the residential properties to the rear of the application site (in Rugeley Avenue). Whilst the proposals do not meet the guideline figures for spacing between habitable room windows and blank walls in the Council's Residential Design Standards document the proposals are well designed and create a high quality environment with a good level of well-defined private amenity space.

The central element is two storey linking two 3-storey buildings. The proposals would create an improved entrance to the site, as viewed from Lichfield Road, with a central courtyard.

With regard to the potential for overlooking a minor amendment is being sought with regard to the central element and its impact on the neighbouring amenities of residents to the rear of the application site. Committee will be updated at the meeting with regard to the progress of this amendment. It is considered that with this minor amendment, the layout proposed would be appropriate and lend itself to a good development.

Means of access

It is considered that the access arrangements and level of car parking within the site would allow for development to be serviced adequately. Subject to confirmation by Transportation Officers confirmation it is considered that the proposals would allow reasonable access to the site and allow for turning within the site. Fire Access Officers are content with the revised scheme.

Other issues raised through public participation

There would appear to be little opportunity for ecological value on the site and the Council's records indicate that no Barn Owls have been recorded in the Borough. In order to safeguard any protected species on the site it is considered prudent that conditioning an ecological survey to be carried out would be appropriate in this instance.

There are no public footpaths that cross the site. It would appear that there may be a private access / right of way across the site from 234 Lichfield Road. The status of this access is unclear as there is no boundary treatment currently between the application site and 234 Lichfield Road. A note for the applicant has been added to the recommendation.

Conclusion

At the time of writing the report public consultation has begun on the amended plans and details submitted on 15th January 2007. These have been prepared on the basis of officer discussions, public participation responses and the improvements to the overall scheme are welcomed. Committee will be updated in supplementary papers. On the basis of the general support to the scheme and the above issues, officers are content that the scheme is appropriate and should be approved.

The recommendation reflects this, and the requirement for secondary school and open space contributions, to be controlled by a section 106 agreement.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years beginning with the date of this permission.

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

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the Reserved Matters application, or the last Reserved Matters approval.

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

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

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

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

4. The development hereby permitted shall be constructed to a minimum of Eco Homes 'Very Good' Standard.

Reason: To ensure the satisfactory appearance of the development.

5. Prior to the commencement of development an ecological survey shall be carried out to investigate the presence of any protected species. Should any protected species be found, suitable remediation and protection measures shall be agreed with the Local Planning Authority and implemented prior to the commencement of development.

Reason: In order to safeguard protected species.

6. No development shall be carried out until details of noise insulation measures, including acoustic ventilation for the dwelling(s) proposed, have been approved in writing by the Local

Planning Authority. The approved measures shall be implemented before this development is brought into use.

Reason: To safeguard the amenities of the occupants.

7. 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.

8. 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.

9. 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.

10. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

11. Prior to the first occupation of the building the cycle store and bin store shall be completed in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the development.

12. Prior to the occupation of the building, the location of a communal satellite dish to serve the residential units shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite dishes on the building and to ensure satisfactory functioning of the development.

13. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation, deliveries or investigation), shall take place on any Saturday, Sunday, Bank Holiday or Public Holiday, and such works shall otherwise only take place between the hours of 08.00 and 18.30 weekdays 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 amenities of neighbouring occupiers.

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

Reason: To ensure the satisfactory functioning of the development.

15. Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

Note for applicant

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; British Standard BS10175: 2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

Note for applicant

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

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

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 UR1, CF1, PA1, QE3 and QE4 of the Regional Spatial Strategy for the West Midlands (RSS11), Policies Env14, H1, H4, H9, H10 and LC1 of Walsall Unitary Development Plan 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. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 06/2208/FL/E12

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Antler Homes Midlands Ltd.

Agent: Katherine Meider

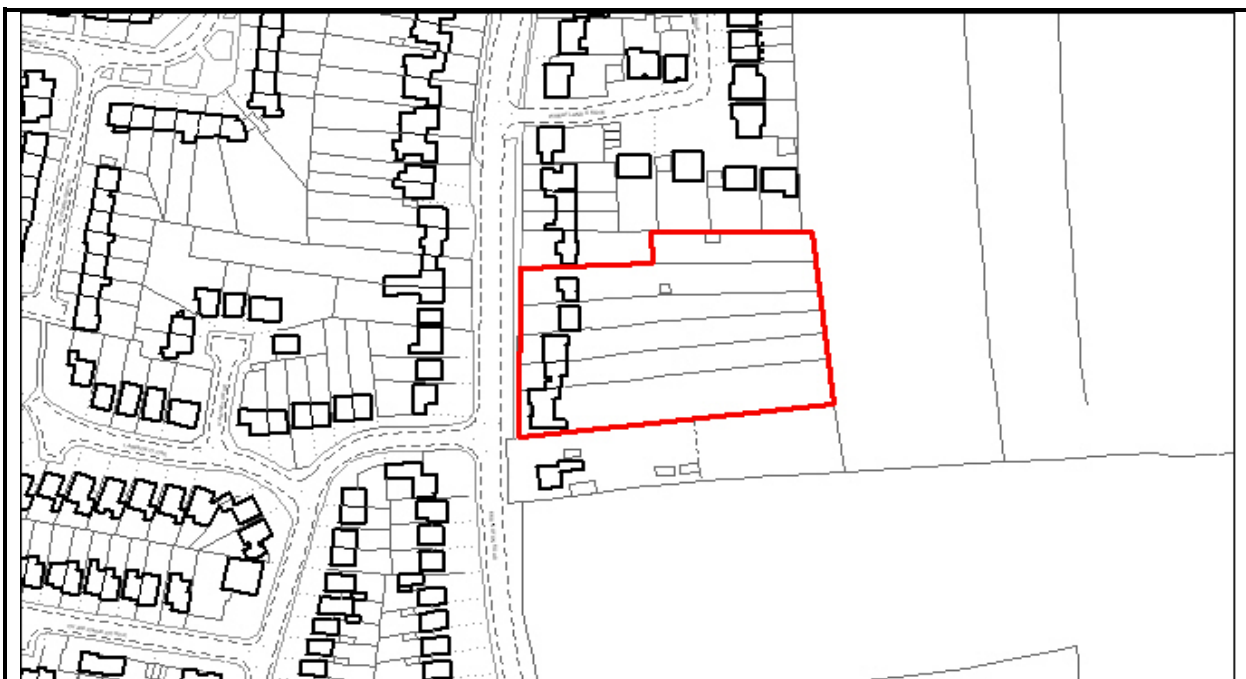
Proposal: Demolition of 121 Erdington Road and erection of 9 dwellings plus roads and sewers to rear of 119-133 Erdington Road, Aldridge

