



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21st November 2006

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13.	91	06/1674/FL/W2	SMITHS FLOUR MILLS,WOLVERHAM PTON ROAD,WALSALL,WE ST MIDLANDS	Additional partial top floor consisting of 6 no. 1 bed dwellings and associated 6 no. car parking spaces, to previously approved scheme (block 3 - reference 04/1349/FL/W7)	Grant Permission subject to conditions
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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/1672/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Mr & Mrs R Parker

Agent: CT Planning Limited

Proposal: Retrospective: Retention of replacement agricultural building.

Location: BREWERS
FARM, BREWERS
DRIVE, PELSALL, WALSALL, WS3 4DN

Ward: Pelsall

Expired: 20 November 2006

Recommendation Summary: Refuse, Enforce and Prosecute



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Application and Site Details

The application seeks planning permission for retention of a replacement agricultural building located on land known as Brewers Farm, off Brewers Drive, Pelsall. The building is located near the northern boundary of the land and is visible from the junction of Tame Drive and Brewers Drive. The site lies behind the rear gardens of properties on Walsall Road and opposite new housing on Brewers Drive. There is a stable block behind the building.

Supporting information states that the land has been used for grazing of horses since 1995 when it was last used as a market garden by the applicant's father-in-law. Land to the west of the site has recently been planted with new trees and beyond this there are open fields. The site falls within the Green Belt and Urban Open Space as defined in the UDP.

The building is 19m in length and 4.4m wide with a mono-pitched roof, 4.1m in maximum height. The application forms specify that the gross floor space of the building is 85m². The building is constructed of profiled corrugated sheeting; there is a galvanized steel roller shutter door on the front elevation of the building (north) and a personnel door adjacent. It is noted that a greenhouse has also been installed on the site between the building and western site boundary and an area of hardstanding has been created at the front of the site adjacent to the back of highway. Planning permission is also required for these alterations hence consideration of these matters will be considered with the current application. The applicant has not included these as part of the application.

The supporting statement submitted by the applicant advises that there was previously a range of buildings on site that were in excess of 45 years old constructed of a mixture of brick and asbestos corrugated sheeting. In response to a number of thefts from the land the applicants sought to improve security by constructing an up to date building constructed of corrugated metal sheeting. The applicants constructed the new building around the outside of the original building. A letter from West Midlands Police has been provided indicating that the previous outbuildings had been targeted on several occasions for theft and burglary and due to their poor construction an alarm system would not have been effective in securing the buildings. The Police recommendation was to rebuild the outbuildings with a secure structure constructed of brick/metal sheeting.

Relevant Planning History

The application was submitted following investigations by the Enforcement team regarding the erection of the replacement building and hardstanding area. However, enforcement action has been held in abeyance until consideration of the current application has been made. Since investigations first began a greenhouse has been erected on the land which also requires planning permission.

Relevant Planning Policy Summary

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

Walsall UDP March 2005

GP1: Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

GP2: 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

VIII. The effect on the environment of the countryside and Green Belt.

Para 3.3 - Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Para 3.16 - Development will be considered 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.

Para 3.21 and ENV1: Defines the purpose of the Green Belt.

ENV2: Control of Development in the Green Belt - There is a presumption against construction of new buildings in the Green Belt except for specific purposes including; agriculture or forestry. Re-use of existing buildings in the Green Belt will be acceptable provided that the form, bulk and general design of buildings are in keeping with their surroundings.

ENV3: Where development is acceptable in principle in the Green Belt proposals will be assessed having regard to various factors including; detailed layout of the site, siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment, colour and suitability of building materials, quality of new landscape schemes.

ENV6: The Council will seek to protect the best and most versatile agricultural land from loss to inappropriate development or other uses. Proposals for further development of agriculture, including erection, extension or adaption of farm buildings necessary for the efficient operation of agriculture will be supported subject to the considerations identified in policy ENV3.

ENV17: Planting will be promoted as part of landscape design around new developments or redevelopment schemes.

Para 3.113 - New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough for the benefit of residents and visitors, alike. Good design responds positively and imaginatively to the context in which development takes place.

Para 3.114 - Good design can discourage crime and increase safety as well as accommodating the access requirements of all sections of the community.

Para 3.115 - the design of buildings and structures together with landscape design have a major role to play in the creation of an environment which is distinctive, creates a sense of place.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted especially within or adjacent to Green Belt, agricultural or open land. The quality of design will be assessed in terms of appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

LC2: Identifies proposed additional areas of urban open space including LC2.3 Land at Goscote Road, Pelsall. This site is linked to the adjacent residential development. The Council will seek a planning agreement to secure the laying out of the land for open space and nature conservation.

National Policy

PPS1 Delivering Sustainable Development, PPG2 Green Belts, PPS7 Sustainable Development in Rural Areas, PPG13 Transport, PPS23 Planning and Pollution Control, PPG24 Planning and Noise, PPG25 Development and Flood Risk.

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.

Consultations

Transportation - No objection.

West Midlands Police -

Environmental Health - No comments.

Fire Officer - No access issues.

Representations

10 letters have been received in support of the proposed retention of the building. One of these letters was from Councillor Garry Perry. The supporting letters consider the existing building is a visual improvement on the previous dilapidated sheds on site and enhances their outlook. It is also highlighted that the retrospective nature was a genuine mistake by the applicants and that providing the shed is used for agricultural purposes then it should be considered as acceptable in the green belt. There are suggestions that the building could perhaps be enhanced by planting or painting.

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

Determining Issues

- Whether the proposal is appropriate development in the green belt
- Impact on the character and openness of the green belt
- Impact on the amenities of the surrounding occupiers
- Access and parking
- Landscaping and Design
- Enforcement

Observations

Whether the proposal is appropriate development in the green belt

Within the green belt there is a presumption against new buildings except for specific purposes which includes development for agricultural or forestry purposes. Forms of development that do not fall within the specific purposes are classed as inappropriate development and both PPG2 and policies 3.3 and ENV2 of the Unitary Development Plan specify that inappropriate development will not be allowed in the Green Belt except in very

special circumstances. The burden of proof falls on the applicant who must demonstrate that very special circumstances exist.

The ownership certificate submitted with the application forms claims that the site is an agricultural holding but there are no current tenants. The supporting information provided claims that until 1995 the site was used as a market garden but that since then it has been used for grazing. If horses are turned out on land with a view to feeding them from the land, this is a grazing use which falls within an agricultural purpose. The applicant has not demonstrated that the land is either used for grazing or keeping of horses whereby the animals are kept on the land but being fed primarily from another means, so much so that grazing is incidental. Reliance on this as an agricultural use to justify retention of the store building has therefore not been demonstrated by the application. The full extent of the agricultural holding associated with the site has not been identified on the submitted plans.

The site is only 11m wide and 41m in length (451m²), although the surrounding land to the east and south is shown within the same ownership. No agricultural purpose is claimed and as mentioned above the likely use of keeping horses is not an agricultural use. It has not been demonstrated that the building is necessary for the storage of essential equipment to support agricultural use at the site.

Given the limited application site area it is considered that the size of the storage building, which occupies 19% of the site area, is excessive in size. No inventory of equipment stored within the building has been provided. It is understood that the building has been used in the past for the garaging of a wagon which was unrelated to the use of the land. The proposal is considered to be inappropriate development in the Green Belt which causes harm the visual amenities, character and openness of the Green Belt.

Impact on the character and openness of the Green Belt

Paragraph 3.7 of PPG2 states that re-use of buildings in the Green Belt can help secure the continuing stewardship of the land, particularly where the alternative to re-use may be a building is left vacant and prone to vandalism and dereliction. The applicant has provided evidence to demonstrate that the previous buildings on site were in a dilapidated state and subject to break-ins and theft. However, paragraph 3.8 of PPG2 specifies that re-use of buildings is not inappropriate development providing it does not have a materially greater impact than the present use on the openness of the green belt; strict control is exercised over the extension of re-used buildings and any associated uses of land that might conflict with the openness of the green belt. (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing); the buildings are permanent and substantial and the form, bulk and general design of the buildings are in keeping with the surroundings.

However, as the application is for a replacement building it is a redevelopment rather than re-use of the existing buildings and is therefore inappropriate. Also the replacement building is larger in scale, height and size than the previous sheds and therefore has a greater impact on the openness of the green belt. The design of the storage building is industrial in character given its size, design and materials which are considered detrimental to the character of the surrounding area which is green belt land, open space and residential properties. The unsympathetic materials used, including corrugated sheeting and steel roller shutter doors, give a harsh industrial appearance to the building. The proposal is therefore detrimental to the visual amenities, character and openness of the green belt.

Impact on the amenities of surrounding occupiers

The proposed building replaces a former building on the site, yet is larger in size and constructed of different materials. The isolated position of the building impacts on the outlook from residential properties. Letters in support of the proposals state a preference for the building to be painted a more sympathetic colour. The poor design cannot be sufficiently ameliorated by painting and the visual amenity of residents will be adversely affected.

Access and Parking

There is an existing barred gate within the front boundary giving vehicular access to the site. Transportation have advised that the proposals are unlikely to have any significant highway implications.

Landscaping and Design

The applicant has planted apple trees near the front corner of the building and has offered to implement further planting to screen the building further. Whilst the western boundary is quite well screened by existing planting in the adjacent field, the building is still obvious when approaching the site from Tame Drive as it sits almost at the head of the road junction. The unsympathetic materials and design are also out of keeping with the character of the Green Belt and no supporting information has been provided to justify this design or illustrate how this fits in with the surrounding context. The building is industrial in appearance and, in the circumstances, the design is inappropriate and out of keeping in the area, and detrimental to visual amenities.

Enforcement

The new building is considered to cause sufficient harm to the character and openness of the Green Belt in breach of national and adopted Council policy and the visual amenities of the surrounding area that enforcement action should be pursued to seek their removal and reinstate the land.

Although the application forms refer only to the storage building, a greenhouse and hardstanding area have also been installed without prior planning permission. The greenhouse is domestic in size and has not been justified in terms of how this is used for agricultural purposes to support an agricultural use of the land. Indeed, it gives the appearance of a domestic garden and the structure impinges further upon the openness of the green belt.

The introduction of the extensive area of hardstanding which has previously been used for parking is also detrimental to the visual amenities of the area. It has been created immediately behind the access gate at the head of the road junction where it is prominently visible. As it does not connect to the storage building itself this makes it more obvious. For these reasons it is unacceptable visually. In the circumstances this hardstanding should and could be reinstated as grass to improve visual amenities.

Recommendation: Refuse, Enforce and Prosecute

Reasons for refusal

1. The applicant has failed to demonstrate that there are very special circumstances sufficient to outweigh the harm caused to the visual amenities, character and openness of the green belt by the storage building, greenhouse and hardstanding which are inappropriate development in the green belt. The proposal is therefore contrary to policies GP2, 3.3, 3.16, ENV2, ENV3 and ENV32 of Walsall Unitary Development Plan and Planning Policy Guidance No.2 Green Belts.
2. The excessive size, increased height, incorporation of a roller shutter door and use of unsympathetic materials gives the storage building an industrial appearance that is out of keeping with the surrounding context and detrimental to the visual amenities of the area and character of the green belt. The incorporation of the domestic green house on this isolated piece of land and extensive area of hardstanding are also detrimental to the visual amenities of the area due to further encroachment upon the openness of the Green Belt and prominent position detrimental to the character of the area. The proposal is therefore contrary to policies GP2, 3.3, 3.16, ENV2, ENV3 and ENV32 of Walsall Unitary Development Plan and Planning Policy Guidance No.2 Green Belts.

Enforcement Resolutions

Delegate authority to the Head of Planning and Building Control and the Assistant Director - Legal and Constitutional Services for the service of Requisitions for Information notices and Enforcement notice(s).

Committee is also recommended to authorise that the decision as to the institution of legal proceedings in the event of non-compliance with the Notices, or the non-return of RFI's, to be delegated to the Assistant Director - Legal and Constitutional Services and Head of Planning and Building Control.

That authority be delegated to the Head of Planning and Building Control and the Assistant Director - Legal and Constitutional Services to amend and add to or delete from the wording set out above stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement (s) of the Notices or the boundaries of the site.

Steps Required

Dismantle the building and the greenhouse and dig up their foundations. Dig up the hardstanding. Reinstatement the land to its previous level using topsoil. Remove all resulting building components, rubble and debris from the land.

Compliance Period

3 months.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Major planning application

Application Number: 06/1575/OL/E12

Case Officer: Devinder Matharu

Application Type: Outline Application

Telephone Number: 01922 652429

Applicant: Mr A Singh

Agent: Mr C E Timothy

Proposal: Outline: Redevelopment of used car establishment by the erection of 20 no. apartments (details to include siting, design and means of access)

Location: LAND AT CORNER OF BLOXWICH ROAD/BLAKENALL LANE, BLOXWICH, WALSALL, WS3 2BB

Ward: Blakenall

Expired: 08 December 2006

Recommendation Summary: Grant Permission Subject to Conditions and no New Material Objections



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Application and Site Details

The site is on a prominent corner fronting Bloxwich Road and Blakenall Lane and is currently occupied by ASK motors. The surrounding area is a mixture of residential and commercial premises. The residential properties are a mixture of Victorian terraced properties and 1980's style properties. To the west of the site lies a car wash. To the south east of the site lies Leamore local centre.

This is an outline application which seeks the approval of siting, design and means of access now and reserves external appearance and landscaping for subsequent approval. The scheme proposes the erection of 20 apartments, 17, 2 bed apartments and 3 one bed apartments. The development will be three storeys in part and would front both Bloxwich Road and Blakenall Lane with parking and amenity facilities to the rear of the site

The scheme includes active frontages with front doors directly onto the street and small amenity areas to the front of the site. The existing sub station on site will be relocated adjacent number 7 Blakenall Lane.

The proposal provides 22 car parking spaces for the scheme (which equates to 110% parking) justified on the basis that the site is located on a showcase bus route and within walking distance of Leamore local centre.

A Design and Access statement explains that the site lies within a wholly built up area within walking distance to the local shopping centre and a variety of transport modes. The development comprises of a mixture of 2 storeys, 2.5 and 3 storey elements using design features of pitches and gables found in the local area.

A noise survey has also been included.

The site area is 0.15 hectares, which gives a housing density of 133 dwellings per hectare.

Relevant Planning History

05/2031/OL/E3 Land corner of Bloxwich Road/Blakenall Lane, Bloxwich Erection of 23 Apartments (outline - siting, design and means of access). Refused December 2005 on the following grounds:

- 1) Design, height and massing not reflecting the local character
- 2) The proposal would reduce the level of amenity for the occupiers of number 7 Blakenall Lane.
- 3) The proposal resulting in an unacceptable demand on education capacity
- 4) Parking provision provided would have been unusable.

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

Policies 2.2, 3.6, 3.7 and GP2 seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate access is provided.

Policy ENV10 refers to noise pollution

Policies 3.52 and ENV13 seek to protect the general amenity of occupiers in close proximity to substations. Sub stations can be unsightly and a source of noise nuisance.

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

Policies ENV17, ENV18, 3.64 encourage new planting as part of landscape design and seeks to protect existing vegetation.

Policies 3.16, ENV32, H10 and 3.116 seek the design of residential developments to create high quality living environments, 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, particularly in locations such as visually prominent sites.

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

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

Policy H9 - net density of residential development should be at least 30 dwellings per hectare.

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

Policy 8.8 states that residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require the developers to make a financial contribution to the costs of providing these facilities.

Policies 7.5, 7.52 and 7.36 PPG13 parking policies should be used to promote sustainable transport choices and reduce the reliance on the car by improving public transport.

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 T13 car parking standards

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

Residential Standards Development (2005)

Residential Development Standards, April 2005 provides guidance to standards for residential dwellings. 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.

Urban Open Space (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

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.

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

Planning Policy Guidance Note 23: Planning and Pollution Control states that the overall aim of planning and pollution control policy is to ensure the sustainable and beneficial use of land (and in particular encouraging reuse of previously developed land in preference to greenfield sites).

Planning Policy Guidance Note 24: Planning and Noise states that noise characteristics and levels can vary substantially according to their source and the type of activity involved.

Consultations

Transportation - No objections subject to the imposition of planning conditions relating to the reinstatement of any redundant crossovers.

Pollution Control - No objection subject to the imposition of planning conditions relating to noise, contaminated land and demolition and preparation of the site. The developer should also confirm whether the relocation of the sub-station within 5 metres of a domestic property complies with ICNIRP guidelines.

Environmental Health and Consumer Services - Noise concerns from the car wash have been considered by the developer.

Central Networks - No objection provided the equipment is relocated as stated in section 1.5 of the Planning and Design Statement.

Centro - No objections

National Grid - Not affected

Police Architectural Liaison Officer - Development should be built to Secure by Design Standards. There are a number of uncontrolled pedestrian access points into the development and the access to the car parking area needs to be remote controlled.

Energis Communications Limited - Not affected

Education Walsall - A financial contribution towards secondary school provision is required.

Fire Officer - Satisfactory access for fire appliances

Representations

Three letters of objection have been received objecting to the proposal on the following grounds:

- Height of flats will result in loss of privacy
- Substation located opposite housing with no screening
- Traffic concerns
- Contrary to UDP policies
- Traffic congestion leading to air pollution
- Parking outside residents properties at present
- Visitor's to flats will cause parking problems
- Noise from contractor's
- Pedestrian safety
- Design and height out of character

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

Determining Issues

The determining issues here are whether the scheme overcomes the previous reasons for refusal in respect of:

- Design
- Impact on the amenity of neighbours
- Access and parking
- Education and Public Open Space Contributions.

Observations

The site lies outside Leamore local centre but within walking distance. The site is accessible by bus as Bloxwich Road is a showcase bus route. Therefore the proposal is within walking distance of a choice of transport modes and therefore sustainable at high density. The area is mixed commercial and residential in nature and therefore the principle of residential development on this gateway to Blakenall village is acceptable.

