



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 17th February 2011

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	10/1542/FL	Former Easifit Premises, West Bromwich Road, Walsall, WS5 4AN	Change of Use to Display & Sales of Conservatories, Kitchens and Bathrooms (at front) plus Change of Use to B2, B8 and Renting and Refurbishment of Scaffolding plus Insertion of 1 x Roller Shutter Door in proposed N/E elevation.	Refuse
2	9	10/1599/FL	51 Leckie Road, Walsall, Ws2 8da	Extension to the patient & staff car park to accommodate additional parking facilities.	Grant Permission Subject to Conditions
3	17	10/1432/FL	19 High Street, Walsall Wood, Ws9 9lr	Retention of existing storage building	Refuse
4	25	10/1510/FL	140 Thornhill Road, Streetly, B74 2ed	Demolition of existing bungalow and erection of 2no. four bed detached dwellings	Refuse
5	33	10/1656/FL	21 Highmoor Close,	Ground and first floor side extension with	Grant Subject to Conditions Subject

			Willenhall, Wv12 5uu	first floor front projection	to no new material considerations arising
--	--	--	----------------------	------------------------------	---



Planning Committee
*Report of Head of Planning and Building Control, Regeneration Directorate on
17/02/2011*

Reason for bringing to committee: Requires delicate judgement

Application Number: 10/1542/FL
Application Type: Full application

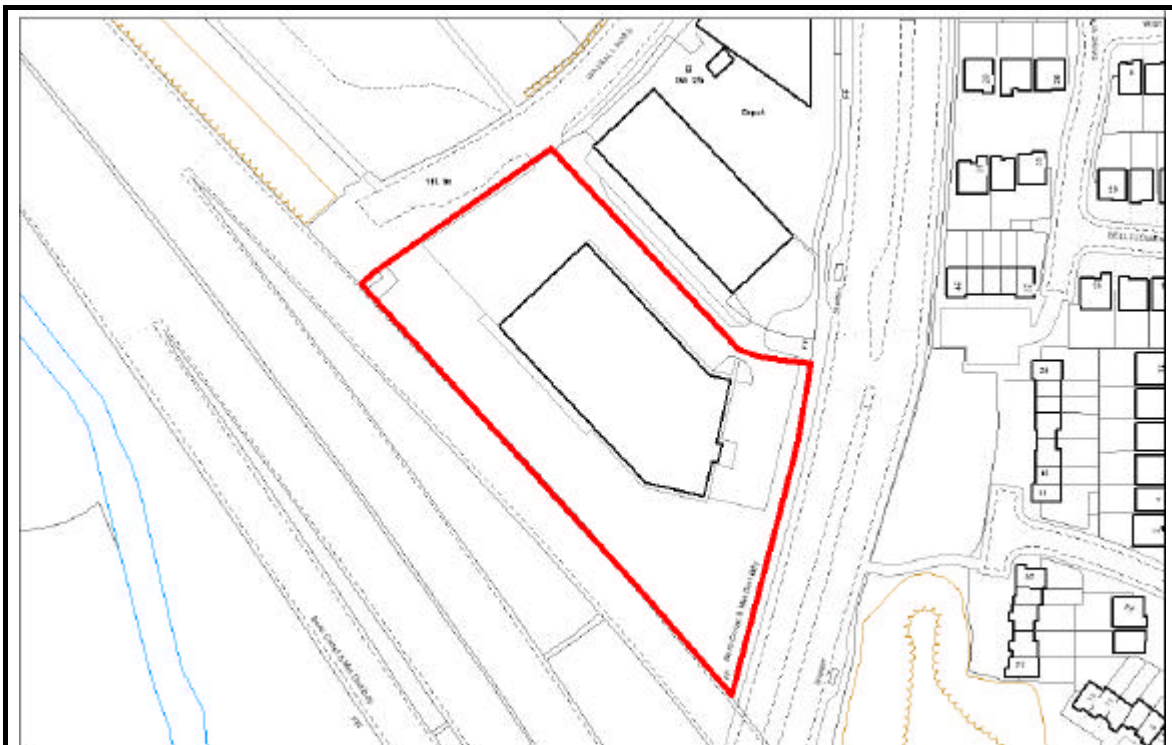
Applicant: Glumeta Investments Ltd
Proposal: Change of Use to Display & Sales of Conservatories, Kitchens and Bathrooms (at front) plus Change of Use to B2, B8 and Renting and Refurbishment of Scaffolding plus Insertion of 1 x Roller Shutter Door in proposed N/E elevation.

Ward: Palfrey

Case Officer: Jan Scrivens
Telephone Number: 01922 652436
Email: planningservices@walsall.gov.uk
Agent: Architectural Services
Location: Former Easifit Premises, West Bromwich Road, Walsall, WS5 4AN

Expired Date: 28/02/2011

Recommendation Summary: Refuse



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The application relates to the former Easyfit Conservatories premises which front West Bromwich Road adjacent to the M6 motorway. The site has no access directly to West Bromwich Road but is served by a cul-de-sac at the rear which joins West Bromwich Road to the north of the site. This cul-de-sac also provides access to two other units, one of which sells tiles to the public and a vacant unit which formerly sold cane and pine furniture to the public. These retail uses are unauthorised but may be lawful through the passage of time.

The application site has a service yard to the rear, nearest the cul-de-sac, and an access road and parking at the side of the building. There is further parking on the West Bromwich Road frontage.

Between the building and the motorway to the south is an area of Green Belt land. This was landscaped in 2002 when the building was constructed. The application does not contain any proposals for this land. It forms part of a landscaped corridor alongside the motorway to the northwest of the site and southeast into Sandwell.

Easyfit Conservatories made and displayed conservatories for sale at the site. The application proposes the subdivision of the building and change of use as follows:

- the use of the rear part of the building to refurbish scaffolding and the use of part of the service yard for the storage of scaffolding
- the use of the central portion of the building and a mezzanine floor over for storage and distribution, with access to the service yard
- the use of the central part of the building as a monumental masons' in stone and granite. Granite worktops may be created for use in the kitchens displayed in the front part of the building
- the use of the front part of the building for the display and sale of conservatories, kitchens and bathrooms
- the installation of an additional roller shutter in the side elevation to provide access to the stone and granite masonry unit
- the retention of 41 of the current 46 parking spaces and the 3 disabled parking spaces and the addition of 4 cycle parking stands.

The applicant has provided the following information in support of the application:

- The applicant currently occupies premises in Friar Park Road (Sandwell) which is an isolated pocket of industrial units in a residential area. The redevelopment of that site for residential use (planning permission has been granted) is of benefit to the amenity of the area.
- The application site is close to the applicant's existing premises and will enable the existing workforce (approximately 100 full time and 6 part time staff) to be retained with minimum disruption to themselves or the business.
- The application site will enable all the businesses to be brought together under one roof

- The conservatory part of the business will be a reduced version of the previous business on the site
- It is intended primarily that the conservatories, kitchens and bathrooms will be displayed to gain business from major developers although 'walk-in' customers would not be discouraged. The granite/stone masonry business will provide worktops for the kitchens as required

Relevant Planning History

02/0120/FL/W5 Erection of showroom and workshop. Granted subject to conditions 3.4.02

Relevant Planning Policy Summary

The Development Plan

The Black Country Joint Core Strategy

Adopted by Cabinet on 3rd February 2011. This forms the principle strategic policy document for the Borough.

CSP1 – sets out the targets for sustainable regeneration of the Black Country focusing on the town centres.

CSP4 – develops the need for high quality place making and design

CSP5 – sets out the need to develop and manage movement and ensure that sustainable modes of transport are promoted.

EMP1 - seeks to provide for economic growth

EMP3 – Local Quality Areas

CEN1 and CEN2 highlights the importance of the Black Country Centres for the regeneration of the wider Black Country and the hierarchy of centres.

CEN6 – Local Shops and Services.

CEN7 - Controlling Out-of-Centre Development

TRAN1 Sets the priorities for the development of the transport network and promoting sustainable transport modes.

TRAN2 requires development proposals to manage transport impacts of new development

TRAN5 Sets out the requirement for development to focus on moving away from the reliance on the private car.