Location: LAND REAR OF 119-133, ERDINGTON ROAD, WALSALL, WEST MIDLANDS, WS9 0RT

Ward: Aldridge/Central & South

Expired: 15 February 2007

Recommendation Summary: Grant Permission subject to conditions on receipt of satisfactory further information to support the ecological survey



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Application and site details

The application site forms the rear gardens of properties 119 - 133 Erdington Road with access gained with the demolition of 121 Erdington Road, to provide an access road to serve 9 detached dwellings. To the side garden of 119 Erdington Road are residential properties on Wheatland Grove. The land to the east of the application site is Green Belt with long views across the open countryside.

The properties on Wheatland Grove are set at a higher level than the properties on Erdington Road. The properties on Erdington Road step down as the land levels fall towards 133 Erdington Road. The area is predominantly residential in character.

The nine dwellings will be four bedroom detached houses with associated parking and garages. The heights will vary from just over 8 metres to just over 9 metres. Two detached double garages will be provided for the occupiers of 119 Erdington Road and Plot 1 of the proposed development. The site will incorporate landscaping and entrance features.

A protected species survey, phase 1 habitat survey, Transport assessment, a tree survey, a planning statement and a Design and Access Statement have been submitted.

The Design and Access Statement states that Erdington Road has a diverse architectural style in the immediate area. Wheatland Grove to the north of the site is a modern development with detached two storey dwellings and grand style architecture. On the western side of Erdington Road opposite 121 there are traditional red brick style properties. These properties are juxtaposed with white rendered semi detached 1950's properties. The width of street frontages along Erdington Road is very similar with a mix of detached and semi detached properties. It also states that the design of the scheme takes into account the style, design and proximity of the surrounding buildings in addition to the constraints of the site.

The site area is 0.477 hectares, giving a density of 19 dwellings per hectare on this site.

Relevant Planning history

06/0327/FL/E3 Land to the rear of 119-133 Erdington Road, Walsall Demolition of 121 Erdington Road and erection of 9no houses plus roads and sewers to the rear of 119-133 Erdington Road. Refused on 21 April 2006 because

- 1) The western elevation on Plot 1 provides a poor visual focal point at the entrance into the site. It does not provide any natural surveillance of the long access road into the site.
- 2) Insufficient information to fully assess the impact the proposal will have on the occupiers on Wheatland Grove.
- 3) No evidence has been submitted to establish bat presence.
- 4) The proposal is likely to increase the potential for road accidents given the speed of the road due to inadequate visibility splays, sub standard junction spacing of the existing highway and the turning head being inadequate to accommodate large vehicles such as the refuse vehicle.

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

Unitary Development Plan

Policies 2.2, GP2, 3.6, 3.7 seeks to enhance high quality natural and built environment, whilst making a positive contribution to the quality of the environment. Also aims to ensure adequacy of proposed access.

Policy GP7 seeks to design out crime.

Policies 3.3, 3.22, ENV1, ENV2 seeks to protect the Green Belt from inappropriate development, to prevent urban sprawl and not to harm the openness of the Green Belt.

Policies ENV17, ENV18, 3.64 and 3.67 encourages new planting and ensuring the protection, positive management and enhancement of existing trees.

Policies 3.68, 3.69 and 3.70 seeks to protect and conserve species and habitats.

Policies ENV22 and 3.79 state that development on sites used by species protected by European Law and/or British Legislation, or a species which is the subject of Biodiversity Action Plan, will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species. Protected species often occur outside designated wildlife sites.

Policy ENV23 all new development to take account of existing features of value for wildlife. Where loss or damage of existing features is unavoidable, requirement of mitigation measures.

Policies 3.16, ENV32, 3.116 and H10 seek to reject poor design which fails to properly take account of the context or surroundings. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area. Residential developments should create a high quality living environment, well integrated with surrounding land uses and local character.

Policies ENV33 and 3.117 Good landscape design is an integral part of urban design.

Policies 6.3 and H3 - encourage the provision of additional housing through the re-use of previously developed windfall sites provided a satisfactory residential environment can be achieved.

Policy H9 - net density of residential development should be at least 30 dwellings per hectare. Densities below 30 dwellings per hectare may exceptionally be justified to provide larger houses to support urban regeneration.

Policies GP1, 7.36 PPG13 states that Local Authorities should use parking policies to promote sustainable transport choices and reduce the reliance on the car.

Policy T4 (b) district distributors which are important routes connecting the main residential areas and employment areas. Street parking and direct frontage access will be strictly regulated.

Policy T7 (b) states that all development should satisfy the car parking standards set out in Policy T13.

Policy 7.52 aims of standards to provide the best possible access to public transport.

Policy T13 car parking standards

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

Residential Development Standards April 2005

Part B refers to spaces around dwellings. Garden dimensions should be 12 metres in length for the area of the garden outside the main windows of the rear of the house, and a minimum of 68 square metres of garden space. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

Although failure to comply with these guidelines may by itself be a reason for refusal of an application, it will be a factor to be used in the determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

National Policy

Planning Policy Statement 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPG3: Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context. Landscaping is an integral part of new development and opportunities for new planting should be taken. Encourage housing developments of between 30 and 50 dwellings per hectare and avoid developments of less than 30 dwellings per hectare.