The surrounding area accommodates high density development and therefore high density development is acceptable here to maximise the use of previously used brownfield land as stated in Policy H3 and 6.3. The proposal seeks to provide a private useable amenity area for residents that is screened from the rear parking area. Lounge patio doors open onto the amenity area which gives direct access to this area for residents; furthermore access to this area is also available for residents on other floors. The proposal seeks to provide a standard of living, which is currently enjoyed by existing residents in the immediate area. To the north west of the application site lies a commercial use, to ensure the occupiers are provided with a reasonable level of privacy away from general noise and disturbance details of the glazing and boundary treatments can be conditioned. These proposals will help secure a satisfactory level of living for potential occupiers.

Design

The height of the proposal has been reduced by 0.7 metres and 2.6 metres. The design of the proposal is improved in that it replicates gables and pitches that are seen in the immediate area as well as windows that have vertical emphasis. Parts of the design repeat the terrace pattern found at the front of the buildings on Blakenall Lane.

The elevation facing the car wash and visible from Bloxwich Road has been reduced in height to two storeys and includes brick panels in the shape of windows to provide a feature along this section and also to visually break up this elevation.

The two ends of the development alongside number 7 Blakenall Lane and adjacent the car wash have been reduced in height to 10.7 metres and 8.1 metres. This reduces the visual impact along these sections. It improves the appearance of the development from these two points, which helps the development to sit more comfortably on this prominent corner site. The development increases to three storeys on the corner.

Front doors face the street to create active frontages which encourage residents to walk. The design is in keeping with the mixture of residential properties in the immediate area and therefore acceptable.

With regards to the overall finish of the development the facing materials can be conditioned.

Amenity of neighbouring occupiers

Number 7 Blakenall Lane is a two storey Victorian terraced property. The roof space appears to have been in use and has a window facing the proposed development site. The height of the proposal adjacent this property has been reduced to two storeys, which reduces the impact on this property. There are no other side windows facing the application site from this residential property. It is considered that the reduction of the height of the development would not have a significant detrimental impact on the amenity of the adjoining occupiers to warrant a refusal.

The landscape buffer which has been included in the scheme along the northern boundary would provide a visual break for potential occupiers reducing any potential overlooking into the rear garden of number 7 Blakenall Lane. Furthermore, the development is set away from this boundary.

With regards to the comments made by the objector's regarding loss of privacy. These occupiers live on the opposite side of Blakenall Lane and the residential development will only be directly opposite number 6 Blakenall Lane. The distance between the two sites is not considered to have a detrimental impact in terms of loss of amenity to warrant refusal of this scheme. Any general noise nuisance from contractors on the site can be controlled through Environmental Health Legislation.

The substation will be accessed via the development with a brick wall forming the boundary along Blakenall Lane. This blank wall does not enhance the visual appearance of the development and therefore a planning condition seeking full details of the substation can be imposed.

Access and Parking

The Highway Officer has advised that there are no objections to the proposal on highway and parking grounds. The proposal has 110% parking and this is justified as the site is located on a showcase bus route on a major highway network and within walking distance of Leamore local centre. Public transport facilities are within walking distance. Furthermore the provision of active frontages would encourage potential occupiers to use other modes of transport other than the private car. The development would also provide a cycle store for residents, which would be secure.

With regards to the comments made by the Architectural Liaison Officer details of the access control of both the pedestrian and vehicular access points can be secured through the imposition of planning conditions.

With regards to the comments made by objector's relating to visitor's to other commercial premises parking outside resident's homes, this cannot be controlled by the planning system as those sites lie outside of the application site.

Contributions

Education

The level of surplus places in local secondary schools is below 10% therefore a contribution of £22, 771.20 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP. The developers have agreed the cost.

Urban Open Space

An Urban Open Space contribution of £25,345.00 would be payable in order to comply with the SPD policy. The developers have agreed the cost.

The financial contributions above shall be secured by 21 November 2006.

Recommendation: Grant Permission Subject to Conditions and no New Material Objections

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

- (i) 3 Years from the date of decision
- (ii) 2 years from the approval of Reserved Matters or in the case of approval of the last reserved matter.

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

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

- (a) appearance of the building
- (b) The landscaping of the site.

Reason: pursuant to Article 7 (1) of the Town and Country Planning General Development Order 1988.

3) 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.

4) The development hereby approved shall only be carried in accordance with plan number 114/02/F received on 8 September 2006 and plan numbers 114/01/G, 114/07/E, 114/05/G, 114/04/F and 114/03/G received on 1 November 2006.

Reason: To ensure the development is completed with the approved plans only.

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

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

6) 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.

7) The junction of the access point should be formed as a crossover, details of which shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented and retained at all times. The development shall not be occupied until this has been completed. All redundant crossovers should be reinstated to full kerb height.

Reason: In the interests of highway and pedestrian safety.

8) No development shall commence on site until full details of the proposed bike and bin store have been provided in plan form and approved in writing by the Local Planning Authority. Only the approved details shall then be used in the construction of the bike and bin store and retained thereafter. The development shall not be occupied until these facilities are fully available.

Reason: To ensure the satisfactory appearance of the development and to ensure potential occupiers have these facilities available.

9) No development shall commence on site until full details of the design and relocation of the sub station have been provided in plan form and in writing. The proposed sub station shall then only be installed in the position agreed and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

10) No development shall commence on site until details of the membrane to avoid root penetration to the wall along the northern boundary have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used to complete the scheme and retained at all times.

Reason: To ensure the stability of the boundary wall given landscaping will be included so close to the wall.

11) The parking area hereby approved shall be finished with block paving. Details of the type of paving to be used in the construction of the parking area shall be submitted to and approved in writing by the Local Planning Authority. Only the approved paving materials shall then be used to complete the development and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

12) No development shall commence until details of the surface material of the amenity area fronting Bloxwich Road and Blakenall Lane 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.

13) No development shall commence on site until details of the type and specification of glazing to be installed, type and specification of ventilation to be installed and type and specification of fencing to be installed 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 protect potential occupiers.

14) No development shall commence on site until a ground gas / contamination survey and site investigation approved in writing by the local Planning Authority shall be undertaken. This survey should have regard to the advice and guidance contained in Section 2.2 of the Environment Agency Contaminated Land Report 11(CLR 11); 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'; and The Contaminated Land Exposure Assessment (CLEA) Model 2002 or any relevant antecedents of such guidance. A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any gas and/or land contamination shall be submitted to the Local Planning Authority within 1 month of completion.

Reason: In the interests of the amenity of the residents of the proposed development

15) No development shall take place until the site validation statement, detailing the remedial measures undertaken to address ground contamination and ground gases, has been approved in writing by the Local Planning Authority, and implemented to the satisfaction of the same. The site validation report should contain substantiating data, together with details and justifications of any changes from the original remediation report. If the sub-station is to be removed from current location then the contaminated land investigation needs to also take into account any contamination below the sub-stations present location.

Reason: In the interests of the amenity of the residents of the proposed development

16) No development shall commence on site until the developer has obtained written confirmation from the electricity supplier or other relevant body that the electro-magnetic-fields are within guidelines recommended by the International Committee on Non-Ionising Radiation Protection (ICNIRP).

Reason: In the interests of the health of the residents of the proposed development

17) 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.

18) No development shall commence on site until the boundary details have been submitted to and approved in writing. The development shall be secured with the approved details and retained thereafter.

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

19) 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.

20) No development shall commence on site until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used in the construction of the development.

Reason: To ensure the satisfactory appearance of the development.

21) The landscaping buffer between car parking bays 1 to 8 and the private amenity area shall be retained at all times.

Reason: To ensure a private useable amenity area is available for residents.

22) The landscape buffer to the north of the application site shall be retained and maintained at all times.

Reason: To ensure the safety and stability of the boundary wall and to safeguard the visual amenities of the area.

23) 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 neighbouring occupiers.

Notes for the Applicant

1) The applicant is advised to contact the Highway Information section with regards to the reinstatement of the redundant crossovers and construction of the new access.

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, ENV33, H10, H3, and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 06/1615/FL/E9

Case Officer: Barbara Toy

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Midland Properties Limited

Agent: Lewis Architecture Ltd

Proposal: Redevelopment for residential purposes comprising of 9 x 2 bed and 1 x 3 bed apartments with 15 parking spaces and associated landscaping.

Location: MIDLAND PROPERTIES, REEVES STREET, WALSALL, WEST MIDLANDS, WS3 2DL

Ward: Bloxwich West

Expired: 14 December 2006

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



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Application and Site Details

The site is located on the north eastern side of Reeves Street and comprises of an 'L' shaped site situated on the corner of Grant Street. Currently a builders yard and storage building with two storey offices on part of the frontage. Most of the site is now vacant with only part of the offices still occupied.

The site is situated within a mixed residential and industrial/commercial area, within walking distance of Bloxwich District Centre.

Immediately to the north east of the site are semi detached bungalows within Grant Street and Deeley Place, with a vacant car park site and public open space to the east. To the south west on the opposite side of Reeves Street is situated a former foundry works, now vacant and to the north west industrial and commercial premises. Immediately to the rear of the site is a large car park attached to Bloxwich Police station.

The application is a resubmission following the withdrawal of a previous application for residential development, and now proposes the redevelopment of the site for residential purposes. The application proposes the erection of 9 x 2 bed and 1 x 3 bed apartments within a main two storey block fronting Reeves Street, rising to two and a half storeys in the centre to provide the 3 bed apartment within the roof space, then falling to two storey on the corner of Grant Street and falling again to one and a half storey within Grant Street.

Units 1 - 8 would each be 2 bedroom dual aspect apartments within the main two storey block fronting Reeves Street. Unit 9 would provide a 2 bed split level apartment within the one and a half storey block Fronting Grant Street and Unit 10 would comprise of a 3 bed apartment within the roof space of the main block.

15 parking spaces (including 1 disabled space) would be provided to the rear of the site, accessed via a secure gated access off Reeves Street (150%). A shared private amenity space would be provided immediately outside the rear of the apartments, together with landscaping to the frontage on each street elevation and around the rear parking area. Direct pedestrian access would be provided to both the street and the rear amenity area.

Site area 0.13 hectares with a density of 77 dwellings per hectare.

Relevant Planning History

06/0489/FL/E9, demolition of existing and erection of 2 storey development to provide 10 x 2 bed apartments and 15 parking spaces. Withdrawn 27-06-06.

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.

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. 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. However 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 (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 given 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.

PPG24: Planning and Noise, states that noise characteristics and levels can vary substantially according to their source and the type of activity involved.

PPS23: Planning and Pollution Control, states that the overall aim of planning and pollution control policy is to ensure the sustainable and beneficial use of land and in particular encouraging reuse of previously developed land in preference to greenfield sites.

Consultations

Transportation - No transportation objections subject to safeguarding conditions regarding visibility splays. The proposed parking provision would comply with policy.

Pollution Control - The site is situated within an area of mixed residential and industrial/commercial uses with issues relating to the impact of noise of the existing uses on proposed residential occupiers and land contamination. Safeguarding conditions are therefore require the submission of a noise survey and contaminated land investigations.

Fire Officer - Satisfactory access for fire appliance.

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

Energis Communications - no objections.

National Grid - no effect

Landscape Officer - no objections in principle but a detailed landscaping scheme is required.

Centro - no objections

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

West Midlands Police - The gated access to the car park should be remote electronically controlled to reduce unauthorized access and all ground floor windows and doors should comply with secured by design principles.

Environment Agency - no objections subject to condition regarding land contamination.

Environmental Services - no comments.

Strategic Policy - Site previously in employment use but not situated within a core employment area, and not well located for modern industry therefore no objections in principle to change of use of the land for residential purposes.

Representations

None.

Determining Issues

- The principle of residential development.
- The design and layout of the proposals
- Impact on neighbours and amenity of new occupiers.
- Access and parking arrangements
- Education and Urban Open Space Contributions

Observations

Principle of residential development

The application site comprises a windfall site of previously developed, now semi vacant industrial premises, situated within a mixed use area. Although industrial premises, it is not part of a core employment area. There is therefore no overriding need for the land to be retained for employment use. The site therefore satisfies the objectives of UDP policies 3.9 and ENV14 and H3, which encourages the reclamation of derelict and previously developed land and 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 application site is situated within walking distance of Bloxwich district centre (115m), where a wide range of facilities are available including good public transport links.

The site is adjoined to the south east by existing residential properties and is considered a sustainable location, because of easy links to a district centre and public transport. 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 77 dwellings per hectares therefore complies with policy.

Design and Layout.

The proposals are a resubmission following a previous withdrawn application and negotiations with Planning Services.

The proposal now includes a main two storey block fronting Reeves Street, rising to two and a half storeys in the centre, turning the corner into Grant Street at two storey and dropping to one and a half storey adjacent to the existing bungalow at No.1 Grant Street. The existing Grant Street building line would be maintained together with main habitable room windows overlooking both Grant Street and Reeves Street to ensure surveillance of the street and provide added security.

A landscaped area would be provided at back of pavement to provide a zone of privacy for the ground floor accommodation.

15 Parking spaces (including 1 disabled space) would be provided to the rear of the site, bounded by landscaping and accessed via a secure gated access drive at the north western end of the site off Reeves Street. A shared useable amenity space would be provided immediately to the rear of the block of apartments with direct pedestrian access.

Each apartment would have dual aspect, to maximise solar gain and reduce reliance on the use of energy. with bedroom accommodation to the rear with a more sheltered and private aspect and living rooms to the frontage providing a higher degree of overlooking and security of the public realm.

Secure communal staircases would be provided with direct access to both the street and rear amenity space and parking area.

The building would be constructed from traditional facing bricks and roof tiles (to be agreed) and incorporate traditional plinth details and stone corner detail and window headers.

The building has been designed to retain a domestic scale and reduced in scale and massing in Grant Street, including a hipped roof to take height away from the boundary and to respect the scale of the existing bungalows in Grant Street and specifically No.1 adjacent to the site.

Impact on the neighbours and amenity of new occupiers.

Immediately to the north west of the application site are industrial premises and to the north a large car park for Bloxwich police station. The proposed development is therefore unlikely to have any adverse impact on these surrounding residential occupiers and would sit comfortably adjacent to the existing adjoining industrial uses.

The access drive to the parking area for the proposed development would provide a buffer between the new residential accommodation and the existing industrial premises, which will reduce the impact of the existing industrial uses on the amenities of the occupiers of the proposed apartments. In addition a noise impact assessment is required to be submitted prior to commencement of any development to ensure any noise protection measures required will be undertaken.

To the south east of the site are existing semi detached bungalows. The rear gardens of the bungalows would back onto the proposed car park area, with a landscaped buffer zone provided (tapering from 3m to 2m wide) between the boundary and the car parking spaces (details of landscaping to be agreed). The car park would replace a large existing storage building which is currently visible from the rear habitable room windows of the bungalows, the proposals would therefore improve the outlook for these residents.

The side gable of No. 1 Grant Street would be 5.15m from the side blank gable of Unit 9, which comprises a one and a half storey hipped roof (to take height away from the boundary) split level unit which would reduce the overall height and scale of the unit in relation to the existing bungalow. Grant Street rises away from Reeves Street, No. 1 Grant Street is therefore at a slightly higher level than the application site, further reducing the impact of the proposals on the occupiers of No. 1.

An unsightly boundary wall 4m in height exists between the rear of the site and the side of No. 1, and along the back of pavement in Grant Street. The proposals include the replacement of the rear boundary wall with a new 2m high boundary treatment, and landscaping to back of pavement in Grant Street, which would improve the general street scene and general amenity of the area.

The proposed development is therefore unlikely to have any adverse impact on the amenities of the surrounding occupiers and would improve the general street scene and natural surveillance within Grant Street and therefore improve security. It is considered with appropriate noise mitigation that the proposed use would sit comfortably adjacent to the existing industrial uses and a satisfactory residential living environment can be achieved.

Access and Parking Arrangements

The proposals include 15 parking spaces (including 1 disabled space) set to the rear of the site, backing onto existing car parking at the police station. This would provide 150% parking provision which would comply with UDP policy T13.

Vehicle access to the site would be provided to the far north west of the site off Reeves Street and would be provided with security gates to ensure a clear definition between the public and private realms.

Level pedestrian access would be gained directly from the street in both Grant Street and Reeves Street with additional access to the rear amenity space and parking area.

Education and Urban open Space Contributions

Education

The level of surplus places in local secondary schools is below 10% therefore a contribution of £11,275.06 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP. The developers have agreed the cost.

Urban Open Space

An Urban Open Space contribution of £14,385.00 is required to comply with the Urban Open Space SPD policy. The developers have agreed the cost.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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 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 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.

6) No development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of securing the development.

7) No development shall commence on site until full details of a landscaping scheme are submitted to and approved by the Local Planning Authority. The scheme shall include paved areas, a detailed planting plan clearly identifying proposed planting areas, areas of turf, location of proposed trees, correct botanical names, sizes at planting and planting densities of all proposed planting, details of how trees would be staked and topsoil specifications. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

8) No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 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.

9) 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.

10) The development shall not be brought into use until pedestrian visibility splays of 2.4 metres by 2.4 metres and vehicular visibility splays of 2.4 metres by 70 metres have been provided for the development. These visibility splays shall be kept clear of landscaping over 600mm in height and structures over 1.05 metres in height from carriageway level.

Reason: In the interests of highway safety.

11) 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.

12) Prior to development commencing, a noise survey shall be undertaken in accordance with guidance and procedures contained in Planning Policy Guidance PPG 24 - Planning and Noise, and British Standard BS 4142 'Method for rating industrial noise affecting mixed residential and industrial areas' to the written satisfaction of the local planning authority. The results of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests, shall be submitted to the local planning authority within 2 months of completion.

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

13) No development shall not be brought into use until suitable noise mitigation measures to protect internal and external areas as been agreed in writing with the local planning authority have been implemented.