The saved policies of the Unitary Development Plan

Development Plan

GP2 and 3.6 expect all development to make a contribution to the improvement of the environment

JP7 sets out the acceptable use of buildings within employment areas. Core employment uses such as those within classes B1b and c, B2 and B8 of the Use Classes Order will normally be permitted; ancillary retailing of products made on site, providing the proportion of the gross floorspace of the buildings on site which are used for retailing does not exceed 10% or 100 square metres, whichever is the least. Retailing otherwise is not permitted.

S6 sets out the justification for retailing outside centres where local needs are met.

S7 sets out tests for the acceptability of out of centre retailing. The development must be shown to accord with the sequential approach, there being no more centrally

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

located sites which could be used for the purpose; must have no adverse economic impact on the vitality or viability of any centre or provision to meet local needs; should not be located to be reliant primarily on access by car; must not have an adverse traffic impact or conflict with policies for the protection of employment land.

T10 Sets out accessibility standards

T12 Access by public transport.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW4- Continuity -attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

DW5 Ease of movement- create places that are easily connected, safe to move through;

DW6 – Legibility - new development should contribute to creating a place that has a clear identity;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW10 – new development should make a positive contribution to creating a sustainable environment.

Regional Spatial Strategy

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PPS4: Encourages sustainable economic growth and making the most efficient and effective use of land, prioritising previously developed land. It encourages location of

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

developments which generate substantial transport movements in locations that are accessible.

Consultations

Policy: The sale of kitchens, bathrooms and conservatories in this application is contrary to policy and should be refused. Notwithstanding this, in the event that planning permission is granted, conditions should be used to minimise the impact on nearby centres and to allow the application site to be used for industry in the future.

Transportation: No objection

Highways Agency: No objection

Pollution Control Scientific Team: No objection

Pollution Control Contaminated Land Team: No objection. Recommends the addition of a note for applicant regarding health and safety implications for people undertaking ground works.

Representations

None

Determining Issues

- The principle of the use
- Amenity
- Access and parking

Observations

The principle of the use

The majority of the uses proposed for the site are appropriate for employment land and accord with policy JP7. The application however introduces a retail element in the sale of conservatories, kitchens and bathrooms which have not been manufactured on the site (the existing operation was manufacture and ancillary sale)

Policy JP7 states that retailing will not be permitted except where a purely local need is demonstrated in accordance with policy S6, which seeks to address the problems of areas which are poorly served by existing local shopping. A local need could not be demonstrated for comparison goods such as kitchens, bathrooms and conservatories and the development should therefore be considered in terms of Core Strategy Policy CEN7, UDP policy S7 and PPS4 which relate to the sequential location of development.

The application does not demonstrate that there are no more sequentially preferable sites where these sales could take place or that the sales element of the proposal would have no adverse effect on the vitality or viability of any nearby centres.

In view of the bulky nature of conservatories it would perhaps be difficult to find a suitable site in or on the edge of a centre but kitchens and bathrooms are appropriate to be displayed and sold within centres.

PPS4 and UDP policy S7 require a flexible approach for site selection and the potential for disaggregating the proposal (i.e. putting the sale of kitchens and bathrooms into a centre) has not been considered as part of the application. and there is no reason why the kitchen and bathroom showroom could not be accommodated on a sequentially preferable site.

In terms of the stone and granite masonry unit, there is no indication as to what proportion of the unit would be used to display the worktops. However, it is felt that a stone and granite masonry unit of this size, containing a workshop, would be unlikely to include sufficient display area for it to be considered not ancillary to the workshop.

PPS4, CEN7, S&, T10 and T12 also require the retail use to be accessible from all parts of its potential catchment area by a choice of means of transport during the proposed opening hours. West Bromwich Road is served by frequent bus services and Tamebridge Parkway station is less than 800 metres away. However the bus services running east to west and vice versa are infrequent during the evenings and weekends, particularly on Sundays. The needs of people visiting the site from all parts of the catchment area are therefore unlikely to be met.

Amenity

The site is approximately 30 metres from the nearest house and is mostly obscured from it by a belt of trees. Since this has previously been an industrial site and its immediate neighbours are buildings of industrial character it is not considered that the changes of use proposed would have a worse effect on the amenity of neighbours than any general industrial use that might occupy the building.

This is a newish building which has a good appearance on a prominent road frontage; its continued occupation should be encouraged to ensure its future maintenance and to benefit the visual amenity of the area. If an approval were contemplated conditions could be imposed to limit open storage on the site, in terms of height and location and also to ensure the retention of the landscaped Green Belt between the building and the motorway.

Pollution Control has considered the potential for noise to arise from the scaffolding business but has concluded that due to the location of the site, at the end of a cul-de-sac adjacent to the M6, it is unlikely that problems of noise will arise.

Access and parking

There would be no change to the previously approved access to the site. The proposal would amend the servicing arrangements by the inclusion of a roller shutter door on the elevation facing the access road between the building and the adjacent tile sales building. The use of this door for servicing would have only a marginal effect upon the shared access road since there would be a space approximately 7 metres wide and 8 metres in length in front of it in which to pull clear of the access. This may not be sufficient for a large lorry but the unit itself is relatively small and these servicing arrangements would not affect the operation of the public highway.

Part of the service yard would be used for storing scaffolding but provided that the area concerned is restricted this would not be detrimental to the servicing arrangements.

The loss of five car parking spaces due to the installation of the roller shutter and extra fire exits is not considered significant in a car park of this size. Four cycle stands would be added to the development and there is a frequent bus route with a stop directly outside the site. Overall this aspect is acceptable.

Recommendation: Refuse

1. The display and sale of kitchens and bathrooms could and should be accommodated in a sequentially preferable location which is accessible by public transport from all parts of its potential catchment area. The approval of this application would be contrary to Core Strategy Policies EMP3, CEN6 and CEN7, 'saved' Unitary Development Plan Policies JP7, S7, T10 and T12 and government guidance set out in Planning Policy Statement 4.



Planning Committee
*Report of Head of Planning and Building Control, Regeneration Directorate on
17/02/2011*

Reason for bringing to committee: Disposal of Council Land

Application Number: 10/1599/FL
Application Type: Full application

Applicant:

Proposal: Extension to the patient & staff car park to accommodate additional parking facilities.

Ward: Blakenall

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Email: planningservices@walsall.gov.uk

Agent:

Location: 51 LECKIE ROAD, WALSALL,
WS2 8DA

Expired Date: 14/02/2011

Recommendation Summary: Grant Permission Subject to Conditions



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The site is situated on the corner of Leckie Road and Proffitt Street and comprises a part two storey and part single storey purpose built, well established doctors surgery with retail pharmacy and car park to the rear for 21 cars. A part single and part two storey extension approved in 2009 has now been completed.

Leckie Road is a cul de sac providing access to residential properties, public open space and the surgery. Immediately to the west of the site is the former Walsall MBC neighbourhood office building (now vacant) with public open space beyond to the west and north, fronting Proffitt Street and Stafford Street. On the opposite side of Leckie Road (to the east) are residential properties and to the south on the opposite side of Proffitt Street are further residential properties.

The site is in walking distance of a large number of residential properties in a sustainable location not far from Walsall Town Centre and Stafford Street local centre and with good public transport links.

The application proposes an extension to the existing car park, used by patients and staff. The car park would be extended to the west and north of the existing car park to incorporate a parcel of Council owned land (approx 400sqm) into the site boundary, and would allow for the reconfiguration of the existing car park and provision of 16 additional spaces to result in 37 parking spaces including 3 disabled spaces.

The additional land currently contains 19 trees that sit at the edge of an area of open space that runs between Leckie Road and Bloxwich Road, but is not designated as public open space within the UDP. The proposals would result in the loss of 15 of the existing trees but landscaping proposals are provided that includes replacement tree planting.

The car park would continue to use the existing gated access off Leckie Road. The site is currently enclosed by triple pointed, galvanised palisade fencing, whilst the fencing was approved under the consent for the construction of the surgery, a condition attached to the approval required the fencing to be painted a colour to be agreed, which has not been implemented. The applicant has now agreed to paint the existing fencing (a colour to be agreed) and for details of the new boundary treatment to be submitted for approval.

The surgery has recognised for sometime that there are existing parking issues at the site which lead to on street parking in Leckie Road at certain times and have been working to resolve this.