Planning Policy Guidance Note 9: Nature Conservation states that bats are protected under the 1981 Act. It is an offence to kill, injure or disturb bats found in non-living areas of a dwelling house (that is, in the loft) or in any other place.

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

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

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

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

Consultations

Transportation - No objection subject to conditions

1 - Application 06/0327 was refused due to inadequate visibility at the junction of the access, the inadequacy for the turning head and the resultant junction spacings along Erdington Road.

2 - The applicant's have assessed the visibility available at the junction of the proposed access road as 2.4 x 81 metres to the right and 2.4 metres x 120 metres to the left. The standard required would be 2.4 x 90 metres if traffic is exceeding the speed limit and 2.4 x 70 metres if traffic is travelling at the speed limit. Visibility to the left exceeds the design standards. However, visibility to the right does not meet the standard if traffic is exceeding the speed limit (between 31 and 37.5 mph). The speed surveys indicate the speed approaching the junction from the right is 33.5 / 35.4 mph. The available visibility can not be increased due to the horizontal alignment of the road so consideration has been given to reducing the speed of traffic. It is proposed to visually reduce the width of the carriageway by hatching out the centre and installing slow marking on the approaches to this section. This is a standard method of reducing vehicle speeds and has been successfully introduced by the Council in other parts of the Borough and by other agencies in the country.

3 - There should also be a wider road safety benefit from reduced vehicle speeds. The measures will be introduced at the applicant's expense. A condition to ensure the scheme is implemented before development commences.

4 - The accident record for this section of Erdington Road has been checked, in response to residents' objections to the planning application. These records show that in the section of Erdington Road, between just north of Daniels Lane and south of the junction with Knights Hill, there have been three personal injury accidents in the 5 year period between 2/11/01 and 1/11/06 (the latest figures available). Of these PIAs, two, categorised as slight, occurred at the junction with Whetstone Lane and the third, categorised as serious, occurred at the junction with Knights Hill. Although all accidents are regrettable, three personal injury accidents in five years over this length of a road of this class is not considered significant.

5 - A private road is acceptable provided that the developers obtain written assurances from the statutory undertakers that the properties will be serviced from the private drive and not from the public highway.

6 - The turning head can not accommodate the refuse vehicle used by the Council. It will be necessary for the developer to provide a hard standing adjacent to the public highway for residents to place their bins and re-cycle boxes on collection day.

7 - One of the 2 metre service strips should be surfaced, to assist residents in taking their bins to the hard standing.

8 - All proposed dwelling meet the Council parking standards.

9 - The location of the proposed access road has not changed and marginally still fails a strict interpretation of the junction spacing standards. However, the proposed access is located equidistance from junctions either side to give 60 metre spacing. Given the low

volumes that will use the new road (and the previous two northern junctions of Daniels Lane and Wheatland Grove) the separation is considered acceptable.

Pollution Control - No objection subject to noise conditions.

Environmental Health and Consumer Services -

Fire Officer -

Regeneration - Natural Environment - Application should be refused. Concerned that the bat surveyor did not recognise the lateness of the season as a limitation of the survey requiring discussion in the report. Also concerned that one person carried out the survey work. It is not described how the foraging bats were found. This is a borderline case; the survey may have been incompetently carried out or written up badly. The work carried out does not justify the conclusions reached.

The hedgerow referred to appears to be outside the application boundary, planting needs to be undertaken within the application site and therefore should be amended to provide room for effective planting. None of the shrubs identified have been used in the Landscaping scheme. The development leaves little room for effective tree planting in the short rear gardens proposed. Without amendment this scheme would reduce the value of the site as foraging area for bats.

The Phase 1 Habitat Survey is less than detailed and undertaken at the wrong time of the year for most of the species surveyed.

Regeneration - Arboricultural Officer - No objections. None of the trees are worthy of a Tree Preservation Order, however, collectively they are an important feature in the landscape. Satisfied with the replacement planting proposals as detailed on landscape drawing number ER.L.1.

The Birch and Cherry Tree in the rear garden of 131 Erdington Road are semi-mature specimens and appear to be in good health. The nearest proposed plot is far enough away from the trees and the dwellings construction will not be detrimental to their long term health or affect their stability.

Regeneration, Landscape Services - No objection to the choice of species, however disappointed at the somewhat unimaginative use of a single tree species at the rear of Plots 1-4 to try and create a screen between the proposed and existing houses, and would have thought a more considered choice would be required for this 'quality' scheme.

Education Walsall - Not asking for a contribution towards education.

Building Control - To notify Building Control under Section 80 of the Building Act for demolition.

Representations

Twenty seven letters of objection have been received from 23 residents objecting to the proposal on the following grounds:

- Highway and road safety issues with the number of accidents along
- Erdington Road and latest accidents statistics should be sought

- Visibility is a problem because of the brow of the hill causing traffic impact
- Traffic calming will have not impact on the improvement of road safety, cars will drive over them and cause more accidents
- Traffic calming inconvenience to residents
- New access road will not improve current situation
- On street parking from parents picking up local school children
- On street parking blocks residents drives
- Concerns over the speed of Traffic along Erdington Road and number of junctions along Erdington Road
- Traffic survey incorrect
- No traffic survey or risk assessment
- Loss of light
- Overlooking of the rear of 131 Erdington Road
- 8 Wheatland Grove less than 12 metres away
- Loss of outlook
- Light pollution
- Noise and disturbance
- Devalue property
- Destruction of hedges and protected species and wildlife habitats
- Destroying Green Belt and Agriculture
- Damage to trees rear of 131 Erdington Road
- Loss of trees will not conserve area
- Local schools are already full
- Discrepancies between submitted plans

Determining Issues

The determining issue here is whether the scheme overcomes the previous reasons for refusal in respect of:

- Design and visual focus of the scheme
- Level of details provided in respect of cross sections and levels to assess the impact on the occupiers of the residential properties on Wheatland Grove
- Protected Species
- Highway safety
- Other issues

Observations

The site lies within a residential area outside the Green Belt and currently comprises a detached dwelling and rear gardens. Policy H3 encourages the reuse of windfall sites for residential development and the proposals would provide new dwellings. The principle of residential development in the form of a small cul-de-sac was considered acceptable under the previous application.

