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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0059/FL

Application Type: Full application

Applicant: The DK Partnership

Proposal: Proposed demolition of existing buildings and erection of 96 dwellings with associated development, landscaping and infrastructure

Ward: Rushall-Shelfield

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

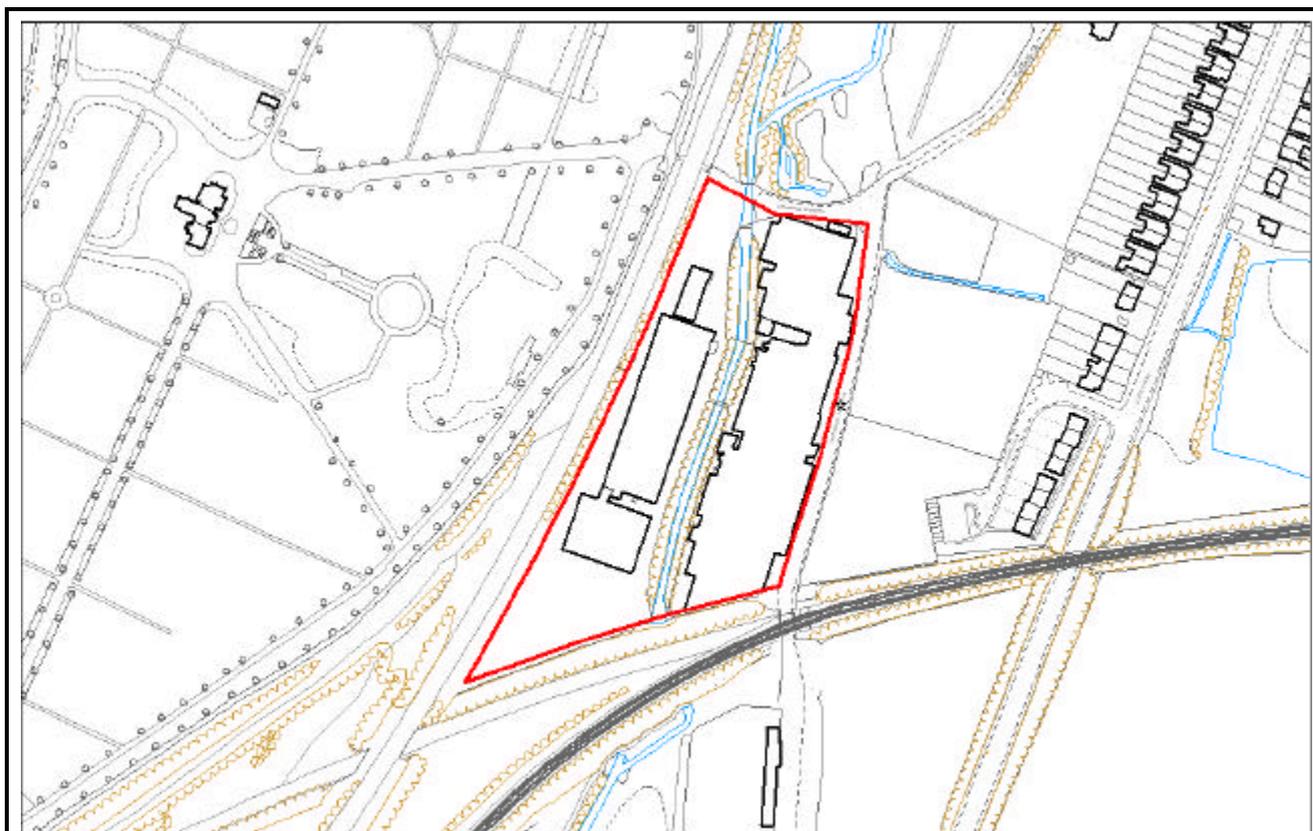
Case Officer: Andrew White (E10)

Telephone Number: 01922 652487

Agent: Countrywide Property Holdings PLC

Location: LAND AT CARTBRIDGE LANE SOUTH, WALSALL

Expired: 15/04/2008



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Application and Site Details

The proposal is for demolition of vacant industrial buildings and erection of 96 dwellings with associated development, landscaping and infrastructure at Cartbridge Lane South, Rushall. The premises are allocated as a Major Developed Site within the Green Belt (Policy ENV4d) falling within a wedge of Green Belt land between residential areas of Coalpool/Ryecroft, Rushall and The Butts. The site has boundaries to Coalpool Cemetery in the west (across the ex railway), Cartbridge Crescent and open paddocks to the north and east and a dismantled railway line to the south where there are belts of substantial trees. There are allotments and housing further north and an electricity power station beyond the railway to the south. Ford Brook runs through the centre of the site and is culverted at the north and south where the water level lies 3 metres below the site level. A pedestrian bridge crosses the brook approximately half way along its length.

The site is served from a single point of access on the short north boundary on Cartbridge Crescent which is connected to Cartbridge Lane South. To the south of the site, Cartbridge Lane South passes under an existing rail line. The proposals incorporate an emergency access for fire service vehicles by improving an existing footway/cycleway linking Cartbridge Lane in the north to Cartbridge Lane South to allow vehicles to enter from the north and exit to the south. This requires provision of emergency access bollards, removal of vegetation overhanging the carriageway and revision of a Traffic Regulation Order to allow for emergency vehicles.

The proposed accommodation would provide a total of 96 dwellings, comprising a mix of 5 no. 1 bed apartments, 45 no. 2 bed apartments, 35 no. 3 bed houses and 11 no. 4 bed houses. The proposed apartments are 2 & 3 stories high and proposed houses 2 & 2½ stories high. 178 parking spaces proposed (180%). House types A-F have individual off-street parking within a car port, and all apartments have shared communal parking. The proposals also include provision of a new pedestrian bridge over Ford Brook.

The applicants state that the owners are facing a continuing battle to keep the premises secure and prevent trespassing and vandalism due to its isolated location and are therefore keen to carry out demolition and redevelopment of this site.

The site area is 2.39 hectares which gives a density of 40 dwellings per hectare.

In addition to the submitted drawings the applicants have supplied the following documents in support of the proposals; Topographical Survey; Design & Access Statement, Ecological Assessment, Tree Survey, Archaeological Assessment, Acoustic Assessment, Flood Risk Assessment, Geotechnical Assessment, Transport Assessment, Development Appraisal and a Statement of Community Engagement.

Further information on the ecological habitat issues has been supplied by the developer's ecologist that states as the corridor on either side of the brook will be maintained as part of the proposals and as crayfish live under rocks and stones at the bottom of watercourses, implementation of any new landscaping or planting on either side of the brook is unlikely to affect their habitats. In the circumstances they consider a further crayfish survey at an optimum time of year could be enforced by way of a planning condition claiming this follows the guidance in Circular 06/2005 Biodiversity and Geological Conservation.

Relevant Planning History

07/2481/ND/E10 - Screening Opinion to ascertain if an Environmental Assessment is required for Residential Development – Deemed decision that an EIA is not required.

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

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 and safe access is provided.

GP3: 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.

GP4 and ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

3.3: The character and function of the Green Belt will continue to be safeguarded as part of the wider West Midlands Green Belt.

3.21 & ENV1: Defines the purpose of the Green Belt.

ENV3: Identifies more detailed considerations for proposals in the Green Belt.

ENV4: Redevelopment proposals for major developed sites in the Green Belt should have no greater impact than the existing development on the openness and purpose of the Green Belt.

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

ENV21: Development which would destroy, damage or adversely affect a Site of Local Importance for Nature Conservation will not be permitted unless it can be demonstrated that there are reasons for the proposal to outweigh its level of nature conservation value.

ENV22: Development needs to demonstrate no adverse impact on species protected by European law.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: New development should maintain the integrity of wildlife corridors.

3.16, GP7, ENV32, H10 and 3.116: seeks 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. Designing out crime' through design, layout, landscaping and boundary treatments.

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

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

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.

H9: net density of residential development should be at least 30 dwellings per hectare. Densities exceeding 50 dwellings per hectare will be encouraged on sites located at major transport corridors.

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 a financial contribution to the costs of providing these facilities will be required.

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these.

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.

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.

T3: The Council will safeguard land for rail use and promote jointly with Centro and rail operators, improvements of existing and the establishment of new passenger rail or metro services.

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

T12: for residential developments the walking distance should be no more than 400 metres to a bus stop.

T13: car parking standards

1, 2 & 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Flats with communal parking 1.5 spaces per unit

Supplementary Planning Document “Designing a Better Walsall” (January 2008)

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies eight key urban design principles for consideration including sustainability, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability. Local Character Guidance is also included, plus Public Art Guidelines and Numerical Guidelines for Residential Development. The latter identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made. 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.

Supplementary Planning Document for Urban Open Spaces

Identifies the requisite local standards and contributions that developers will be required to make towards provision and improvement of open spaces.

Supplementary Planning Document for Education

Sets out the contributions that developers will be required to make towards the provision and improvement of local education facilities.

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Supplementary Planning Document for Healthcare

Seeks to provide adequate healthcare facilities and sets out requirements for contributions from potential developers.

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. Policies CC1, UR1B, QE10 are specifically relevant.

National Policy

PPS1 Delivering Sustainable Development – Emphasises the need to reject poor design and the need for sustainable development.

PPG2 Green Belts – Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate development. Essentially development should have no greater impact than the existing development on the openness and purpose of the Green Belt, not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings.

PPS3 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.

PPS9 Biodiversity & Geological Conservation – seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

PPS10 Planning for Sustainable Waste Management – Aims to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

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

PPS24 Planning and Noise – Seeks to minimise the adverse impact of noise.

PPS25 Development and Flood Risk – Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

Circular 06/2005 – Biodiversity and Geological Conservation.

Other relevant policies include PPG14 Development on Unstable Land, PPG16 Archaeology & Planning and PPS23 Planning and Pollution Control, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

Consultations

Transportation – No objections subject to a revised plan to address initial concerns regarding road width and subject to conditions. The parking provision complies with that required by policy T13.

Pollution Control (Contaminated Land Team) – No objections subject to conditions to ensure remediation and mitigation of contaminated ground and ensure the water course running through the site is not adversely affected.

Pollution Control (Scientific Team) – No objections subject to conditions to ensure requisite measures are put in place to address potential and/or actual noise and vibration issues arising.

Environmental Health – No objections.

Landscape and Ecology – No objections in principle to residential development but the application lacks key landscape, ecology and arboricultural information. A landscape plan is required to co-ordinate the design of external space. The landscape scheme has to retain and enhance the wildlife corridor centred on the Ford Brook which flows through the centre of the site. The Ford Brook is also a Site of Local Importance for Nature Conservation. A landscape scheme also has to be demonstrated that the site can effectively be screened and blended in from the new Mill Lane Local Nature Reserve and major pedestrian routes. It also has to provide attractive internal spaces for future residents. Proposed housing on the south-eastern corner of the site will be heavily shaded by the adjacent railway embankment and the trees growing. A detailed drawing showing arboricultural information superimposed on the proposed layout in order to assess fully the impact of the development on trees should be provided. It is likely that the layout will need to be amended to accommodate meaningful landscape treatment.

Reports have been received on protected species matters. The Water Vole Survey findings state there is no suitable habitat which is accepted and a further Bat emergence survey is recommended which can be conditioned. However, the applicant must demonstrate that there will be no adverse impacts on White-Clawed Cray Fish or their habitats during the development, from site clearance to building phase, and any impacts identified should be assessed and avoided. Method statements are required to demonstrate that the impacts can be avoided and the design and layout amended as required. This information should be provided before any permission is granted as the further ecological work should inform the design.

Surveys are required prior to determination and mitigation measures incorporated in a landscaping scheme which should also be submitted prior to determination. The use of underground storage tanks rather than balancing ponds is an opportunity wasted. Action to benefit biodiversity and community involvement forms a key part of the Black Country Living Landscape Programme and the development represents an opportunity for early delivery on implementing the Black Country Urban Park and associated Landscape Action Plan. An ecological management plan detailing future management, maintenance and monitoring requirements is required.

Further details to show tree protection measures in accordance with BS5837: 2005, including Root Protection Zones and the implications of shading upon the development are required.

In summary further protected species surveys are required, compensation and mitigation measures resulting from the findings of these surveys and detailed landscaping proposals to produce a net gain for biodiversity on the site before the application is determined.

Strategic Policy – No objections. The site is designated a major developed site in the Green Belt whereby the key issue is the impact on the openness and character of the

Green Belt. Given the density, massing and permitted use of the existing development the proposed residential development would have less of an impact. There is no overriding reason for the site to be retained in employment use and residential development will make a useful contribution to meet the house building requirements in accordance with the Regional Spatial Strategy. Development should not prejudice the reinstatement of the adjacent dismantled railway.

Drainage – No surface water from this site to be discharged into the Ford Brook Watercourse.

Environment Agency – No objections subject to conditions. The developer is recommended to consider replacing grilles on the secondary railway culverts and raise road levels in Cartbridge Lane South to reduce further risk from flooding, incorporation of sustainable drainage techniques for surface water disposal and subject to details of floor levels.

Strategic Housing – Provision of 25% affordable housing will be required on site split 50/50 in tenure between social rent and shared ownership. The larger affordable properties should be social rent, smaller should be shared ownership.'

Education Walsall - No objections. A financial contribution of £302,737.50 is required towards primary and secondary school provision in accordance with the Supplementary Planning Document for Education.

Rights of Way Officer – No objections but query who will maintain the foot/cycle path across the brook.

Fire Service – No objections as the revised layout addresses previous concerns.

Centro –Accessibility to public transport from the development site is poor and in the circumstances the developer should provide high quality pedestrian facilities to the surrounding public transport network which are direct, convenient, well lit and of a safe and secure design. It is also worth considering whether a financial contribution towards the ongoing improvements being made towards public transport infrastructure in the area as well as towards the long-term development of the public transport network should be sought as supported by Policy T10.

The development site is located adjacent to a disused rail line. Whilst the site is not directly affected the developer should be made aware that Walsall Council and Centro-WMPTA aspire to develop a new public transport system along the disused line. Options include the reintroduction of heavy rail (as supported by Policy T3), a new light rail system or a bus rapid transit system.

A residential travel plan is also recommended.

British Waterways – No objections.

Police Architectural Liaison Officer – No objections but recommend the site achieves Secured by Design to improve safety for residents and give a greater level of security to properties.

Public Participation Response

One letter received which welcomes development of the land but expresses the following concerns:

- Developers should take care to protect potential bats on site and their habitats
- Removal of contaminants from the land may result in air borne pollution causing a hazard to human health and potentially affecting adjacent allotments and should therefore be suitably supervised
- Need to know what measures will be taken to deal with biogenic gas
- Fordbrook Wildlife should be protected during decontamination, laying of services and building work
- There has never been a tannery on site but it was used for disposal of waste from the leather industry in Walsall

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

Determining Issues

- Principle of Residential Development
- Impact on the Green Belt
- Layout and Design
- Landscaping and Ecology
- Flooding
- Security
- Education/Urban Open Space/Healthcare/Affordable Housing provision

Observations

Principle of Residential Development

There is no compelling need for the premises to be retained for employment purposes and redevelopment for residential purposes is appropriate given that it is located within a major urban area and will make a useful contribution to meeting house building requirements in accordance with the Regional Spatial Strategy. Residential development will also be more in keeping with the surrounding context and offers improved surveillance of the surrounding areas.

The proposed density at 40 dwellings per hectare is within the accepted range stated in PPS3 and policy H9 of the Unitary Development Plan and takes into account the limitations set by the Green Belt policies in terms of the footprint of buildings and the need to introduce a level of development that is viable. The proposals are acceptable in these instances.

Impact on Green Belt

The proposal involves demolition of existing industrial buildings and construction of new residential development. The scheme meets the Development Plan requirements for a Major Developed Site in the Green Belt (Policy ENV4d) in that it would have no greater impact on the purposes of the Green Belt than the existing development and the area to be covered by buildings would not occupy a larger area of the site than the aggregate

ground floor area of the existing buildings. It would also have no significant intensification of activities on site or extra traffic generation. Although the height of the existing buildings would be exceeded this does not have any greater impact on visual amenities or the character of the Green Belt.