An assessment of the existing trees on the site in accordance with BS5837:2005 has been provided in support of the proposals, identifying the size and condition of all the existing trees on the site.

A Design and Access Statement has been submitted which provides background to the scheme and an analysis of the design and layout of the proposals and the impact on the immediate area.

Relevant Planning History

BC37248P, demolition of existing club, erection of doctors surgery and dispensary, alteration of existing vehicular access to Leckie Road, associated car parking and landscaping, granted subject to conditions 29-12-92.

Condition 8. The boundary treatment shown on the approved plans shall be carried out before this development is brought into use and shall be thereafter retained. Before the fencing is first erected a suitable colour scheme for the fences shall be first agreed with the local Planning Authority, and if not supplied already colour coated the approved colour shall be applied within 12 months of the fencing being erected and thereafter retained

BC38209P, demolition of existing club, erection of doctors surgery, dispensary, first floor flat, alterations of vehicular access to Lackie Road, associated car parking and landscaping, granted subject to conditions 23-06-93.

Condition 8, as the previous consent.

05/1753/FL/E5, two storey extension to surgery, ground floor consulting rooms, waiting area, office space, library/training room at first floor level. Granted subject to conditions 25-10-05.

09/1133/FL, part two storey part single storey extension to the rear to provide GP training consulting rooms and training/seminar room and admin room, and a further single storey extension on the frontage to extend the patient waiting room, granted subject to conditions 06-11-09.

Relevant Planning Policy Summary

(Note the full text version of the UDP and the Joint Core Strategy is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Core Strategy Policies

The JCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP.”

HOU5: Education and Health Car Facilities

The existing network of education and health care facilities will be protected and enhanced.

Saved Policies of Walsall’s Unitary Development Plan (2005)

GP2: Environmental Protection

Seeks to ensure all development makes a positive contribution to the quality of the environment. Considerations to be taken into account in the assessment of development proposals include:

i. Visual appearance

vi. The adequacy of parking facilities

3.6 Development should help to improve the environment of the Borough.

ENV18: Existing Woodlands, Trees and Hedgerows

Where developments are permitted which involve the loss of trees developers will be required to minimise the loss and provide appropriate planting of commensurate value.

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV33: Landscape Design

Good landscape design is an integral part of urban design.

8.7 The enhancement of existing, and the provision of new facilities for health will be encouraged. Particular emphasis will be placed on locations which are accessible to all sections of the community by a choice of means of transport.

Policy T7 says all development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision for Cars, Cycles & Taxis

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment. For this type of development 4 car park spaces per consulting room. 1 bike stand for every 10 car parking spaces, with an absolute minimum of 2 bike stands. Taxi facilities and 1 space per 20sqm of retail floor space.

Designing Walsall SPD

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

DW9: High Quality Public Realm

High quality landscaping is an essential component of a high quality public realm

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

PPS 1: Delivering Sustainable Development

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

PPG13: Transport

Promotes sustainable patterns of development which reduce the need to travel, especially by car. Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety which cannot be resolved through on-street parking controls.

Consultations

Transportation – no objection subject to conditions to provide a revised layout plan to amend the position of the disabled parking spaces and to ensure that the car park is appropriately surfaced, drained and marked out prior to first use.

It is recognised that under the previous permission that the premises had an under provision of parking by approx 11 spaces. This was accepted at the time for a number of reasons, one being that the applicant was actively pursuing a car park extension by seeking to acquire land from the Council. The proposals now include parking for 37 cars (including 3 disabled spaces) which would result in 1 space above the provision identified by T13. Parking has however been an ongoing issue at the site for some time. This is a busy surgery with a retail pharmacy and the applicants have been pursuing improved/additional off street parking.

Access Officer – No objections but it may be appropriate to move the disabled parking spaces to spaces 28-30 on the proposed layout, to improve access arrangements.

Tree Officer – No objections as long as the retained trees are protected to BS5837: 2005 standards as detailed in the submitted tree report.

West Midlands Police – No objections, the access gates should be the same height as the adjacent fence and the car park should be illuminated.

Landscape Officer – No objections, full planting details have been submitted and are considered appropriate.

Public Participation Responses

None

Determining Issues

- Parking and Access
- Impact on Trees and Open Space
- Impact on the Street Scene and amenities of surrounding occupiers

Observations

Parking and Access

The proposals would allow for 16 additional parking spaces for staff and patients of the doctors surgery (including 3 disabled spaces). It was recognised under the previous planning application for an extension to the surgery that the premises had an under provision of parking when considered under policy T13 of the UDP, which is based on the number of consulting rooms and the retail pharmacy at the surgery, this results in on street parking in the area at certain times. The previous proposals did

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

not result in any addition of patient numbers and no additional consultations with patients at any one time, as the extension was to provide accommodation for trainee doctors who would see the doctors existing patients, under supervision. It was therefore considered that the proposals would not increase parking demand at the surgery.

The applicant has recognised this under provision and has applied to buy land from the Council to extend the existing car park. The additional land will allow the car park layout to be redesigned as a whole and provide 37 spaces as well as motor cycle parking and improved circulation and lighting.

Policy T13 would require 36 spaces for the use, therefore the proposals now represent an over provision of 1 space.

There is an existing on street parking issue at this locality which Traffic Management have been monitoring, in this case a 1 space over provision is considered acceptable to remove as many cars as possible off the street.

Impact on trees and Open Space

The area of land to be incorporated into the car park currently forms the corner of an area of open space, but is not designated as public open space within the UDP. The proposals therefore do not constitute a departure from the development plan. It is considered that the inclusion of the land within the boundary of the surgery will have no adverse impact on the open space.

The area currently has 19 unprotected trees, many of which are poor quality and suppressed due to the close proximity to each other. 15 of the trees would be removed to accommodate the proposals with four of the best quality trees in the northern corner retained. The landscaping scheme submitted shows details of 8 replacement heavy standard trees, 5 to the Leckie Rd front boundary and 3 along the north western boundary with the open space as well as significant shrub planting to the boundaries and beneath the trees to be retained.

The submitted tree survey provides details of acceptable tree protection measures for the retained trees.

It is considered that the replacement trees would more than compensate for the loss of the existing poor quality trees on the site and the combination of the proposed trees and planting would enhance the general street scene and not detract from the area of open space.

Impact on Street Scene and Amenities of Surrounding Occupiers

The proposals would improve the general street scene by the removal of significant on street parking and the provision of significant additional shrub planting and replacement trees to both Leckie Road and the area of open space, together with an improvement to the existing boundary fencing.

The proposals will result in a reduction in on street parking within Leckie Road which will improve the general amenity for the residents within the street.

Summary of Reasons for Granting Planning Permission

Whilst the proposals will result in the loss of an area of open space, this is not designated as public open space and therefore is not a departure from the development plan.

The proposals will increase and improve the existing parking arrangements for the surgery and reduce the extent of on street parking in this residential street, which is recognised as significant at certain times.

The proposals will result in the loss of 15 unprotected poor quality trees but 8 new trees and significant shrub planting will be provided in mitigation, which will improve the general street scene to Leckie Road and the transition between the car park and the open space.

Accordingly the proposal accords with the aims and objectives of the Unitary Development Plan saved policies GP2, 3.6, ENV18, ENV32, ENV33, 8.7, T7 and T13, Joint Core Strategy policy HOU5, Supplementary Planning Document: Designing Walsall in particular DW9 and PPS 1: Delivering Sustainable Development and PPG 13: Transport.

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, (as amended) 1990.

2. Prior to the commencement of any development on site a revised car park layout plan to alter the position of the three disabled parking spaces to spaces 28 - 30 shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the extended car park hereby approved and retained thereafter.

Reason: In order to ensure satisfactory parking for disabled persons and cycle storage facilities.

3. Notwithstanding the details provided on drawing 2725/10H and prior to the commencement of any work on site details of the colour paint finish, including pre-treatments and method of application, to the existing boundary fencing and details of the colour and design of the proposed new boundary fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use of the car park extension hereby approved and thereafter retained and maintained.

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

4. Prior to first use of the car park extension hereby approved the car park shall be fully consolidated, hardsurfaced and drained and the parking bays clearly demarcated on the ground in accordance with the agreed details. The car park extension shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion of the development.