Design and visual focus of the scheme

The design of the proposed dwellings reflects the design of other dwellings in the immediate area. The layout of the proposal is very similar to the layout of those properties on Wheatland Grove where the properties are secured with smaller rear gardens. The properties are individually designed with a traditional appearance avoiding a uniform style development.

Plot 1 creates a visual focus when approaching the development along the new access road. The inclusion of windows helps secure the site through natural surveillance and also creates a focal architectural feature when looking at the site from Erdington Road.

The curvature of the access road has been designed to accentuate the prominence of the dwelling enabling it to sit comfortably within the street scene. The rumble strip at the access road allows for traffic management reducing the speed of vehicles entering the development. The detached double garages to the rear of 119 Erdington Road have been positioned back into the site to ensure plot 1 is visible from the main road.

Impact on the occupiers of the residential properties on Wheatland Grove

The new dwellings will be located to the south of the properties on Wheatland Grove. The properties on Wheatland Grove are set at a higher level than the properties on Erdington Road, as the land slopes from north to south. Therefore the rear gardens of the properties on Wheatland Grove step down, the lower part of the rear garden being much lower to meet the land level of 119 Erdington Road.

The proposal meets the 24 metre separation distance between habitable room windows. Given the land levels the proposal would not result in overlooking from the new development onto the private amenity area of the properties on Wheatland Grove due to the difference in the land levels. Any overlooking that would occur would be from Wheatland Grove over the roof tops of the proposed dwellings to the rear of 119 - 133 Erdington Road. The landscaping to the rear of plots 1 to 4 will provide a visual break from the properties in Wheatland Grove for the potential occupiers, protecting the amenities of the proposed plots 1 to 4. The rear garden of plot 4 is 11 metres in length and although it falls slightly short of the normal 12 metre rear garden length it is not considered to warrant refusal of the scheme because the overall amenity area exceeds the 68 square metres, as specified in the Residential Development Standards. The rear garden of plot 4 and 8 Wheatland Grove and the difference in land levels with the proposed planting is considered to provide a satisfactory visual break.

As the properties on Wheatland Grove are in close proximity of the proposed development site there is potential for some noise and disturbance during construction and demolition works. Therefore to safeguard the amenity of the occupiers on Wheatland Grove and those occupiers on Erdington Road a condition restricting the hours of work on site can be implemented.

The scheme includes cross sections of the site, however no details of finished floor levels have been provided. This information can be secured through planning conditions to ensure that the finished land levels are set at a lower level than the properties on Wheatland Grove.

Protected Species

The Natural Environment Manager has expressed concern over the level of details and quality of the detail provided in the Bat Survey and Phase 1 Habitat Survey. The main concern is that the survey was undertaken in late September outside of the optimum period for bat activity. Further implementation to support the ecological survey methodology and its findings are expected before the Committee meeting which shall satisfy the outstanding concerns. The conclusions on this issue will be reported at the meeting.

With regards to the comments made about planting within the site, a condition can be secured.

The small gardens do not provide significant space for planting, however the properties backing onto Wheatland Grove include tree planting between the proposed dwellings and those on Wheatland Grove. The Landscape Officer has no objection to the landscaping details, except the entrance post. Details of the entrance post can be secured through planning conditions.

The Landscape Officer has advised that the Birch tree and Cherry tree in the rear garden of 131 Erdington Road are semi-precious specimens and appear to be in good health. The nearest plot is far enough away from the trees and the development will not be detrimental to their long term health.

Highway safety

The Highway Officer has provided detailed advice demonstrating that as a result of the further information now available from the traffic speed survey and the proposals to use hatching to visually reduce the width of the carriageway that the previous concerns about the inadequacy of the access are overcome. Furthermore, now a private drive is proposed, the Council's refuse vehicle does not have to access the drive. On Balance, the Highway Engineer is satisfied that marginal junction spacing is not in itself a reason to warrant refusal of this application.

Other Issues

Landscaping is required to the eastern boundary of the site to screen the development from long views across the open countryside. The site layout plan illustrates landscaping to the eastern boundary. From the information submitted it appears that the landscaping to the eastern boundary will be outside the application site. Any landscaping will need to be part of this scheme and not outside of the application site, no details of how this landscaping strip will be maintained or accessed have been provided. The inclusion of the landscaping scheme within the red line will impact on the layout of the proposed dwellings.

A largely native hawthorn hedge is shown along the field boundary and whilst this is acceptable, it is not clear whether this hedge forms apart of the site ownership and, thereby, whether this hedge could be planted (and maintained) as shown. No objection to the dwarf wall and railings and surface and boundary treatments.

The entrance feature is a rather incongruous feature that is at odds with adjoining brick screen walls and houses. A brick screen and wall and piers would visually enhance the entrance to the site. These details can be secured by condition.

The landscaping plan ER.L.I submitted on 10th January 2007 illustrates a pumping station, no details of this pumping station have been provided, however this can be secured by condition.

No details of the bin store have been provided; these details can be secured through condition.

The rear garden lengths of five of the plots fall short of the 12 metre length, however all the units exceed the minimum 68 square metres required for amenity areas, as specified in the Residential Development Standards.