The site is surrounded by dense tree planting and a railway embankment to the north, south and west that gives a landscaped setting and will provide screening to new development in the same way that the existing industrial buildings are screened. The existing industrial buildings are located in two groups on either side of the Ford Brook that runs down the centre of the site and have a total floor space of 12,824m². As the proposed residential development has a total floor space of 7352m² this will be a 43% reduction in the floor space of the buildings on site and would have a considerably improved impact on the character and openness of the Green Belt in accordance with policy ENV4. Although the proposed new dwellings are in most instances significantly taller than the existing buildings on site (between 8.2-12m high as opposed to the existing which are between 7-8m high) it is considered that the proposed residential properties are of a reduced bulk, scale and massing therefore on balance the increased height is acceptable as overall there will be an improvement on the openness and character of the area.

The existing industrial buildings are of significant scale and mass and their derelict state has a poor appearance within the Green Belt and poor relationship to the Ford Brook and surrounding areas. The proposed new dwellings will be of a reduced scale and coupled with other environmental improvements will offer an improved appearance within the Green Belt in accordance with policy ENV4 and PPG2.

Layout and Design

The layout and design focuses on maximising surveillance and providing a safe and secure environment for future occupiers. It shows a combination of housing and apartments arranged in perimeter blocks facing onto the public realm with secure private gardens and amenity space enclosed to the rear of the buildings. The layout takes on a linear form following the pattern of frontages following Cartbridge Lane South and Ford Brook. It also maintains and enhances the Ford Brook corridor allowing space to accommodate access and provision of surveillance of this public area from a large number of properties creating a safe environment.

In terms of the individual housing only plots 3, 6, 40, 48, 61 and 70 have rear gardens areas below 68m². However, these gardens range between approximately 60-67m² which does give a satisfactory level of private amenity space in this open Green Belt context. In the case of plots 48 and 68 the dwellings have an open aspect onto adjacent areas. The proposed apartments have shared private amenity space with those on plots 9-14 and 31-36 having less than 20m² per flat. This is below that recommended in the Supplementary Planning Document Designing a Better Walsall. It is also likely that given the overall height of the buildings and orientation the amenity space will be overshadowed by the buildings. This has arisen because the apartments have been introduced as a design solution to create a sense of place and provide a secure built form to the edges of the development that offers surveillance of the public realm in all directions. It is also noted that the apartments overlook open space and occupiers will gain visual amenity value from this open aspect. On balance it is considered that these shortfalls are outweighed by the security benefits.

The design of the dwellings has taken influences from properties in the surrounding areas yet sought to introduce a distinct identity for this Green Belt site. This includes use of facing brickwork and render, bay windows, projecting gables, chimneys, ornamented ridge details, dormer windows, car ports etc. Simple elevations with vertical emphasis in windows are shown. This is evident in the elevations of the buildings and the introduction of key buildings at prominent corners.

Private parking is either within the individual plot, within the building footprint, in adjacent garages or secured courtyards and parking levels accord with those required by policy T13. Use of garage and courtyards will also help reduce the dominance of parked vehicles within the street scene.

Landscaping and Ecology

The Council ecologist is concerned about the lack of landscaping details and the potential impact landscaping or proposed development would have on possible habitats of protected species. The applicants should demonstrate how the design and layout has been informed by such matters including the need for further protected species surveys, compensation and mitigation measures resulting from the findings of the species survey work. Detailed landscaping proposals are also required that provide a net gain for biodiversity on the site and take account of the adjacent Local Nature Reserve together with an ecological management plan detailing future management, maintenance and monitoring requirements.

In terms of the bat survey work a further emergence survey is recommended at an appropriate time of year which can be conditioned. The Water Vole survey concluded that the habitat is unsuitable for the species and no evidence of their presence was found on site which is accepted.

The submitted ecological reports identify that there is a potential for White Clawed Crayfish to be present on site as the gabions along the banks of several sections of the brook may provide a suitable habitat for this species. As this is a protected species, and in accordance with EEC guidance and Circular 06/2005 decisions should not be made on proposals before adequate information is received to demonstrate that habitats will not be harmed. The developer has suggested further surveys are carried out during optimal crayfish season (July to mid September) and that this could be enforced by way of a conditional planning permission. The proposals are to retain the river corridor which would permit such surveys to be carried out. Also, the developers claim that the likely presence of white clawed crayfish is low due to there being no recent records of their presence within the vicinity and the poor aquatic habitat for the species.

The developer's ecologist claims that increased shading may have a beneficial effect upon the crayfish, hence potential for buildings to shade the brook should not pose a potential threat to their habitats. In addition, the corridor on either side of the brook will be maintained as part of the proposals and as crayfish live under rocks and stones at the bottom of watercourses, implementation of any new landscaping or planting on either side of the brook is unlikely to affect their habitats.

The concerns of the Council's ecologist could be addressed through submission of a scheme prior to permission being issued to demonstrate that the potential habitat for crayfish would not be affected by landscaping or other works to the brook corridor. It would be important to ensure that any agreed scheme is compatible with the overall residential layout.

Flooding

The site is constrained by the Ford Brook watercourse running through the centre and the need to allow service strips either side due to requirements for Environment Agency access. The site is within Flood Risk Zone 2 (medium risk). The brook is cut through the site with the water level some 2-3 metres below the site level. The Environment Agency assumes in testing the application some blocking of the downstream culvert and this can be accommodated by oversizing drainage pipes parallel to the brook. The proposed dwellings are also to be set at a minimum of 600mm above the highest flooding levels to help mitigate against future flooding of any new property. The Flood Risk Report also shows a reduction in discharges of surface water as a result of the redevelopment proposals. Provision of water butts and sustainable drainage techniques are recommended. These measures should overcome potential flooding problems and conditions are recommended.

Security

As the site is in a fairly remote location it has suffered from vandalism, anti-social behaviour and security problems since the premises became vacant. This has posed a major threat to the safety and security of the site which has subsequently deteriorated and is of great concern both locally and to the Police. A key consideration in determining the layout has therefore been to maximise surveillance throughout the site. The introduction of housing and apartments may provide improved surveillance of the surrounding areas and provide a greater public presence around the site that will encourage more people to use the pedestrian and cycle links and routes and public spaces around the site to help improve security.

The layout provides a clear definition between public and private spaces with secure private boundaries, overlooking of adjacent access routes and public spaces, front doors facing the street, varied storey heights to provide increased surveillance, parking within plot where possible and traffic movements restricted by the layout and street features. Overall the proposed residential development will provide satisfactory security for the site in accordance with policy GP7.

Education/Urban Open Space/Healthcare/Affordable Housing provision

Under the requirements of policies GP3, 8.8, LC1, 8.9 and H4 of the UDP and Supplementary Planning Documents on Education, Urban Open Space, Healthcare and Affordable Housing the development would attract the need for a S106 Agreement to cover Education (contribution of £302,737.50 towards primary and secondary school provision) Urban Open Space (contribution of £212,280.00), Healthcare (contribution of £93,769.20) and Affordable Housing in the region of £1.5 - £2 million (25% on site provision to comprise 50/50 split between social rent and shared ownership spread across all property sizes on units yet to be determined but to be spread throughout the site) in accordance with the thresholds and criteria specified in the relevant supplementary planning documents. The total figure for required contributions therefore amounts to approximately £2,642,386.70.

The new Supplementary Planning Document “Designing a Better Walsall” requires provision for a contribution of £33,600 towards public art provision for this scheme. However, as the application was submitted before adoption of the SPD by cabinet it is unreasonable to call on the developer to provide for this in addition to other required contributions.

In support of the proposals a Development Viability Appraisal has been submitted which states that due to significant abnormal costs in bringing the site forward for development plus other flooding issues, the need for improvements to Cartbridge Lane, vandalism to the redundant buildings on site and anti-social behaviour, these factors should be given weight in considering the level of obligations required.

The District Valuer concludes that even without S106 Obligations, finance costs or planning fees, the scheme will result in a large loss on the projected revenue (a revenue of -17.99% on private capital value). Given that the site will attract substantial abnormal costs, it appears that to make the scheme viable will require a reduction in the site value, lower percentage of affordable housing or redesign of the scheme to provide higher value housing whilst keeping costs down. The developer has indicated that the site was purchased following liquidation of the business hence there is no opportunity to reduce the site costs. In terms of other matters any further offers by the developer in terms of S106 obligations will be reported in supplementary papers. Committee will need to assess whether to accept any negotiated offers by the developer.

Committee should be satisfied that any decision to relax financial contributions are directly related to the special circumstances of this case in recognition of the abnormal development costs so as not to undermine the successful application of policy at other sites where the need to secure contributions is paramount.

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.

2. This development shall not be carried out other than in conformity with the following approved plans and documents: -

- Site Location Plan received 11/01/08
- Planning Layout (Drg. No. 03 Rev E) received 08/04/08
- Site Sections (Drg. No. 04 Rev A) received 10/03/08
- House Type A (Drg. NO. 05) received 11/01/08
- House Type B (Drg. No. 06) received 11/01/08
- House Type C (Drg. NO. 07) received 11/01/08
- House Type D (Drg. No. 08) received 11/01/08
- House Type E (Drg. No. 09) received 11/01/08
- House Type F (Drg. No. 10) received 11/01/08
- House Type H (Drg. No. 11) received 11/01/08
- House Type J (Drg. No. 12 Rev A) received 10/03/08

- House Type K (Drg. NO. 13) received 11/01/08
- Apartment Types F1, F2, F9 & F10 (Drg. No. 14) received 11/01/08
- Apartment Types F3 & F4 (Drg. No. 15) received 11/01/08
- Apartment Types F3 & F5 – Sheet 1 of 2 (Drg. No. 16) received 11/01/08
- Apartment Types F3 & F5 – Sheet 2 of 2 (Drg. No. 17) received 11/01/08
- Apartment Type F6 (Drg. No. 18) received 11/01/08
- Apartment Types F7 & F8 (Drg. No. 19) received 11/01/08
- Street Scenes (Drg. No. 20 Rev A) received 10/03/08
- Garage (Drg. No. 21) received 11/01/08
- Bin Stores (Drg. No. 22 Rev A) received 10/03/08
- Topographical Survey (Drg. No. 040707/1) received 11/01/08
- Topographical Survey (Drg. No. 040707/2) received 11/01/08
- Topographical Survey (Drg. No. 040707/3) received 11/01/08
- Topographical Survey (Drg. No. 040707/4) received 11/01/08
- Topographical Survey (Drg. No. 040707/5A) received 11/01/08
- Topographical Survey prepared by
- Design & Access Statement prepared by DK Partnership dated November 2007 received 11/01/08
- Extended Phase 1 Habitat Survey prepared by Marishal Thompson & Co. dated 18/12/07 received 11/01/08
- Pre-Development Tree Condition Survey prepared by Marishal Thompson & Co. (ref: D/2007071420/PW vs.1) received 11/01/08
- Initial Site Appraisal of Archaeological Risk prepared by Marishal Thompson Group Ecology (ref: E/2007071422/AW vs.1) received 11/01/08
- Report on Existing Noise Climate prepared by Hoare Lee dated 03/12/07 received 11/01/08
- Flood Risk Assessment prepared by JMP Consulting dated 13/12/07 received 11/01/08
- Geotechnical Assessment prepared by Enviros Consulting Limited dated November 2006 received 11/01/08
- Transport Assessment prepared by ADL Traffic Engineering received 11/01/08
- Development Appraisal
- Statement of Community Engagement prepared by DK Partnership dated December 2007 received 11/01/08

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

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

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

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

Reason: To ensure the satisfactory development of the site.

5. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the 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 ensure the satisfactory development of the site.

6. No development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments (including details of the gates to the secure parking areas), has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. Prior to commencement of the development hereby approved details of the exact siting, design and construction of the proposed footbridge/cycle path across Ford Brook shall be submitted to the Local Planning Authority for approval and then implemented in accordance with the approved details and maintained throughout the life of the development unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure the satisfactory development of the site.

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

Reason: To ensure the satisfactory development of the site.

9. 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 and shall show floor levels set at least 600mm above the modelled 1 in 100 year flood level climate change of 123.60 metres above Ordnance Datum. The development shall be carried out and retained in accordance with these approved details.

Reason: In the interests of the amenity and to protect the development from flooding.

10. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

11. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s).

Reason: To provide safe access and egress during flood events and reduce reliance on emergency services.

12. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of the banks of Ford Brook inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

13. The development shall be constructed in accordance with the Code of Sustainable Homes '3 stars' or Eco Homes 'good' standard relating to energy efficiency / CO₂, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

Reason: In order to provide high performance sustainable homes and protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and policies GP2 and ENV39 of the Walsall Unitary Development Plan

14. Prior to the commencement of the development measures to safeguard protected species and wildlife habitats, shall be submitted to and agreed in writing by the Local Planning Authority and any compensation or mitigation measures identified implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation. Such measures shall include a further bat emergence survey to be carried out during an appropriate time of year (between May and August) and white clawed crayfish survey to be carried out during the optimal crayfish season (July until mid-September) under the supervision of a suitably qualified ecologist.

Reason: To ensure the protection of wildlife and protected species on the site.

15. 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 and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition;

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

Reason: To ensure the satisfactory appearance of the development.

16. Levels of ground and/or structure-borne vibration transmitted to occupied buildings emanating from the railway shall not exceed specified criteria for 'low probability of adverse comment' with reference to British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).

Reason: To ensure the satisfactory development of the site.

17. No development shall take place until suitable noise mitigation measures as recommended in the report on this site from Hoare Lea Acoustics dated 3rd December 2007 to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Reason: To ensure the satisfactory development of the site.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policies 3.3, 3.6, 3.7, 3.16, 3.23, GP2, GP3, GP4, GP7, ENV4, ENV14, ENV17, ENV18, ENV24, ENV32, ENV33, H3, H9, H10, 8.8, LC1, LC8, T7 and T13 of Walsall Unitary Development Plan March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

Notes to applicant

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

In relation to condition 4

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

In relation to condition 16.

The magnitudes at which the probability of 'adverse comment' arises shall be assessed with reference to British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).

In relation to condition 17.

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 and the following are relevant:

- a). *internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8\text{ hours})}$, 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, $L_{Aeq(16\text{ hours})}$, of 45 dB between the hours 07.00 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 points, 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0394/FL

Application Type: Full application

Applicant: Muller Property Holdings Limited

Proposal: Demolition of existing buildings and erection of 304 houses and apartments, revised access, amenity areas, parking and associated works. (Resubmission of 07/2465/FL/W2).

Ward: Darlaston South

Recommendation Summary: Grant subject to conditions, satisfactory resolution of issues arising from the report and a S106 Legal Agreement.