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,
Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

5. Prior to first use of the car park extension hereby approved the landscaping scheme detailed in drawing no 1A (Martin F Holland Landscape Design Consultant) submitted on 29th November 2010 shall be fully implemented. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to define the position and to safeguard the visual amenity and natural environment of the area.

6. This permission relates to drawings:

Location Plan – 2725/L submitted on 29th November 2010

Block Plan – 2725/11 submitted on 10th December 2010

Site Layout as Existing – 2725/001 submitted on 29th November 2010

Extended Parking Layout – 2725/10H submitted on 10th December 2010

Landscape Proposals – Martin F Holland 1A submitted on 29th November 2010

Tree Assessment – Martin F Holland 2 submitted on 17th January 2011

Design and Access Statement submitted on 29th November 2010

Reason: In order to define the permission.



Planning Committee
*Report of Head of Planning and Building Control, Regeneration Directorate on
17/02/2011*

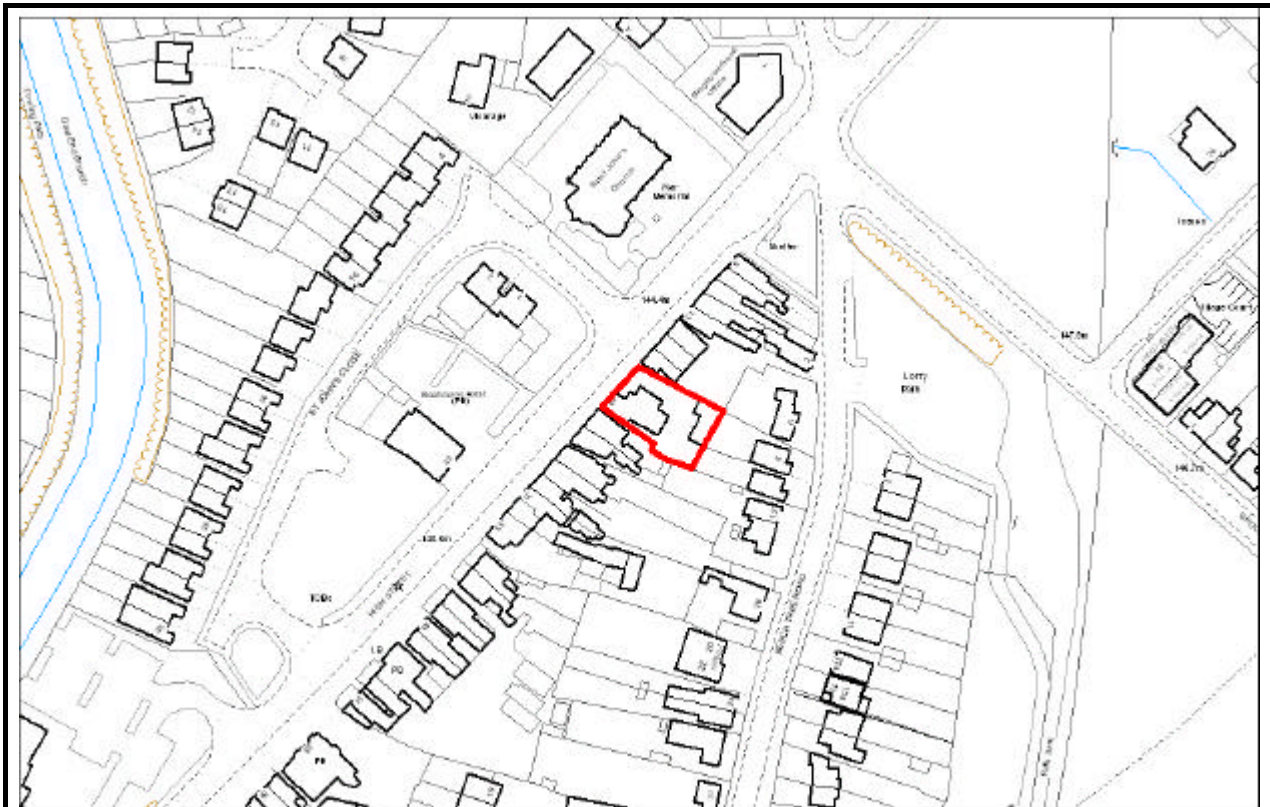
Reason for bringing to committee: Delicate Judgement

Application Number: 10/1432/FL
Application Type: Full application

Applicant: Modmill Ltd
Proposal: Retention of existing storage building
Ward: Aldridge North and Walsall Wood

Case Officer: Stuart Crossen
Telephone Number: 01922 652420
Email: planningservices@walsall.gov.uk
Agent: Mr Nick Massey
Location: 19 HIGH STREET, WALSALL WOOD, WS9 9LR
Expired Date: 13/01/2011

Recommendation Summary: Refuse



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The building to be retained is attached to a workshop and is used to store painting materials and equipment. The rear boundary of the application site abuts the rear garden of 10 Beech Tree Road which is 15m long. The boundary is defined by a 2.5m high wall. Near to this wall on ground 500mm higher, is the rear elevation of the storage building facing no. 10 consisting of three exposed vertical steel pillars with breeze blocks between, up to 2m high, with brick courses to the eaves giving a total height of 4.8m. Six brick courses below the eaves, a row of bricks have been turned on their side. The top four rows of brickwork have not been pointed and appear unfinished. The boundary wall screens the breeze block section of the east facing wall of the proposal. The boundary wall is in a poor state of repair and has partially collapsed. Number 10 Beech Tree Road has conifer trees screening much of the storage building.

The storage shed is 4.7 metres high at the ridge, 6.7 metres wide and 4.5 metres long. The roof, front and side elevations are clad with grey corrugated steel sheets with a roller shutter door in the front elevation 3 metres wide and 3.5 metres high.

This application proposes to use 'K-rend expemet lathing' a coloured render to be shot fired to clad the steel columns. Expanded metal would then cover the east elevation providing a continuous key for a self coloured, one coat rendered finish using a product called 'K Rend'. It would be applied from a bosun chair (avoiding the need to enter the adjacent garden) front and side elevations will remain clad with grey corrugated steel sheets. There is a gap of less than 1 metre between the storage shed rear elevation wall and the conifer trees. The proposal also includes lining the roof with sound insulation boarding.

The storage building is also visible to houses either side of No10.

This building is subject to an enforcement notice requiring its removal or alterations to comply with a planning permission in 2002.

Relevant Planning History

02/1855/FL/E2 - Single storey rear extension - granted subject to conditions - 13th December 2002. The application illustrated a 4.2 metre high brick built rear elevation.

The building was not built in accordance with the approved plans and conditions not discharged. An enforcement notice was served on the owner on the 2nd February 2007 which required the owner to

- a) Dismantle the building,
- b) Dig up the foundations, and reinstate the ground and
- c) remove all resultant building components, rubble and other debris from the land to its condition before the breach took place.

An appeal decision amended the notice by the additional of the option to alter the building so that it complies with the terms and conditions of the planning permission (reference 02/1855/FL/E2).

Following the appeal the corrugated steel cladding was removed from the rear elevation and a brick wall was built in between the pillars.

A planning application followed in 2008 proposing the retention of the steel posts and cladding them in brick slips. 08/0477/FL - Retrospective: Retention of existing storage building with minor alterations to original planning permission. – Refused – 5th June 2008

1. The proposed building by virtue of its height and unsympathetic materials would appear as an incongruous feature unrelated to its surroundings, having an unacceptable adverse impact upon visual amenities of adjacent residential properties. The lack of space to provide appropriate landscaping further results in the building creating a poor residential outlook which further harms visual amenity.
2. The proposed noise control measures are not sufficient to ensure that the development would not have an unacceptable adverse impact on the amenities of the adjoining residential properties.

Relevant Planning Policy Summary

Core Strategy Policies

(note the full text version of the JCS and UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

Joint Core Strategy (JCS)

The JCS was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain saved policies in the UDP

A. The Vision:

1. Sustainable Communities

We will create a network of cohesive, healthy and prosperous communities across the Black Country, with a range of quality community services and an integrated transport network which reduces the need to travel by car.