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

14) Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and as 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.

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

15) 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.

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

16) Agreed remedial measures in respect of identified and potential hazards associated with land contamination and/or landfill gas present on the site 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 agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

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

17) This permission relates to the following plans: drawing No. MP/A/100 Rev B and MP/A/101 and Design and Access Statement submitted on 26-10-06

Reason: In order to define the permission.

You are advised to refer to the agreement under Section 106 of the Town and Country Planning Act 1990, which has been completed in conjunction with the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, GP3, ENV14, 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 reported to the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk

Notes to Applicant

With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000. The following are relevant:

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and

- c). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq}(1 \text{ hour})$, of 40 dB between the hours 19.00 to 23.00.

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 'Description and Measurement of Environmental Noise'.

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;

British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.

British Standard BS 4142: 1997 - Method for Rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list.

Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation point, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

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.

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) model 2002 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 05/2394/FL/E3

Case Officer: Devinder Matharu

Application Type: Full application

Telephone Number: 01922 652429

Applicant: Regal Executive Homes

Agent: Stephen Bell Design Practice

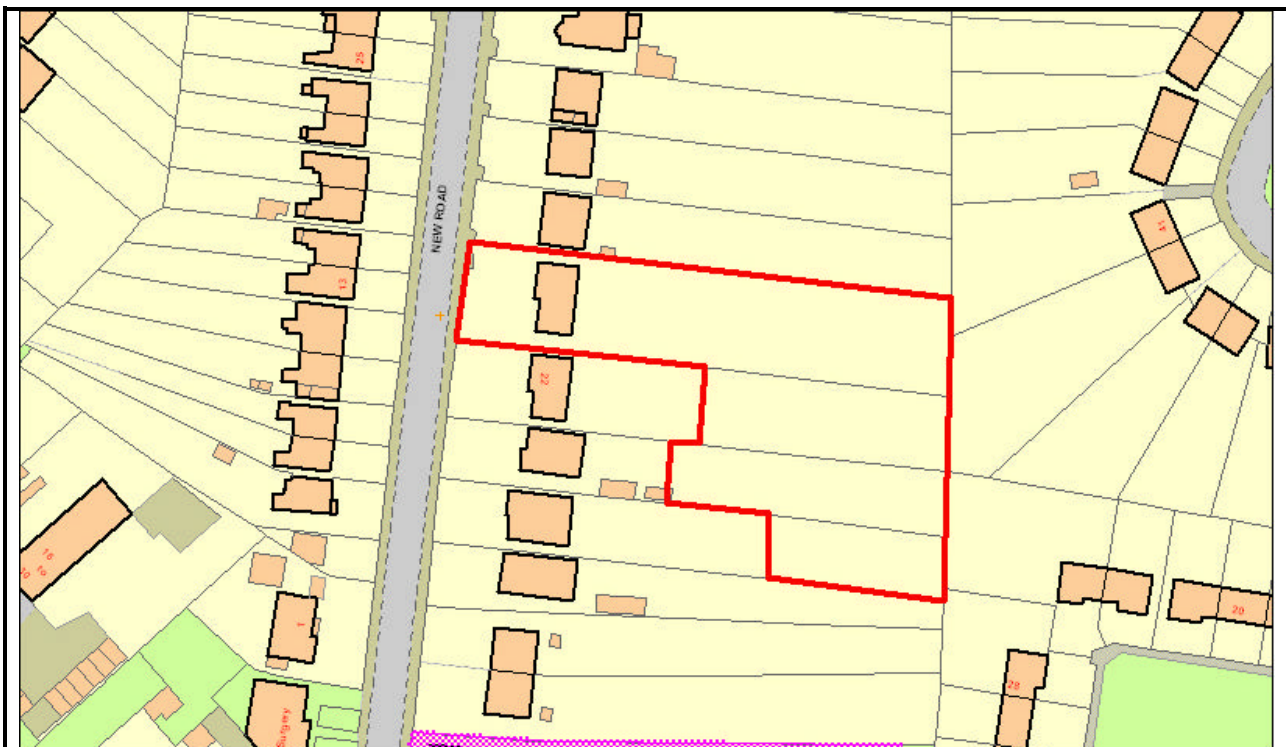
Proposal: Demolition of No. 24 New Road and erection of 8 residential dwellings and new access

Location: LAND REAR OF 18-24 NEW ROAD, BROWNHILLS

Ward: Brownhills

Expired: 31 January 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site lies within a residential area, where the properties on New Road are characterised by long rear gardens and are moderately sized dwellings. The dwellings here vary in character and style. To the north and south lie the rear gardens of other properties along New Road and to the east, the rear gardens of those properties on Warren Place and Ogley Crescent. 41, 39 and 37 Ogley Crescent are set at an angle along the frontage of Ogley Crescent and due to the shape of the land, the rear gardens of these properties fan out as they form the boundary with the properties on New Road. The side elevation of 26 Warren Place is some 20 metres away from the rear garden boundary of numbers 18 and 20 New Road. The rear garden of number 16 New Road tapers as it forms the boundary with the rear garden of number 28 Warren Place.

The application proposes the demolition of number 24 New Road and the erection of 8 dwellings in the rear gardens of numbers 18 to 24 New Road. A new access road will be created in between number 22 and Plot 1. Five detached dwellings, a pair of semi detached properties and a bungalow is included in the scheme.

The proposed unit at plot 1, fronting New Road, would be aligned to face the new access road although presenting a secondary bay window, gabled elevation to the New Road frontage. The rear garden boundary would be defined by a three car garage block, providing garage and parking space for plot 1 and for the semi detached units nearby at the rear of the site.

The existing rear gardens of numbers 18, 20 and 22 New Road are proposed as the site for the 4 detached dwellings and a bungalow to the rear of 22 New Road. The rear gardens lengths of the properties vary from 10 metres to 13 metres, the overall amenity space exceeding the minimum as set out in the Residential Development Standards guidance. A ridged roof garage would be on the frontage to plot 7. Plots 4, 5 and 6 have integral garages with parking space in front of the dwellings. A parking space has also been provided for plot 8 to the side of the amenity space.

The site is 0.319 hectares, which would provide a density of 28 dwellings per hectare.

Relevant Planning History

05/0677/FL/E4, Erection of 7 dwellings at Land rear of 18 - 24 New Road, Brownhills. GSC 24 May 2005. (The original scheme included plot 8, a two storey dwelling, which was later withdrawn)

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

Policies 2.2, 3.6, 3.7, GP2 seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate access is provided. Aims to ensure adequacy of proposed access.

Policies ENV17, ENV18, 3.64 encourage new planting as part of landscape design and seeks to protect existing vegetation.

Policies 3.16, ENV32, H10 and 3.116 seek the design of residential developments to create high quality living environments with a mixture of housing types, 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, particularly in locations such as visually prominent sites.

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

Policies 6.3 and H3 - encourage the provision of additional housing through the re-use of previously developed land 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.

Policy T4 (E) residential streets are minor roads where traffic volumes and speeds should be quite low.

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

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

Provides guidance to standards for residential dwellings. 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.

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

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.

Consultations

Transportation - No objections subject to the imposition of conditions relating to visibility and access to number 22 New Road.

Environmental Health - No comments

Leisure, Culture and Lifelong Learning - No comments

Severn Trent Water - No objection. Details of foul and surface water to be submitted and approved.

Architectural Liaison Officer - No objections

Fire Officer - Satisfactory access for fire appliances

Regeneration, Landscape - objection on the grounds that the proposal is detrimental to the existing landscape / setting of this established residential area.

Arboricultural Officer - No objections subject to replacement planting.

Representations

Four letters have been received objecting to the proposal on the following grounds:

- Extra traffic from construction works and new residents
- Noise and dust pollution
- Concern over health and well being
- Affect value of properties
- Overlooking
- Loss of privacy
- Loss of peace and security

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

Determining Issues

The determining issue here are:

- how the scheme differs from the previous scheme approved under planning reference 05/0677/FL/E4
- how this scheme will impact on the character and amenity of the surrounding area
- access and parking

Observations

Difference between the previously approved scheme and the current scheme

A bungalow has been proposed to the rear of number 22 New Road. The design of plot one has altered in that the single window on the front elevation has been revised for a bay window with the bay window on the right hand side of the dwelling being deleted. The design of plots 2, 3, 4, 5, 6 and 7 are the same.

Impact on character and amenity

The principle of residential development has already been accepted by the approval of the previous scheme.

The proposed scheme can achieve the distances between habitable room windows between the existing properties on New Road and the proposed dwellings. From the side elevation of 26 Warren Place to the rear elevation of plot 7 there is a separation distance of over 30 metres. The rear boundary of 39 Ogley Crescent is fan shaped and to the furthest point with the boundary of 22 New Road the distance is over 40 metres. The proposal therefore complies with the standards as set out in the Residential Development Standards.

The area is mixed in character with properties on New Road and Ogley Crescent having long rear gardens, whereas the properties on Warren Place have smaller rear gardens. The proposal would seek to create a balance between the two, therefore reflecting the character of the area.

This bungalow is a one bedroom bungalow with the main living room window facing to the side with patio doors to allow access to the side amenity area. There is a kitchen window to the rear of the site, which is a metre from the rear boundary fence of number 22 New Road. The proposal provides a useable amenity area, which exceeds the 68 square metres to compensate for the loss of view from this kitchen window. There are bungalows within the immediate area; number 26 is a dormer bungalow. The bungalow within the scheme is considered to be acceptable in terms of the layout and design of the scheme.

With regards to the scheme as a whole, it is a secure scheme, as there are habitable room windows from the proposed dwellings that overlook the access road, furthermore, rear gardens will back onto other rear gardens.

The loss of the landscaped area to provide an additional dwelling is not considered to warrant refusal of the scheme, as compensatory planting can be included within the front gardens of the properties and also within the rear gardens.

The issues raised referring to devaluing of property and loss of view are not material planning considerations.

Access and parking

The Highway Officer has no objections subject to the imposition of relevant planning conditions. It is noted that during the construction period there maybe an increase in vehicle movements, especially construction vehicles. Any disturbance experienced by the existing residents would be short term whilst the development is completed and issues relating to noise and dust on site whilst working is being undertaken can be dealt with under Environment Health Legislation.

Recommendation: Grant Permission subject to conditions

That planning permission is granted subject to the following planning 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. The development shall only be carried out in accordance with plan numbers 05031010/22 received on 6th December 2005, plan numbers 05031010/29, 05031010/24A and 05031010/30 received on 10th May 2006 and plan number 05031010/04 received 8th June 2006.

Reason: To ensure only the approved scheme is constructed.

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

Reason: To ensure the satisfactory appearance of the development.

4. No development shall be carried out until details of the proposed access ways, vehicle parking and manoeuvring areas have been approved in writing by the Local Planning Authority. The plans shall clearly show access to the frontage of number 22 New Road being obtained from the proposed new access road. Additionally the junction to the access shall be formed with 6m radii and should be provided with 2.4m x 70m vehicular visibility splays which should be kept clear of landscaping over 600mm. in height and structures over 1.05m in height from carriageway level and be maintained thereafter.

Reason: In the interests of highway safety.

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

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

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

Reason: In the interests of highway safety.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To ensure the satisfactory appearance of the development.

10. A 2.4m high heras-style protective fence shall be erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

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

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

Reason: To safeguard the trees existing or to be retained at the site.

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

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

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

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

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

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, 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. If the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: requires delicate judgement

Application Number: 06/1425/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Milbury Care Services

Agent: Homewood Design Ltd

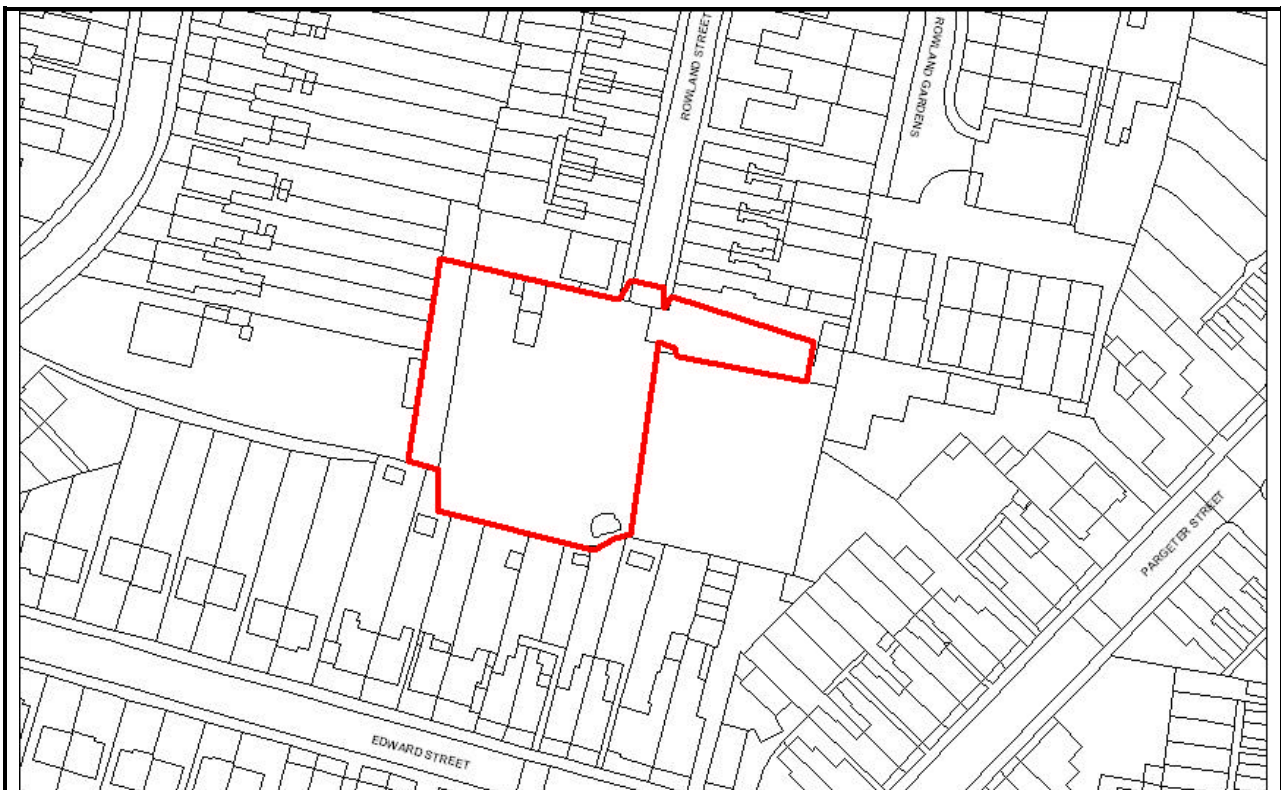
Proposal: Construction of 8 bed Residential
Care Home for young adults with learning
disabilities including parking

Location: LAND ADJACENT
38, ROWLAND STREET, WALSALL

Ward: Pleck

Expired: 01 November 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The site level is significantly higher than the adjoining land in Edward Street and Bentley Drive. The site slopes away steeply around the boundaries within the spread of the existing trees by 3 - 4m approx.

The application site is currently a piece of overgrown open land to the side of no. 38 Rowland Street. It is for the erection of a 2 storey building with a hipped roof with gable ended dormers to front and rear. It is roughly rectangular in shape with its length stretching into the site.

The 8 bed building would provide accommodation for people with learning difficulties and physical disabilities or other enduring health needs such as complex epilepsy. A lift will be provided.

A new, shared, vehicular access is proposed to serve this development and the adjacent site by the creation of a new turning head to the end of the street. Seven parking spaces are proposed including a designated disabled space. There is also provision for the storage of bicycles.

The proposal will require the removal of trees from the centre of the site and at the entrance to facilitate the siting of the building and turning facility. The development will remain screened on all of its boundaries as existing.

The applicant has submitted the following documents with the application:-

A supporting planning statement has been submitted which explains that the site will be managed by a dedicated Home Manager, a full time deputy manager and a team of support workers. The service will contribute towards the local economy through the creation of new jobs and provide a much needed resource for the West Midlands. It will enable individuals with learning disabilities to lead ordinary lives in the community, with an appropriate level of support, and enable people to remain in the area of their birth. An arboricultural report, part 1 tree survey, Design Statement and Ground Investigation Report have also been submitted with the application.

Relevant Planning History

The application site:

03/1557/FL/W2 After Representation Hearing: Proposed construction of 6 no. 2 bed flats
Granted 21/11/03

02/2192/FL/W3 6 no. 2 bed flats refused 31/3/03

06/0825/FL/W2 Construction of 8 bed Residential Care Home for young adults with learning disabilities including parking Withdrawn 23/6/06

The adjoining site:

06/1327/FL/W2 Erection of 5 x 3 storey dwellings Grant subject to conditions 22/9/06

Relevant Planning Policy Summary

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

SPS 2.1 and 2.2 define the overall strategy of the plan. The aims of sustainable development, urban regeneration, & environmental improvement are identified.

Policy GP1 is a detailed policy about the sustainable location of development. This supports developments which maximise the re-use of vacant urban land.

Policy GP2 deals with Environmental Protection. This requires 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. The policy identifies several considerations to be taken into account including visual appearance, overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property, traffic impact, including the adequacy of the proposed access and adequacy of parking facilities, and the effect on woodland or individual trees on or near the site.

Policy GP7 considers Community Safety implications of development proposals. This identifies that such proposals should have regard for the objective of designing out crime through measures including:

Maximising surveillance, maximising defensible space, care in design of buildings and spaces to avoid hidden areas, a high standard of external lighting etc.

SPS 3.1 is a strategic environment policy which promotes sustainable development and environmental improvement. SPS 3.6 is also a policy which seeks environmental improvement.