Plot 9 is set 26.5 metres away from the rear elevation of number 131 Erdington Road. The proposal meets the separation distance between habitable room windows and blank walls exceeding 3 metres in height. To side of plot 9 is proposed a dressing room window and is considered to safeguard the amenity of the occupiers of 131 Erdington Road by obscurely glazing the window and this can be secured by planning condition.

The occupiers of 131 Erdington Road have expressed concerns over loss of light; any loss of light that will occur will be to the lower part of the garden. It is not considered that this would have a detrimental impact to warrant refusal of the scheme. The issue regarding the impact on the trees to the rear of 131 Erdington Road, it has been advised by the Arboricultural Officer that the nearest plot is far enough away from the trees and the construction of the dwelling will not be detrimental to their long term health.

No details of the lighting within the scheme have been provided, to ensure any lights within the development do not have the potential of causing light pollution details of any external lighting can be secured through planning conditions.

With regards to the comments received from objectors relating to the devaluing of property and loss of view these are not material planning considerations.

Recommendation Summary: Grant Permission subject to conditions on receipt of satisfactory further information to support the ecological survey

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

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

2. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3. No development shall commence until details of the materials to be used in the construction of the proposed access road have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development

4. No development shall commence until details including materials of the entrance features and gates to the entrance of the site off Erdington Road have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be completed in accordance with the approved details and retained as such.

Reason: In the visual interests of the area.

5. No development shall commence until details for the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning

Authority. The development shall be completed in accordance with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

6. No development shall commence until details of the pumping station identified on plan number ER.L.I submitted on 10 January 2007 have been submitted to and approved in writing by the local Planning Authority. The development shall be completed in accordance with the approved details and retained as such.

Reason: To ensure the satisfactory appearance of the development and in the interest of securing the site with adequate drainage facilities.

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

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

8. 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.

9. No development shall commence until details of the area allocated for the bin store have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure the development is secured with adequate refuse facilities.

10. Future occupiers of the premises shall be required to place their refuse bins at the edge of the highway on the bin store area provided on Erdington Road on collection day, to be accessible by a refuse vehicle, and returned to the premises the same day.

Reason: In order to ensure satisfactory refuse collection.

11. The development shall only be carried out in accordance with plan numbers MD038-SITE-01F, HL-06 submitted on 10 January 2007, MD.038-site, G10, ADS-G10SP-P01A, MD038-H406SP-P01, MD038-H406SP-P02A, MD038-H406SP-P03A, H403B-P01, H403-P02, H403-P03, H417-P01, H417-P02, H417-P03, MD038-H421ER-P01, MD038-H421-P02, MD038-H421ER-P03, H404CR-P01, H404CR-P02, H404CR-P03, H444C-06-P01, H444-06-P02, H444-06-P03, HL-03, HL-05, HL-011 submitted on 21 December 2006.

Reason: To define the permission.

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

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

13. 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.

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

Reason: To protect the adjoining neighbouring occupiers on Wheatland Grove and Erdington Road.

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

Reason: To safeguard the visual amenities of the area and to protect the amenity of the adjoining residential occupiers.

16. The proposed development shall be completed in accordance with the landscaping scheme, plan number ER.L.I submitted on 10 January 2007. Any shrub or plant failing to become established within the first five years will be replanted to the satisfaction of the Local Planning Authority.

Reason: In the visual amenity of the area

17. The proposed side window at first floor level on plot 9 shall be obscurely glazed. Details of the level of glazing shall be submitted to and approved in writing by the Local planning authority. The development shall be secured with the approved details and retained at all times.

Reason: To ensure the privacy of the occupiers of 131 Erdington Road.

18. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority for the speed reducing measures on Erdington Road, as indicated on plan number 335/02 submitted on 21 December 2006 and the agreed scheme has been implemented.

Reason: In the interest of the safety of the users of the highway during construction and on the completion of the development.

Note for Applicant

- 1) Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday
- 2) You are advised to contact Building Control prior to demolition of 121 Erdington Road.

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

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

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Significant community interest expected

Application Number: 06/2192/FL/E12

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Mr Amers Kudhail

Agent: Philip Taylor Associates

Proposal: Construction of three storey apartment building comprising nine two bedroom units, together with associated car parking and external works

Location: 27,SUTTON ROAD,WALSALL,WEST MIDLANDS,WS1 2QJ

Ward: Paddock

Expired: 14 February 2007

Recommendation Summary: Grant Permission subject to conditions



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Application and site details

The site lies on the Sutton Road just outside Walsall Town Centre. The site is currently occupied by a furniture shop, which is a flat roof building and varies from a single storey to a three storey building. Part of the existing building is back of pavement and extends the whole depth of the site. The area is residential in character with traditional terrace properties to the west of the site and Mayfield Court to the east, a three storey flat roof building. The site is separated from Mayfield Court by an access road, which provides access to the rear of the application site and Mayfield Court. There are garages belonging to Mayfield Court adjacent the rear access to the site. To the rear of the site is Dove Close, a cul de sac serving five modern dwellings.

The application proposes the erection of nine, two bedroom apartments. The proposed building will be three storeys high and will provide shared amenity space to the rear and side adjacent 25 Sutton Road. To the rear of the site twelve car parking spaces will be provided. Access to the site will be via the drive adjacent Mayfield Court, which is utilised by the occupiers of Mayfield Court to gain access to the garages to the rear of Mayfield Court. This access will be gated.

A Design and Access Statement has been submitted which identifies a variety of architectural styles of property along Sutton Road, which vary from Georgian, at the corner of Six ways, Victorian at the junction with The Crescent, Edwardian adjacent the site, to twentieth century (fifties) opposite and twentieth century (sixties) adjacent. It is stated that the Victorian and Edwardian and the block of terraces to the west of the site are the key influences on the design.

Relevant Planning history

06/0366/FL/E3. 27 Sutton Road, Walsall Erection of three storey apartment to contain 13 apartments and associated car parking. Withdrawn March 2006

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

Unitary Development Plan

Policies 2.2, GP2, 3.6, 3.7 and ENV10 seeks to enhance high quality natural and built environment, whilst making a positive contribution to the quality of the environment . Also aims to ensure adequacy of proposed access.