3. Economic Prosperity

We will make the most of the Black Country's accessibility and location to attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy.

B. Sustainable Development

Ensuring that development meets the social, economic and environmental needs of the present without compromising the ability of future generations to meet their own needs. This will include 'putting the right thing in the right place' to strengthen centres and ensure easy access to facilities.

ENV3 Design Quality

Each place in the Black Country is distinct and successful place-making will depend on understanding and responding to the identity of each place with high quality design proposals. Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits by demonstrating that the following aspects of design have been addressed through Design and Access Statements reflecting their particular Black Country and local context:

Saved Policies of Walsall's Unitary Development Plan (2005)

GP2: Environmental Protection

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

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

- I. Visual appearance
- II. Creation of pollution of any kind
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight.

Policy 3.6: development should help to improve the environment of the Borough.

Policy 3.7: seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV10: Pollution

The development of any facility which may cause pollution will only be permitted if it would not cause unacceptable adverse effect in terms of noise or have an unacceptable adverse effect on nearby land uses.

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.

S5: The Local Centres.

Outside of the Local Centre boundaries, existing retail and other town centre uses are anticipated to remain, but vacant land and premises will be considered for other uses, including housing. Development of town centre uses on the edge of Local Centres, outside the defined boundaries, will only be permitted if the proposed development:-

- I. Cannot be accommodated within the centre.
- II. Is of an appropriate scale for the centre concerned.
- III. Is well integrated with the centre.

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

Planning Policy Statement 1: Delivering sustainable development emphasis the need for sustainable development and good design.

Planning Policy Guidance Note 24: Planning and Noise, the planning system should not place unjustifiable objects in the way of development which creates jobs and infrastructure, but must ensure that it does not cause an unacceptable degree of disturbance.

Representations

Consultees

Environmental Health – No Objections.

Pollution Control, Contaminated Land – No Objection.

Pollution Control, Scientific Team – No Objection. Conditions have been recommended to protect adjacent residential occupiers from noise.

Building Control – No objections. Comments that it is extremely unlikely that render can be applied by using the bosun's chair method due to the small space available between the face of the wall and conifers. It is considered that the durability of the render should be good for many years.

Natural Environment, Trees – No objections

Transportation – No objection

Public Participation Responses

The occupiers of 10 Beech Tree Road have objected on the following grounds;

- advice from local builders that to affix a frame to the building and then render on top of that would be impractical and would have no longevity
- the owner of the application building has no requirement for this building for his own business and only wishes to rent it out for profit, and has no concern as to how this building will be used.
- the application does not propose to rebuild a 6 foot boundary wall.
- the building is being used for the manufacture of memorial stones, should a change of use be applied for?
- the front of the building is used as a showroom for Ashcroft Funeral Directors, the deceased are being left there so that relatives may view the body.
- the building is within 40 feet of the rear of number 10 and constructed from corrugated steel and will never be completed to an acceptable standard.
- the building results in a lack of light to the conifer trees and will result in their destruction

- condition 2 of the original approval has not been complied with and the proposal has not been subject to the required building regulations
- Worktops Direct are being advertised from this site, manufacturers of marble, stone and granite which should not be undertaken at this site.
- the building may become legal by not enforcing its dismantling within the legal time-frames
- the only satisfactory conclusion is for the Council to enforce the building to be dismantled
- the Council should not drag their heels due to any financial considerations as they owe a duty of care where this matter is concerned
- the building results in a loss of light

The occupiers of 10 Beech Tree Road have also forwarded objection letters from other neighbours, which were originally sent in response to the previous planning applications, and copies of Enforcement Officer letter's which were sent to the applicant. These letters have been sent without the permission of their authors and raise no specific objections to the application proposal.

The occupier of number 6 objects on the following grounds:

- the proposal was built without permission and is excessive in height
- the building should be removed as permission was not originally obtained and its intended use can not be trusted.

The occupier of number 12 objects on the following grounds:

- the proposal to make good without going onto the property may not be safe.
- the works may result in damage to the garden of number 10.
- the building has killed the fir trees

Determining Issues

- Principle of use
- Impact on the visual amenity to neighbours
- Noise pollution to neighbours.
- Other matters

Observations

Principle of use

There have been concerns raised by neighbours at number 10 about the use of the building for activities other than storage. The use of the storage building was established by the 2002 planning permission (02/1855/FL/E2). Condition 2 of the 2002 permission stated that the building 'shall be used for storage purposes only. No manufacture of products or cutting and working of materials shall take place within the building'. The same condition would be attached should planning permission be granted to control the use of the storage building in the interests of neighbouring amenity. This condition was not complied with originally and the storage shed was used to cut stone, however following enforcement action this use has ceased.

Impact on the Visual Amenity to neighbours

The application proposes to retain the current building which was built 600mm taller than the 2002 approval. The appearance and height of the rear elevation and close proximity to the rear of number 10 was identified by the Planning Inspector as the key consideration. It remains key to the consideration of this planning application. A neighbour has sent an objection about the corrugated steel construction. Originally

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

the rear elevation of the building was constructed from corrugated steel and steel pillars, but the building has since been modified, having the corrugated steel removed and brick and concrete block wall build between the pillars on the rear elevation.

The previous application 08/0477/FL was refused as it was considered that the poor quality of materials and different finishes used on the rear facing wall, including the row of bricks laid on their sides would have resulted in an industrial and dominant feature within a domestic setting failing to take into account the context of the existing residential properties.

Concerns have been expressed about the conifer trees at the rear of the garden. Although comments received suggest that the trees have been killed and that they will be lost as a result of the storage shed, since the previous application the conifer trees have grown much higher screening the majority of the storage shed. The Tree Officer considers that the retention of this storage building and the proposal to render the exterior of the rear will not be detrimental to the health and stability of the hedge. As long as the hedge owner is willing to retain the Conifer hedge it will remain an effective long term screen between the two properties. It is acknowledged that the conifers are not within the control of the applicant and the screening effect they have cannot be secured by planning condition, therefore it is considered that the finish of the rear elevation needs to be visually acceptable to minimise any impact on neighbouring amenity.

Successful rendering the rear wall would be an improvement to the existing mismatched finishes. Building Control Officers and the occupier of number 10 have raised concerns regarding the method of application of the render and whether it can be applied from a bosuns chair within the small gap between the conifer trees and east elevation wall. Building Control Officers consider that the render could last for many years with limited maintenance if applied correctly, but consider that it is extremely unlikely that the wall could be rendered successfully as proposed. The finish would not be as durable as the original brick finish approved in the 2002 application. The applicant has failed to demonstrate that the render could be successfully applied.

The proposal to retain the shed at 600mm higher than approved would increase the impact beyond the approved scheme. The rear wall of the storage shed is to the North and is 15 metres away from the rear windows of number 10. On balance it is considered that, even if rendered successfully, the rear elevation of the shed would result in an unacceptable loss of outlook, and amenity to the occupants of No 10.

Noise Pollution

Environmental Health and Pollution Control have confirmed the proposed noise mitigation is acceptable in this instance. Pollution Control recommends safeguarding conditions be attached restricting the hours of construction and to limit noise on the site during working hours. The proposed render to the rear wall and roof sound insulation board are considered would reduce sound transmission to an acceptable level overcoming the second reason for refusal on the previous application.

Other matters

The neighbour at number 10 has raised concern about the existing building becoming legal over time and that the only satisfactory conclusion is for the Council to enforce the building to be dismantled. The current application has been submitted to satisfy the concerns set out in the enforcement notice requiring the building to be

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

altered in accordance with the 2002 planning approval which, if acceptable, would require the rear wall of the storage building to be removed and re-built.

It is also believed by the neighbours at number 10 that the storage shed has not been subject to building regulations. A building regulations application was applied for in 2002 with inspections made in 2003, though no completion certificate was issued. However this is not a material planning issue and has not been considered in determining this application

Objection was also raised suggesting that the Council should not drag their heels due to financial considerations. Negotiation has taken place by Council officers involving the applicant and adjacent resident to find an acceptable resolution to the current situation. Financial matters have not had any bearing on these negotiations or the timescales involved.