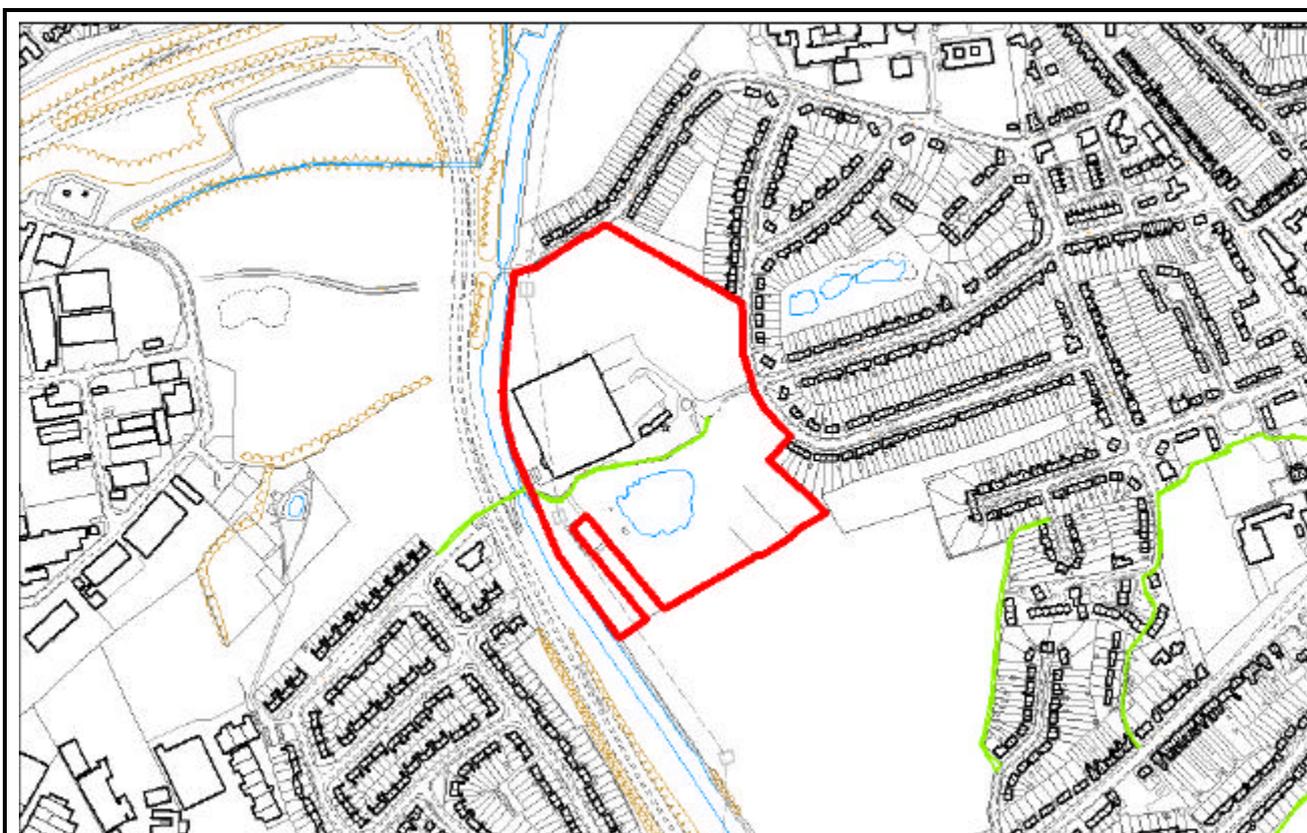
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: Armstrong Burton Planning

Location: LAND (INCLUDING FACTORY COMPLEX AP (UK) AT HEATHFIELD LANE WEST/MOXLEY ROAD DARLASTON

Expired: 13/06/2008



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Application and Site Details

The site comprises a factory with office units and associated rough unused ground to the north. To the south of the factory is undulating rough scrub land and a hollow containing Wards Pool. The site frontage, to the west, is onto Stanbury Avenue via a cul-de-sac portion of Heathfield Lane West. To the east is the tow path to Walsall Canal and the Black Country New Road beyond. To the north is another road frontage to Herberts Park Road, Moxley Tip lies to the south (this site has recently been granted planning permission for the provision of residential development and a large element of public open space).

This is a full application for 304 new residential dwellings ranging from 1 and 2 bed apartments to 4 bedroom family homes. The housing mix is as follows:-

4% 1 bed apartments
29% 2 bed apartments
14% 2 bed houses
38% 3 bed houses
15% 4 bed houses

The site area is 7.4 ha. The density of the development is 43 dwellings per hectare.

The existing access to the site on Heathfield Lane West (extension) is to be closed and a new primary access is to be provided with a new secondary access to the site via a new road to the south. Potential future access points into the currently undeveloped land to the north and Moxley Tip to the south have been indicated on the plans.

The buildings proposed vary in height between two to four stories.

Crossing the site along the western boundary running parallel to the canal are overhead high voltage electricity cables. Two pylons are located within the site, one close to Herberts Park Road and the second just to the south of the factory buildings adjoining the existing Gas Valve Compound.

An existing public footpath currently separates the factory premises from Wards Pool and continues from Heathfield Lane West across the site and links to the Black Country New Road via the footbridge over the Walsall Canal.

There are also reports of underground faults called geotechnical high walls dissecting the site from east to west which will be located beneath the proposed highway framework.

Various documents have been submitted with the application including:-

Design and Access Statement

This gives an outline of the site and surroundings a description of the development and reasoning behind the proposal

Planning statement

This describes the site, surrounding area and the development. It outlines the planning policy background and gives an assessment of the development.

Updated ecological assessment

Suggests that the situation has remained largely static since surveys which were carried out in 2005. This 2005 survey concluded that the development would not affect the site subject to statutory protection but the Wards Pool SLINC would be affected. It was concluded that provided a strategy which was outlined was implemented, that the development would conform to relevant policy and legislation. The updated landscape and ecology concept plan has been submitted also. This shows that the development has been pulled back from the southern boundary to provide more room for the retained hedgerow. There is scope to design the roads to make them more “newt friendly” between the pool and the tip to the south, and adjacent to the open space between the site and the canal. Battered kerbs to facilitate movement of amphibians across roads are proposed and gully pots could be off-set from the pavement edge to minimise accidental mortality of amphibians

Flood risk assessment

The areas proposed for residential development are located within Flood Zone 1 i.e. low risk of flooding. Some of the western edge of the site is within Flood Zone 2. Mitigating measures will be incorporated into the design. A drainage strategy is proposed. The site is presented as sustainable in terms of flood risk.

Archaeological Assessment

Concludes that the site is of negligible architectural or historic interest.

Geo-Environmental Assessment

Groundwater contamination is not considered to be likely, although controlled waters risk assessment will be required to support this conclusion for the Environment Agency. Foundations will need detailed attention according to site conditions. Ground gas is present on the northern part of the site and future development will require gas protection.

Transport Assessment

This provides a detailed assessment of the development and concludes that the proposals are in line with policies on sustainable development. With the exception of the creation of the site access points, there are no specific off site improvements required to mitigate development impact. The proposal will have no material adverse impact on the safety or operation of the adjacent highway network.

Hydro ecological Assessment

In summary this states that with the proposed treatment to maintain good water quality in Wards Pool SLINC, it is concluded that there will be no significant impacts to the interest for which the SLINC is designated. Instead, with the reedbed creation it is likely that the ecological value of the pool and bankside areas will be improved. It is considered therefore, that the site can be developed to maintain the interest of Wards Pool and hence would be in conformity with policy ENV21 protecting the SLINC.

Noise Assessment

Consideration has been given to noise mitigation measures. It is concluded that for the current site layout proposals, and subject to the incorporation of the suggested

noise mitigation measures, the noise climate at the site should not pose a constraint to residential development.

Tree survey/Impact of development on trees/impact on trees of proposed development/Method Statement to protect trees.

This provides an accurate measured survey of significant trees. It states that trees have been measured in their landscape setting, and that the aims are to incorporate worthy trees into the development, protect them during development and assist with ongoing tree management.

Viability Statement

The purpose of this statement is to justify a reduction in the S106 contributions required under the provisions of the Development Plan. A one off payment has been suggested.

An application for 321 houses and apartments was refused earlier this year. This application is a resubmission of that refusal.

Relevant Planning History

BCW661 OUTLINE: Residential Development Grant Subject to Conditions 23rd March 1998

05/2498/ND/W1 Environmental Assessment Screening Opinion for residential, active and passive recreation and public house. Environmental Assessment not required 7th February 2006

07/2465/FL/W2 Demolition of existing building and erection of 321 houses and apartments, revised access, amenity areas, parking and associated work Refused 30th January 2008 for the following (abbreviated) reasons:-

1. Unsatisfactory residential environment provided by the layout:

- a) inadequate size gardens in some areas*
- b) houses too close together with inadequate separation between facing habitable room windows in some areas*
- c) flats lacking private amenity space*
- d) lacking in measures to design out crime*

2. The layout makes inadequate provision for vehicles and pedestrians in the following ways:-

- a) inadequate car parking which could give rise to problems to the detriment of highway safety.*
- b) inadequate garage dimensions*
- c) insufficient manoeuvring space on some plots*
- d) insufficient pedestrian forward visibility on some plots*
- e) lacking secure covered cycle storage*
- f) lacking bin storage/recycling facilities for the apartments*
- g) inadequate access for Walsall's refuse vehicles*
- h) insufficient waste management strategy*
- i) poor relationship between parking spaces/garages to their plots*

j) *More detail required to account for diversion of Bridle path No. 1*

3. *Development has dwellings too close to the edges of the overhead power lines UDP requires 50 metres from pylons and overhead cables*

4. a) *insufficient landscape and ecological detail. Existing and proposed levels around the pool and along the boundary with Moxley Tip required.*
b) *insufficient tree impact assessment information*

5. *Inadequate dwelling mix in accordance with the Council's Housing Needs and Demand Study 2007*

6. *The surface water sewer running from ponds in the housing estate to the east-north-east of the site, under Stanbury Avenue, to a manhole to the side of no 50 Stanbury Avenue, then continuing and discharging into the small pool on the site needs to be diverted insufficient detail provided to show that this has been accounted for.*

7. *Unsatisfactory access for fire vehicle pump appliances to within 45m of all points within dwelling houses.*

8. a) *Inadequate accessibility to public transport.*
b) *Information lacking in Transport Assessment*

9. *Compliance with the Council's Supplementary Planning Documents on open space, education, healthcare and affordable housing provision required neither does it make arrangements for appropriate improvements to the canal (such as those sought by British Waterways).*

Site adjoining (Moxley Tip)

BCW 609 Outline: formal & informal recreation use, pub & housing plus reclamation strategy Grant Subject to Conditions 6th April 2000

04/0070/FL/M1 & 05/0598/FL/M1 (renewal applications for BCW609)

02/2122/FL-OL/M1 Reclamation strategy (detail) to secure development for informal recreational use and housing (outline) Grant subject to conditions 4th December 2007.

05/2498/ND/W1 Environmental Assessment Screening Opinion for residential, active and passive recreation and public house Environmental Assessment not required 7th February 2006

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

Adopted Walsall Unitary Development Plan

LC1 (d) residential developments required to make financial contributions towards open space

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

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

GP2 - states that the Council 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.

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by development. These may include transport infrastructure, open space, drainage works, affordable housing, education facilities, health care facilities and other forms of social and community infrastructure

GP7 Development should have regard for “designing out crime”

3.16 development will be considered in relation to it's setting, and will require a high quality of built and landscape design.

3.52 There are strong amenity grounds for avoiding development in close proximity to power lines and substations. Pylons and overhead cables have a significant adverse impact on visual amenity. It will normally be appropriate to seek a zone of separation of at least 50 metres, but this may vary with local circumstances.

3.53 Although the justification for Policy ENV13 is general amenity (and not specifically health) it should be noted that the possible health hazards of exposure to low frequency electromagnetic fields associated with high voltage electricity transmission lines has attracted considerable attention in recent years. In late 1998, the Government published a Draft Circular on “Land-Use Planning and Electromagnetic Fields”. This took the view that there is “lack of convincing evidence of a causal link between exposure to EMFs and cancer” and discouraged the inclusion policies in development plans for any “cordon sanitaire”, on health grounds, around electricity supply or telecommunications equipment. Whilst Policy ENV13 is based upon general amenity rather than health grounds, it will have the by-product of ‘prudent avoidance’ against the possibility that convincing evidence of health effects might be forthcoming in the future.

8.8 Residential developments will only be permitted where adequate school capacity exists or can be provided financial contributions may be required.

8.9 Community healthcare facilities or contribution towards these must be provided to serve developments of 30 houses or more.

8.42 The Council will urge developers to consider from the earliest design stages the relationship of their proposals with canals so that optimum use can be made of their visual and recreational potential. The design of development adjacent to canals should consider the opportunity to incorporate elements of canal side vernacular architecture. The Council will, in appropriate circumstances, use planning agreements and obligations to secure improvements to the canal network.

ENV13 To protect the general amenity of occupiers and users, development for uses other than industry and warehousing will not normally be permitted in close proximity to high voltage electricity transmission lines

ENV17 New planting

ENV18 Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact on woodland, trees and hedgerows unless the desirability of the development significantly outweighs the ecological or amenity value of .

ENV19 Habitat and Species Protection

ENV21: Sites of Local Importance for Nature Conservation

ENV23: Nature conservation and new development

ENV24: Wildlife corridors

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.

ENV33: Landscape design

Policy H3 is a housing policy about windfall sites. This sets out that the Council will encourage the provision of additional housing through the re-use of brownfield previously-developed windfall sites providing that:

- A satisfactory residential environment can be achieved,
- There is no overriding need for the land or buildings to be retained for employment or any other use
- The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities,
- Residential development would not unacceptably constrain the development of any adjacent site for it's allocated or identified use

Policy 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, provide adequate open space, or improvements to existing open space, provide an appropriate mix of housing types, sizes, and tenures with a variety of design, facilitate the efficient provision of public transport services, and maximise pedestrian and cyclist access to local amenities. All proposals for residential development will also be considered against the more detailed standards and guidelines set out in the Council's Supplementary Planning Guidance for residential design.

T7 - All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Policy T13 also sets parking standards.

T10 (c) Accessibility standards for all transport modes should continue to be met throughout the life of a development. This envisages the use of commuted payments to support the provision of transport infrastructure where appropriate. (However, detailed study to underpin such requirements has not yet been done, and this can not therefore be invoked.)

T12 (b) For residential development walking distance should be no more than 400metres to a bus stop which is, or will be, served by a bus service to an established centre; has a service frequency of at least 1 bus every 30 minutes during the day (between 0700-1900) Monday to Saturday; has a service frequency of at least 1 bus every hour on Sunday between 1200 and 1900.

T13 requires:- 1.5 spaces per unit for flats with communal parking and 2 spaces per unit for flats with individual parking, and 2 spaces for 1, 2 and 3 bedroom houses and 3 spaces for 4 bedroom houses and above.

The Wards Pool part of the site is designated as housing land with planning permission in the Unitary Development Plan .

Designing a better Walsall SPD

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

DBW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DBW3 – all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Walsall Local Development Framework

The Urban Open Space SPD (April 2006), Education SPD (February 2007), Healthcare SPD (January 2007) and Residential Design Standards Document (April 2005) are all relevant.

Regional Spatial Strategy for the West Midlands (RSS (2))

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

There is no need for this application to be considered under the Conformity Protocol.

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. The Draft Phase 1 Revision is currently subject to Examination in Public. The Draft Revision seeks to take the approach in the current RSS further forward in the design and delivery of high quality environments.

National policy

PPS1 on delivering sustainable development and good design.

PPS 3: Encourages reuse of previously-developed land for housing.

Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. Some of the specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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

Other related documents are PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places, The Planning System and Crime Prevention and By Design - Urban Design in the Planning System: Towards Better Practice.

Consultations

Transportation – The Transportation officer comments will be included in a supplementary paper.

Pollution Control – (Contaminated land) due to the history of the site and the findings of intrusive works, it has been recognised through the submitted ground investigation that significant remediation will be necessary to reduce/remove contaminative risks upon site relating to issues of, (not exclusively) human health. It will be necessary for further discussion with the developer to agree those measures deemed to most suitably address the situation and allow the site to be brought back in to beneficial use.

Pollution Control - scientific team has no objection with the proviso that measures are put in place to address noise and other issues arising. Conditions are recommended to this end.

Severn Trent Water – No objection subject to conditions relating to drainage, and restriction regarding buildings and trees near the sewer.

Housing – This is an improved submission, which has taken on board some of the previous feedback, reducing the 1 bed apartments. Concerns, however, on the number of apartments, in line with Table 7.3 of the Housing Need and demand Study Update November 2007 which states that Walsall has a surplus of flats. Flats should only be provided on sites to deliver suitable design solutions to the site/scheme. The site would be applicable for 25% on site affordable housing. The need in the November 2007 study is clearly biased towards social rent, but the current SPD (due to be replaced 16th April) leans towards shared ownership. Therefore, the equivalent of 25% shared ownership (in cost terms to the developer) is to be provided on site, with the tenure mix to be agreed. This may equate to less than 25% in numbers, but would give the correct tenure. The affordable housing should be an even spread of dwellings, with the exception of 1 beds which will not be accepted.