Policy ENV19 considers existing woodlands, trees and hedgerows. This states that the Council will ensure the protection, positive management and enhancement of existing woodlands, trees, hedgerows. Development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order unless the removal of the trees would be in the interests of good arboricultural practice and there would be no unacceptable adverse impact on wildlife; or the desirability of the proposed development significantly outweighs the ecological or amenity value of the trees. Where developments are permitted which involve the loss of trees developers will be required to minimise the loss and to provide appropriate planting of commensurate value wherever possible, wherever possible this should involve native species of local provenance.

ENV32: Design and Development Proposals.

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

Residential Development Standards:

Standards for Residential Developments (B) Space around Dwellings: this should provide adequate private amenity space and an acceptable level of privacy and daylight (i) generally garden lengths should be a minimum 12 m and 68 sq m. in area (ii) facing habitable rooms should be a minimum of 24m; a minimum of 13 m between habitable room windows and blank walls which exceed 3m in height(C) Boundary Treatments should provide an appropriate degree of privacy whilst protecting and enhancing the appearance of the development.

The site is affected by a group TPO 5/1979 along its western/southern and part eastern boundary.

Consultations

Transportation - There are no transportation objections to the proposal subject to conditions relating to visibility splays.

Pollution Control - No objection, however, due to the location. A condition has been recommended to mitigate the affects of demolition, site preparation and the construction phases of the development.

Environmental Health and Consumer Services - No objections.

West Midlands Fire Service - No objection. Satisfactory access for fire appliances.

Police - No objections

Inland Waterways Board - No objections

Drainage - No objections

Arboricultural Officer, Environmental Regeneration - No objections in principle, however the development footprint will impact on the trees. Drawing 256/2006-06 showing the Underground services shows the soak away for the storm drain under the canopy of a protected tree which is not acceptable. It is difficult to see how the contractor will build this development with the limited access around the building once the Protection fencing is erected, prior to the start of works.

Commission for Social Care Inspection - No objections in principle with these proposals/plans. Registration to accommodate users of the service will be dependant upon a formal application to register (with supporting information) and the building and site meeting the DoH National Minimum Standards for younger adults.

Integrated Learning Disability Service - No objections. The Learning Disability Service would support appropriate service development that meets the needs of people in Walsall, such services would need to demonstrate they embrace and support the Joint Learning Disability Strategy. The development of specialised residential services is required to meet present and future needs in the town. This Application demonstrates the capability to meet specific needs in Walsall.

It is accepted that this proposal is a compromise. Ideally it should be configured as two four bed units but there is a serious shortfall in Walsall of this type of provision. With reservation, this proposal is supported.

Representations

I have received 2 letters of objection, as follows:

- a) parking/congestion issues in the street;
- b) Increase in noise and disturbance;
- c) Care home could cause anti social behaviour nuisance;
- d) access issues.

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

Determining Issues

- compliance with policy
- impact on the protected trees
- design/impact on the character of the area
- transportation issues.

Observations

Compliance with policy

The advice contained in PPG3 (Housing) supports the principle of making more effective use of urban land for housing, especially where such land is accessible by a range of means of transport and where there are necessary services and facilities in the area. However, such developments are expected to be properly integrated into the townscape. The Council's UDP policies are consistent with these aims. They support residential development of sites like this, providing that there is no overriding need for another use, and subject to the consideration of details (design, privacy, character etc.)

Impact on the protected trees

The proposal will require the removal of trees from the centre of the site and at the entrance to facilitate the siting of the building and turning facility. The development will remain screened on all of its boundaries as existing.

The Arboricultural Officer has commented that the development footprint will impact on the trees but does not object in principle. However, permission has been granted (at appeal) ref 03/1557/FL/W2 for the construction of 6 flats on the site on a similar footprint to the one proposed, it is therefore felt that it would be unreasonable to refuse the application on this basis. The Arboricultural Officer is satisfied with the scheme subject to the imposition of a condition requiring the relocation of the soak for the storm drain away from under the canopy of a protected tree. In addition, the benefits from the scheme providing significant improvement to highway safety in the street by the provision of the turning head must be taken into account.

Design/impact on the character of the area

The new building is designed in domestic scale and proportion. The footprint has been increased to the front and rear elevations by the introduction of smaller projecting gables. This creates 6 equal and vertical sections adding interest to the façade with proportions similar to a row of traditional terraced residential properties. In terms of design this will fit in with the character of the development on the adjoining land. The Integrated Learning Disability Service officer would prefer to see the proposal developed as 2 separate 4 bedroomed units as they prefer the smaller scale model. However, due to the site having an abundance of protected trees, it is considered that the single block approach is preferred in order to ensure as many trees as possible can be retained.

Transportation issues

The highway officer has not raised any objections to the development. There are no specific parking standards for the proposed use but based on a comparable parking standard for nursing homes of 1 parking space per two beds, the proposal would potentially require 4 parking spaces. The applicant proposes 7 parking spaces including 1 disabled bay which is considered adequate for the proposed use. The extent of the proposed panel fence adjoining parking space 1 is not clear, however, it should not be higher than 0.6m for the first 2.4m from the back of the parking space in order to maintain sightline visibility. I have suggested conditions.

The laying out of the new turning facility in this location is to be welcomed as currently there is no turning head at the end of Rowland Street.

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. This development shall not be carried out other than in conformity with the approved plans and documents, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

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

3. No construction demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, Bank or public holiday and otherwise such works shall only take place between the hours of 0700 and 1800 weekday, and 0800 to 1300 Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the site outside of these permitted hours.

Reason: To safeguard the amenity of the area.

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

Reason: To ensure the satisfactory appearance of the development.

5. No development shall be carried out until details of works for the disposal of surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the construction of the development.

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

6. No development shall be carried out until full details of all existing and proposed underground services and sewers have been approved in writing by the Local Planning Authority.

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

7. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees included in the Tree Preservation Order adjacent to the site has been approved in writing by the Local Planning Authority. The approved fencing shall be erected before any site preparation, or construction work, is undertaken, and shall be retained until the development is finished, and all other equipment and installations have been removed from the site. The land so enclosed shall be kept clear of all contractor's material and machinery at all times and no fires shall be lit under the canopy spread of these trees.

Reason: To safeguard the trees included in the TPO on 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 accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

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

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

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

Reason: To safeguard the amenities of the occupiers of adjoining premises, in the interests of highway safety and to ensure the satisfactory appearance of the development.

Note for applicant: the proposed panel fence adjoining parking space 1 should not be higher than 0.6m for the first 2.4m from the back of the parking space in order to maintain sightline visibility.

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

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

Reason: To ensure the satisfactory appearance of the development, and a satisfactory standard of work.

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

Reason: To safeguard the trees included in the TPO 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. There shall be no storage of materials, driving of vehicles or lighting of fires beneath tree canopies.

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

14. Wherever the driveways/roadways are within the tree protection area there will be a no dig construction.

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

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.

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

17. Before the development hereby permitted is brought into use details relating to surfacing and construction of driveways which have to be under tree canopies shall have been submitted to and approved in writing by the Local planning Authority

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

18. Before the development hereby permitted is commenced the location of proposed services shall be agreed in writing by the Local Planning Authority and no service runs to be within the extent of tree canopies.

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

Note for applicant: the submitted details shall provide for the relocation of the soak for storm drains away from under the canopy of any protected tree.

19. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees included in the Tree Preservation Order on the site has been approved in writing by the Local Planning Authority. The approved details shall be implemented before any site preparation, or construction work, is undertaken, and shall be retained until the development is finished, and all other equipment and installations have been removed from the site.

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

NOTES FOR APPLICANT:

- A. The Commission for Social Care Inspection has been consulted on this application and your attention is drawn to the following comments: registration to accommodate users of the service will be dependant upon a formal application to register (with supporting information) and the building and site meeting the DoH National Minimum Standards for younger adults.
- B. You are advised to contact the Arboricultural Officer, David Lomas on tel. no. 01922 652594 prior to development commencing to arrange a pre-start meeting with the agent and a planner in order to reiterate the tree protection measures.

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 and proposals of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP7, 3.1, 3.6, ENV19, ENV32 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/1715/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: T-Mobile

Agent: Wilkinson Helsby

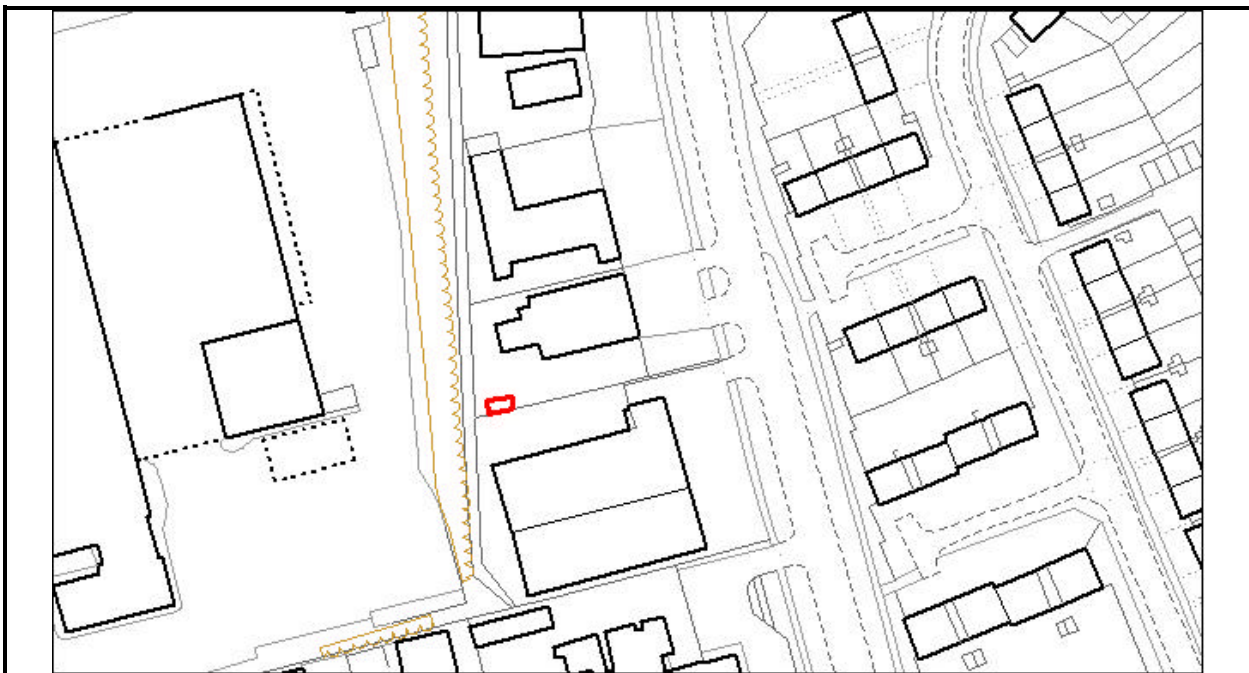
Proposal: Replacement of Existing 15m high T-Mobile mast with new 20m monopole to allow site sharing with 02, to include 2 x 600mm transmission dishes, 1 x 150mm transmission dish, 6 T-mobile antennas' and 3 x 2200mm O2 Antenna's plus associated equipment cabinets

Location: H MASON LTD,NORTHGATE,ALDRIDGE,WALSALL,WEST MIDLANDS

Ward: Aldridge/Central & South

Expired: 27 November 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

Full planning permission is sought for replacement of the existing telecommunications apparatus at Masons Joinery and Supplies, Northgate, to enable a mast share between T-Mobile (UK) Ltd and O2. The proposal is to replace the existing T-Mobile 15m high mast with a 20m high dual user monopole which will support 6 no. antenna and 2 no. dish 600mm in diameter and 1 no. dish 150mm in diameter for T-Mobile and 3 no. antenna for O2 with associated equipment cabinet and ancillary equipment to be contained within the existing compound.

The site is located within the enclosed rear yard of industrial premises on the western side of Northgate. The general character of the area is that there are mixed industrial and commercial uses on this side of the road and residential properties opposite. There are grass verges on both sides of the highway which give a greater separation. The proposal is 64m away from the gable wall of the nearest residential property in Warwick Way. The mast is viewed in comparison with very high floodlight columns at premises to the rear of Masons Joinery Supplies. The present mast is lower in height than these adjacent floodlight columns. The associated equipment cabinets at the base of the mast are partially masked from view by existing walls and gates and as they are located towards the rear of the site are not prominently visible from the public highway.

The applicants have explained in accompanying documentation that the proposal is required in order that the network may receive Third Generation phone communications in this area. The applicants have submitted coverage plots to illustrate how the network coverage would be increased by the proposed development.

Technical information submitted includes a Declaration of Conformity with ICNIRP (International Commission on Non-Ionising Radiation Protection) Public Exposure guidelines.

The applicants state that to avoid the loss of signal, care must be taken to place the antennae above the average 'clutter' height and make sure that the antennae are clear from very close obstruction.

The applicants have advised that alternative sites in the area were also considered before submitting this proposal. A rooftop installation at Aldridge Fire Station was dismissed as the Fire Authority was unwilling to accommodate an installation. A mast at The Lazy Hill Public House, Walsall Wood Road was dismissed as this is a Listed Building. The owners were unwilling to allow installations at Abbey Mechanical Services or Bullock Construction both on Northgate. The grassed area at the junction of Herbert Road and Cornwall Close was rejected as it would require a new ground based mast in a residential area which would not benefit from being viewed in an industrial context and would result in a proliferation of masts. Finally, a ground based mast at Leigh's Wood Urban Space was rejected as the land is subject to restrictive planning policies and would result in a proliferation of masts.

Relevant Planning History

BC59483P - Installation of telecommunications equipment including mast and equipment cabinet (amendment to BC46291P) - Details Approved 02/08/99

BC46291P - 15 Metre High Telecommunications Monopole Mast with Dish and Omni-Directional Antennae, and 2 Ground-Level Equipment Cabinets - Details Approved 28/03/96

Relevant Planning Policy Summary

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

Unitary Development Plan

GP2: Development should be sustainable and contribute to environmental improvement.

ENV32: States that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

ENV38: a) Equipment including masts, dishes, antennae and cabins can have significant detrimental visual impact and are unlikely to be acceptable in visually sensitive locations.

b) Mast and site sharing and use of high buildings recommended

c) Measures to reduce the impact of the equipment, such as screening and mast camouflage, will be required where necessary

d) All proposals should comply with ICNIRP requirements.

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.

QE1 - Overall, these seek improvements the design and sustainability of the urban areas.

National Policy

Planning Policy Guidance Note 8: Telecommunications

Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health. In particular paragraphs 3 and 17 refer to Green Belt proposals and paragraphs 19 to 23 refer to mast and site sharing.

Consultations

Transportation - No objections.

Pollution Control - No objections subject to conditions.

Environmental Health - No adverse comments.

Fire Officer - No access issues.

Representations

One letter of objection has been received and a petition containing 19 signatures. The objection relates to the proximity of the mast to people's homes and request removal of the mast altogether further away from their homes.

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

Determining Issues

- Effect of the proposals on visual amenity and character of the area.
- Impact on highway safety.

- Health risks.
- Other considerations.

Observations

Effect of the proposals on visual amenity and character of the area - The proposed 20m monopole with ancillary telecommunications equipment is located at industrial premises within a predominantly commercial and industrial area. Although the proposed monopole is 5m higher than the 15m monopole which it replaces, the monopole, dishes and antenna are viewed against the backdrop of an existing floodlight column on premises at the rear of the site (which is higher) and within the context of an industrial area. There are residential properties on the opposite side of the road but these are positioned at 90° to the road, whereby the main living room windows do not immediately face the site. There is also a separation of at least 64m between the site and the gable wall of the nearest property in Warwick Way. In the circumstances the proposal will not be visually prominent or obtrusive to the outlook from nearby residential properties and given the surrounding industrial context the site is considered not to be a visually sensitive as referred to in policy ENV38. Indeed, the principle of mast and site sharing is one that is supported in policy ENV38.

The equipment cabinets are screened behind a wall and within the gated compound of the industrial premises where they would not have an adverse impact on the visual amenities or character of the area.

Impact on highway safety - The siting of the new mast is located in the same position as an existing installation and therefore has no implications on road safety.

Health risks

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them. In this case, emission levels are very low and well within the ICNIRP requirements.

Other considerations

Applications for prior approval of details of the siting and appearance of telecommunications development at the site was first approved in March 1996 (application BC46291P) and further amendments approved in August 1999 (application BC59483P). Although the objectors claim that no notifications were previously sent with regard to these proposals records show that notifications were sent. Both of these applications were for Prior Approval of Details of the Siting and Appearance of Telecommunications Development under Part 24 of the Town & Country Planning (General Permitted Development) Order 1995. The siting and appearance was considered acceptable as this is in a commercial area and the equipment would be viewed against the backdrop of existing floodlights. It was also considered that the equipment would not be viewed from main front living room windows of the nearest residential properties reported as some 70 metres distant and there were no objections from residents. The relationship between the proposal and existing properties has not altered since this time, the only significant change being the increase in height of the monopole. However, as explained previously the proposal is viewed against the backdrop of industrial buildings and the adjacent floodlight column and is considered not to harm visual amenities.

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. The works hereby approved shall only be carried out in accordance with details contained within drawing numbers: 106459-01, 02, 03 and 04 received on 2 October 2006.

Reason: In order to define the permission and ensure the satisfactory development of the application site.

3. Prior to the installation becoming operational, it shall be demonstrated to the local planning authority that the equipment is compliant with current recommendations or limits for environmental exposure to electromagnetic radiation as specified by the International Committee on Non-ionising Radiation Protection (ICNIRP).

Reason: To protect the amenities of local occupiers.

4. When the installation becomes fully operational, post installation tests shall be conducted to the satisfaction of the local planning authority to demonstrate compliance with current recommendations or limits for environmental exposure to electromagnetic radiation as specified by the International Committee on Non-ionising Radiation Protection (ICNIRP). Written verification of this shall be provided to the local planning authority within 8 weeks of tests being completed.

Reason: To protect the amenities of local occupiers.