Policy GP7 seeks to design out crime.

Policies 3.16, ENV32, 3.116 and H10 seeks to reject poor design which fails to properly take account of the context or surroundings, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area. Residential developments should create a high quality living environment, well integrated with surrounding land uses and local character.

Policies ENV33 and 3.117 Good landscape design is an integral part of urban design.

Policies 6.3 and H3 - encourage the provision of additional housing through the re-use of previously developed windfall sites provided a satisfactory residential environment can be achieved.

Policy H9 - net density of residential development should be at least 30 dwellings per hectare. Densities below 30 dwellings per hectare may exceptionally be justified to provide larger houses to support urban regeneration.

Policies GP1, 7.36 PPG13 states that Local Authorities should use parking policies to promote sustainable transport choices and reduce the reliance on the car.

Policy T4 (b) district distributors are important routes connecting the main residential areas and employment areas. Street parking and direct frontage access will be strictly regulated.

Policy T7 (b) states that all development should satisfy the car parking standards set out in Policy T13.

Policy 7.52 To provide the best possible access to public transport.

Policy T13 car parking standards

| | |
|--------------------------------------|---------------------|
| Flats with individual parking spaces | 2 spaces per unit |
| Flats with communal parking spaces | 1.5 spaces per unit |

Residential Development Standards

Part B refers to spaces around dwellings. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

Although failure to comply with these guidelines may by itself be a reason for refusal of an application, it will be a factor to be used in the determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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

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

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

National Policy

Planning Policy Statement 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

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

integral part of new development and opportunities for new planting should be taken. Encourage housing developments of between 30 and 50 dwellings per hectare and avoid developments of less than 30 dwellings per hectare.

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

Consultations

Transportation -

Arboricultural Officer - No objections

Landscape Officer - Not able to support this scheme. No details of any planting have been provided. A development of this scale and position will be extremely prominent and intrusive within a generally open street scene. The narrow gap left between the building and front boundary wall reduces planting to merely nominal, decorative strips that will have no visual impact. The same can be said for the rear parking area, although at least here boundary walls and fencing provide the opportunity for climbing plants.

Fire Officer - Satisfactory access for fire appliances

Education Walsall - No financial contribution for education is required.

Representations

One letter has been received objecting to the proposal on the following grounds:

- Overlooking
- Loss of light
- Noise from cars
- Not enough parking within the scheme leading to on street parking

Determining Issues

- Impact on the character and appearance of the area
- Impact on the amenity of neighbours
- Amenity of potential occupiers
- Design
- Access and parking
- Landscaping
- Other issues

Observations

Impact on the character and appearance of the area

The proposed three storey building is in keeping with character of the area, as there are other three storey buildings in the immediate area. Mayfield Court immediately adjacent the site is a three storey flat roof building that visually detracts from the high profile architectural buildings in the area. The block of terraces to the west of the site has detailed architectural features, which have been depicted in the design of the proposal. This modern building

depicts architectural features from surrounding buildings and therefore would enhance the character and appearance of this part of Sutton Road.

Impact on the amenity of neighbours

The proposed building is quite deep into the site, however not as deep as the existing building. The existing building is set on the boundary with number 25 Sutton Road with the proposed building being set off boundary. The two properties most likely to be affected by the development would be number 5 Dove Close and number 25 Sutton Road.

Number 25 Sutton Road is splayed to the application site and has a number of main habitable room and secondary room windows that face the application site both at ground and first floor. The proposed building is set off the boundary to provide an amenity area for the occupiers of the development. The distance from the side of number 25 to the proposed building is 8 metres and the furthest point is 9.6 metres. Whilst the proposal does not meet the 13 metres separation distance between habitable rooms and blank walls exceeding 3 metres in height, it is considered that the proposal would not result in significant loss of light and loss of amenity to the occupiers of number 25 Sutton Road, as the proposed building is set off boundary, which means that the impact from the proposed building is further away. The proposal improves the current situation where the existing building is set on the boundary. Furthermore, with the orientation of the sun and the splayed layout of number 25 it is considered that the impact is further reduced.

Number 5 Dove close is located to the rear of the site. This is a modern two storey dwelling with a rear conservatory set away from the rear of the application site. This dwelling is positioned at an angle, so the distances from the rear elevation of the 5 Dove Close to the rear boundary of the application site are 13.8 metres and 12.4 metres. The distance of the rear elevation 5 Dove Close to the rear elevation of the proposed building is 28.2 metres. The proposal meets the 24 metre separation distance between habitable room windows as set out in the Residential Development Standards.

The rear parking area would be set off the boundary and a landscaped strip included acting as a barrier between the application site and number 5 Dove Close.

Amenity of potential occupiers

The proposal provides a rear amenity area for occupiers. The ground floor flats will have direct access onto the private amenity area with the other apartments utilising the shared amenity area. The apartments are dual aspect, which allow views onto the Sutton Road and the rear of the site.

Design

The area is mixed in character with a variety of different housing styles which have been constructed over the years. The design of the building replicates features found in the surrounding area, for example the chimney and the turrets which will provide dominant visual features along Sutton Road, along with the other turrets in the vicinity and the bay windows. The layout of the building reflects that of the other buildings in the surrounding area in that the proposed building is set near back of pavement, which allows a small landscaped area to be provided. Direct pedestrian access from each residential unit is also available for potential occupiers. This contributes to additional surveillance and activity for the immediate vicinity and offers occupiers options to use alternative methods of travel instead of the car. It is considered that the design of the building sits comfortably within the street scene and enhances the appearance of this section of Sutton Road.