Recommendation: Refuse

1. The excessive height of the building would have an unacceptable adverse impact upon visual amenities of adjacent residential properties. This impact is likely to be exacerbated because the applicant has failed to demonstrate that a durable render finish can be satisfactorily applied. The building is therefore contrary to the aims and objectives of the Joint Core Strategy in particular The Vision, ENV3 and of Walsall's Unitary Development Plan, in particular policies 3.6, 3.16, ENV32 and PPS1.



Planning Committee
*Report of Head of Planning and Building Control, Regeneration Directorate on
17/02/2011*

Reason for bringing to committee: Significant Community Interest

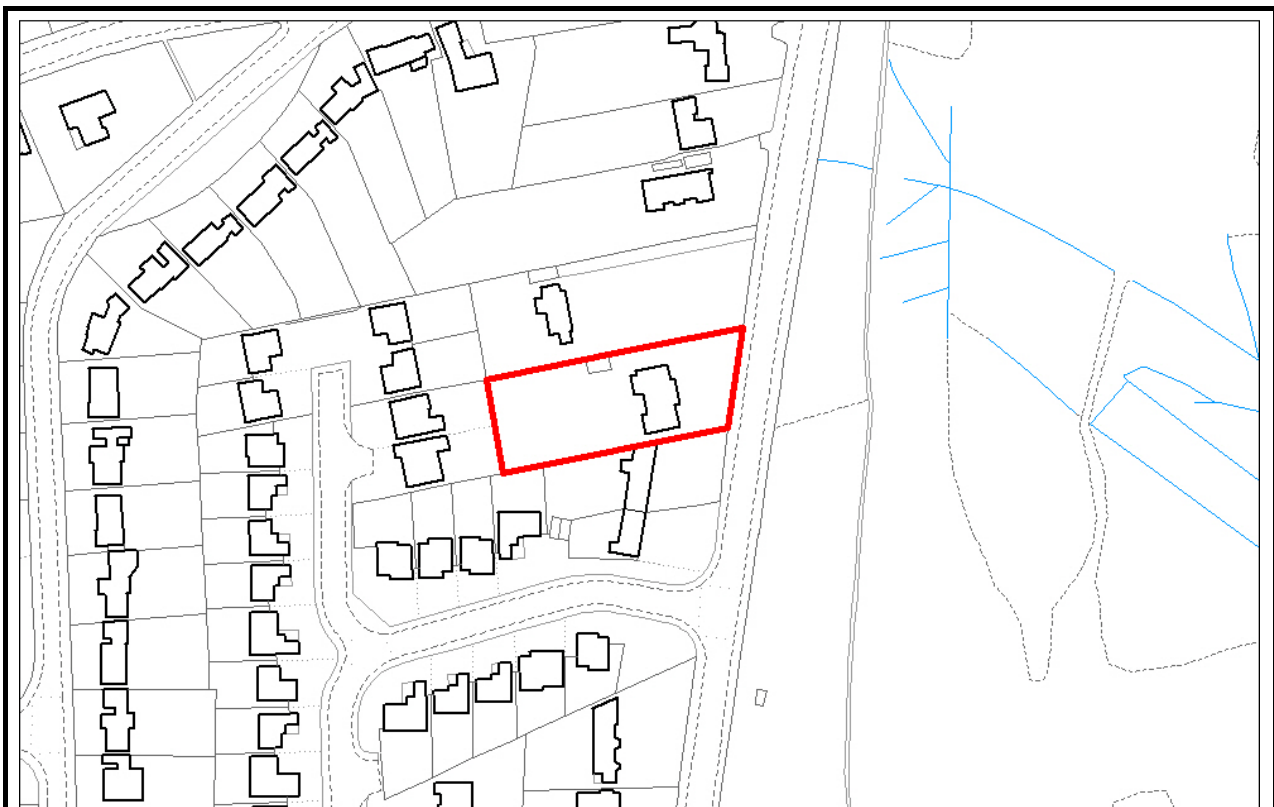
Application Number: 10/1510/FL
Application Type: Full application

Applicant: Mr Hamish Simpson
Proposal: Demolition of existing bungalow
and erection of 2no. four bed detached
dwellings
Ward: Streetly

Case Officer: Devinder Matharu
Telephone Number: 01922 652487
Email: planningservices@walsall.gov.uk
Agent: Plot Design Solutions
Location: 140 THORNHILL
ROAD, STREETLY, B74 2ED

Expired Date: 29/12/2010

Recommendation Summary: Refuse



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

The application proposes the demolition of the existing bungalow and erection of 2 detached houses sitting side by side with a landscaped frontage. The existing bungalow is set off the boundary by 3.6m adjacent 142 Thornhill Road and 5m from the boundary with 138 Thornhill Road and situated 5.6m further forward of 142 and 23m further forward than 138 Thornhill Road. A garage with a workshop in the roofspace measuring 4.9m high is positioned on the boundary with 138 Thornhill Road. The site is constrained to the rear due to the sewer. The proposed two storey dwellings would be set forward of 138 and 142 Thornhill Road. The dwellings would be large detached properties incorporating projecting gable features, chimneys and bay windows. The proposal would equate to 13 dwellings per hectare.

Plot 1 adjacent 142 Thornhill Road would measure 10.1m in length, 10m in width with a longer central section at ground floor measuring 13m in length and the main house has a half hip with gable features. Plot 2 adjacent 138 Thornhill Road would measure 13m in length, 10m in width and have a half hipped roof with gable features at the front and rear. The rear gardens would measure in excess of 30m's long with amenity areas of 370 and 374 square metres. Plot 2 would utilise the existing access point with a new access point being created 2m away for plot 1.

Thornhill Road dwellings are mainly detached 1930's arts and crafts style properties varying between bungalows and two storey house, set back from the road to provide large landscaped front gardens with drives providing off road parking and adding to the spacious character of the area. The main features of the properties are chimneys, integrated garages, porches and bay windows. 138 Thornhill Road is a two storey detached dwelling that is set 47 metres back into the site providing a large front garden. 142 Thornhill Road is angled to 140 Thornhill Road with three obscurely glazed side windows facing 140 Thornhill Road. 142 Thornhill Road has secondary rear bedroom window. At the rear of the site are 4 and 6 Whitley Drive a relatively modern cul de sac accessed from Thornhill Road.

The following documents have been submitted with the planning application; Tree Survey concluding; the removal of 3 trees from the front garden, the proposal will not substantially affect the existing trees or hedge.

Bat Survey concluding; no evidence of bats roosting in the building and the demolition of the property would not affect a place of shelter for bats.

Design and Access Statement concluding; the dwellings would reflect the existing 1930's arts and crafts style. Three dimensional artist impression drawings have been submitted of the proposed dwellings.

Relevant Planning History

BC50089P 140 Thornhill Road. Erection of detached garage and second detached building to the rear. Granted subject to conditions 1997.

BC40104P 142 Thornhill Road. Kitchen and garage extension and bedroom and ensuite at first floor. Granted subject to conditions 1994.

BC51789P 142 Thornhill Road. New side window. Granted subject to a condition 1998.

05/0408/FL/H4 138 Thornhill Road. Extensions to the side (to include a sun lounge), front (kitchen extension) and rear extensions. Granted subject to conditions 2005.

Relevant Planning Policy Summary (Note the full text version of the Joint Core Strategy and the UDP is available from the First Stop Shop in the Civic Centre, and on the Planning Services Website www.walsall.gov.uk/planning).

Joint Core Strategy

The Joint Core Strategy was adopted by the Council on 3rd February 2011 and now forms part of the statutory development plan. It replaces certain “saved” policies in the UDP. It sets out how the Black Country should look in 2026 and establishes clear directions for change in order to achieve this transformation.

CSP4 The design of spaces and buildings will be influenced by their context and seek to

enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

ENV2 All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place.

ENV3 implement the principles of By Design to ensure the provision of a high quality network of streets, buildings and spaces and meeting the Code for Sustainable Homes to Level 3.

HOU 1 to deliver at least 63,000* net new homes over the period 2006 –2026 through committed sites

HOU2 The density and type of new housing provided on each site will be informed by the need for a range of types and sizes of accommodation to meet local needs, the level of accessibility by sustainable transport to residential services, the need to achieve high quality design and minimise amenity impacts.