5. No upgrading, modification or addition to the installation shall be carried out in any way that causes current recommendations or limits on environmental exposure to electromagnetic radiation as specified by the International Committee on Non-ionising Radiation Protection (ICNIRP) to be exceeded.

Reason: To protect the amenities of local occupiers.

6. Where any upgrading, modification or addition to the installation is carried out, it shall be verified to the local planning authority that the installation is still compliant with current recommendations or limits on environmental exposure to electromagnetic radiation as specified by the International Committee on Non-ionising Radiation Protection (ICNIRP).

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, and ENV38 of Walsall's 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 reported to 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,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 06/1216/FL/E6

Case Officer: Paul Hinton

Application Type: Full application

Telephone Number: 01922 652420

Applicant: St Thomas of Canterbury School

Agent: Rush Davis Design Partnership

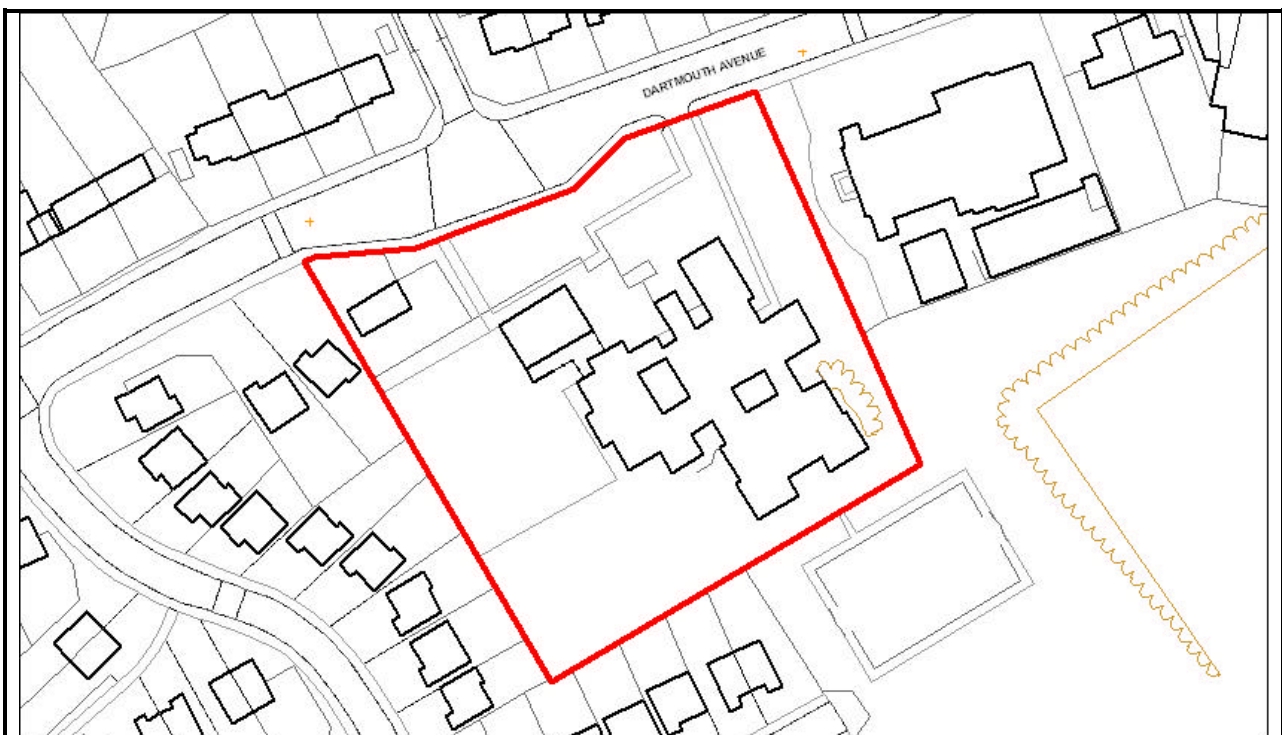
Proposal: Replacement and repositioning of existing boundary fence and creation of new access path

Location: ST. THOMAS OF
CANTERBURY
SCHOOL, DARTMOUTH
AVENUE, WALSALL, WEST MIDLANDS

Ward: Blakenall

Expired: 16 November 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and site details

This application is part retrospective for the erection of a 1.8m fence to the front of the school's boundary. The proposal also includes the creation of a new access path.

The school is located just outside Harden Local Centre, with St Thomas' RC Church on one of its boundaries and residential along the other boundaries. The school is set back from the back of the pavement by approximately 11m. The area that fronts the school includes the access drive and footpath, but in the main is a grassed area. There are four mature Ash trees within this area, with three clustered together towards no. 102 Dartmouth Avenue and one standing alone towards the church. At present the school is secured by a steel galvanised fence 2.5m from the front of the school.

The application proposes the use of a self adjusting security railing system. The railings would be powder coated in green. The proposed railings would generally follow the line of the back of the footpath, but in part would be set back by 0.5m. At the driveway to the school the fence is set back and would link in with the existing driveway gates.

The proposed new path would be constructed from macadam and would lead from the driveway of the school across the grassed area to the school entrance. A small seating area would be provided just off the pathway in the centre of the grassed area. There is an existing footpath with a set of steps close to no. 102 Dartmouth Avenue, the path and steps are proposed to be removed and the access fenced off.

Work has already commenced on site with the pathway having already been laid and the previous pathway and steps removed and made good with turf. Some of the roots of the tree closest to the proposed had been damaged as part of this work.

Relevant Planning history

05/0451/FL/E6 - Proposed new classroom, reception office, toilets and new front entrance lobby. Granted subject to conditions 12/5/2005.

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

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

GP7 says that development proposals will be expected to have regard for the objective of designing out crime, through the incorporation of measures such as:

III. Maximising the amount of defensibly space which is controlled, or perceived to be controlled by occupiers.

Policy ENV18 seeks to ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Development will not be permitted if it would damage or destroy trees or hedgerows of significant landscape, ecological, or historical value.

Policy 3.64 advises that trees are an important visual, ecological and historical resource, which should be retained and protected wherever possible.

ENV32 says that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant within or adjacent to Green Belt, agricultural or open land.

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 QE1 - Environment

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

Consultations

Transportation - no objections.

Arborcultural Officer - no objections. The trees on site have now been protected under Tree Preservation Order 50 of 2006.

Landscape and Conservation - raises concern about the proximity of the pathway to the existing tree and that no details for the restoration of the site following the removal of the steps and path has been provided.

Fire Service - satisfactory access for fire appliances.

Representations

A petition signed by 9 residents has been received objecting on the following grounds:

- Parking issues
- Local cars damage
- Possible loss of greenery and trees
- Litter
- Noise
- Bus obstruction
- Teachers/members of staff parking-delivery
- Concerns with further developments
- Obstruction of bus stop
- Not enough room where new fence will be
- Entrance relocating

Determining Issues

- Impact upon visual amenity

Observations

Impact upon visual amenity

The proposed fence would not have an adverse impact upon the visual amenity. The type of fencing proposed is sympathetic to its settings and is typical of fencing erected to the front of most schools.

Objections have been raised over parking and obstruction of the bus stop. The proposal would not alter the parking regime and therefore would have no additional impact. I do not consider that the erection of a new fence and pathway would increase the amount of litter or noise at the site. The proposed fencing would not obstruct the bus stop as there would be no encroachment onto the pavement and the fence has been set back 0.5m to offer additional space at this location. One tree was damaged during the initial construction and compensatory planting is required by condition.

The new path would direct children to the playground away from the car park. This would be to the benefit of their safety.

The proposed fence is a visual improvement to the site replacing the existing galvanised steel fencing which has a brash commercial appearance. The church next to the site has 1.8m railings at the back of the pavement. This proposal would be a continuation of this railing and would blend in with the existing character.

The erection of the railings at the back of the pavement would create a more defensible space that the school would be able to utilise better than at present. The increase in defensible space would benefit the security of the site. The school has had instances of anti-social behaviour with a number of sticks and stones on the roof of the school that had clearly been thrown there. The fencing would increase the space between the school and the public domain, possibly reducing this threat.

The Arboricultural Officer initially raised objections about the proximity of the pathway to the stand alone tree closest to the school driveway. Work commenced on site prior to the determination of the application with excavation taking place close to this Ash tree. A number of roots had been sheared. At this point there were no preservation orders on the site, and therefore there were no restrictions to this work. The four trees have since been protected, though the future of this Ash Tree is uncertain. A condition requiring compensatory planting is recommended. Of the other trees it is considered that the fencing will provide security. At present the trees are open and therefore could be subject to further anti-social behaviour, similar to what the school has been experiencing. The fencing would therefore benefit the trees.

The existing footpath and steps as shown on the plan have already been removed and made good by grassing the area to the same level of the grass either side.

Recommendation: Grant Permission subject to conditions

1. The railings hereby permitted, in their entirety, shall be 1.8m Tango Rail, with a blunt bar top powder coated in the colour Patina Green (RAL 6000), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

2. Within two months from the date of this decision details of a replacement tree to be planted; (including species, size and location) shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree should have a minimum girth of 15-20cm and shall be planted within six months from the date of this decision. Should the replacement tree die, become seriously diseased, damaged or is removed within three years of the planting; it shall be replaced by a tree of the same or greater size as the same species as that originally required to be planted.

Reason: To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP7 and ENV32 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,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/1756/FL/W6

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Mr J Parekh

Agent: Gurmukhi Building Design Ltd

Proposal: Change of use of office premises to Vegetarian Restaurant, and extraction flue to rear. Hours of operation Monday to Saturday 12.00 midday - 10.30 pm

Location: 250, WEDNESBURY ROAD, WALSALL, WEST MIDLANDS, WS2 9QN

Ward: Pleck

Expired: 30 November 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application relates to a vacant shop in the parade of units south of the junction of Oxford Street and Wednesbury Road, within Pleck local centre. The proposal is to change the use of the former offices to a restaurant (A3 use), with the residential accommodation above being retained for use by the proprietors of the restaurant.

Internal partitions of the former offices would be removed to create A restaurant seating area (4.7m by 5.9m) and facilities. At the rear, the existing entrance would be reorganised to provide a smaller entrance lobby and larger kitchen, with outbuildings refurbished to provide a staff toilet. On the first floor a kitchen would be created to replace a dining area and on the second floor the bathroom would be replaced by a second bedroom.

The application initially included the provision of an extraction flue. This is now confirmed to be for illustrative purposes (and a condition is recommended addressing this).

The site is within a group of substantial three storey Edwardian retail frontages at the bend of Wednesbury Road, Pleck, opposite the junction with Hilary Street.

To the south of the vacant unit is an optician. To the north, beyond the shared entry giving rear access to 252 and 246-248 Wednesbury Road, are offices at 248 Wednesbury Road. Number 246 is vacant and a club at 246 and 246a is further north-east.

Relevant Planning History

BC 17431 - change of use to retail money shop and offices , approved 16 March 1981

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 GP 2 - development to make a positive contribution

3.6 Development should improve the environment

3.7 The Council will seek to protect people from environmental problems

Policy ENV10 sets out that development will only be permitted if it would not;

(II) cause unacceptable adverse effect in terms of smoke, fumes...vibration, smell, noise or other polluting emissions;

(III) have an unacceptable adverse effect on nearby land uses....

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

Policy T7 - The Council will seek to ensure an efficient transport network

Policy T13 sets out parking standards for development.

Policy S5 - defines the Local Centres of the UDP, referring to Pleck as the Local Centre.

Consultations

Transportation: No objections.

Pollution Control: No comments

Environmental Health : No objections. There is the potential for cooking odours and odour control systems would need to be maintained according to manufacturers instruction. The use of odour control equipment may minimise odours but will not eliminate them and such odours may still be unacceptable to nearby residents. Therefore details of any measures designed to minimise odour or noise including the manufacturers criteria for maintenance must be submitted to the Local Planning Authority, prior to the commencement of the business.

Fire Service: No objections.

Representations

A petition of 32 signatures and one letter have been received, objecting on the following grounds;

- There are already 6 restaurants and takeaways within 100 yards of the site;
- Pubs in the area provide these services;
- There is no need for a another restaurant or takeaway;
- If permission were granted it would create parking problems, anti-social behaviour problems, noise nuisance and smell;
- The fire exit for the shop goes through the adjoining yard and the proposed kitchen would cause a fire risk;
- Litter on the street and food produce at the rear would cause vermin
- There is very limited parking space in front of the premises, which would affect disabled customers of the adjacent shop.

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

Determining Issues

- Appropriateness of use
- Impact on the character and amenity of the area
- Parking
- other matters

Observations

Appropriateness of use

The application site is within Pleck local centre and the policies of the UDP set out that restaurant uses are appropriate for locations such as this site.

In terms of similar uses, there is one established café (Ace Café) on the corner of Prince Street, on the northern side of Wednesbury Road. This represents one out of the 16 retail and office uses in this parade - 6.25% of the local centre activity.

On the southern side of Wednesbury Road and opposite to the application site, there are 26 premises, 4 of which are hot food takeaways or restaurants which advertise a takeaway service - 15.4% of the local centre activity.

Local centre policies of the UDP set out to concentrate investment and activities within the defined centres. The applicant has illustrated a layout for the restaurant with 28 covers.

Overall, this is regarded as acceptable.

Impact on the character and amenity of the area

The application site is part of an architecturally distinctive and substantial terrace of Edwardian properties with strong architectural features. The 5m frontage for the site is repeated across the entire group of buildings. This terrace of shops and offices make a significant contribution to the identity of the local area. Proposals that bring a part back into active use are consistent with the UDP.

The entry between 250 and 248 Wednesbury Road provides rear access to the site and to the opticians premises at 252. The rear yard is secured from the public footpath at the rear by a high (2m) stone wall. Any storage in the rear area would be out of sight of passing pedestrians. The use of the rear yard and entry passage for access to the premises and adjoining shop and the refurbishment of the outbuildings will not obstruct existing rights of access across the yard.

The first floor accommodation at the site would also be brought into use, occupied by the proprietor of the restaurant. The first and second floor accommodation either side of the site is not used for residential purposes and is part of the ground floor activity.

The design of the extraction equipment and associated flue vent would be for subsequent approval.

Parking

The local centre provides on-street parking facilities immediately in front of this site, with a free public car park at Ford Street, approximately 120m away. There are no Transportation objections to the proposal.

Other matters

The policies of the UDP do not set out to control the number of hot food premises in a local centre. Control can be achieved through the Town and Country Planning Use Classes Amendment Order 2005, which distinguishes between hot food takeaways (A5) and restaurants (A3).

The application retains a lobby area at the rear between the kitchen and restaurant, which provides a fire exit for occupiers of the residential accommodation above. There are therefore no objections to the application from West Midlands Fire Service.

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

Reason; To ensure the satisfactory appearance of the development.

3. No development shall commence until details of a method to prevent grease entering the drainage system have been submitted to and approved in writing by the Local Planning Authority. The premises shall not be open for business until this approval has been given and the approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with manufacturer's or installers requirements.

Reason; To ensure the satisfactory operation of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV10, S5 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,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/1695/FL/W6

Case Officer: Val Osborn

Application Type: Full application

Telephone Number: 01922 652436

Applicant: Michael Minase

Agent: Terry A Poultney

Proposal: Change of use from shop (A1) to
Hot Food Takeaway (A5).

Location: 3,HAWES
CLOSE,WALSALL,WEST
MIDLANDS,WS1 3HG

Ward: Palfrey

Expired: 19 December 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The application relates to an existing shop in the three storey parade at Fulbrook local centre and proposes the change of use to a hot food takeaway selling pizzas and pasta.

The existing shop front would remain and its retail space divided by a sales counter to provide a customer service and waiting area, cooking area, preparation and cold room/freezer storage rooms.

The application proposes a flue ventilation system, on the rear elevation, between the entrances to first floor flats that are above the shops. The high velocity cowl would extend approximately 1m above the eaves level of the flat roof to the three storey block.

Relevant Planning History

None at this site.

Adjacent sites

8 Hawes Close - BC41483P - change of use to Hot Food takeaway, open between the hours of 0930 and 2300, granted 9 August 1994.

9 Hawes Close - BC19602P - change of use to fish and chip shop, refused and appeal dismissed, 1988

9 Hawes Close - BC38429P - change of use to restaurant, granted 1993, with conditions limiting use to a restaurant only and hours of opening to 0900 to 2300 daily.

4A Hawes Close - BC57438P - change of use to offices, granted 1 June 2000
04/1594/FL/W3 - change of use to beauty therapy studio, granted 8 September 2004.

2A Hawes Close - BC48154P - change of use to offices, approved 18 July 1997

Relevant Planning Policy Summary

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

Policy GP 2 - development to make a positive contribution

3.6 Development should improve the environment

3.7 The Council will seek to protect people from environmental problems

Policy ENV10 sets out that development will only be permitted if it would not;

(II) cause unacceptable adverse effect in terms of smoke, fumes...vibration, smell, noise or other polluting emissions;

(III) have an unacceptable adverse effect on nearby land uses....

Policy ENV32 states that poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

Policy T7 - The Council will seek to ensure an efficient transport network

Policy T13 sets out parking standards for development.

Policy S5 - defines Local Centres, referring to Fulbrook as the Local Centre.

Consultations

Transportation: No objections

Pollution Control: No comments

Environmental Health : No objections. There is the potential for cooking odours and odour control systems would need to be maintained according to manufacturers instruction. The use of odour control equipment may minimise odours but will not eliminate them and such odours may still be unacceptable to nearby residents. Therefore details of any measures designed to minimise odour or noise including the manufacturers criteria for maintenance must be submitted to the Local Planning Authority, prior to the commencement of the business.

Fire Service: No objections.