Environment Agency – No objection but recommend conditions to deal with the risks of contamination on the site and an informative regarding the protection of controlled waters. The conclusions of the Flood Risk assessment submitted with the application are concurred with. It is felt that there is more opportunity to improve the water quality aspect of discharges. No objections to a free discharge to Wards Pool provided adequate water quality issues are incorporated within the drainage system. A number of alternative techniques other than permeable paving within car parking areas should be considered. Water butts should be installed within the curtilage of as many properties as possible. Additional treatment from the eastern half of the site could be provided via a swale area within the open space between the development and the canal, linking into the pond. Filtering and infiltration techniques prior to discharge should be incorporated. (These comments have been passed to the developer)

Serc – Contribution of £548,809.90p required towards local secondary school places.

Structures & Geotechnics – No objection. If the underground fault extended up to or near to the existing ground level then any development would have to take it into account. In this case however the fault is known to be overlain by a significant depth of sand clay and gravel, which, assuming that no deep piling is to take place, should negate the effects of any broken ground, at depth, in the vicinity of the fault.

Drainage – No objection but there is a surface water sewer running from the ponds in the housing estate under Stanbury Avenue to a manhole to the side of No 50 Stanbury Ave then running and discharging into the small pool. On the plans this pool appears to be infilled. The author of the drainage report is aware of this sewer, so it needs to be diverted. In the Flood Risk Assessment and Drainage Strategy the surface water sewer from the ponds in the housing estate to the smaller on-site pond is listed, but does not state where this sewer is diverted to when the small pond is in-filled. In para. 13.1.7 it states this will be confirmed as part of the detailed drainage design. This will need to be included on the

design. It also states that the surface water is pumped into the Walsall Canal. British Waterways must give approval for this.

Building Control – No objections, note for applicant suggested regarding demolition.

Rights of Way Officer – No objections but Bridle path 1 Darlaston, runs across the centre of the site from the end of Heathfield Lane West across the open space next to the pool, over the canal and Black Country Route, then onto Hughes Road. The route will need to be diverted or extinguished to allow development to go ahead. The possible diversion of the bridle path as part of the development is supported.

The path should be diverted onto a new route through the development. Any new route should be hard surfaced and have a width of 3m which could be segregated for walkers and cyclists.

The existing bridle path links to an access on the canal towpath which is a promoted cycle route. Motorbikes have been used around the pool therefore some sort of entrance barriers, are required, e.g. a horse step over next to a chicane, which would accommodate pedestrians, cyclists and horse riders, but act as a deterrent to motorbikes should be included. There is a wide enough area to install this type of barrier in the area leading from the canal bridge and it may be desirable to install the same at the other end of the bridle path, dependant upon the preferred route it would follow.

Landscape – Objections. This revised application lacks key landscape and ecological information. Other information supplied within the various documents submitted by the applicant is inconsistent. Therefore it should not be granted until these important matters are resolved. If the information is not provided the application should be refused. Of major concern is the lack of levels information to show how this development would be constructed. This is a particular concern around Ward's Pool and the boundary of the former Moxley Tip where there are significant levels changes which need to be resolved prior to the application being approved. It is unclear how the levels can be accommodated within the proposed layout without large scale earth moving or retaining structures which are not apparently proposed. This information has been requested consistently since the pre-application stage and the applicants have not provided it.

Black Country Archaeologist - No archaeological implications.

Urban Design – Proximity to pylons is not considered to achieve highest standards of urban design nor do the detached bin and cycle stores throughout the site; Would prefer to see amendments to reduce number of apartments and omission of 1 bed units; Amendments should be secured to reflect useable attached private amenity space on every apartment, especially where overlooking the open space; Percent for Art Section 106 contributions of £350 per dwelling are necessary for every dwelling in line with Designing Walsall SPD this would amount to £106,400.

Waste Management – No objections only concern is if cars park on street which may restrict manoeuvring of refuse vehicles.

Regeneration Strategy – No objections in principle. The emerging Black Country Core Strategy, although little weight can be given to it at this stage, envisages significant change across the sub-region from employment to residential use. It would also be

consistent with the Council's regeneration priorities, in particular the Moxley Regeneration Framework, for which this site is a key development opportunity. The Regional Spatial Strategy Phase Two Revision Submitted to the Secretary of State envisages 61,200 net additional homes in the Black Country up to 2026. The proposed development would make a significant contribution to Walsall's share. Part of the site is still in employment use but it compares poorly with the criteria in UDP paragraph 4.3 and it is therefore appropriate in terms of policy JP7(d) to consider alternative uses. Given the policy restrictions on other uses and the general approach to housing-led regeneration being pursued at Black Country level, residential development on this part of the site would be the most appropriate use. Residential development would also be consistent with policies in the UDP (e.g. GP1, 6.3, H3), RSS (CF3), PPS 1, PPS 3 about building new homes on previously-developed land and making the most efficient use of land.

The scale of development brings the SPDs on affordable housing, urban open space, education and healthcare into consideration.

Sustainable Travel Officer - Overall there are concerns with the sustainability of this site. There is currently no bus stop on the road of the site and an hourly bus service is generally not considered of benefit to the public transport user. It would be hard to encourage the car driver to use the bus with this low frequency time. The cycle route along the canal may be of benefit to cyclists in the summer months and during day light hours, but this route is not very accessible during the winter months or at night. The draft travel plan is currently lacking in detail in several areas that would be important to have in place before the site is operational and to achieve the level of sustainability that is set out in point 1.5. of the draft residential travel plan

West Midlands Fire Service – No objection

West Midlands Fire Service – No Objection.

Police Architectural Liaison Officer - This is an area of relatively high crime i.e. burglary and vehicle crime. The quality of the scheme compared to its surroundings will be a crime magnet for offenders. Some improvement on previous scheme but still some concerns. Open courtyard in the centre of the development this could be used for football pitch, play area late night gathering spot for youths. This may cause Anti Social behaviour and put vehicles at risk. Houses in this area have little or no defensible space and would be open therefore to crime and damage. Tunnelled accesses may attract crime. Poor natural surveillance of vehicles is afforded. Rear of properties will be vulnerable due to ease of access. If courtyard parking is to be utilised the area needs to be secure, vehicle and pedestrian access needs to be secure and have access control measures with self closing facilities. Vehicles round the perimeter of the site are still vulnerable and isolated. Parking areas should be well lit and comply with BS5489. There is still a lack of defensible space around most properties. It is hard to tell public from private space. Defined areas are crucial to remove the anonymity for offenders. All apartment blocks should have access control measures in place such as a video intercom.

Representations

Two letters have been received objecting to the application on the following grounds:-

Increased traffic;
The surrounding roads are not wide enough to cope with the increase in traffic;
Increase in traffic would create a danger to children playing in the area;
Parked cars would create difficulties to vehicles on the highway to pass each other;
Heavy traffic during construction, and when built, on surrounding roads;
Pressure on local schools;
Dust and disturbance during construction;
Money should be spent on improving what already exists in the area;

I have also received a statement from the Moxley Project Reference Group as follows:-

Generally welcome the development proposals;
Traffic impact issues will need careful consideration particularly Herberts Park Road/Forge Road onto Wolverhampton Street and Heathfield Lane and Park Street Junctions;
Current visibility is poor;
Possibility of becoming a rat run if a link is built through to Moxley Tip;
If Moxley Infants School is developed there will be further pressure on Moxley Road;
Traffic calming measures should be considered;
Welcome the reduced number of 1 bed apartments; and the general improvements in the housing mix;
The pool should be made available for the public to enjoy particularly for fishing

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

Determining Issues

The determining issue is whether the development overcome the reasons for refusal of planning application ref: 07/2465/FL/W2 for the erection of 321 houses and apartments which was refused earlier this year.

For ease, the refusal reasons are reproduced in turn, in italics and comments on these are set out after each reason.

1. Unsatisfactory residential environment provided by the layout:

- a) inadequate size gardens in some areas*
- b) houses too close together with inadequate separation between facing habitable room windows in some areas*
- c) flats lacking private amenity space*
- d) lacking in measures to design out crime*

Previously the layout proposed was felt to be very tight on garden and amenity space overall. The number of dwellings has been reduced in the current scheme and as a result the fabric of the scheme has loosened up slightly. However, there are still 10 gardens with a garden length of less than 10m. These shorter gardens in the locations proposed do not compromise other policies regarding the distances between habitable room windows or windows to blank gable standards.

One unresolved issue is that there is only 10m between the rear walls of plots 120 and plots 102 and 103. However, there are no windows in the plot 120 wall facing towards plots 102 and 103. This is therefore a blank gable to window relationship. The Numerical Guidelines for Residential Development recently adopted identifies that good design requires 13m between habitable room windows and blank walls exceeding 3 metres in height, such as this. However, plots 102 and 103 are an important corner block in a feature square proposed for the estate. It would be hard to redesign this corner, but equally hard to argue that such a modest infringement of the guidelines should prejudice the scheme. Overall, the relationship is considered to be acceptable.

Refusal reason 1(a) has therefore been overcome.

The amenity space to the apartments remains very similar to the previous scheme. The developer has justified this by stating that the amount of open space on the site extending around Wards Pool and up to the canalside, is located adjacent to the majority of apartments thus ensuring that it is usable. Notwithstanding that the majority of the apartments also have communal amenity space with only plots 247-255 without communal amenity space.

The urban design officer feels that for apartments, given the layout and location of the units they could be provided with useable attached amenity space. Minimal Juliet balconies are indicated on the plans and this is a wasted opportunity where the apartments overlook the open space – providing this facility would give a convincing argument for not providing 20sqm per flat of communal amenity space within the curtilage of the flats (as is now required by the Designing a better Walsall SPD, though this was not in place at the time of the previous refusal). Refusal reason 1(b) has not therefore been overcome at this stage. However, discussions are ongoing with the applicant and a solution is possible without needing fundamental alterations.

Regarding the police liaison officer's comments, it is not uncommon that the advice in Secure by Design conflicts with other advice concerning urban design. However, it is clear that the scheme could be improved without needing fundamental alterations. These are matters which it is felt can be resolved by condition, and members will be advised of amendments at the meeting.

2. *The layout makes inadequate provision for vehicles and pedestrians in the following ways:-*

- a) inadequate car parking which could give rise to problems to the detriment of highway safety.*
- b) inadequate garage dimensions*
- c) insufficient manoeuvring space on some plots*
- d) insufficient forward visibility on some plots*
- e) lacking secure covered cycle storage*
- f) lacking bin storage/recycling facilities for the apartments*
- g) inadequate access for Walsall's refuse vehicles*
- h) insufficient waste management strategy*
- i) poor relationship between parking spaces/garages to their plots*
- j) More detail required to account for diversion of Bridle path No. 1*

The Transportation officer comments are awaited and members will be advised of my observations in the supplementary paper at the meeting.

Every house will have its own bin and flats will have bin stores for refuse disposal. Recycling is provided for on a communal basis. Within 50 metres of most dwellings a small building is proposed with several bins for the collection of recycling materials. Residents will be expected to bring their recycling to these points. Clearly there are judgements about how this system works, but officers support the proposal as 50 metres is not considered to be a great distance .

The waste management section have not raised any objections to the proposal though they have stated that there would be concerns if vehicles were to be parked in the turning areas. However, on the whole, the parking requirements have been met therefore there should be no cause for concern. The Urban Design officer feels that many of the bin/cycle stores still seem peppered about rather than cohesively integrated into the built form. This is an issue which should be easily overcome through ongoing discussions.

Some parking spaces/garages are still not well related to the plots they are intended to serve, in some cases this could be remedied by adding rear garden gates, but in other cases the relationship needs to be re-examined. The developer has stated that they are happy to incorporate rear access points to the properties concerned. A condition could be imposed should the application be approved. With some minor alterations to the scheme it is felt that the layout could be improved sufficiently to overcome the reason for refusal.

Regarding refusal reason 2(j). It has been established that the Bridle path will need to be diverted or extinguished. The Council would support the diversion of the path. The best way of achieving this would be to divert it onto a new route through the development. A new route is proposed and should be hard surfaced and have a width of 3m which could be segregated for walkers and cyclists. The developer has commented that the diverted route is hard surfaced and the majority will be at least 3m (between Stanbury Avenue and plot 159; and from plot 108 to the canal). They have stated that given only 30m of the overall 310m route at just under 3m this should not be a major concern. Regarding the access to the canal, a condition could be imposed, requiring entrance barriers, which would accommodate pedestrians, cyclists and horse riders, but act as a deterrent to motorbikes, should be included ,on the bridle path where it links to the canal towpath which is a promoted cycle route, should the application be approved.

3. Development has dwellings too close to the edges of the overhead power lines UDP requires 50 metres from pylons and overhead cables

- a) insufficient landscape and ecological detail. Existing and proposed levels around the pool and along the boundary with Moxley Tip required.*
- b) insufficient tree impact assessment information*

Officers have been consistent in advising, at development team meetings as far back as 2005, at meetings and in correspondence, that, in addition to recommendations from National Grid, Unitary Development Plan policy ENV 13 states that any new development

is to be located 50 metres away from pylons and overhead cables. This is due to visual and amenity reasons and not electro magnetic fields. The Council considers that there are strong amenity grounds for avoiding development in close proximity to power lines. Whilst it is accepted that there is some flexibility in the distances required, strong justification, is needed to allow any reduction in this distance.

To justify the proximity, the developer has stated in the supporting Design and Access Statement that the 25 metre exclusion zone from the centre line of the cables required by National Grid has been complied with. This is a safety requirement however, and not an amenity issue. The document further goes on to describe how, in line with Policy ENV13, the land has been used to provide permeability to the scheme and that the land under the cables will provide linear open space to enhance the canal alongside. This is welcomed.

The developer has stated that if 50m were provided, then a significant part of the site would be sterilized. They have quoted guidance contained within a National Grid document "A Sense of Place" showing how development can be accommodated in proximity to such overhead lines. This states that it can be demonstrated that buildings of conventional form up to heights of five storeys would look out beneath the lowest cables due to a narrower field of vision being created. The document says "a more enclosed and compact form i.e. narrower streets with taller buildings may enable development to be sited closer to high voltage overhead lines without increasing the visual impact upon the public realm.

It continues to state that the scheme has been revised to take account of the pylon located at the northern end of the site where units have been positioned to look either side of the pylon, and not directly at the structure. To provide a continuous built frontage in this location a coach-house unit has also been incorporated but with only hallway, bathroom and kitchen areas provided with velux rooflights on this side of the building. This corner element is now considered to be satisfactory.

Three and four storey buildings, most with habitable room windows facing towards the power lines have been proposed. The buildings were 11m from the cables on the original application, this has been increased to 16 metres. The Urban Design Officer is of the opinion that dwellings within 50m of the pylons cannot be classed as achieving the highest quality of urban design. The developer has put forward a contrary argument that buildings at this proximity will look out under the power lines, and a cross section has been provided showing evidence of this.

On balance it is felt that although this does not meet the 50m required by policy, a combination of the interests of the economic viability, and regeneration of the site, plus the provision of the amenity/wildlife strip along the canal and evidence showing that the cables will not be easily seen from the windows of the closest apartments, it is felt that, on balance, the application can be supported.

4. a) *Insufficient landscape and ecological detail. Existing and proposed levels around the pool and along the boundary with Moxley Tip required.*
- c) *Insufficient tree impact assessment information.*

The landscape officer has serious concerns regarding lack of levels details over the whole site but particularly around Ward's Pool and the boundary with the former Moxley Tip.