Access and parking

The proposal would have both pedestrian and vehicular access points. Direct pedestrian access points have been provided to secure active frontages. The rear of the site will be accessed by the drive to the side of the site adjacent Mayfield Court; this will be shared with the occupiers of Mayfield Court. This drive way will be gated to ensure the rear of both the proposed site and Mayfield Court are secure, which will improve security to the rear of Mayfield Court. A pedestrian gate to the rear of the site will also be provided. No details of how the gates will be operated have been submitted, however, these details can be secured through planning conditions.

The proposal seeks to provide twelve parking spaces for the whole scheme and this has been justified by the fact that the town centre is within walking distance and that there are also public transport facilities within walking distance of the site.

Landscaping

The proposed development has been set back from the pavement to provide some landscaping space and planting opportunity at the front of the site. The layout includes planted areas to the rear of the site along the rear boundary with 5 Dove Close, as well as planted areas around the proposed amenity area towards the rear of the site.

With regard to the Landscape Officer concerns it is considered that the proposed scheme has provided the opportunity for planting to enhance the site. At present the existing building extends the whole depth of the site without any planting. Furthermore, the adjacent building Mayfield Court has no planting to the front of the site. This building is set back from the pavement with no boundary treatment, so that there is no sense of ownership from the residents residing in this apartment block. With the proposed front boundary the occupiers of the scheme will have a sense of ownership of the frontage.

With regards to the comments made about the scale and prominence of the scheme, the building merely reflects the scale, character and layout of other buildings in the immediate area.

It is considered that a high quality landscaping scheme can be secured through relevant planning conditions.

Other issues

With regards to the comments made by the objector relating to loss of light to number 5 Dove Close, it is considered that any loss of light would be to the rear parking area of the proposed development given the distance between the rear elevation and the rear boundary. The rear garden of number 5 Dove Close is already shaded by the trees in the corner adjacent 4 Dove Close, it is not considered that the proposal would exacerbate this existing situation to warrant refusal of the scheme.

Recommendation: Grant Permission subject to conditions

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

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

2) No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

3) No development shall commence on site until details of the surface materials to be used in the construction of the access drive and rear parking area, including the surface treatment for the dual use parking spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be secured with the approved details and retained thereafter.

Reason: In the visual interests of the development and to ensure the dual use parking spaces are useable for both parking and amenity.

4) No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

5) No development shall take place until details of the access control system for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained in working order.

Reason: To secure the site for potential occupiers.

6) No development shall commence on site until all boundary details have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained thereafter.

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

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

Reason: To safeguard the visual amenities of the area.

8) 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.

10) No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed dwellings, have been approved in writing by

the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development. The development shall be carried out and retained in accordance with these approved details.

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

11) The proposed development hereby approved shall only be carried out in accordance with plan numbers 0513-20A, 0513-21A, 0513-22A submitted on 18 December 2006.

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 GP2, ENV32, H10 and T13 of Walsall Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

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

REASON FOR BRINGING TO COMMITTEE: Non compliance with policy

Application Number: 06/1621/FL/W4

Case Officer: Owain Williams

Application Type: Full application

Telephone Number: 01922 652486

Applicant: Mr C Parry

Agent: Simms Davies Partnership

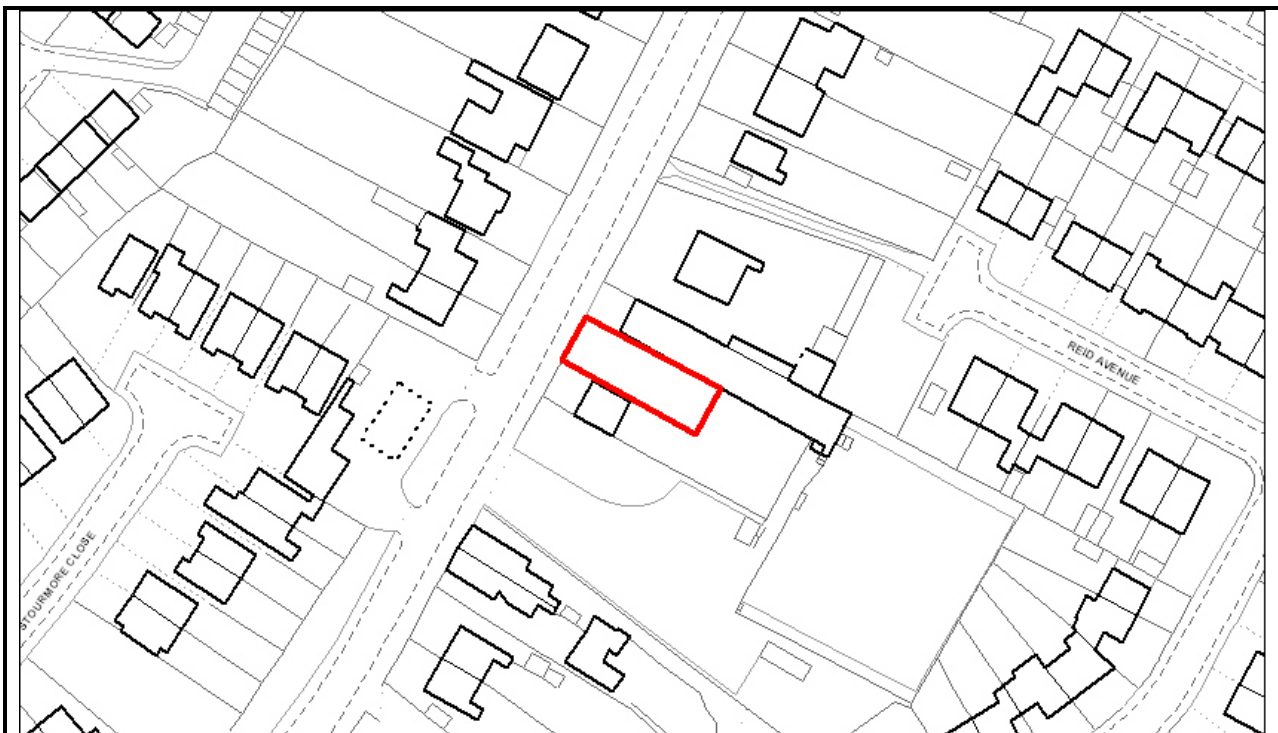
Proposal: Proposed new 4 bedroom dwelling

Location: 32,BLOXWICH ROAD
NORTH,WILLENHALL,WALSALL,WEST
MIDLANDS

Ward: Short Heath

Expired: 29 December 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for the erection of a detached dwelling on land between another detached house and a social club.