West Midlands Police Liaison Officer: comments expected

Representations

Expected

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

Determining Issues

1. Appropriateness of use
2. Impact on the character and amenity of the area
3. Parking

Observations

1. Appropriateness of use

The application site is within Fulbrook local centre and the policies of the UDP set out that hot food takeaway (A5) uses can be appropriate for locations such as this site, subject to environmental and amenity considerations.

In terms of similar uses, there is one fish and chip shop within the parade at 8 Hawes Close, 5 units to the west. Adjacent, at 9 Hawes Close, is East End Balti, a restaurant (see History and BC38429P for conditions).

Local centre policies of the UDP set out to concentrate investment and activities within the defined centres. The proposed use is therefore appropriate at this local centre, in principle.

2. Impact on the character and amenity of the area

In the appeal for the change of use to fish and chip shop at 9 Hawes Close, the Council and the Inspector raised particular concerns for the amenity of the residents of the maisonettes

above the shopping parade. Residents live in close proximity and would have overlooked the appeal site in a similar situation to this proposal. It was considered that a significant level of noise and disturbance would be caused to these residents, by reason of the use being a takeaway.

The two floors above the application site comprise a maisonette, numbered 3A Hawes Close, with habitable rooms on the front elevation. It is very likely that noise generated by customers to the proposed hot food takeaway would cause disturbance to those residents. The entire frontage to the shopping parade is available as a car park and the noise and disturbance likely to arise from customers to this takeaway is as likely to impact on other residents on the first and second floors of the shopping parade as it is likely to impact on the residents immediately above the application site. Therefore some degree of control needs to be considered, as follows:-

The Council has consistently sought to resist late night and Sunday opening in the interests of protecting the living conditions of nearby residents. The approval for the fish and chip shop at 8 Hawes Close imposed hours of opening limited to 2300, with no opening on Sundays.

The approval of a restaurant use at 9 Hawes Close also sought to safeguard amenity by limiting opening to 2300 daily. This decision also recognised the material difference between customers of a restaurant and a takeaway, where a restaurant use would attract a different customer who is unlikely to linger on local streets before and after a meal, and therefore not be causing noise and disturbance to immediate residents.

The Chinese takeaway, at 206 Broadway, is open until 2330 daily and closed on Tuesdays.

In terms of the locality, the Council has sought to safeguard the residential amenity of local residents and also recognise Hawes Close as a local centre, where the proposed takeaway use can be satisfactorily accommodated, subject to hours and days of opening limitations.

The Council has also made determinations where the permission is limited to the particular type of food to be prepared. In this case the applicant's accompanying letter proposes the sale of pizzas and pasta.

3. Parking

The frontage to the premises has a communal parking/service area, which provides more than 10 spaces for the shops. Parking and garage/storage buildings at the rear are shared with Steve Thompson Cars. There are no objections from Transportation.

Overall, with controlled hours of opening, this is an acceptable proposal.

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

Reason; To ensure the satisfactory appearance of the development.

3. No development shall commence until details of a method to prevent grease entering the drainage system have been submitted to and approved in writing by the Local Planning Authority. The premises shall not be open for business until this approval has been given and the approved details have been fully implemented. The approved equipment shall thereafter be retained and maintained in accordance with manufacturer's or installers requirements.

4. No development shall commence until details of the refuse collection system and its location have been approved in writing by the Local Planning Authority.

Reason; In the interests of the amenity of adjoining occupiers.

5. The premises shall not be open for business outside the hours 0900 to 2300 hours.

Reason; In the interests of the amenity of adjoining occupiers.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, the premises shall not be used for any purpose other than for the preparation and sale of pizzas and pasta, as described in this application by the applicant in their letter of 25th September 2006.

Reason; The site is not necessarily suitable for other uses because other cooking methods could give rise to malodour.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2,3.6, ENV10 and S5 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 06/1739/RM/E6

Case Officer: Paul Hinton

Application Type: Reserved Matters

Telephone Number: 01922 652420

Applicant: Mr R Singh-Gill

Agent: J Mason Associates

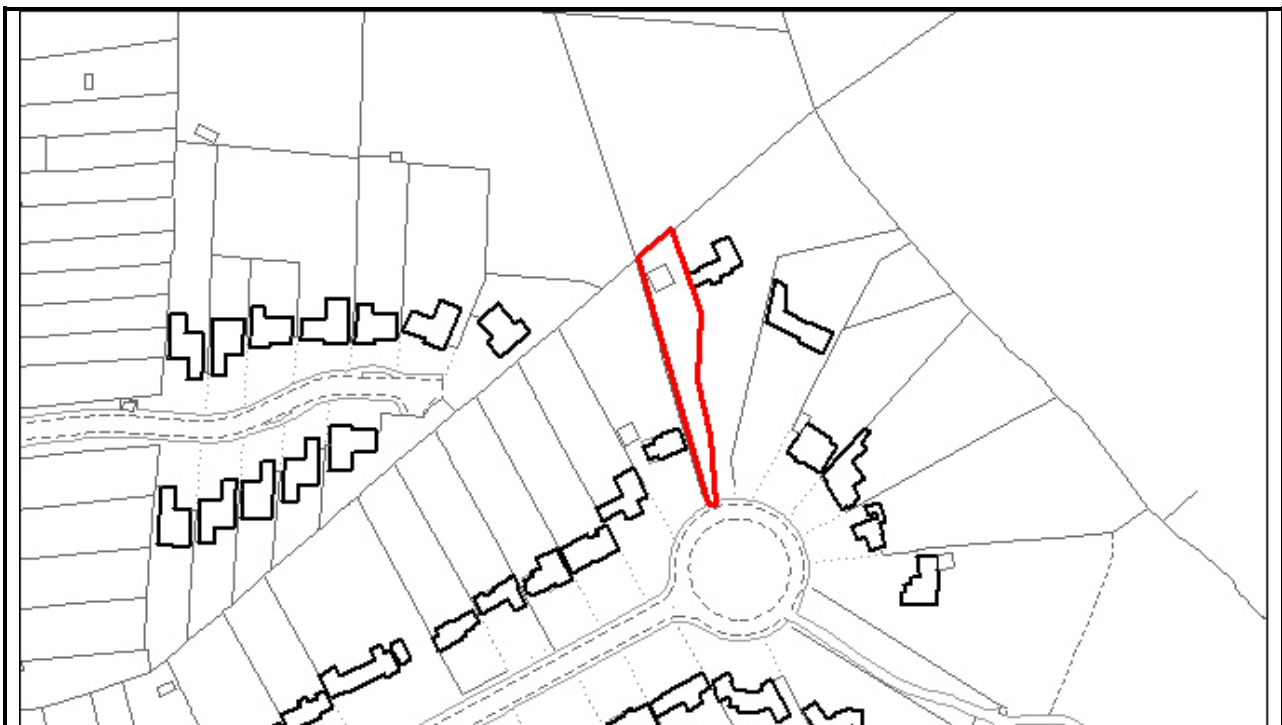
Proposal: Reserve Matters: Construction Of 1
No. Detached Dwelling

Location: 27,WOODLANDS
AVENUE,WALSALL,WEST
MIDLANDS,WS5 3LN

Ward: Paddock

Expired: 29 November 2006

Recommendation Summary: Approved Reserved Matters Conds



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Application and site details

This application seeks reserved matters approval for the erection of a dwelling on land where outline permission was granted for siting and access by your committee in July 2004. The design and external appearance of the proposed 6 bedroom house have been provided, as well as a landscaping scheme.

The application site is at the western end of Woodlands Avenue, between number 25 and 27 Woodlands Avenue. 27 Woodlands Avenue is set back approximately 70m from the roadway and the application site includes a detached double garage, the eastern side garden area and part of the driveway of 27 Woodlands Avenue.

The proposed dwelling would project, at two storey, 5.4m beyond the rear building line of the existing house at 27 Woodlands Avenue, with the single storey sun lounge projecting a further 4.3m. The main frontage of the proposal would be set back 3m from the building line of no.27, though the garage with games room above would be comparatively set forward by 2m. The proposed new dwelling would be 2.4m from the side gable wall of no. 27. The separation distance between the side of the proposed dwelling and the rear wing of no. 27 would be 14.3m. There are habitable room windows on the rear wing and habitable windows proposed along the side of the proposed dwelling.

The proposed garage elevations would be approximately 41m from the rear elevation of 25 Woodlands Avenue and the front elevation of the house would be 48m away from the habitable room windows on the rear of the property. The side elevation of the proposal, which includes two standard habitable windows at ground floor and first floor, and a large window spanning across both ground and first floor would be 3m from the boundary shared with no. 25. The nearest direct facing windows would be to the rear of 15 Woodfield Close which would be 44m away.

Access to the site is provided by the existing driveway to no.27 Woodlands Avenue. The line of the existing drive would remain unchanged and would be amended to accommodate the additional turning and manoeuvring areas in the vicinity of the proposed dwelling. One beech tree to the front of the property and three silver birches to the rear are shown to be removed by the proposal. The applicants proposed 4 parking spaces.

The houses along Woodlands Avenue are large detached houses of individual design with a mix of both gable and hipped roof styles. The proposed house would be two and a half storey, incorporating dormer windows to both the front and rear with a half hip roof. The design includes stone head and cill dressing similar to no. 27 with the windows also of a similar design. The central pitched roof column to the front mirrors the entrance used at no 27.

The house would measure 9.2m to the ridgeline, compared to no. 27 which stands at 8.7m.

The submitted plans show a replacement detached garage to the east of the existing property. However, this is shown for indicative purposes and is not part of the current application. The applicants propose a 1.8m close boarded timber fence along the rear boundary with no. 27 and a 1.1m high open timber post and rail fence to the front boundary.

The northern part of the garden boundary falls within land included as Green Belt in the Walsall Unitary Development Plan. The whole of the site is included within an Area Tree Preservation Order reference 29/1981.

Relevant Planning history

BC30196P - Detached triple garage - Granted 16 August 1990.

BC32429P - 3 detached houses (outline) - Refused 28 June 1991. Appeal dismissed - 8th April 1992.

BC33685P - Outline permission for single detached dwelling and garage with associated drive way - Refused 11th October 1991. Allowed on appeal - 15 April 1992.

BC38796P - Approval of reserved matters for siting design and external appearance for one four bedroom dwelling - Granted 4th August 1993. The approved dwelling would stand to the west of the existing house requiring demolition of one wing of the house and its detached garage.

BC49123P - Demolition of existing house and replacement with three detached dwellinghouses - Refused 2nd June 1997

03/1592/FL/E6 - OUTLINE: Construction of new dwelling house. Refused 7/11/2003.

04/0983/FL/E4 - OUTLINE: Erection of new dwelling house (Re-submission of 03/1592/FL/E6). Granted subject to conditions 13th July 2005.

06/1274/TR/T3 - Cut back Overhanging Branches of Trees on Centre Island. Top 1 Beech in Back Garden by 2-3m. Fell 7 Holly Trees in Rear Garden. Trim and Reshape 1 Twin Forked Silver Birch. Fell 2 Dying Silver Birch. Part approve/part refuse 13th September 2006.

06/1538/TR/T3 - Fell 1 tree adjacent to greenhouse in the rear garden. Approved subject to conditions 12th October 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

Strategic Policy 3.3 safeguards the Green Belt as part of the wider West Midlands Green Belt.

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

GP2: Environmental Protection

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

I. Visual appearance.

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

XII. The effect on woodland or individual trees on or near the site.

ENV2 d) Any engineering or other operation, or the making or any material change in the use of land, is inappropriate development in the Green Belt if it conflicts with the openness and purposes of the Green Belt.

ENV2 e) requires that siting, design, form, scale and appearance is compatible with the character of the green belt.

ENV3 need to assess proposals for their impact on the Green Belt in terms of layout, siting and design.

Policy ENV18 seeks to ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

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.

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.

H10: Layout, Design and Dwelling Mix.

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

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

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

T7: Car Parking

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

T13: Parking Provision

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

Residential Development Standards

These include guidelines relating to design and space around dwellings.

Provision of space around dwellings provides adequate private amenity space and an acceptable level of privacy and daylight.

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 a minimum area of 68 square metres.

A minimum of 24 metres will usually be required between all facing windows of habitable rooms of adjacent dwellings.

National Policy

Planning Policy Statement 1: Creating Sustainable Communities a key principle is that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

PPG3: Housing - Encourages more efficient use of land and achieving sustainable patterns of development, by concentrating development and maximising the re-use of previously developed land. Good design and layout of new development can help achieve the Government's objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas. New housing of whatever scale should not be viewed in isolation and considerations of design and layout must be informed by the wider context so that the quality of the environment is not compromised.

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 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 objections.

Conservation Officer - no objections. The site adjoins Great Barr Conservation Area. The existing properties are large in size and individual in design therefore the proposed new dwelling will be in keeping with the area. It will not adversely affect the setting of the Conservation Area.

Arborculturalist - no objections subject to the inclusion of a condition requiring compensatory planting.

Environmental Health and Consumer Services - no objections.

Severn Trent Water - no objections subject to the inclusion of a recommended drainage condition.

West Midlands Fire Service - no objections subject to a suitable sprinkler system can be fitted, this can be achieved by condition, because the required turning area for fire appliances cannot be achieved.

Representations

Four letters from neighbouring residents and one anonymous letter have been received objecting on the following grounds:

- Development is too large
- Will create an overcrowded appearance
- Will place further strain on the existing water and sewage system

- Development is on a Brownfield site, the granting of this permission will set an unwelcome precedent
- The development would detract from the attractiveness of the area
- Would have a negative effect on property prices
- Building work would attract considerable noise and traffic.
- Number 27 is located at the roundabout end of Woodlands Avenue, which has no capacity for on-road parking without blocking the road.
- Increase in traffic will be detrimental to the safety of children
- The development would not be in keeping with the area
- Insufficient room for the planting of trees
- Would overlook adjacent houses, reducing neighbours privacy

Determining Issues

- the impact on the character of the area
- the amenities of nearby residents

Observations

Impact on the character of the area

Residents have objected on the grounds that the property would be over dominant in its setting. It is considered that the dwelling would not be over dominant on the street scene due to it being set back considerably from the roadway. Its proximity next to no. 27 would not be uncharacteristic of the existing built form of both Woodland Ave and Woodfield Close, where dwellings occupy most of the plot width and are characteristically close to their neighbours. The development would be well retained in scale and location to the surrounding development.

The properties within Woodlands Avenue are all large detached dwellings which are of individual design. The design of the proposal would be in keeping with the surrounding area of large two storey detached houses and while slightly higher than no. 27, this would not have an overbearing impact on no. 27 or the streetscene.

The proposal includes a half hipped roof, which blends in with both the full hip and gable roofs within the area. The design incorporates features used within no. 27, such as stone dressing to windows, similar window styles and a central column, bringing a modern element to the area, but retaining the character.

The property would be set back along a private drive some 70m from Woodlands Avenue where it would be screened by considerable amount of mature trees which even when not in leaf would partially obscure the houses.

A landscape scheme has been included showing the trees to be retained and those to be removed. The site has a good level of existing landscape, with an existing fence along the boundary with no. 25 and a significant number of mature trees in both the front and rear garden. The application proposes the removal of four trees, one of which has been agreed under a separate tree works application. To mitigate for the loss of four preserved trees, a condition for replacement trees is recommended. The Arboricultural Officer recommends that a 2 for 1 replacement ratio is used so that the character of the area can be preserved and enhanced. The large garden area is sufficient to accommodate satisfactory planting.

Access was addressed at the outline stage, four parking places have been provided within the curtilage of the proposed dwelling, which complies with the Council's parking standards.

Part of the rear garden would fall within the Green Belt; however this land is already part of the garden of no. 27. It does not share the appearance of the adjoining golf course and is the corner of an enclosed domestic garden. To all practical purposes neither the appearance nor the use of the land would change. This established use would not conflict with the purpose of the Green Belt as its openness and character would be retained.

The application proposes a rear garden length of 32m, with an approximate area of 425m². This complies with policy.

A condition restricting permitted development rights in respect of gates, walls, sheds and fences, other than those shown on the submitted plan is recommended to ensure the retention of landscape areas as open spaces.

The proposal would not impact on the character or appearance of the area by virtue of the size of the development, which has been designed to be sympathetic to its setting. A condition is recommended to control the use of finishing materials to ensure its satisfactory appearance. The restriction of permitted development rights would ensure the character of the street scene retains its openness.

Amenities of nearby residents

The proposed dwelling would be 2.4m from the single storey blank gable wall of no. 27, and a separation distance of 14.3m between the side facing habitable windows. The proximity of the proposal to no. 27 would not be unusual. It would be similar to the juxta-positioning of several of the other properties in the Avenue.

Condition 6 of 04/0983/FL/E4 states the design and appearance of the proposed dwelling shall provide for a blank gable wall on the eastern elevation. The applicants have proposed windows on this elevation. These windows will be obscurely glazed. The ground floor windows serving the family and sitting rooms would be screened by 1.8m high timber fencing. While this would reduce overlooking, 2m high fencing would provide better screening and ensure most of the windows would not be viewed from the ground floor of no. 27; this can be secured by condition. The obscure window at first floor is for the bathroom, a non-habitable room. This meets policy guidance. It is considered that the amenity of the occupiers of no. 27 would not be adversely affected by installing and retaining obscure glazing and retaining a 2m boundary fence.

No. 29 Woodlands Avenue would be screened from the proposal by no. 27 and due to its orientation I do not consider that the proposal would have any more than a marginal effect on these neighbours. Whilst the existing drive runs along the eastern side of no. 25, the boundary is well screened with vegetation and fencing. The rear of no. 25 would be over 40m from the new house.

Part of the first floor and roof of the house would be visible from 15 Woodfield Close; however with a separation distance of 44m and the use of materials similar to those within the existing streetscene I do not consider that it would have a detrimental visual impact or significantly reduce privacy.

It is also recommended that a condition is attached to restrict future extensions given the potential impact on the rear and side facing windows of no. 27. This would ensure that details can be properly assessed at that time.