Unitary Development Plan (UDP)

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime’ through design, layout, landscaping and boundary treatments is encouraged.

ENV14 encourages the development of previously developed land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV17 new planting will be encouraged

3.117 & ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided. H3 encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

T13: car parking standards
1, 2 & 3 bedroom houses – 2 spaces per unit

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW3 – Character -design to respect and enhance local identity;

DW6 – Legibility - new development should contribute to creating a place that has a clear identity;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. 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.

Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Regional Spatial Strategy (RSS)

On 6 July 2010 the Secretary of State issued a direction to revoke Regional Spatial Strategies. Following a legal challenge this was reversed by the High Court on 10 November 2010.

The Government responded by advising its proposed abolition of the RSS system (abolition will require legislation, through the Localism Bill and will take time) should be a material consideration in decisions. That position was itself subject to a legal challenge.

On 7 February 2011 the High Court published its judgement that the proposed abolition can be a material consideration.

Officer's advice is that the RSS remains part of the statutory development plan for the Borough (with the saved policies of Walsall's UDP and the Black Country Core Strategy), and decisions should be made in accordance with it unless material considerations indicate otherwise.

However, the Government's proposal to abolish the RSS at some point in the future can be a material consideration. The weight to be given to this is for the local planning authority to judge, based upon such things as, for example, the extent to which a planning decision rests on the RSS and whether the implications of the decision might be felt before the RSS might be abolished. Each case must be considered on its merits in this context and a clear and reasoned view achieved.

National Policy

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

PPS1 on delivering sustainable development and good design.

PPS 3: Encourages reuse of previously-developed land for housing. Paragraph 10 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. Some of 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. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

PPS9 Biodiversity and Geological Conservation

Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

Consultations

Transportation – No objection subject to conditions relating to access and visibility

Fire Service – No objection

Landscape – No objection

Severn Trent Water – No objection subject to a drainage condition

Natural England – No objection and support the recommendations made in the Bat survey and a user note attached.

Ecology Officer – No objection subject to planning conditions

Arboricultural Officer – No objection

Police Architectural Liaison Officer – No objection but makes comments regarding the existing conifer at the front of the property removing all surveillance from the road and the planted area would provide a cover for persons with criminal intent.

Public Participation Responses

Eight letters have been received from three residents objecting to the proposal on the following grounds:

- prefer a bungalow replacement
- any new properties should not be higher than neighbouring properties
- boundary hedge should remain
- proposal submitted for financial betterment
- over development
- traffic congestion
- destroy the street scene
- closeness of the properties would be difficult for maintenance
- concerns over time period given to make comments on plans
- overbearing
- loss of day light
- loss of privacy

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

- loss of outlook
- concerns over compliance with fire regulations
- rear elevation of plot 2 should be moved further back by 4m so that the proposal is in line with the front of 138 to prevent visual intrusion
- Loss of view – *not directly a material planning consideration*
- the proposal does not encourage or promote a positive improvement
- Development contradicts Government policy regarding garden land no longer being classed as brownfield or previously developed land
- Proposal against strategic policy regarding demolition
- proposal would change the traditional character of the area
- more affordable homes are required

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

Determining Issues

- Principle of Development
- Impact on the character of the area and adjoining property
- Impact on the amenity of neighbours
- Impact on trees and hedge
- Impact on protected Species - Bats
- Access and Parking

Observations

Principle of development

Gardens are no longer classified as 'brownfield' or previously developed land. This does not however preclude new housing development on garden land. The revised PPS3 indicates that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

In this case, the demolition of the bungalow to secure two quality aspirational dwellings is considered to be acceptable; provided the proposal meets the amenity issues below.

Impact on the character of the area and adjoining property

The proposed dwellings would be positioned further forward of numbers 142 and 138 Thornhill Road as the site is constrained to the rear by a sewer, this would prevent the proposed dwellings being positioned any further back into the site.

The proposed dwellings would be positioned 1.4m and 5.2m closer to the boundaries of the adjoining properties, which would bring the development closer to the two adjoining properties. Plot 2 presents a large gable along the boundary with 138 Thornhill Road, resulting in loss of amenity to the occupiers of this property by virtue of the height, mass and view of the gable. Furthermore, due to the height, mass and view of the gable, the proposed gable would be a prominent feature within the street scene, which would be visually dominate and detrimental to the amenities of the area.

Whilst demolition and redevelopment of the bungalow could be supported it is considered that the proposed development in close proximity to the boundaries would represent too much development along the site boundary which would have a detrimental impact on 138 Thornhill Road.

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Impact on trees and hedge

The agent has confirmed that the boundary hedge around the site is to remain. The Arboricultural Officer has no objection as the protected trees on the site would not be affected by the proposals.

The Police Architectural Liaison Officer has raised concerns over the existing trees at the front of the site, hiding the properties from street surveillance. The trees at the front of the site are protected and add to the character of the area, the removal of the trees is considered would be visually detrimental to the locality.

Impact on protected Species – Bats

Natural England Natural Environment have no objection to the proposal provided the gap between the properties is maintained as it is a primary route for foraging and commuting bats and conditions conserve the local bat population are implemented.

Access and Parking

Policy T13 requires 3 car parking spaces to be provided per dwelling and the proposal would provide integral garages and driveway parking for 3 cars meeting the policy.

It is considered that the proposed dwellings are unlikely to result in an increase in traffic or contribute to traffic congestion within the locality to warrant refusal of the scheme.

Residents have raised concerns over fire compliance; the Fire Officer has no objection to the proposal.

Recommendation: Refuse

Plot 2 presents a large gable along the boundary with 138 Thornhill Road, resulting in loss of amenity to the occupiers of this property by virtue of its height, mass and overbearing impact. Furthermore, this gable would appear as an unduly prominent feature within the street scene, which would be detrimental to visual amenity of the wider area. As such the proposal would be contrary to Policies CSP4, ENV2 and ENV3 of the Joint Core Strategy, Policies 3.6, 3.7, GP2, 3.113, 3.114, 3.115, ENV32 and 3.116 of the Walsall Unitary Development Plan, Policies DW1, DW3, DW6, DW9 and DW10 of the Designing Walsall SPG and the advice given in PPS1 and PPS3.



Planning Committee
*Report of Head of Planning and Building Control, Regeneration Directorate on
17/02/2011*

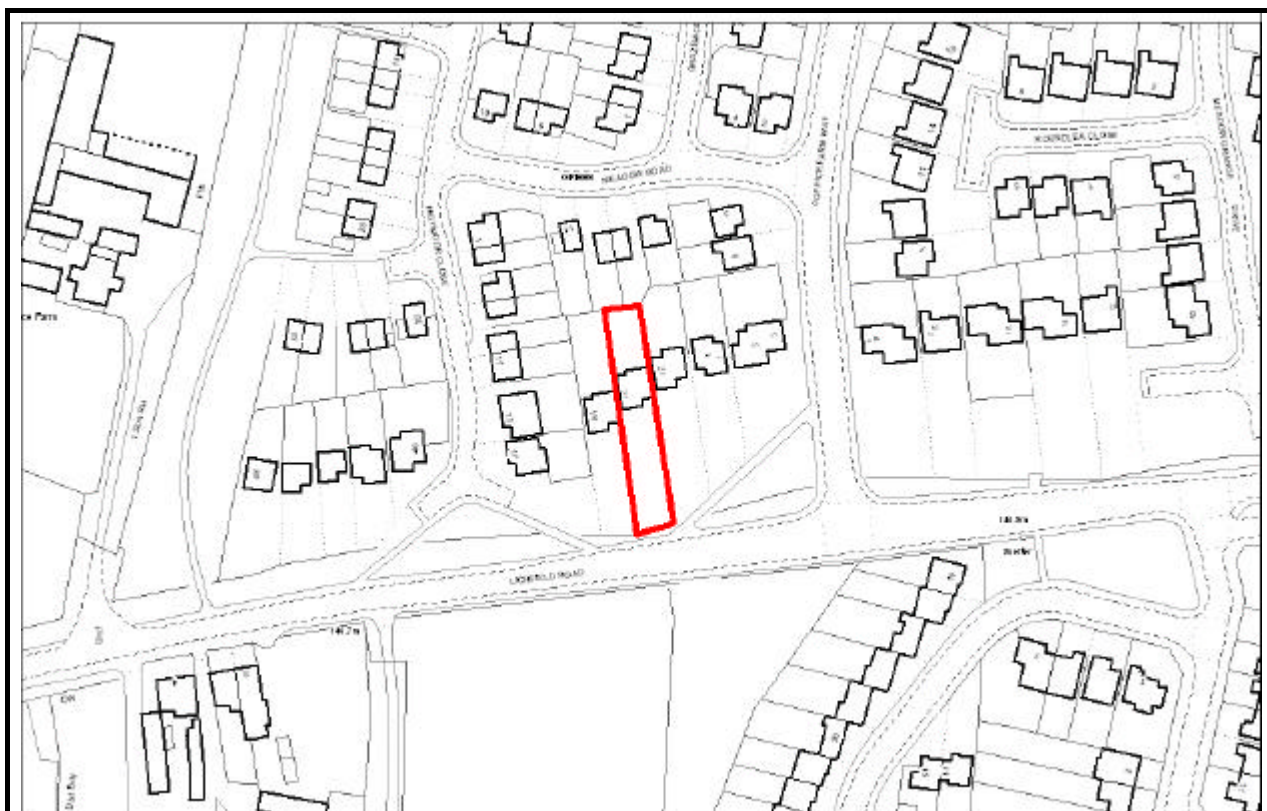
Reason for bringing to committee: Contrary to Policy