There are significant levels differences on the site and he needs clarification on how these will be accommodated in the layout proposed. Of major concern are the levels around the pool. The levels information on submitted plans in the arboricultural report shows the pool water level to be at 124.5 metres above sea level while the top of the bank is shown as up to almost 128.5 metres. This is a height difference of over 3.5 - 4.0 metres. The pool has been extended to incorporate a reed bed but it is still unclear how this 3.5 – 4.0 metre level change will be incorporated into the development. The gap between the edge of the reed bed and the roads, gardens and houses of the proposed development appears too narrow to incorporate a 3-4 metre levels change. This information is critical to the success of the proposal.

These comments also apply to the levels around the boundary with the former Moxley Tip. The ground around this boundary is not flat and it is again unclear how the proposed layout will fit within existing landforms and whether there will be disturbance to trees and hedgerows which should be retained.

A landscape concept proposals scheme has been provided and an ecology concept plan. A more detailed landscape scheme in accordance with the UDP policy ENV33 is needed for this important scheme providing full details of the locations of all planting together with species lists. In addition details on how the ecological habitats will be established, where the specimen trees will go etc are needed.

The tree survey work is not an end in itself but is required to feed into the design of the development. Furthermore the information in the report is not shown in the correct way. The majority of tree and hedge planting to be removed is not justified by the tree survey provided.

There are problems with inconsistency between the various drawings and documents supporting the planning application with reference to the retention of the existing hedge and other vegetation along the boundary with the former Moxley Tip. In some places the hedgerow is shown to be selectively removed and formatively pruned to accommodate development, in other places it is indicated that the existing hedge will be retained but encroaching scrub cut back to accommodate development' another report says 'some or all of hedges H38, T39, H42 and H43 may be retained. In conclusion, there are a number of serious uncertainties which lead to the questioning of the feasibility and practicality of this development in landscape and ecological terms. These need to be resolved prior to determination. Discussions are ongoing with the applicant and members will be advised regarding progress on this issue at the meeting

5. Inadequate dwelling mix in accordance with the Council's Housing Needs and Demand Study 2007

Previously, the housing mix in the scheme was considered to contain not only too many 1 bedroom apartments, but also too many apartments generally. The urban design officer would prefer to see a reduction in the number of apartments overall and an omission of 1 bed units altogether as these are the least sustainable housing type and Walsall has a surplus of them. However, the scheme has been amended so that it now only contains 13, 1 bed apartments as opposed to 29 previously. Also there are 45, 4 bed properties in the scheme and it is felt that an appropriate mix has been achieved in line with Unitary Development Plan policy H10.

The number of “Flats Over Garages” within the scheme has been reduced to 11. These are not something that are generally supported as a rule, due to the fact that they can create a visual problem in the street scene because of blank elevations. However, it is considered that a scheme of this size can support such a small number of FOG’s as in this case they have been designed with windows in both front and rear elevations with an interesting half gable feature in the roof above full length windows, and they feature julliet balconies.

6. The surface water sewer running from ponds in the housing estate to the east-north-east of the site, under Stanbury Avenue, to a manhole to the side of no 50 Stanbury Avenue, then continuing and discharging into the small pool on the site needs to be diverted insufficient detail provided to show that this has been accounted for.

This surface water sewer running from the ponds in the housing estate under Stanbury Avenue to a manhole to the side of No 50 Stanbury Ave then running and discharging into the small pool appears to be infilled. The applicant is aware that this sewer needs to be diverted. It is not clear from the Flood Risk Assessment and Drainage Strategy where this sewer is diverted to when the small pond is in-filled. The statement says that this will be confirmed as part of the detailed drainage design. Severn Trent Water have suggested a condition requiring drainage details, therefore this will need to be included on the design and controlled by condition. The statement also says that that the surface water will be pumped into the Walsall Canal. The approval of British Waterways would be required for this, and an informative would be attached to any approval.

7. Unsatisfactory access for fire vehicle pump appliances to within 45m of all points within dwelling houses.

The fire officer does not object to the current proposal as the scheme has been revised and a turning head has been proposed in Herberts Park Road. This refusal reason has now been overcome.

*8. a) Inadequate accessibility to public transport.
b) Information lacking in Transport Assessment*

The Sustainable Travel Officer has concerns with the sustainability of this site. There is currently no bus stop on the road of the site and an hourly bus service is generally not considered of benefit to the public transport user. It would be hard to encourage the car driver to use the bus with this low frequency time. The cycle route along the canal may be of benefit to cyclists in the summer months and during day light hours, but this route is not very accessible during the winter months or at night. The draft travel plan is currently lacking in detail in several areas that would be important to have in place before the site is operational and to achieve the level of sustainability that is set out in point 1.5. of the draft residential travel plan. Submitted information states that financial incentives will be in place to encourage public transport but there is no indication on how this scheme will operate. More information is required regarding the site management company. There should be someone from this company to act as Travelwise coordinator. It is considered that this can be addressed by condition

9. Compliance with the Council's Supplementary Planning Documents on open space, education, healthcare and affordable housing provision required neither does it make arrangements for appropriate improvements to the canal (such as those sought by British Waterways).

As advised by Housing, the site would be applicable for 25% "on site" affordable housing. The need in the November 2007 study is clearly biased towards social rent, but the current SPD (due to be replaced 16th April) requires shared ownership. Therefore, the equivalent of 25% shared ownership (in cost terms to the developer) should be provided on site, with the tenure mix to be agreed. This may equate to less than 25% in numbers, but would give the correct tenure. The affordable housing should be an even spread of dwellings, with the exception of 1 beds which will not be accepted.

In addition, if approved, a S106 Agreement would normally be required to ensure financial contributions towards Education (£338,251.80p), Open Space (£554,400), Healthcare (£307,440) and Public Art (£106,400) amounting to £1,306,491.80p and Affordable housing in compliance with policy. Providing the requests for contributions can be justified these would normally be supported. However, the developer has submitted a Financial Viability Statement with the application due to viability concerns with the scheme. This is currently with the District Valuer for verification. The purpose of the developers statement is to justify a reduction in the S106 contributions required under the provisions of the Development Plan. A one off payment of £503,000 has been suggested by the developer. This would need to be shared between the various bodies. If this conclusion is accepted by the District Valuer, officers would expect the money to cover all of the Education needs, and the remainder divided pro rata between the other demands subject to the following.

The regeneration strategy officer has stated that if the developer is asking for reduced contributions a high standard of proof should be obtained to make sure the development delivers maximum community benefit. It is noted that the application now excludes the Moxley Tip site (UDP policy LC2.2) and that the proposed development will provide some on-site open space. Nonetheless, this is potentially a major resource for an area that, according to the Greenspace Audit, is not particularly well-provided for in terms of proximity to unrestricted open space. Some council work is being done towards evaluating the needs for open space that would arise from proposed new housing in the Moxley area and this will indicate how S106 monies should be spent (the Project Reference Group is very keen to keep resources in the area). Clearly, this site is a major component of the Moxley Regeneration Strategy, so opportunities to contribute to the social infrastructure needs of the area should be optimised.

Members will be advised of the District Valuer's comments together with further assessment and recommendations as to the level of contributions to be provided in the supplementary paper at the meeting.

Recommendation: Grant subject to conditions, satisfactory resolution of issues arising from the report and a S106 Legal Agreement.

The decision will take time to put together and this list will need to be refined, however, conditions are likely to be as follows:

Timing

Approvals of materials, landscaping and requirement for the maintenance of landscaping.

Ecological matters.

Any additional assessments, environmental appraisals or site investigations and remediation works required by pollution control.

Green travel plan.

Boundary treatment.

Several conditions regarding transportation issues may be required.

Drainage.

Rear access points.

Entrance barriers to canal.

This is not an exhaustive list and further conditions may be necessary as matters progress. An update will be provided in the Supplementary.

In addition, informatives will be added in the usual way where necessary.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0162/FL
Application Type: Full application
Applicant: Rob Rafferty
Proposal: 3 storey residential development
comprising 24 no. flats.

Case Officer: Mrs J Scrivens
Telephone Number: 01922 652436
Agent: J Mason Associates
Location: LAND ADJACENT 18 PARK
ROAD, WILLENHALL, WALSALL, WV13
1BU

Ward: Willenhall South

Expired: 05/05/2008

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is an amended scheme following the approval of 06/2170/FL/W3 for the erection of 24 flats last year. Essentially the site layout is the same and the proposed alterations are to the balance between one and two bedroom flats in the scheme, the internal layouts of the flats and the appearance of the buildings.

The application proposes the erection of 24 flats on the site of a former factory. Three no. one bed and 21 no. two bed flats are proposed, in two blocks having their main entrances to Park Road. The previous scheme proposed 16 no. one bedroom and 8no. two bedroom flats.

The proposed flats would be three storeys in height and set back 3 metres on average from Park Road. The density of the development would be 85 dwellings per hectare. The flat blocks would have approximately 700 square metres of enclosed private amenity space.

Vehicular access would be from Park Road, between the blocks. Thirty six car parking spaces would be provided (150%), including two spaces for the use of disabled drivers.

Secure cycle parking would be provided. Bin storage facilities would be provided on the road frontage of the site.

There would be no pedestrian or vehicular access to Thompson Street at the rear of the site. The site is crossed by a public footpath (Willenhall no.54) linking Thompson Street to Park Road. The applicant has applied to extinguish this footpath and there is therefore no provision for it within the site, nor any alternative route proposed.

Thompson Street and Thompson Close which adjoin the southern boundary of the site are residential in character with one and two storey dwellings.

To the west of the site are residential properties fronting Park Road. To the east is a club. The northern side of Park Road is industrial in character with a variety of industries, including drop forges.

There are trees on the site which are included within a Tree Preservation Order. Two trees would be removed as part of this proposal.

The following have been supplied in support of the application:

- a Design and Access Statement
- a preliminary site investigation
- a tree survey schedule

Relevant Planning History

06/0665/FL/W3 Erection of 40 apartments. Refused 3.7.06

06/2170/FL/W3 Erection of 24 apartments. Granted subject to conditions 24.4.07

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

Development Plan

GP1 requires sustainable locations for development, maximising the re-use of derelict, vacant and underused land before greenfield sites.

GP2 and 3.6 require all development to make a positive contribution towards the improvement of the environment.

GP3 relates to the use of planning obligations to secure the provision of on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development.

GP6 requires new development to provide good access for disabled people

GP7 expects new development to have regard to public safety in its design

ENV14 relates to the treatment of derelict or previously developed sites as part of new development

ENV18 states that development will not be allowed if it would damage or destroy protected trees

ENV32 requires new development to be of high quality and to take account of its surroundings.

H3 encourages the provision of housing on previously developed sites

H10 requires residential development to create a high quality living environment and dwelling mix appropriate to the area

Residential Development Standards were adopted on 25.4.05

JP7 identifies uses appropriate to employment areas and sets out circumstances in which other uses might be appropriate

T7 and T13 relate to car parking

T8 requires development to address the needs of pedestrians

8.7 and LC1 require new development to provide or make financial provision towards the improvement/provision of urban open space. A Supplementary Planning Document relating to urban open space was adopted in April 2006

8.8 states that residential development will only be permitted where adequate school capacity exists or can be provided. A financial contribution would be required where improvements to school facilities would have to be made. A Supplementary Planning Document relating to education was adopted in February 2007

Regional Spatial Strategy

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 PPS1 encourages sustainable development and good design

Planning Policy Statement PPS3 supports increased housing on brownfield sites

Consultations

Transportation: Comments awaited. Members will be advised of any observations in the Supplementary Paper at the meeting.

Pollution Control: Contaminated Land Team has no objection to the proposal subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with historic mining and subsequent infilling and works of an unspecified nature. Conditions to address these have been provided.

Pollution Control: Scientific Team: No objections, subject to the imposition of conditions relating to noise and vibration.

Environment Agency: No objection. Recommend conditions to minimise risk to controlled waters.

Arboricultural Officer: No objection. The removal of two trees to construct parking bays 23 to 27 was agreed under planning permission 06/2170/FL/W3. The conditions for tree protection applied to 06/2170/FL/W3 should be applied to this application also.

Education Walsall: No objection. A contribution of £23,462 is required towards secondary school education.

Fire Service: No objection

Centro: No objection. None of Centro's existing infrastructure would be affected. The site is within Centro's minimum accessibility standard. There are three nearby bus routes which provide a service of 7 buses an hour, Monday to Saturday daytimes and 1 per hour in the evenings and on Sundays. The development is near to the proposed Metro Phase 2 5w's alignment but will not have any effect upon the development.

Police Architectural Liaison Officer: No objection in principle. Expresses concern at some aspects of the security of the site and makes recommendations for improving this.

National Grid: No objection

Representations

Seven objections have been received from the occupiers of properties in Thompson Street and Thompson Close. The grounds of objection are:

- three storey properties would be out of keeping in a two storey area
- loss of a tree included in a Tree Preservation Order would be detrimental to visual amenity and would only result in an increase in two parking spaces. A replacement sapling would take years to grow
- loss of privacy
- will prejudice the security of properties to the rear, the site would be open to vandalism, theft and anti-social behaviour which already occurs
- site will experience constant noise from industrial traffic and vibration from two stamping and pressing companies opposite
- light industrial use would be more appropriate and bring jobs to the area
- no proposals for security lighting/potential nuisance from security lighting
- loss of daylight and sunlight to garden and rear rooms
- noise and pollution from proximity of car park
- extent of proposals for a secure boundary are unclear

- the proposed timber cladding will not wear well and will become unsightly and reflect on the area
- Willenhall has several vacant flats already. There is an urgent need for properties suitable for older people to enable them to vacate larger properties for the benefit of families.
- will devalue properties

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

Determining Issues

- The need to retain the site in industrial use
- Access and parking
- Residential environment
- Amenity
- Urban open space and education

Observations

The need to retain the site in industrial use

The use of the site for residential purposes has been agreed by the grant of planning permission 06/2170/FL/W3

Access and parking

Transportation comments awaited. There were no objections to the previous application.

Residential environment

The acceptability of residential development on this site, in relation to the industrial uses opposite, was established by the approval of 06/2170/FL/W3.

Pollution Control has recommended conditions to address land contamination and noise and vibration issues.

The amount of amenity space available to the flats is the same as previously approved. Although the balance of one and two bedroom flats has changed, with a majority of two bedroom flats now being proposed, it is still considered that the amount of private amenity space is satisfactory.

Amenity

The objectors to the proposal re-iterate matters which were considered as part of the determination of the earlier application, such as the height of the building in relation to surrounding properties, loss of privacy, noise and problems from security lighting. The previous scheme was considered to be acceptable in terms of these matters.

The current proposal makes changes to the elevations of the buildings and these are satisfactory. The internal re-arrangement of the flats means some habitable room windows are closer to existing properties, but only at one point and these windows would be 21.5m approximately from the site boundary which forms the side boundary of a dwelling. This distance, which exceeds Council standards, is acceptable.

Urban open space and education

The previous site owners completed a Section 106 Agreement to contribute towards urban open space and education. The contributions required were £ 22,176 towards urban open space and £8,843 towards education. In view of the submission of this application it will be necessary to complete a deed of variation to amend the section 106 Agreement. The applicant has agreed to this.

The contributions required towards urban open space and education for this scheme, resulting from the changed range of unit sizes, are £31,185 and £23,462 respectively.

Conclusion

The changes proposed in the current application would have no adverse effect on surrounding occupiers. The scheme would consist of a greater proportion of two bedroom flats which would increase its sustainability.

The approval of this application would require a deed of variation to the existing Section 106 Agreement to accommodate changes to the site ownership and the increase in the amount of contributions for education and urban open space which have resulted from the increase in the proportion of two bedroom flats.

Committee is therefore recommended to grant planning permission for this development subject to the completion of a deed of variation in respect of the Section 106 Agreement.

Recommendation: Grant 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. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within one month of completion.

Note for applicant: Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; British Standard BS10175: 2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of Practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gases to buildings (Revised)' (CIRIA C665); 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.

Reason: To ensure the satisfactory functioning of the site.

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

Note for applicant: When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR7 to CLR11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this can be obtained from the Environment Agency.

Reason: To ensure the satisfactory functioning of the site.

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

Reason: To ensure the satisfactory functioning of the site.