Other issues

The Fire Officer has commented that the dwelling is in excess of 45m of the highway; therefore the use of a domestic sprinkler system to British Standard 9251 is necessary to satisfy the Fire Service Requirements.

Residents have raised objections to the application; these issues were considered under the approval for outline permission. However for clarity they are again considered. The development would not set a precedent as any future applications would be assessed on their own merits. The impact on property values is not a material consideration. The noise generated from the dwelling would not be significantly greater than that generated from this residential setting. Comments have been received suggesting there would be an increase in traffic that would be detrimental to the safety of children and that the location has no capacity for on-road parking without blocking the road. There have been no objections from the Highways Officer and I do not consider that an additional plot would adversely impact upon highway safety any greater than the existing regime. A satisfactory number of off-road parking spaces have been proposed.

Recommendation: Approved Reserved Matters Conds

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

Reason: To ensure the satisfactory appearance of the development.

3. 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 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.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations to the dwelling as defined in Schedule 2, Part 1, Classes A to D of the Order, shall be constructed without the prior submission and approval of a planning application.

Reason: To ensure the Local Planning Authority has control over future development in the interests of the occupiers of the adjacent dwellings.

5. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. No development shall be carried out until details, including species, size and location of two replacement Beech Trees and six replacement Silver Birch trees has been submitted to and approved in writing by the Local Planning Authority. The trees shall be planted 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. Any tree which dies, becomes seriously diseased, damaged or is removed within three years of planting, shall be replaced by a tree of the same or greater size and the same species as that originally required to be planted.

Reason: To compensate for the loss of four preserved trees as shown on drawing no. 1188/02 received by the Local Planning Authority on 4th October 2006, to safeguard the amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or succeeding orders, no gates, fences, walls or other means of enclosure shall be constructed without the prior submission and approval of a planning application.

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

8. 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.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the dwelling hereby permitted shall not be altered or enlarged so as to deprive it of an existing garage or its drive or parking area as approved and first constructed, except with the express permission of the Local Planning Authority.

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

10. Before this development is brought into use, obscure glazing shall be installed to the side facing windows, as indicated on the approved plan drawing no. 1188/01A received by the Local Planning Authority on 24th October 2006 and shall thereafter retained.

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

11. No development shall be carried out until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a 2m close boarded timber fence at the rear of the site along the boundary with 27 Woodlands Avenue. The approved boundary treatment shall be carried out before this development is brought into use and shall be thereafter retained.

Reason: To safeguard the amenity of occupants of adjoining premises.

12. No development shall commence until details of a domestic sprinkler system (British Standard 9251) have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the sprinkler system has been constructed in accordance with the approved details. The sprinkler system shall be retained as such thereafter.

Reason: To ensure the satisfactory functioning of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV18, ENV32, H10 and T17 of Walsall Unitary Development Plan, Walsall's Residential Development Standards and National Planning Policy Statement 1 and Planning Policy Guidance 3 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,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Requires delicate judgement

Application Number: 06/1561/FL/H2

Case Officer: Claire Murphy

Application Type: Full application

Telephone Number: 01922 652485

Applicant: Mr. & Mrs. Surrell

Agent: Mr. & Mrs. Surrell

Proposal: Conservatory

Location: 51, ALLERDALE
ROAD, CLAYHANGER, WALSALL, WS8
7SA

Ward: Brownhills

Expired: 04 December 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

This application is for the retention, with modification, of a conservatory that has been added to the rear of a modern semi-detached house.

The conservatory as built projects 4.6 metres. The application proposes to remove the end section consisting of a single window panel to reduce this length to 3.9 metres. The conservatory has a hipped roof with a height of 2.5 metres to the eaves and 3.2 metres to the ridge.

The conservatory lies along the boundary with the adjoining house number 53, the other half of the pair. Number 53 has a pair of French doors on the ground floor to the rear close to the boundary. The rear of number 53 is in line with the rear of the application property without the conservatory. Number 53 lies to the south.

There is a detached garage belonging to the application property which screens the conservatory from the end of the rear garden of the house on the opposite side, number 49.

Relevant Planning History

The original planning permission for the estate removed permitted development rights for extensions.

04/2464/FL/H2. Retrospective conservatory to rear, projecting 4.6 metres. Refused January 2005 on the grounds of the overbearing on the adjoining house. Appeal to Secretary of State dismissed July 2005.

Relevant Planning Policy Summary *(Note the full text version of the UDP is available from the Civic Centre Reception and on the Planning Web Site)*

Unitary Development Plan Policies

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

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

ENV10: Pollution

(b) Development will not be permitted if the health, safety or amenity of its occupants would be unacceptably affected by pollution.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

Residential Development Standards

These include guidelines concerning the length of extensions in relation to adjoining dwellings.

A 45 degree code will be used to assess the impact of extensions on the amenity of adjoining dwellings. Single-storey extensions that breach the code will be allowed provided they do not project more than 3.5 metres beyond the adjoining dwellings.

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.

Consultation Replies

Pollution Control: Varying levels of ground gas have been detected near to the structure. These levels whilst significant would not preclude development providing that suitable gas ingress prevention measures are incorporated into the structure of any building.

Inspection of the structure suggests that appropriate precautions may have been included in the development. If the existing structure is to be modified it may be possible to make a more comprehensive inspection of the existing construction at that time. A condition is recommended to secure this.

Representations

None

Determining Issues

The determining issues are:

- the impact on the amenity of adjoining dwellings; and
- ground gas precautions.

Observations

Impact on Amenity of Adjoining Dwellings

The length of the conservatory as built in relation to number 53 is over a metre longer than the 3.5 metres normally allowed by policy. Concern about the unacceptable impact of this excessive length on the amenity of the adjoining property has been shared by the Planning Inspectorate.

The proposed reduction in length would make the conservatory only 0.4 metres longer than the normal standard. The conservatory lies to the north of number 53 and its low eaves height, which is only 0.7 metres above the boundary fence, and lightweight nature means that it causes little loss of light to number 53. The 1.8 metre boundary fence would screen the entire length of the conservatory if the latter was reduced to the length proposed in this application.

The conservatory is screened from the house on the opposite side by the garage. There are no houses directly facing to the rear.

The site can successfully accommodate the increase 0.4 metre length of the conservatory without impacting on amenity. In these circumstances UDP policy to protect amenity is met and the normally sought 3.5 metre standard can be relaxed in accordance with the policy aims.

Ground Gas Precautions

This issue can be addressed by the recommended condition, although this may necessitate removing part of the existing floor slab to inspect the base structure.

Recommendation: Grant Permission subject to conditions

1. Within 2 months of the date of this permission, unless otherwise agreed in writing by the local planning authority:
 - (a) the conservatory shall be reduced to a length not exceeding 3.8 metres measured from the original house; and
 - (b) the side elevation facing the boundary with the adjoining house number 53 shall be fitted with opaque glazing or solid panels, details of which shall be submitted to and approved in writing by the local planning authority prior to installation. The glazing or panels shall thereafter be retained as such.

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

2. Within 2 months of the date of this permission, unless otherwise agreed in writing by the local planning authority, details of ground gas protection measures currently or proposed to be installed in the structure shall be submitted to the local planning authority. The details shall demonstrate that any ground gas ingress protection measures incorporated into the original dwelling are not compromised. The measures, if not already present, shall be installed within 2 months of the date of written approval if given by the authority.

Reason: To safeguard occupiers of the dwelling and in accordance with policy ENV10 of Walsall's Unitary Development Plan.

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV10, ENV32 and H10, 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 06/1727/FL/E11

Case Officer: Alison Deakin

Application Type: Full application

Telephone Number: 01922 652487

Applicant: Bains Builders & Renovators

Agent: Lane Lister & Associates

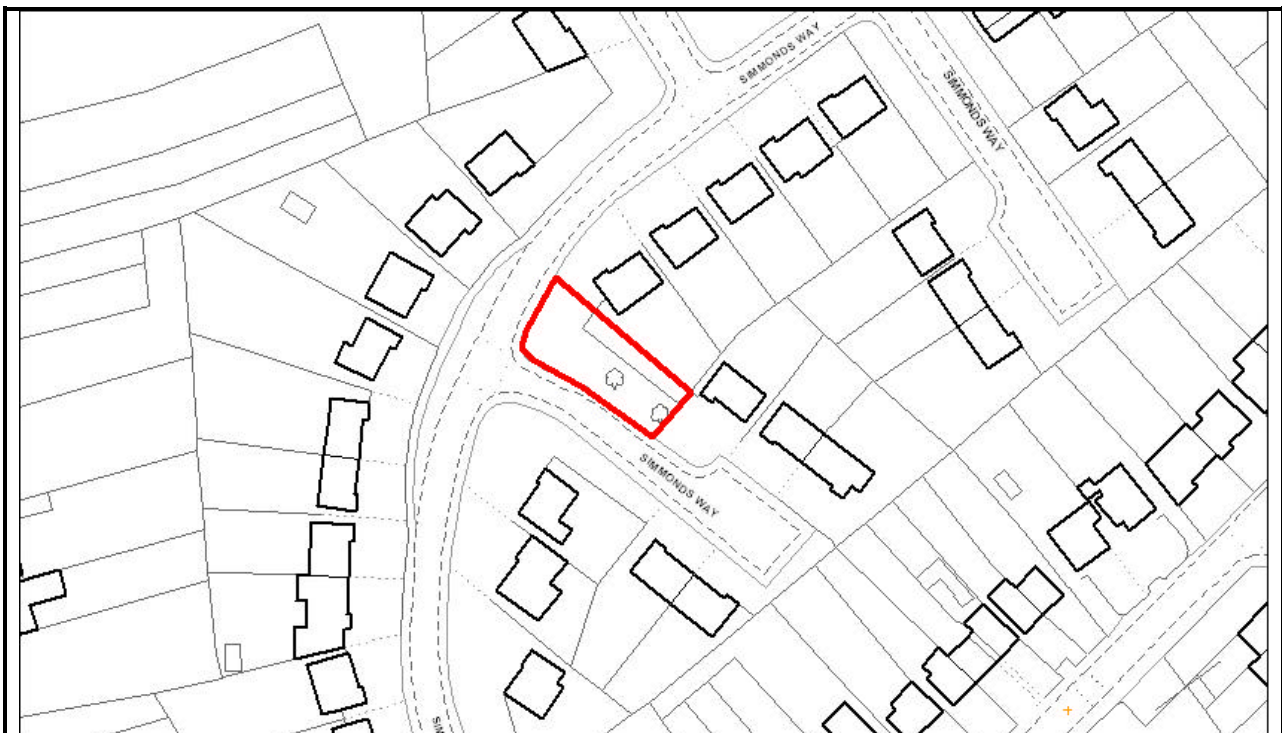
Proposal: Erection of a two storey three bedroom detached dwelling

Location: LAND ADJACENT
TO, 31 SIMMONDS
WAY, WALSALL, WEST
MIDLANDS, WS8 7AG

Ward: Aldridge North and Walsall Wood

Expired: 28 November 2006

Recommendation Summary: Grant Permission subject to conditions



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Application and Site Details

The proposal is a full application for the erection of a two storey three bedroom detached dwelling on land at the side of 31 Simmonds Way, presently the exposed part of the side garden outside the boundary fence to this property. The application follows the granting of outline planning permission for erection of a 4 bed detached house on 2 November 2005, reference 05/1725/OL/E4. The site is located at the junction of Simmonds Way and a cul-de-sac branch off Simmonds Way and has an area of 377m².

The current application is a resubmission following delegated refusal of applications 06/1007/FL/E11 on 19th July 2006 and 06/1298/FL/E11 on 14th September 2006. Both these applications were for erection of a four bedroom property. Application 06/1007/FL/E11 was refused for three reasons broadly relating to the excessive scale and depth of the proposed dwelling giving a cramped appearance in the street scene, proximity of the boundary treatment to the side road with little scope for landscaping and the extent of the projection of the building beyond the rear elevation of 31 Simmonds Way. Application 06/1298/FL/E11 was refused as the layout required vehicles to park within the visibility splay at the junction of Simmonds Way.

The amended plans show the plot separated from the existing garden for no. 31 by installation of a new boundary fence set 1m from the gable elevation returning to the rear boundary, in an almost parallel line. The proposed plot is wider at the front than at the rear where it returns along the boundary with the driveway of 33 Simmonds Way. The main two storey elevation of the proposed new dwelling is positioned approximately 1.4m behind the front elevation of no.31. Although the car port canopy, porch and hall do project further forward than this they do not project in front of the garage at no.31. The two storey footprint of the proposed dwelling is 8.8m in length and 8.8m in width (although the first floor above the garage and car port to the side is shorter at 7.7m in length).

A separate pedestrian access is included on the eastern boundary with no.31. The two required car parking spaces are provided within the garage and car port at the side of the house with a 5m driveway in front of the car port.

The proposal shows a section of dwarf wall with piers and fence panels for a length of 4.7m extending from the rear southern corner of the building kicking back to run parallel to the highway. Beyond this point a close boarded screen fence is proposed between 1.5m and 2.3m from the back of footway, extending back towards the boundary with no.33. A section of 600mm high facing brick wall is shown at back of footway around the front corner of the site with landscaping behind.

The surrounding properties are predominantly detached dwellings on a regular building line and of similar building and garden depths with the corner properties originally designed as open plan with landscaping giving a spacious character to the locality.

The existing dwelling, 31 Simmonds Way, has recently had a ground floor rear extension built (approximately 6.85m X 3.1m). A canopy has also been installed across the front elevation since the first application was determined. Existing vegetation at the side of the garden boundary fence has also been removed.

Relevant Planning History

05/1725/OL/E4 - Outline application for erection of a 4 bed detached house - GRANTED
02/11/05

06/1007/FL/E11 - Erection of a two storey four bedroom detached dwelling - REFUSED
19/07/06. There were three reasons for refusal that broadly related to the scale and depth of the proposed dwelling which had a cramped appearance in the street scene, proximity of the boundary wall/fence to the side road resulting in little space for incorporation of landscaping and projection of the building beyond the rear elevation of 31 Simmonds Way.

The outline application included a condition to maintain the vehicle visibility splay required at the junction of Simmonds Way. This was also of concern in consideration of the later application 06/1007/FL/E11.

06/1298/FL/E11 - Erection of a two storey four bedroom detached dwelling. Refused 14/09/06 on the basis that the proposed layout would require vehicles to park on the driveway within the visibility splay at the junction of Simmonds Way.

Relevant Planning Policy Summary

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

Unitary Development Plan

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance
- VI. Overlooking, loss of privacy, and the effect on daylight and sunlight.
- VII. Adequacy of access and parking facilities.

ENV32: 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.

H3: encourages housing provided through windfall opportunities provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H10: (a) The Council will expect the design of residential developments, including residential extensions, to:-

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

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

T7: All development should satisfy the car parking standards set out in Policy T13.

T13: 1, 2 & 3 bedroom houses 2 spaces per unit

Residential Development Standards (RDS)

These include guidelines relating to design and space around dwellings.

Regional Spatial Strategy

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, PPG3 & PPS3 (draft) Housing, PPG13 Transport, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places-The Planning System & Crime Prevention.

Consultations

Transportation - No objection subject to imposition of conditions relating to visibility splays.

Fire Officer - Satisfactory access for fire appliances.

Environmental Health - No objection.

Representations

4 letters of objection had been received. The objections are summarised below:

- Although one bedroom less building is the same size as the refused applications.
- Excessive depth of the building out of keeping
- Extensions or alterations at the property could accommodate more bedrooms which would increase the potential number of residents and exacerbate the traffic and parking problems
- Spoils the open character and appearance of the street scene
- Site too small to accommodate a new dwelling
- Increased traffic and highway safety concerns
- Loss of outlook from existing dwellings
- The dwarf wall along the boundary is out of keeping
- Vehicles parked on the drive would still affect junction visibility
- Design of the dwelling out of keeping
- Restrictive covenants specify the land should remain as garden land
- Relocation of boundary fencing detrimental to the character of the area

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

Determining Issues

Whether the proposal addresses the previous reasons for refusal in respect of:

- Impact on the character and appearance of the surrounding area
- Impact on the amenities of the surrounding occupiers
- Access and parking

Observations

Character and Appearance

The size of the building is broadly the same as the latest refused application 06/1298/FL/E11, the size of the dwelling was not the reason for refusal. The dwelling has been reduced in size since the initial detailed application 06/1007/FL/E11. The reduced size coupled with repositioning further forward, has reduced the extent of the building projection beyond the rear of no.31, whilst maintaining the building line to the front elevation. The reduction in the depth of the building also reduces the visual prominence from the side road. The reduction in the size of the dwelling and amendment to the proposed boundary treatments has allowed a greater separation to be achieved between the built structures and the site boundary thus retaining a more open aspect to the junction corner and allowing for implementation of additional landscaping. This is more in keeping with the character of surrounding properties. Two secondary living room windows with low sill heights are incorporated into the side elevation of the proposed dwelling that overlook this junction and give greater surveillance to the street and address the corner. The incorporation of the dwarf wall around the perimeter of the site is considered not to be intrusive visually and helps define the public/private space. The proposal is therefore considered acceptable in terms of its character and appearance.

Impact on Surrounding Occupiers

The building still projects 3.3m beyond the two storey elevation of no.31, drawing level with the recent ground floor rear extensions, the proposed building has no adverse effect upon the outlook for the existing dwelling as the nearest first floor windows are obscurely glazed (bathroom) and the kitchen extension is set away from the boundary. Any further extensions may have an adverse effect and it is therefore recommended that permitted development for such extensions should be removed. Reduction in the depth of the dwelling reduces any potential overbearing impact on the garden of no.31. The building still projects beyond the rear elevations of other dwellings at 23-31 Simmonds Way but the reduction in scale and size of the building reduces any potential obtrusiveness. The revised proposal shows the boundary fence of the proposed dwelling set back 2.3m from the boundary of the site adjacent to the driveway of 33 Simmonds Way and in the circumstances will maintain some visibility to that driveway. The proposed dwelling should not have any adverse impact on privacy or outlook for no.33 due to the separation between the two dwellings. Several neighbours previously raised the issue of drainage but were the application to be approved an appropriate condition could be imposed. Neighbours amenities are therefore protected.