The house is a modern version of the design of number 32 Bloxwich Road North. The house is to be positioned level with the front of number 32, leaving a driveway 6 metres in length and wide enough for 2 cars.

Unlike the other houses in the area, however, it is three storeys. A fourth bedroom is proposed in the roof. The design accommodates this by proposing windows in the gable features on the front and rear elevations.

The house will almost fill the width of the site, with a metre on either side of the house separating it from number 32 and the social club. The house will project 3 metres past the rear of number 32.

There will be 13 metres of garden for the new house, which will back onto a bowling green (part of the social club).

The street has a mixed character, consisting of detached and semi detached houses, bungalows, the social club and a garage (opposite).

Relevant Planning History

BC33615P - Outline - Four bedroom detached house - Refused Permission on 03/09/91 for the following reasons

1. The site is of inadequate width to satisfactorily accommodate a development of the size proposed. Such a development would be detrimental to and out of keeping with the street scene.
2. Noise and other nuisance from the existing club is likely to be detrimental to the amenity which occupiers of the proposed dwelling might reasonably expect to enjoy
3. The proposal would involve the loss of parking provision for the existing house. This is likely to encourage on-street parking to the detriment of the free flow of traffic and to highway safety

BC52878P - Detached garage - Granted Permission Subject to Conditions on the 30/10/98

Relevant Planning Policy Summary

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

Policy GP2 seeks to ensure all developments make a positive contribution to the quality of the environment

Policy 3.6 schemes should, as far as possible, help to improve the environment of the Borough.

Policy ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted

H10: Layout, Design and Dwelling Mix.

- (a) The Council will expect residential developments, including residential extensions, to create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.
- (c) All proposals for residential development will be considered against the standards and guidelines in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

T7 / T13- car parking should be 3 spaces

Residential Development Standards

These include guidelines concerning design, amenity and space around dwellings.

In order to safeguard the amenity of neighbouring dwellings and in order to promote the provision of a satisfactory level of habitable accommodation within the existing house the Council will operate a 45 degree code.

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

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

National Policy

Planning Policy Statement 1: Creating Sustainable Communities both emphasise the need for good design, and development which is sustainable

Consultations

Transportation - No objections. Existing dwellings in the locality have off street parking to their frontages with no turning area within their curtilages; therefore a precedent already exists for this type of layout.

Environmental Health - No objections.

Fire Service - No objections

Inland Waterways - No objections

British Waterways - No objections

Representations

None

Determining Issues

The determining issues are:

- The impact on the character of the area
- Amenity
- The impact on Parking and Highway Safety

Observations

The impact on the character of the area

The area has no uniform character as the houses along the street are a mixture of detached, semis and bungalows with a few commercial/leisure uses. The introduction of the detached house would have minimal impact due to this varied character and because the design of the house closely matches that of the neighbouring detached house. It would sit comfortably on the plot.

This proposal is accompanied with detailed plans that the house can comfortably sit on the plot. The previous proposal did not do so therefore it was refused.

The three storey design, because of the location of the windows in the gable features, fits neatly in the area.

Amenity

The neighbouring house number 32 will be the only house physically affected by the proposed new house. The new house (appearing as two storey at this point) will project past the rear of number 32 by approximately 3 metres. The new house would not breach the 45 degree code in the RDS. Adequate amenity will be retained for the occupiers of number 32.

The new house is situated north of number 32 Bloxwich Road North so therefore there would be minimal impact on the neighbouring house and garden in terms of overshadowing.

The proposed new house is to be located next to the social club and would be close to where the main stage is located. Environmental Health have received no complaints relating to noise from the club and they do not suggest any conditions, it has been over 15 years since the previous refusal with a reason relating to the noise and nuisance from the existing club so therefore with no complaints since it has been assessed that the club would have minimal impact on the amenity of the occupiers. This aspect of the scheme is therefore seen as acceptable.

The impact on Parking and Highway Safety

The proposed four bedroom house is to have only two parking spaces instead of the required three to meet the UDP standard. However, as a generality, it would be unlikely that the occupier would have ownership of three cars, so the parking situation would be acceptable. The proposed new house is to remove the existing parking area to which number 32 currently uses. It is now proposed as part of the proposal that a new hard standing be positioned in front of number 32 similar to that proposed at the new property so would therefore address reason 3 from the previous refusal.

The parking provided for the new property and the existing parking for No. 32 Bloxwich Road North are normal for the area, as is the lack of a turning area within their curtilages. The precedent already exists for this type of layout.

Recommendation: Grant Permission subject to conditions

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

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

2. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The 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. The development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

4. Before this development is brought into use, the vehicle parking 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.

Reason: To ensure the satisfactory appearance of the area and in the interest of highway safety

5. There shall be no occupation of the proposed new dwelling unless and until, 2 vehicular parking spaces and a dropped kerb access have been constructed to 32 Bloxwich Road North

Reason: In the interests of highway safety

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no dwelling hereby permitted shall be altered or enlarged so as to deprive it of its drive and parking area as shown on the approved plans, except with the express permission of the Local Planning Authority.

Reason: To maintain the parking and turning facilities in the interest of highway safety

7. No development shall be carried out 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 site or adjoining land.

Reason: To safeguard the satisfactory appearance of the development and to safeguard the visual amenity of the area