5. Prior to development commencing, a ground and/or structural vibration survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing site conditions and traceable calibration tests, shall be submitted to the local planning authority within 2 months of completion.

Notes for applicant

Vibration surveys shall be conducted having regard to the advice, recommendations or requirements contained in British Standards: BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz); BS 7385-1: 1990 Evaluation and measurement for vibration in buildings Part 1 'Guide for measurement of vibrations and evaluation of their effects on buildings'; BS 7385-2: 1993 Evaluation and measurement for vibration in buildings Part 2 'Guide to damage levels from ground borne vibration'.

This is not an exhaustive list.

Guidance on physical mounting on accelerometers may be obtained from British Standard BS ISO 5348: 1998 Mechanical vibration and shock - Mechanical mounting of accelerometers.

Reason: To ensure the satisfactory functioning of the site.

6. No development shall take place until suitable vibration mitigation measures to protect internal areas have been agreed in writing with the local planning authority. The development shall not be brought into use until such measures have been fully implemented and thereafter they shall be maintained in accordance with their design specification.

Reason: To ensure the satisfactory functioning of the site.

7. Levels of ground and/or structure-borne vibration transmitted to occupied buildings shall not exceed specified criteria for 'low probability of adverse comment' assessed with reference to British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).

Reason: To ensure the satisfactory functioning of the site.

8. 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 to the written satisfaction of the local planning authority. The results of this 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: To ensure the satisfactory functioning of the site.

9. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority. None of the development shall be occupied until such measures have been fully implemented.

Note for applicant

With regard to suitable noise mitigation measures to protect internal areas reference should be made to the guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and 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(F) L_{Amax} , 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 and procedures for the completion of a suitable noise survey can be found in Planning Policy guidance Note PPG 24 "Planning and Noise" and British Standard BS 7445:1991 "Description and Measurement of Environmental Noise". This is not an exhaustive list.

Reason: To ensure the satisfactory functioning of the site.

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

Reason: To ensure the satisfactory appearance of the development and the visual amenity of the area.

11. Notwithstanding the details shown on the submitted plans 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 occupants and occupiers of adjoining premises.

12. 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.

13. No development shall be carried out until details of the appearance of the proposed bin stores has been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the agreed details and thereafter retained.

Reason: In the interests of the satisfactory appearance and functioning of the development.

14. No development shall be carried out until a schedule of paving materials and surface treatment of the pedestrian paths, parking spaces and access drive have been submitted to and approved in writing by the Local Planning Authority. The paths, parking spaces and access drive shall have been surfaced in accordance with the approved schedule and the car parking spaces marked out prior to the development being brought into use. The spaces shall thereafter be retained and used for no other purpose.

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

15. No development shall be carried out until public footpath FP no.54 Willenhall has extinguished.

Reason: To ensure the satisfactory functioning of the development and the privacy and security of future occupiers of the site..

16. 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 ensure the protection of trees on the site in the interests of the visual amenity of the area.

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

Reason: To ensure the satisfactory appearance of the development.

18. 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.

19. Before this development is brought into use all en-suite/bathroom windows shall have been obscure glazed and thereafter retained as such.

Reason: In the interests of the amenity of occupiers of the development.

19. This decision grants consent for the felling of the trees identified for removal on plan no.1253/01 (site plan) to accommodate the creation of parking bays 23 to 27. No other trees are to be felled or worked upon without the prior written permission of the Local Planning Authority.

Reason: To define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, 3.6, GP3, GP6, GP7, ENV14, ENV18, ENV32, H3, H10, JP7, T7, T13, 8.7, LC1 and 8.8 of Walsall's Unitary Development Plan and adopted Residential Development Standards, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.



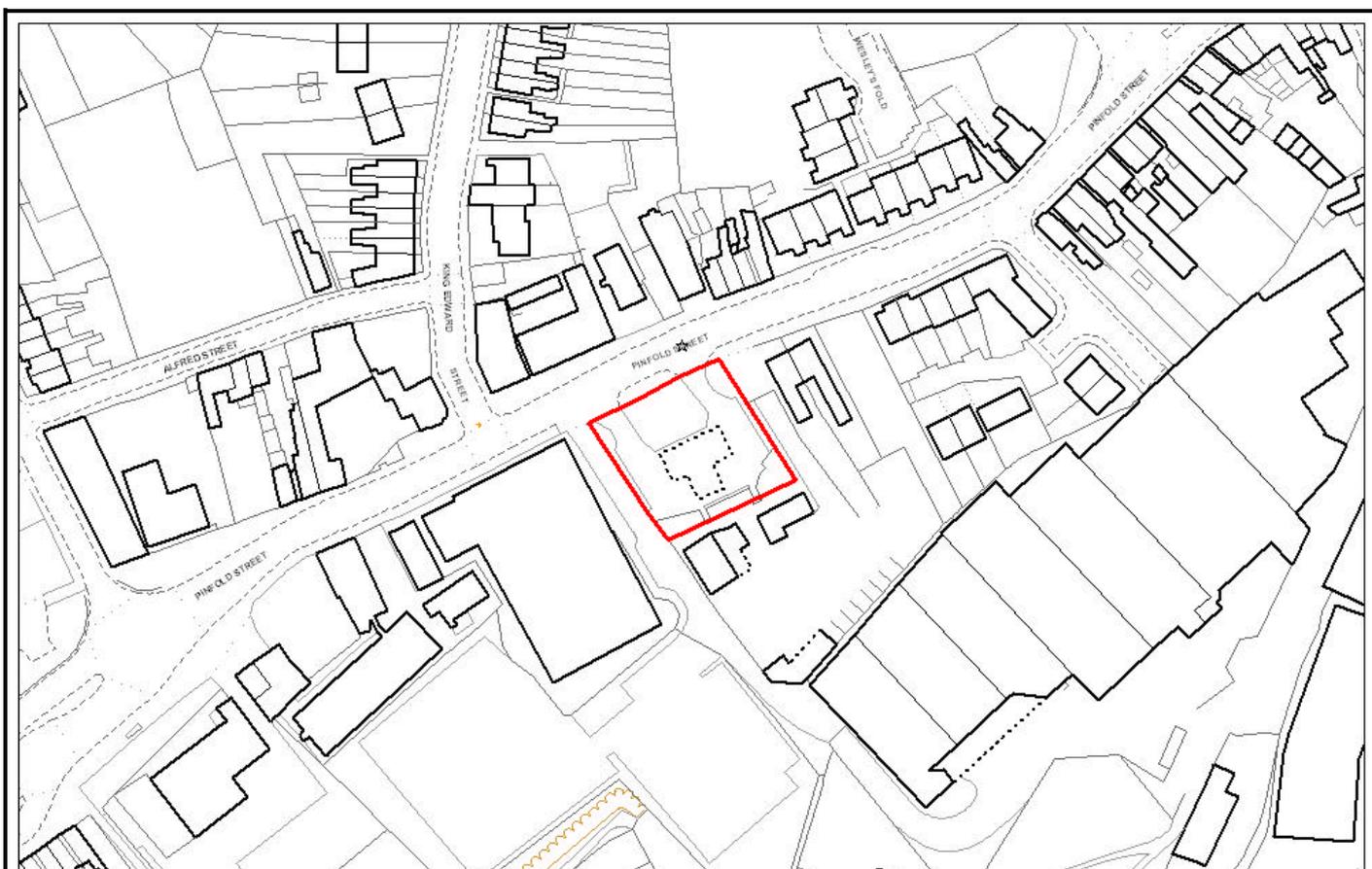
To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Major application

Application Number: 08/0222/FL
Application Type: Full application
Applicant: Mr. U. Shergill
Proposal: Demolition of Filling Station,
Erection of 10 no. 2 Bed Apartments and 6 no.
1 Bed Apartments with Allied Parking and
Amenity Areas
Ward: Darlaston South
Recommendation Summary: Grant Permission Subject to Conditions and a Planning
Obligation

Case Officer: Mrs J Scrivens
Telephone Number: 01922 652436
Agent: Antony R. Tranter Architect
Location: MURCO SERVICE
STATION, PINFOLD
STREET, WALSALL,
Expired: 22/05/2008



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Application and Site Details

This application proposes the demolition of the Murco Service Station, Pinfold Street and the erection of 10 two bedroom flats and 6 one bedroom flats, a density of 114 dwellings per hectare.

The flats would be a frontage development, occupying most of the width of the site in keeping with other new development in the area. The block would be set back 1.5m from Pinfold Street with a small area of landscaping in front. The building would be three storeys in height with the front and rear elevations divided into three sections (one dominant central section and two smaller wings). The entrances to the building would be direct from Pinfold Street and emphasised by full height glazed screens. The roof would be partly flat and partially pitched, with flats within the roofspace. A lift would be provided. Pedestrian access to the flats would be from the front of the building. These would be key pad operated and a visitors' telephone would also be installed.

Materials for the building are intended to be brickwork at ground floor level while the upper floors and roof coverings would be modern, low maintenance materials to reflect those used on other buildings in the area.

A gated vehicular access would be central on the frontage, running through the block to a 24 space car park at the rear (150% provision). The access is wider forward of the gates so that vehicles can enter and leave the site simultaneously. Cycle parking would be provided inside the building.

Approximately 227 square metres of private amenity space would be provided at the rear of the building, between the building and the car park. This would be landscaped, with planting around the car park to screen the buildings at the rear.

The site is within Darlaston District Centre. It adjoins the health centre to the west and housing to the east, beyond the vehicular access to a builder's yard which is at the rear of the site. The properties on the opposite side of Pinfold Street at this point are mixed residential and commercial.

Relevant Planning History

07/2314/FL/W3 Erection of 16 apartments with access to Pinfold Street. Withdrawn
11.2.08

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

Unitary Development Plan

GP1 supports development in sustainable locations

GP2 and 3.6 requires all development to make a positive contribution to the environment

GP3 supports the use of planning obligations to secure infrastructure, services or facilities made necessary by the development

ENV32 requires the design of proposals to be appropriate to their context.

S4 and S8 support housing within district centres to add to the diversity of activities which is important for the vitality and viability of centres.
H3 encourages the provision of housing on previously developed sites.
H9 sets out minimum densities. Densities exceeding 50 dwellings per hectare will be encouraged in district centres
Residential Development Standards were adopted on 25.4.05
H10 expects the design of residential development, amongst other matters, to create a high quality living environment and to provide improvements to open space in accordance with policy LC1
T7 and T13 relate to car parking standards
8.8 states that residential development will only be permitted where adequate school capacity exists or can be provided. A Supplementary Planning Document sets out the contributions that will be required towards education.
LC1 seeks improvements to urban open space. A Supplementary Planning Document sets out the contributions required by developers towards the provision or improvement of urban open space.

Regional Spatial Strategy for the West Midlands supports the regeneration of the metropolitan area by sustainable development, in accordance with national policy.

National Policy

Planning Policy Statement 1 promotes good design and the need for sustainable development

Planning Policy Statement 3: Housing also supports sustainable development and promotes the use of previously developed sites for housing

Planning Policy Guidance 13: Transport emphasises the need to reduce travel, particularly by car.

Consultations

Transportation: No objection. The level of parking proposed is satisfactory. Recommend conditions requiring the re-instatement of the existing accesses to the site; the re-siting of the pedestrian refuge in Pinfold Street which is opposite the proposed site access; details to be submitted of the specification for the access and car park surfacing and contractor's parking to be provided on site for the duration of the construction.

Pollution Control: Scientific Team have no objection. Recommend conditions requiring noise mitigation measures to safeguard future occupiers from traffic noise on Pinfold Street and a restriction on the hours of working to safeguard the amenity of nearby neighbours. Contaminated Land Team have no objection. Recommend conditions requiring a site investigation, ground contamination survey and assessment of ground gas and remedial measures as appropriate.

Fire Service:

Education Walsall: No objection. Require a contribution of £11,172 towards the provision of secondary education

Police Architectural Liaison Officer:

Representations

None to date. The period for neighbour consultation will not expire before the meeting.

Determining Issues

- principle of the use
- design
- urban open space and education
- access and parking
- residential environment
- amenity

Observations

Principle of the use

Pinfold Street is included within the boundary of the district centre but is not part of the primary shopping frontage. The use of this site for residential purposes is therefore acceptable in principle in terms of development plan policies S4 and S8.

Design

The proposed flats would have a substantial presence and would continue the frontage development that characterises both the original and new development along Pinfold Street. The appearance of the block is satisfactory. The flats would have direct pedestrian and vehicular access from Pinfold Street and sufficient amenity space at the rear to form a buffer between the flats and the builder's yard at the rear.

Urban open space and education

The applicant has indicated his willingness to enter into a planning obligation to secure a financial contribution towards urban open space and education. The contributions required are £18,018 and £11,172 respectively.

Access and parking

The proposed access is satisfactory. The existing accesses to the service station would need to be re-instated as footpath and a pedestrian refuge opposite the new site entrance would have to be moved. The number of parking spaces meets Council standards and the layout would enable the parking to be supervised from the building. There is cycle parking space allocated within the building.

Residential environment

The site is likely to require some remediation work due to its use as a petrol filling station. This could be secured by condition if the application is approved. Any requirement for noise remediation could be dealt with in the same fashion.

The application proposes a small area of garden at the front of the site to act as a buffer between the flats and Pinfold Street. It also provides 14 square metres of private amenity space for residents of the flats (excluding the car park). This is well related to the flats and given their district centre location the amount of space is sufficient.

Amenity

The proposed flats would have no adverse effect on the amenity of the dwellings to one side or opposite the site or on the operation of the adjacent health centre. The appearance of the flats is satisfactory and the redevelopment of this site would enhance Pinfold Street, which is one of the main roads into Darlaston.

Conclusion

The approval of this application would result in a significant improvement in the appearance of Pinfold Street and would add to the vitality and viability of the district centre. The scheme would contribute towards urban open space and education to meet its own needs. It is recommended that the application be granted subject to no the completion of a section 106 obligation and to no objections being received to the development which raise issues not covered by this report.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008**

**REASON FOR BRINGING TO COMMITTEE: Major Application, Departure and Called
In by Councillor John O'Hare**

Application Number: 07/2559/OL/E11
Application Type: Outline Application
Applicant: Mr David Cooke C/O CT Planning

Case Officer: Alison Deakin
Telephone Number: 01922 652487
Agent: Mr Christopher Timothy - CT
Planning

Proposal: OUTLINE : Residential
Development (50 Dwellings Per Hectare)

Location: LAND TO THE WEST OF
NORTHGATE, ALDRIDGE, WALSALL,
WS9 8TL

Ward: Aldridge/Central & South
Recommendation Summary: Refuse

Expired: 20/02/2008



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Background

The application has been called in by Councillor John O'Hare as the application raises important issues in relation to the release of employment land for residential use.

Application and Site Details

Outline application for residential re-development of an existing industrial site on the western side of Northgate. The application seeks permission for redevelopment for residential purposes at a density of 50 dwellings per hectare, all detailed matters are reserved for subsequent approval. An indicative Master Plan has been provided that shows a mix of houses and apartments, a single vehicular access off Northgate that could form a tree lined boulevard with secondary accesses off to the north and south, retention of trees along the Northgate frontage, new perimeter blocks of buildings throughout the site and inclusion of additional landscaping. The application states that affordable housing provision is also to be included at 25% of the total number of units. The Master Plan demonstrates how the adjacent industrial sites to the south west could be developed should they become available.

The application is made on behalf of the Phoenix Consortium that comprises the three landowners of the site. The existing premises on the site are predominantly 1950's construction and comprise three parallel buildings fronting Northgate and two further buildings in the south-western corner at the rear. The principal occupier of the buildings is Cooke Brothers and its associated company Phoenix Tooling & Development Limited and the site is used predominantly for B2 General Industrial purposes. However, there is a children's day nursery in the front part of the building on the southern side of the site adjacent to Morford Road and a further industrial firm occupying the front part of the northern buildings. Buildings at the rear of these two other occupiers remain vacant. The areas surrounding the buildings on site are laid out as hardstanding and occupied for car parking or external storage purposes. There are currently three vehicular accesses into the site from Northgate.