The proposal meets the Residential Development Standards (RDS) in terms of garden size, as the rear garden is between 15.5m and 17.5m in length and is 8m wide (minimum 124m²). Separation between the rear elevation of the proposed dwelling and side elevation of 33 Simmonds Way is approximately 17.3m, exceeding the 13m specified in the RDS. The position of the new dwelling does not exceed the 45° code in respect of the adjoining house nearest habitable room windows.

Access and Parking

The dwelling has been reduced from 4 to 3 bedrooms which reduces the requirement for off street parking from 3 spaces to 2 spaces. The two parking spaces are identified within the garage and car port and vehicles parked here will not obstruct the visibility splay to the road junction. Although inevitably a driveway is indicated in front of the car port, the scheme does not require vehicles to park on the driveway to provide the necessary parking spaces. In the circumstances, subject to removal of permitted development for converting the garage or car port to other rooms, the development provides adequate means of access and car parking.

The proposed dwarf wall along the perimeter of the site has been reduced to 600mm hence it will not obstruct visibility. Transportation are satisfied with the arrangements.

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

Reason: To ensure the satisfactory appearance of the development.

3. Prior to commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

4. No development shall be carried out until full details of the design of the proposed dwarf wall along the boundary has been submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out before this development is brought into use and shall be thereafter retained.

Reason: In order to safeguard the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

5. Notwithstanding the details included on drawing No.2418/300, no development shall be carried out until a detailed landscaping scheme for the site, including any necessary phasing of implementation, has been submitted to and approved 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: In order to safeguard the amenities of the occupiers of the accommodation provided, the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

6. 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.

7. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels, in relation to land adjoining the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with these approved details.

Reason: In order to ensure the satisfactory appearance of the development and to safeguard the visual amenity of the area.

8. The works hereby approved shall only be carried out in accordance with details contained within drawing numbers: 2418/300 and 2418/301 received on 3rd October 2006 unless the Local Planning Authority agrees in writing to any variation.

Reason: In order to define the permission and ensure the satisfactory development of the application site.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no alterations to the garage or car port which would prevent their use for parking of vehicles without the prior approval of a planning application.

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

10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations shall be carried out without the prior approval of a planning application.

Reason: To protect residential amenities, ensure the satisfactory provision of off-street parking and allow the Local Planning Authority to retain effective control over future development of this site.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, H3, H10, T7 and T13 of Walsall's 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 21 November 2006

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Wilkes

Application Number: 06/1674/FL/W2

Case Officer: Marilyn Kowalski

Application Type: Full application

Telephone Number: 01922 652436

Applicant: GR8 Space Ltd

Agent: Church Lucas

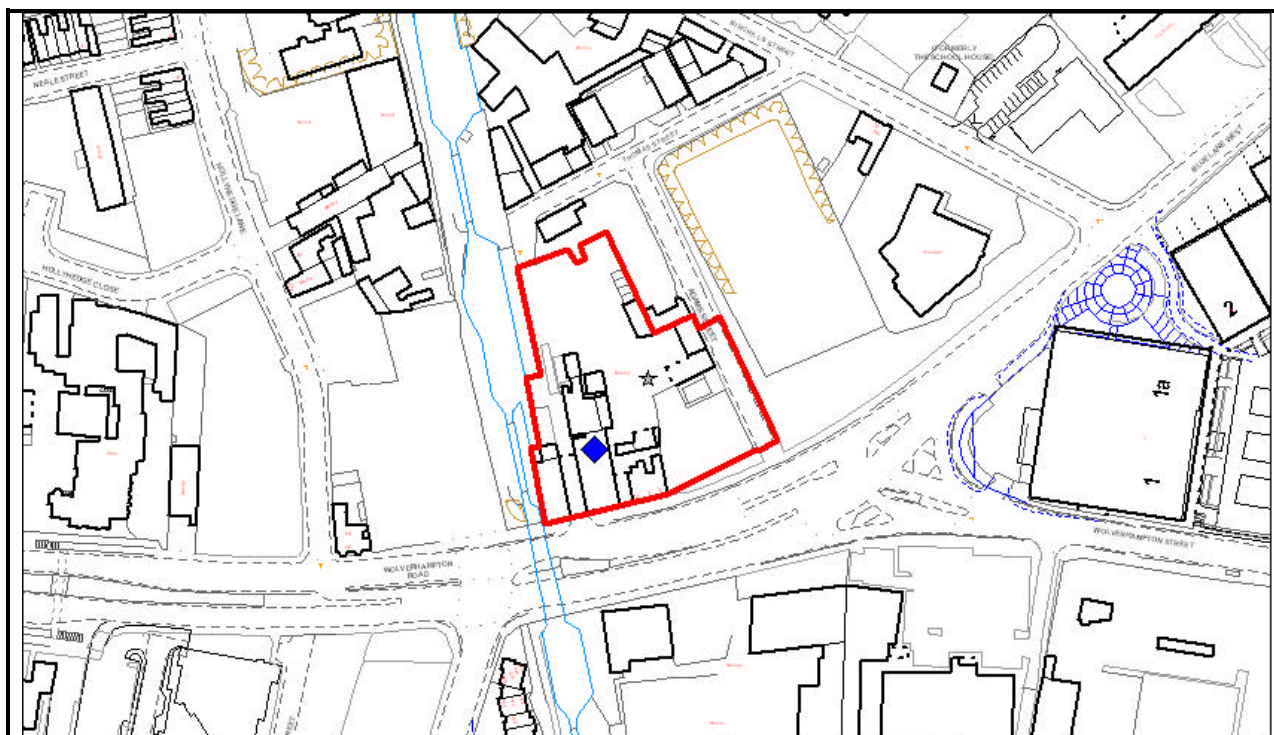
Proposal: Additional partial top floor consisting of 6 no. 1 bed dwellings and associated 6 no. car parking spaces, to previously approved scheme (block 3 - reference 04/1349/FL/W7)

Location: SMITHS FLOUR MILLS, WOLVERHAMPTON ROAD, WALSALL, WEST MIDLANDS

Ward: Birchills Leamore

Expired: 29 November 2006

Recommendation Summary: Grant Permission subject to conditions



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Application

Approval has already been granted for the conversion of the mill building into 34 apartments and the erection of 88 new apartments (122 in total).

The layout of the mill building has recently been amended internally to create 4 extra apartments. This was considered to be a minor amendment to the overall scheme as no external alterations were involved. The scheme has therefore currently got consent for 126 apartments in total.

This application proposes an additional floor over the new apartment block closest to the zinc alloy foundry fronting Adams Street, to create an additional 6 apartments, bringing the overall total to 132 apartments.

The block where the additional floor is to be created is in the north-west corner of the site closest to Zinc Alloys foundry, fronting Adams Street. The block is currently approved at 4 stories in height and is half a floor below the height of the adjoining building in the development site. It would bring this block up to 5 stories in height, making it half a floor higher than the adjoining building. The remainder of the buildings vary between five storeys in height down to three storeys adjoining the cottages on the main road frontage. None of the buildings exceeds the height of the mill.

As part of the proposal an additional 6 parking spaces are proposed on land recently acquired by the applicant, adjoining the canal. The layout of the parking area has been amended to increase the number of spaces within the site to 126 this plus the additional 6 spaces proposed on the additional land, bring the total number of parking spaces provided on site up to 132 spaces in total (100% provision).

Relevant Planning History

BC55886P/C Erection of 59 residential units (conversion of the mill to 17 units and 42 new dwellings). Grant subject to conditions 6th October 2000

03/1555/FL/W2 Variation of condition 1 of outline permission BC55886P/C (timing of submission of details). Granted subject to conditions 20th November 2003

02/0556/FL/W2 Outline: erection of 74 new dwellings Grant subject to conditions on 25th June 2002.

This did not include the conversion of the flour mill, but was tied to it by a condition

- i. *The condition required that a full permission must have been approved for the conversion of the mill, and that it had commenced, before, or at the same time as, the new units, to ensure the new build units were not erected independently of the conversion.* This created planning permission for 91 residential units in total (17 plus 74).

03/1171/FL/W2 Erection of 88 no. apartments and the part demolition and change of use of the existing mill buildings into 34 apartments (122 units in total) Refuse 20th January 2004

04/0397/RM/W2 Reserved Matters to 02/0556/OL/W2 & 03/1555/FL/W2 for the erection of 74 no. apartments and the part demolition and change of use of the existing mill buildings into 17 apartments. Total 91 no. apartments 29th April 2004

04/1349/FL/W7 Erection of 88 no. apartments and the part demolition and change of use of the existing mill buildings into 34 apartments. (122 units in total) (Resubmission of 03/1171/FL/W2). Grant Subject to Conditions 4th August 2004

04/2322/FL/W2 Provision of an additional vehicle access for adjacent residential development Grant subject to conditions 6th January 2005

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

Unitary Development Plan:-

2.1 and 2.2 define the overall strategy of the plan. The aims of sustainable development, urban regeneration, & environmental improvement are identified.

2.4 - seek equality

ENV32: Design and Development Proposals.

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

GP1 - Locate development sustainably

GP2 deals with Environmental Protection. This requires all developments to make a positive contribution to the quality of the environment and the principles of sustainable development

GP3 is about planning obligations

GP7 considers Community Safety implications of development proposals.

3.1 strategic environment policy which promotes sustainable development and environmental improvement

3.6 seeks environmental improvement

3.7 - protect neighbours from nuisance

H3 - Encourage housing through the use of previously developed sites

H9 - Minimum densities: exceeding 50 per hectare encouraged in centres

H10 is about layout, design and dwelling mix of housing, This states that the Council will expect the design of residential developments to create a high quality living environment, well-integrated with surrounding land uses and local character, and in accordance with the principles of good design

T7 - Car parking requirements general.

T13 - Car parking requirements set out in detail

Residential Development Standards:

Standards for Residential Developments (B) Space around Dwellings: this should provide adequate private amenity space and an acceptable level of privacy and daylight (i) generally garden lengths should be a minimum 12 m and 68 sq m. in area (ii) facing habitable rooms should be a minimum of 24m; a minimum of 13 m between habitable room windows and blank walls which exceed 3m in height (C) Boundary Treatments should provide an appropriate degree of privacy whilst protecting and enhancing the appearance of the development.

The mill is locally listed.

National Policy

PPG3 gives detailed government guidance concerning new residential development.

Consultations

Transportation - No objections. The proposal will increase the total number of apartments being constructed on the site to 132 and the originally accepted car parking ratio of 1 space per apartment in this sustainable location has been maintained. The impact of the additional traffic on the local highway network will be negligible.

Pollution Control - Concerns have been raised regarding the impact the proposed development may have on emissions to air from the foundry stack at AGS (Zinc Alloys) Ltd and the resultant ground level concentration of pollutants at nearby sensitive receptors. As a consequence, scenario modelling has been carried out to assess air pollutant levels for nearby receptors. The exercise has not identified any breach of relevant air quality standards.

Environmental Regeneration (Conservation Officer) - This site falls within Walsall Locks Conservation Area, the existing mill building is locally listed. The approved design steps down from the front to the rear of the site. This proposed additional floor would alter that with the final section stepping up. I do not feel that this would have a significant visual impact on the overall scheme. The proposals will not have an adverse impact on the conservation area or the locally listed building.

Walsall Regeneration Company - Support the scheme.

British Waterways Board - No objections, however the addition of 6 parking spaces adjoining the canal could have an adverse visual impact on the canalside when viewed from the towpath and waterway. Parking areas should be encouraged away from the canal and promote active building frontages facing the canal and natural surveillance of the waterway. If the spaces must remain then they should be screened by using high quality hard and/or soft landscaping.

Fire Officer - Satisfactory access for fire service vehicles.

Representations

One letter of representation has been received which raises the following issues:

The additional height could threaten operations from the foundry

- Previous risk assessments were done on the basis of the then proposed height of the building.
 - Additional height to the application could affect the '*pervading winds and plume meandering from ..*' the foundry;
 - Increase in traffic will put strain on the surrounding roads.
- Overlooking of the foundry would not be aesthetically pleasing.

Determining Issues

- design
- environmental amenity
- transportation / parking

Observations

Design

The application proposes an additional floor over the new apartment block in the north-west corner of the site closest to the non-ferrous foundry, fronting Adams Street. The block is currently approved as half a floor below the height of the adjoining building, due to the ground levels dropping away slightly towards Wolverhampton Road. This also adds interest to the design of the buildings. If the application is approved it would bring this block up to 5 stories in height, half a floor higher than the adjoining building. This would retain the design interest aspect of having buildings which are varied in height. The Conservation Officer feels that this would not have a detrimental visual impact on the overall scheme nor would the development have an adverse impact on the conservation area or the locally listed building. That view is reflected in the recommendation.

Environmental Amenity

Concerns have been raised regarding the impact the proposed development may have on emissions to air from the foundry stack at AGS (Zinc Alloys) Ltd adjacent to the north west corner of the site. Pollution Control officers have carried out modelling to assess air pollutant levels for nearby receptors. No breaches of relevant air quality standards have been identified. The proposal is therefore considered acceptable.

Transportation/parking

The Unitary Development Plan car parking requirement is 1.5 spaces per apartment. One space per apartment has been accepted on the previous applications, and is proposed on this scheme.

The issue is therefore whether the proposed increase in numbers would generate an unacceptable increase in traffic flows on surrounding streets to the detriment of the safety and free flow of traffic. The transportation officer does not object to the proposal.

When considering the potential effect on the surrounding roads of 100% parking provision for the earlier scheme for 122 apartments, an analysis was carried out regarding the potential re-opening of the industrial use of the site as opposed to the traffic movements that the use of the site for 122 units would generate. It was concluded that the potential re-opened industrial use of the site would attract 80 movements during the AM peak hour compared to 36 movements associated with the residential use. During the PM peak hour an industrial development would attract 58 movements compared to 48 movements which be generated by residential development. Consideration should also be given to the types of vehicles involved. The industrial development would be expected to attract a significantly greater proportion of HGV's. Taking these factors into account it is clear that the residential use of the site, even with the slight increase in the number of apartments proposed by this application, would result in a net benefit to users of surrounding roads when compared to the historic industrial activities at the Flour Mill.

In addition, the location of the development should be taken into account as it is within walking distance of several bus routes, which mitigates in favour of a reduction in the car parking provision. I am also mindful of the Government guidelines contained in Planning Policy Notes 3 (Housing) and 13 (Transport) which allow for flexibility in the application of parking standards in order not to overly prejudice the redevelopment of previously developed

sites, and the need to achieve environmentally sustainable development (with less emphasis on the private car).

Furthermore, under the scheme for 122 apartments the vehicle access and egress to the site was from Thomas Street. Since then a new access (in only) has been approved directly into the development by the construction of a filter lane at the existing traffic junction with Wolverhampton Street/Blue Lane West. This will improve the scheme by reducing conflict with industrial traffic.

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. A noise insulation scheme should be submitted prior to development commencing. Dwellings shall not be occupied until a scheme to protect the occupants from noise has been approved by the Local Planning Authority. The applicant shall have regard to the recommendations and guidance within British standard BS8233:1999, '*Sound Insulation and Noise Reduction for Buildings-Code of Practice*' and the World Health Organisation publication '*Guidelines for Community Noise*' 2000. No dwelling shall be occupied until the approved details relevant to that dwelling have been implemented and completed. The approved details shall be thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the satisfactory condition of the site, for future occupation, and to protect the local environment.

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

Reason

To prevent pollution of the water environment.

4. The development hereby permitted shall not commence until details of foul and surface water drainage have been submitted and approved in writing by the Local Planning Authority. The approved works shall be carried out concurrently with the development of the site.

Reason

To ensure that the development is provided with a satisfactory means of drainage to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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

Reason

To ensure the satisfactory appearance of the site

6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995, or succeeding Orders, no gates, fences, walls or other means of enclosure which significantly affect the appearance or functioning of the public areas of the development, except those included on the plans approved under Condition 5, shall be erected or moved without the prior approval of a planning application relating to that work.

Reason

To ensure the satisfactory appearance of the site, and to control the erection of new fencing

7. No development shall be carried out until details of proposed refuse facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than in a refuse container as approved under this condition.

Reason

To ensure satisfactory provision.

8. The facing materials to be used, mortar details, window and door details shall be as approved under planning permission 04/1349/FL/W7 have been approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development.

9. Before the development hereby permitted is brought into use the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The car parking shown on the approved plans shall only be used in association with the building which is the subject of this planning permission. The approved scheme shall be implemented before this development is brought into use and the parking spaces shall have been clearly marked out.

Reason

To ensure the satisfactory provision of parking, its implementation, and subsequent control.

10. 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 site.

- 11 All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:
- (a) grassed areas shall be maintained in a tidy condition by regular cutting and any areas that fail to establish shall be reinstated;
 - (b) planted areas shall be maintained in a tidy condition by regular weeding and litter collection;
 - (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
 - (d) any damage to protective fences shall be made good.

Reason

To ensure the establishment of the landscaping.

- 12 No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels have been approved in writing by the Local Planning Authority. The plans shall clearly show the proposed means of surface water drainage. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason

To ensure the satisfactory appearance and functioning of the site.

13. No development shall be carried out until a lighting scheme for the car park has been submitted to and approved in writing by the Local Planning Authority.

Reason.

To secure the safe functioning of the site.

NOTES FOR APPLICANT:

- A. British Waterways have been consulted on this application and your attention is drawn to the attached reply.
- B. Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

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 and proposals of the development plan, in particular policies 2.1, 2.2, 2.4, ENV32, GP1, GP3, GP7, 3.1, 3.6, 3.7, H3, H9, H10, T7 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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