Application Number: 10/1656/FL
Application Type: Full application

Applicant: Mr & Mrs Smallman
Proposal: Ground and first floor side extension with first floor front projection.
Ward: Willenhall North

Case Officer: Claire Murphy
Telephone Number: 01922 652403
Email: planningservices@walsall.gov.uk
Agent: Mr Brian Castley
Location: 21 HIGHMOOR CLOSE,
WILLENHALL, WV12 5UU
Expired Date: 08/02/2011

Recommendation Summary: Grant Subject to Conditions Subject to no new material considerations arising



Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

Application and Site Details

This application proposes a first floor side extension to a modern detached house. The extension would be constructed above an existing garage and rear utility room, with the existing pitched gable roof to extend above the extension at the same height as the roof to the main house. The extension would accommodate a fourth bedroom with en-suite.

The original plans submitted with the application proposed an extension to the rear of the original utility room with a projection of 1.7 metres, with the proposed first floor extension to be built above. The plans submitted with the application also indicate the first floor front elevation to be level with the original first floor front elevation. However, following assessment and subsequent discussions, amended plans have been received which remove a proposed utility enlargement, at the rear with a proposed first floor extension above. The amendments now propose the first floor above the existing utility with a 1.4m two storey projection at the front, similar to an extension at number 23.

The property lies staggered within the row of modern detached houses on a private drive, with an approx. 15m long front garden and driveway. The application property is forward of number 23 by approximately 2.0 metres, with number 19 forward of the application property by approximately 3.0 metres. There is a 1.0 metre pedestrian access to the side of the property, adjacent the side elevation to number 19. There is a conservatory to the rear of the application house projecting 4.0 metres.

Number 23 has a first floor extension to the side of their property, adjacent to the shared side boundary and elevation to the application house, similar to that proposed. This extension includes a two storey extension to the rear of their original utility room, projecting forward of the original first floor front elevation, above the garage. There are no extensions to the rear of number 19.

Relevant Planning History

None to the application property.

BC42806P: Extension over existing garage at no. 23 Highmore Close. Refused permission January 1995 on the grounds that owing to the staggered siting of numbers 21 and 23 Highmore Close, the proposal would have an unacceptable impact on the rear windows of number 21, by reason of its height and size.

An appeal was lodged following the refusal, which was allowed. The inspector concluded that both windows to the rear of number 21 were quite wide, being three panes across; there was an access at approximately 1.0 metre wide, with the windows another metre from the corner; that the rear elevations face the north, so that there would be no loss of sunlight; that the loss of daylight would be minimal; and after giving careful consideration to whether the outlook from the windows would be so seriously affected as to amount to a sound and convincing reason to refuse planning permission, and concluded that in the circumstances of this particular case it would not.

Relevant Policies

(note the full text version of the UDP is available from First Stop Shop in the Civic Centre and on the Council's web site)

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Policy HOU2 of the Joint Core Strategy states that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. Detailed guidance on the application of this policy in local areas is, or will be, provided through individual local authority Supplementary Planning Documents.

Saved policies of the Walsall Unitary Development Plan

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

Relevant considerations to be taken into account in the assessment of this application include:

- I. Visual appearance
- II. The creation of, or susceptibility to, pollution of any kind.
- III. Potential problems of land stability, contamination or landfill gas.
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- VII. Adequacy of the proposed access and parking facilities.
- XX. Any other factor of environmental significance.

Policy ENV2 states that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country, to help maintain its cultural identity and strong sense of place.

Policy ENV32(a) states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly on a visually prominent site. Policy ENV32(b) requires the quality of design of any development proposal to be assessed using the following criteria:

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The visual relationship of the proposed development 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

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

Supplementary Planning Documents

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments,

Regeneration, Planning and Building Control, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk, Telephone (01922) 652452,

Textphone 0845 111 2910, Translation Line (01922) 652426, Fax (01922) 623234

Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

These include guidelines concerning the length of extensions in relation to nearby residents.

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

Pollution Control, Scientific Team: no comments

Pollution Control, Contaminated Land: raise no objections to the proposed development however the site was formerly a heap of unknown constituents that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works, therefore recommend a note is attached to any approval issued

Natural Environment, Ecology: no requirement for a bat survey, note to applicant required

Public Participation Responses

None (to original plans)

Determining Issues

- Design of Extension and Impact on Character of Area
- Impact on Amenity of Nearby Residents
- Parking.

Observations

Design of Extension and Impact on Character of Area

The existing roof of the main dwelling would be over the front first floor extension. This would match the design and appearance of the original house, within the row of detached houses, and would be in character.

Impact on Amenity of Nearby Residents

The proposed extension would be to on the boundary with number 19, therefore unlikely to cause any detrimental impact upon the amenities of number 23.

The original plans submitted were proposing a two storey extension beyond the existing utility room, with an overall projection of 4.8 metres proposed beyond the rear of number 19, which would breach the 45 degree code.

However, the extended first floor extension to the side of number 23 is similar to that proposed to the application house, with the extended rear elevation of number 23 projecting approximately 3.5 metres beyond the original two storey rear elevation to the application house.

The side elevation to the application house currently projects approximately 3.5 metres beyond the rear elevation to number 19. The amended plans now produce the same relationship with the adjoining dwelling no 19 as the two storey extension at number 23 does with the application house no 21 which was granted at appeal. It is therefore considered, in this instance, that the proposed extension would be acceptable.

The rear of the property faces the rear elevations to numbers 7 and 9 Green Meadow Road, with a separation of up to 28 metres between the respective first floor rear elevations. The proposed extension would not project beyond the existing first floor of the application property and would not cause any detrimental impact upon their amenities.

Parking

The number of bedrooms would be increased to four in total, which would increase the required number of parking spaces from two to three. The original garage is shown to be retained, with the driveway providing a further two parking spaces and as such meets with parking standard requirements.

Summary of Reasons for Granting Planning Permission

The appearance of the proposal is acceptable and takes account of its surroundings. The position of the proposed extension in relation to the adjoining dwellings means that it will cause little additional overlooking, loss of privacy, or loss of daylight or sunlight to these properties. There is space to the front of the property to accommodate two vehicles to meet policy requirements, together with the garage.

The application is therefore considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, and T7 and T13 and the Supplementary Planning Documents "Designing Walsall" and other material planning considerations.

Recommendation: Grant Subject to Conditions Subject to no new material considerations arising

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: The walls and roof of the extension shall comprise facing materials that match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension, unless otherwise previously agreed in writing by the local planning authority.

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

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

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

Notes for Applicant

Pollution

The area of this proposed development was formerly a heap of unknown constituents that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

Ecology

Although the application does not require a formal bat survey, there is still a risk that bats may be using your house for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during demolition works. Stripping roofs and soffits should be carried out carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail:

wildlife@naturalengland.org.uk