There are industrial premises surrounding the north and west of the site, modern residential apartments in Burnsfield Way to the south west of the site, traditional two storey residential properties in Northgate and Leighswood Avenue to the south, Leighs Wood Urban Open Space and playing fields serving Leighswood Primary School directly opposite the site on Northgate. The school itself lies to the south east. The site is 500m to the north of Aldridge District Centre.

The site frontage is 147 metres and the site area 2.56 hectares.

The applicant has provided a Master Plan and Design & Access Statement, Planning Statement, Ground Investigation Report, Flood Risk Assessment, Transport Assessment and Noise Assessments in support of the application and has offered to enter into a S106 Planning Obligation to cover provision of 25% affordable housing and contributions towards education, urban open space and healthcare facilities in accordance with the Supplementary Planning Documents. They also carried out a public exhibition of the proposals in September 2007.

The applicant claims that there are material considerations that weigh in favour of releasing this core employment land for residential development including the following;

- a) *the majority of buildings within the application site are 1950's construction and are no longer capable of meeting the requirements of modern industrial and employment users, due to the limited eaves height, poor insulation, poor loading/unloading facilities, inadequate HGV access and inadequate car parking. There is also a split in floor levels of the existing premises.*
- b) *the supplied Master Plan and supporting technical reports address the relationship of the site to the remaining industrial sites and the need to establish a logical defensible boundary to the Core Employment Area,*
- c) *In spite of active marketing little interest has been shown in the vacant premises and lettings have secured very low rents around £1.50 per square foot – and for short periods only*
- d) *The site is inappropriately included in the Core Employment Area designation as no site specific survey was undertaken when the area was originally drawn up and there are modern purpose built employment buildings and land capable of being developed for industrial uses within Aldridge*
- e) *The potential to redevelop the site for employment purposes is limited due to the proximity of residential uses which would have an impact on the design, location, density and hours of use for new industrial development,*
- f) *Burley Browne have carried out an assessment of the supply and availability of industrial land in the area on behalf of the applicants that proves there is a continuing availability of alternative sites where Cooke Brothers may be able to relocate,*
- g) *The Cooke Brothers business was founded in 1872 and presently employs 60 people with David Cooke being the fourth generation of his family to hold the position as Chairman. The company, which manufactures hinges and related products, is struggling to remain profitable in the face of ever increasing overheads and competition from overseas manufacturers. Cooke Brothers wish to remain manufacturing but is restricted in its attempts to improve productivity, reduce overheads and introduce new manufacturing techniques by its present premises which are no longer suitable for the needs of the business by virtue of their age, layout, size, low eaves height etc. In order to secure the survival of Cooke Brothers it must relocate to more suitable premises and prefer to relocate locally retaining skills and experience of its workforce. The ability to fund this relocation and invest in improvements in productivity by the sale of the present site is critical to the ongoing survival of the business.”*

The applicant has also provided a report from independent Auditors to the Phoenix 1872 Limited Group that confirms that Cooke Brothers are a viable and profitable business yet highlights the effect that the existing premises are having on profitability.

The applicant confirms that it has always been the stated intention of Cooke Brothers to use its best endeavours to relocate the business and its employees to another site within the Borough and preferably in the Aldridge area so as to maintain existing employees and suggest that this could be secured by means of a condition to this effect or by way of a Section 106 agreement in the event of a resolution to grant planning permission. They claim the Company cannot commit to another premise until it has the funds from the redevelopment of its present site and consequently the location of the new premises will be dependent upon the availability of premises at the time that the existing site is sold.

They further add that as evidenced in the supporting information, there are currently premises available within the Aldridge area that would suit Cooke Brothers needs if there were available funds.

The applicants claim that the proposals are required to ensure the survival of Cooke Brothers, a local manufacturing business established in 1872 currently employing 60 people. Cooke Brothers manufacture hinges and related products for the construction, electronic furniture and automotive industries. The supporting information states the volume of their business is reducing and they are presently moving into manufacture of high quality metal goods for the top end of the market as the bulk market they used to serve has been overtaken by cheaper imported goods. In the future the bulk market is likely to be met by Cooke Brothers importing/assembling products from elsewhere and their key difficulty is that the current buildings on Northgate are obsolete for these purposes.

As an example they state that they have been unable to site a recently purchased £150,000 laser machine, for the production of specialist hinge products, in the most efficient location on site due to the low eaves heights of the buildings. They also claim as the business is spread over three buildings this leads to inefficiencies, increased costs and inability to compete in the market resulting in a decline in the business unless they are able to relocate to appropriate premises and modernise the business.

Relevant Planning History

07/1086/ND/E10 – Screening Opinion to ascertain if an Environmental Assessment is required - Proposed Residential Development – Deemed decision that an EIA is not required.

07/2750/FL/E6 – Change of Use to B8 (Storage & Distribution) Purposes on Land and premises to the north-west side of Morford Road (formerly Aldridge Plastics) – Granted subject to conditions 3/4/08. This permits the continued employment use of the adjacent site.

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

2.2, 2.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided, to strengthen and diversify the economy of the Borough and promote economic revitalisation.

GP3: 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.

GP4: local area regeneration by helping to bring forward derelict, vacant or underused land and buildings for new uses and to revitalise the local economy and safeguard jobs.

ENV14: encourages the development of derelict and previously developed land.

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

ENV23: Proposals must take account of opportunities for nature conservation ENV24: New development which would sever or unacceptably harm the integrity of a wildlife corridor will not be permitted.

3.16, GP7, ENV32, H10 and 3.116: seeks 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. Designing out crime' through design, layout, landscaping and boundary treatments.

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

4.4 & JP5: Core Employment Areas are locations of strategic importance and will be safeguarded for core employment uses. Proposals for other uses will only be permitted where; a need would be met which could not be satisfied elsewhere in the Borough or, the range and quality of employment opportunities would be significantly increased.

6.3 & H3: Encourage the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

6.25 & 6.30 refers to windfall sites that come forward for redevelopment other than as development plan allocations.

H9: net density of residential development should be at least 30 dwellings per hectare. Densities exceeding 50 dwellings per hectare will be encouraged on sites located at major transport corridors.

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 a financial contribution to the costs of providing these facilities will be required.

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these.

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.

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.

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

T12: for residential developments the walking distance should be no more than 400 metres to a bus stop.

T13: car parking standards

1, 2 & 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Flats with communal parking 1.5 spaces per unit

Supplementary Planning Document “Designing a Better Walsall” (January 2008)

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process. It identifies eight key urban design principles for consideration including sustainability, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability. Local Character Guidance is also included, plus Public Art Guidelines and Numerical Guidelines for Residential Development. The latter identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above,

13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Supplementary Planning Document for Urban Open Spaces

Identifies the requisite local standards and contributions that developers will be required to make towards provision and improvement of open spaces.

Supplementary Planning Document for Education

Sets out the contributions that developers will be required to make towards the provision and improvement of local education facilities.

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Supplementary Planning Document for Healthcare

Seeks to provide adequate healthcare facilities and sets out requirements for contributions from potential developers.

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. It forms part of the development plan, and was revised and republished on 15th January 2008 to reflect the Partial Review Phase 1, applying to the Black Country. Policy PA6 seeks to provide and maintain a range of readily available employment sites to meet the needs of the regional economy. Paragraph 46b states the release of former employment sites for housing will only be considered where significant employment land of appropriate type and quality remains. The Strategy recognises the role of the regeneration of the Black Country to the overall performance of the West Midlands Region. Overall the strategy promotes sustainable regeneration of previously developed land, a high quality environment and sustainable development capable of being accessed by a variety of transport modes. It contains a policy relating to the maintenance of a portfolio of employment land (PA6) and one that deals with housing and employment land (UR1B).

National Policy

PPS1 Delivering Sustainable Development – Emphasises the need to reject poor design and the need for sustainable development.

PPS3 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. Paragraph 60 requires Local Authorities to ensure there is a continuous five year supply of sites for housing and monitor the supply of deliverable sites on an annual basis

PPG4 Industrial & Commercial Development and Small Firms - seeks to take account of the locational demands of business.

PPS9 Biodiversity & Geological Conservation – seeks to promote sustainable development, conserve, enhance and restore the diversity of England’s wildlife and geology and contribute to rural renewal and urban renaissance.

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

Other relevant policy guidance includes PPS23 Planning and Pollution Control, PPS24 Planning and Noise, PPS25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention; and the 2004 Employment Land Review Guidance Note.

Consultations

Transportation – No objections in principle to outline proposals for residential development but it appears that a Walsall MBC refuse vehicle would not be able to manoeuvre throughout the site due to lack of sufficient turning heads.

Pollution Control (Contaminated Land) – No objections subject to conditions to ensure investigation and remediation of any localised ground contamination and ground gas issues due to various industrial uses formerly located on the application site.

Pollution Control (Scientific Team) – No objections subject to a condition for suitable noise mitigation measures to protect internal and external areas as outlined in the addendum to the Hoare Lea report.

Environmental Health – No objections.

Strategic Policy – Objects. The proposals are contrary to Policy JP5 (a) (i) and (ii) which safeguards the land for core employment uses. The applicants have not demonstrated that the need for housing could not be met elsewhere in the Borough and housing is not an employment generating use therefore the range and quality of employment opportunities would not be significantly increased by the proposed development.

A new paragraph 46b inserted into the RSS in January 2008, with specific reference to the Black Country Boroughs, underwrites this approach. It states that ‘the release of former employment sites for housing will only be considered where significant employment land of appropriate type and quality remains’. Walsall (not simply Aldridge) has a shortage of good quality employment land and the best it has to offer is concentrated in its Core Employment Areas.

It is noted that the site owner’s intention is to relocate elsewhere. Connected with this, the applicant cites apparent lack of interest in the site as it exists from the industrial market, as evidence to support the application to release the site for housing. However, PPS3, the national housing planning guidance which came into effect in April 2007, is more restrictive about the release of existing and former industrial sites than its predecessor, which was in operation during the initial stages of the preparation of this application. PPS3’s paragraph 44 refers to the 2004 ODPM Employment Land Reviews Guidance Note. Paragraph 4.40 of this note states that ‘strategic planning factors, for example where the site is key to delivering economic development objectives or indeed forms part of a wider regeneration proposal, may support the retention of an apparently unsustainable site’. This site, being

part of a designated Core Employment Area, is a case in point. Furthermore, allowing the encroachment of housing into the Core Employment Area would potentially constrain the operation of remaining industry and perhaps result in opposition to its activities on the part of the new residents, as has happened elsewhere in the Borough. This is not in the interests of wider efforts to regenerate Walsall.

At paragraph 60 of PPS3 it states that Local Authorities should ensure there is a continuous five year supply of sites for housing and monitor the supply of deliverable sites on an annual basis. In 2007 the Council had a housing land supply of 8.1 years which exceeds the requirements of PPS3. The evidence base for the Black Country Joint Core Strategy preferred option (currently out to consultation) also shows that there is sufficient land across the Black Country for housing needs up to 2026. In conclusion therefore there is no requirement to develop the application site for housing.

Economic Regeneration – Objects. The Council is struggling to identify good quality employment land opportunities for several companies it is currently supporting that are looking to relocate either within, or into, the borough. From an economic perspective, the loss of additional Core Employment Land for residential development can only exacerbate present tensions and jeopardise further employment opportunities within the borough. A more proactive approach to bringing poorly utilised employment land back into use is being explored and in this context the existing portfolio of Core Employment Land should be retained.

Landscape – In principle welcome the retention of frontage planting along Northgate. However, the illustrative drawings do raise concerns regarding the practicalities of providing a “pocket park” and “linear grand boulevard with children’s play area” in a corridor only 20m wide and concerns as to whether there is adequate space allowed to create a buffer between new residential and existing industrial uses.

Urban Design – No objections to the principle of residential development but have reservations regarding the indicative house types and designation of the boulevard as a “multi functional public open space”.

Environment Agency – Awaiting response.

Education Walsall – Require a contribution towards both primary and secondary education in accordance with the Supplementary Planning Document on Education.

Strategic Housing – No objections but 25% affordable housing should be provided on site. This should be split 50/50 by social rent and shared ownership. The affordable housing should be split across all property sizes, however, 1 bed units are not required either for affordable or open market sale.

Police Architectural Liaison Officer – No comment as information is not provided at this stage in relation to security at the site.

West Midlands Fire Service – Fire service access will be satisfactory providing full plans application show compliance with Building Regulations, Approved Document B, Section B5.

Centro – No objections. The site is within accessibility standards, and is served by a large number of bus services, that run along Northgate and Leighswood Avenue, that link the site to Walsall and Birmingham. The developer should ensure that any pedestrian links to bus services are direct, convenient, well lit and of safe and secure design. A Residential Travel Plan is also required.

National Grid – No objections.

Public Participation Response

Three letters of objection have been received which are summarised below:

- Concerns that the proposals may adversely affect adjoining businesses by virtue of potential complaints from future occupiers in relation to noise and vibration, use of heavy power presses and machinery, unrestricted hours of operation, deliveries/collection via articulated vehicles and associated workings of the adjacent factory
- Potential security issues
- Potential conflict between existing unrestricted industrial operations at premises in Morford Road and proposed new residential housing
- The application includes references to potential future residential development on adjacent industrial land whereas the owners of this land have declined an approach by the applicants regarding comprehensive development

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

Determining Issues

- Loss of Core Employment Land
- Principle of Residential Development
- Impact on Neighbouring Properties
- Other matters relating to the applicant's case
- Layout and Design
- Education/Urban Open Space/Healthcare/Affordable Housing provision

Observations

Loss of Core Employment Land

The proposals are for residential development within a Core Employment Area in the Unitary Development Plan. Policy JP5 states that where sites come forward for redevelopment they will normally be safeguarded for core employment uses. Proposals for other uses will only be permitted where it can be demonstrated that a need would be met which could not be satisfied elsewhere in the Borough, or where the range and quality of employment opportunities would be significantly increased.

Residential development fails these two policy tests. Firstly, it does not provide employment and secondly, there is no need to use the site for housing, which can be satisfied elsewhere in the Borough.

In accordance with PPS3 the Council is now required to carry out and publish in its Annual Monitoring Report an annual review of its housing land supply to ensure a five-year supply of deliverable sites. Walsall has more than enough land to satisfy this requirement and indeed is likely to have a five-year supply until 2016, even when measured against the RSS Phase Two Revision. In approving the Walsall Local Development Scheme, Government Office for the West Midlands has accepted this position. There is therefore no defined need for further residential development on core employment areas, and although the Council supports good design, affordable homes and sustainable homes this should not be at the expense of its core employment sites.

The opportunity to use brownfield sites for housing must be balanced against the need to retain the land for other uses, notably employment. If sufficient land is not retained for employment within the urban area there may be increased pressure for decentralisation of these uses to peripheral greenfield sites outside the Major Urban Areas. It is therefore considered that as there is an overriding need for the land and buildings to be retained for future employment capacity, given the core employment area designation residential development should not be supported.

The rationale behind the creation of Core Employment Areas was to provide and safeguard a critical mass of industrial capacity that could serve as the basis for attracting modern industry, to move beyond a fragmented approach. It is therefore important to see the site in its overall context, and how it could perform as part of a larger industrial area. If housing were to be allowed on the proposed site it would fragment the industrial premises to the south, and act against this overall approach.

For these reasons, the proposals are therefore contrary to Policy JP5.

Principle of Residential Development

In accordance with PPS3 the Council is now required to carry out and publish in its Annual Monitoring Report an annual review of its housing land supply to ensure a five-year supply of deliverable sites. Walsall has more than enough land to satisfy this requirement and is likely to have a five-year supply until 2016. In approving the Walsall Local Development Scheme, Government Office for the West Midlands has accepted this position. Consequently, Walsall has no need for more housing land in the short term.

At April 2007 Walsall has more than enough land available to meet the 5-year supply requirement in PPS 3, even when measured against the most ambitious option being considered for the RSS Phase Two Revision. The current Unitary Development Plan provides for a 12 year supply of housing without the need to redevelop employment areas. There is no defined need therefore for further residential development, particularly on core employment areas, and although the Council supports good design, affordable homes and sustainable homes this should compliment and not be at the expense of its core employment sites.

Impact on Neighbouring Properties

There is a further issue, namely the potential of residential development on part of the Core Employment Area to constrain the activities of surrounding industrial uses to the north and south of the site. In this context, PPG4 paragraph 18 states that planning authorities 'should carefully consider whether particular proposals for new development may be incompatible with existing industrial and commercial activities. The juxtaposition of

incompatible uses can cause problems for the occupiers both of the new and the existing development. For example, where residential development is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority, and may give rise to pressure to curtail the industrial use'.

The Master Plan demonstrates how the site could be developed in a manner that provides separation between the proposed new dwellings and existing industrial units surrounding the site to reduce the potential for noise and disturbance from surrounding industrial uses to adversely affect the living conditions of potential occupiers. The Plan also indicates a 3m high close boarded acoustic fence along the northern and southern site boundaries and shows dwellings nearest to these boundaries could be developed so that there are only non-habitable rooms nearest to the boundary (for example gable walls). A noise assessment has been prepared that concludes the noise climate for the site could be controlled by use of appropriate mitigation to achieve BS8233 "good" criteria for dwellings at all times of the day or night. Pollution Control are satisfied that these are adequate measures to protect residential amenity.

The owners of the adjacent industrial premises on Morford Rd, which is also in the Core Employment Area, have stated that they are not willing to redevelop their site for residential purposes and having recently gained planning permission for change of use of the existing units to Class B8 Storage & Distribution (07/2750/FL/E6). It is likely that this employment use will continue for the foreseeable future. But, if housing were to be allowed on the proposed site, this would mean that the industry on Morford Rd would be surrounded by housing. Even though the application includes mitigation measures against potential noise and disturbance from the adjacent industrial premises, the proposals may still constrain industrial activities of the adjacent site for its allocated use as future occupiers of the proposed residential development could still object to operations carried out on the adjacent sites. There is a risk that, due to pressure from residents, the neighbouring industry might eventually go elsewhere. The applicants acknowledge that there have already been complaints to from occupiers in Burnfields Way and Lingmoor Grove in respect of noise and disturbance resulting from industrial activities carried on at adjacent sites.

The applicants have indicated mitigation measures they are prepared to undertake to prevent a similar situation arising in respect of the application site. Although pollution control have not objected to the proposed mitigation measures the construction of an acoustic fence along the boundary will nevertheless be an obtrusive visual barrier detrimental to the outlook of proposed dwellings similar to the present relationship between the existing industrial premises and new apartments in Burnsfield Way.

The proposal could perpetuate this problem rather than solving it, and risk a further outflow of industry, contrary to the Unitary Development Plan policy aim to boost jobs and prosperity in the Borough (paragraph 4.17) and policy H3 because residential development could constrain the development of adjacent sites for other intended purposes. The proposals are also contrary to policies GP2, GP7, ENV32 and H10 of the UDP

Other matters relating to the applicant's case

Viability

Points (a), (c) and (f) of the applicant's case deal with viability issues. It is recognised that there are current difficulties with marketing the site. However, the Employment Land Reviews Guidance Note states in its paragraph 4.30 that strategic planning factors may support the retention of apparently unsustainable sites which nevertheless form part of a wider regeneration proposal, pending further, more detailed review. In Walsall's case, such a review would be carried out as part of the Site Allocations DPD, as part of the LDF process.

Core Employment Area

Point (b) of the applicant's case is that the release of the site would establish a defensible boundary of the Core Employment Area. However, given the industrial premises which lie immediately to the south, the Council's view is that the proposal would clearly fragment the Core Employment Area to its detriment. Point (d) suggests that the site is inappropriately included in the Core Employment Area. However the issue of Core Employment Areas was debated length at the Unitary Development Plan Inquiry, there were no objections to its boundary in this area and the boundary is now fixed for the purposes of the Development Plan, until such time as the Site Allocations Development Plan Document is adopted. This will provide the certainty that industry needs.

Neighbouring Residential Uses

Point (e) of the applicant's case stating that the proximity of the residential uses would have an impact of the design, location, density and hours of use for new industrial development would appear to acknowledge the difficulties caused by the siting of housing close to industry – for example at Morford Road.

Retaining Employment in the Area

In relation to Point (g), the applicants claim that it is of the utmost importance to the future of Cooke Brothers that they relocate to new premises. This application is a catalyst to that move, as without a move the business will be left with out of date and inadequate premises at the site and probably no Cooke Brothers to support the employment in the area. They have also expressed a desire to stay within the Aldridge Area to retain employment within the area and suggest that in order to ensure their relocation within the Borough the Council could secure a conditional permission or clause in a S106 Planning Obligation.

It is agreed that the need to safeguard jobs is an important consideration in relation to this proposal. The applicant has carried out thorough research and provided significant justification as to why the circumstances of the Cooke Brothers site should be considered a special case and support given for allowing redevelopment of the Northgate site. The Council's economic development department has been working with Cooke Brothers to help them find premises and examine the potential for grant funding.

Nevertheless, it is important to recognise the following points: first, planning policy should not favour the interests of one company over another. Second, the potential impact on jobs caused by refusal of the application has to be weighed against the risk of allowing residential development next to jobs in neighbouring industrial activities, as referred to in PPG4. Thirdly, the employment protection policies as set out in the Unitary Development Plan are needed in order to enable firms such as Cooke Brothers to move to more

appropriate premises in the first place. If housing were to be allowed in Core Employment Areas on a piecemeal basis, there would be a far greater likelihood that companies would have to move away from an area that is dependant on manufacturing industry to sustain its economy.

Notwithstanding the particular circumstances of the applicant the proposals nevertheless result in a loss of core employment land and for the reasons stated above it is considered that the proposals may prejudice surrounding industrial occupiers. Although the applicant claims their intentions to remain within the Borough there is also no guarantee at this stage that Cooke Brothers would be able to remain within the Borough to maintain alternative employment opportunities should their current core employment site be lost to housing. On balance it is considered that the proposals would have an adverse impact on employment opportunities within the Northgate Core Employment Area contrary to policies 4.4, JP5, the RSS and PPG4.

The applicant also claims that since the proposals were first discussed at the Council's Development Team in August 2005 they have invested much time and resources in preparing supporting information and technical reports to accompany the current application and that this has progressed over a period of time in consultation with officers.

During the period within which Cooke Brothers have been developing and preparing the supporting information to accompany the current application the Council has approved planning applications for residential development on other core employment land, for example on land off Leamore Lane (06/1118/FL/W2 – granted June 2007). Permission has also been granted for major residential development on other employment areas throughout the Borough, for example Land off Bridle Lane, Streetly (07/1617/FL/E11) and former William Bird Sawmill, Lichfield Road, Rushall (07/0145/FL/E11). However, with one exception – the case of Leamore – these have not been on Core Employment Land and determined in the context of planning policy at the time which framed a less restrictive approach. Housing at Leamore was allowed because of the physical separation of the site from the rest of the Core Employment Area, unlike the present case. Nevertheless, it is acknowledged that these decisions have resulted in the loss of employment land.

Residential development of other employment sites reinforces the need to protect the best quality Core Employment Areas from redevelopment for residential purposes in order to maintain a supply of employment land throughout the Borough. There has also been a recent shift change in policy that places more emphasis on the need to protect Core Employment Areas from residential development. For example PPS3 which came in to force in April 2007 places more restrictions about releasing existing and former industrial sites than its predecessor PPG3. Moreover the Employment Land Review Guidance is also relevant. Paragraph 4.30 states "*strategic planning factors, for example where a site is key to delivering economic development objective or indeed forms part of a wider regeneration proposal, may support the retention of an apparently unsustainable site*". As the site is within a Core Employment Area this policy therefore applies. Redevelopment of the application site for residential purposes is not in the interests of wider efforts to regenerate Walsall and is contrary to JP5 and PPS3. It is regrettable that the timing of the submission of the current application comes at a point when this greater emphasis is being placed on retaining Core Employment Areas but if the application were approved contrary to policy JP5, the RSS and PPG3 it would set a precedent for further encroachment of residential development within this key Core Employment Area.

In response to this the applicant has confirmed that it has always been the stated intention of Cooke Brothers to relocate the business and its employees to another site within the Borough so as to maintain existing employees and suggest this could be secured by means of a condition or a Section 106 Agreement in the event of a resolution to grant planning permission. They also claim the Company cannot commit to another premise until it has the funds from the redevelopment of its present site and consequently the location of the new premises will be dependent upon the availability of premises at the time that the existing site is sold. They further add that there are currently premises available within the Aldridge area that would suit Cooke Brothers needs if there were available funds. An independent auditor's report has been provided that shows the financial viability of the existing business over the period 2006-2007 as having growing net assets of almost £2.5 million and net profits of £57,900.

The means of securing the continued employment opportunities within the Borough is unsure. There can be no guarantees that once Cooke Brothers has moved to an alternative site and the core employment land has been lost to residential development, that the business would successfully maintain the employment provision relied upon to make the planning decision.

Layout and Design

The indicative layout within the Master Plan shows a built frontage along Northgate set behind a belt of existing trees, a single vehicular access into the site flanked by two gateway buildings and leading into the site to create a tree lined boulevard with development fronting the access and a woodland feature as an end stop. Secondary roads lead off this main access to the north and south. Perimeter blocks of housing and apartments are shown throughout the site. The indicative layout shows the central boulevard in the centre of the site as a multi-functional public open space.

Policy H3 encourages provision of additional housing through re-use of previously developed windfall sites provided that a satisfactory residential environment can be achieved. However, as the application is in outline form only, the supplied Master Plan layout fails to demonstrate that a satisfactory residential environment can be achieved in terms of design and layout and privacy and amenity standards. For example it is not possible to determine whether adequate separation between existing and proposed residential properties and adjacent industrial users can be maintained in order to protect neighbouring amenities or to determine whether there is sufficient space within the site to support development of 50 dwellings per hectare and still achieve the appropriate design and access standards such as highway design, space and separation, levels of amenity space and urban design. The proposals are therefore contrary to policies GP2, GP7, ENV32, H10, T7 and T13 and Designing a Better Walsall Supplementary Planning Document.

Consultation responses have highlighted concerns in respect of the relationship between buildings and public spaces, apparent lack of space to create adequate vehicle turning heads or manoeuvring space, adequate landscaped buffers between residential and industrial properties etc.

Education/Urban Open Space/Healthcare/Affordable Housing provision

Under the requirements of policies GP3, 8.8, LC1, 8.9 and H4 of the UDP and Supplementary Planning Documents on Education, Urban Open Space, Healthcare and Affordable Housing the development would attract the need for a S106 Agreement to cover Education (contribution towards primary and secondary school provision) Urban Open Space, Healthcare and Affordable Housing (25% on site provision to comprise 50/50 split between social rent and shared ownership spread across all property sizes on units yet to be determined but to be spread throughout the site) in accordance with the thresholds and criteria specified in the relevant supplementary planning documents. The applicants have agreed to enter into a Section 106 Planning Obligation in relation to these matters and have indicated that they are willing to accommodate 25% affordable housing on site. Nevertheless until such time as a S106 Agreement has been completed the proposals do not make adequate provisions for the above.

Conclusion

The application requires a balanced judgement of the determining factors to weigh up the loss of core employment land versus the principle of residential development and the potential impact this may have on the operations of adjacent employment uses and segregation of the Morford Road site from the remainder of the Core Employment Area. Other factors include whether the applicant has demonstrated that a satisfactory layout and design can be achieved at the suggested density of 50 dwellings per hectare and whether satisfactory provision for education, healthcare, urban open space and affordable housing can be made. Setting aside other material considerations including the very special circumstances of the applicant it is considered that the proposals are unable to outweigh the strong policy presumption against the release of Core Employment Land. However, if Committee are minded to approve the proposal, this would be a departure from the Unitary Development Plan and the application would need to be referred to the Secretary of State for consideration.

Committee should be satisfied that any decision to relax policy is directly related to the special circumstances of this case in recognition of the need to maintain employment uses so as not to undermine the successful application of policy at other sites in the future and to enable the Council to resist inappropriate development in the future.

Recommendation: Refuse

1. The proposed development is contrary to Development Plan policy JP5, (a) (i) in that there is no need for housing on this site; and JP5(a) (ii) in that it would result in the loss of employment land and fragment the Core Employment Area at a time when there is a need to safeguard and improve the critical mass of industrial capacity in the Borough. Furthermore the development would conflict with the strategic policy statement at paragraphs 2.1, 4.7 and Policy GP1(c) and aims for regeneration of the Borough.

2. The proposal will have an adverse effect on the functioning of the Core Employment Area as it would result in the severance of the approved B8 (Storage & Distribution) use on the adjacent site off Morford Road to the south of the application site from the remainder of the Core Employment Area. In addition the proposals could have an adverse effect on the functioning of neighbouring industry in terms of the potential for future residents to curtail industrial operations to the north and south of the site. The proposal is therefore contrary to policy H3 (a) IV.

3. The outline proposals fail to demonstrate whether the site can support a development of 50 dwellings per hectare whilst achieving the principles of sustainable urban design, particularly in relation to the following areas:

- providing an adequate buffer between industrial uses and proposed residential properties
- providing adequate landscaping
- highway design, parking and access standards
- space and separation between dwellings
- levels of private and shared amenity space
- secure by design principles
- sustainability

The proposals are therefore contrary to policies 2.2, 3.6, 3.7, GP2, GP7, ENV18, ENV23, 3.16, ENV32, ENV33, H3, H9, H10, 3.116, T7 and T13 and policies DBW1, DBW2, DBW4, DBW5, DBW8 and DBW9 of the Supplementary Planning Document "Designing a Better Walsall".

4. The proposed development would, in the absence of any financial contributions or other arrangements, result in unacceptable demand on limited educational capacity, accessible community healthcare facilities, affordable housing and public open space provision in the locality. As such the proposal is contrary to policies GP3, 8.8, 8.9, H4 and LC1 of Walsall Unitary Development Plan and the Supplementary Planning Documents relating to Education, Healthcare, Urban Open Space and Affordable Housing.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 08/0076/FL
Application Type: Full application
Applicant: Mr A Khara
Proposal: Ground Floor Side Extension and
Detached Garage
Ward: Paddock
Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Owain Williams
Telephone Number: 01922 652486
Agent: Mr Gurprit Benning
Location: 28 BUDE
ROAD,WALSALL,WS5 3EX
Expired: 25/03/2008



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Application and Site Details

This application is for the addition of a storage area to the side of a detached house that lies in the corner at the end of a cul de sac. The extension, which is to be 2 metres wide, is to infill the area between the side of a two-storey extension that is currently under construction and the boundary with the rear gardens of houses in Newquay Close. The extension is to have a mono-pitch roof which will rise away from the boundary with the neighbouring boundary, and high level obscure glazed windows to the side.

The houses in Newquay Close lie at a higher level than the application property.

The application also proposes the erection of a detached garage to the front of the property. The garage, which is to measure 6.0 x 4.5 metres with a shallow gable roof up to 3.0 metres high, is proposed to lie next to the boundary with the rear garden of 12 Newquay Close and set back 11 metres from the turning head in Bude Road. The garage is to lie 5 metres away from the side of the rear garden to 26 Bude Road.

The application originally included gates and pillars across the frontage but these have now been omitted.

Relevant Planning History

07/1332/FL/H5 – Part two-storey, part single-storey side extension and front canopy – Granted Permission subject to conditions on 09/08/07.

Relevant Planning Policy Summary

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

Unitary Development Plan Policies

GP2: Environmental Protection

The Council will 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.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Designing a Better Walsall – Supplementary Planning Document

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

National Policies

PLANNING POLICY STATEMENT 1

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

Consultations

Transportation – No objection to the application now that the gates that were originally proposed have been omitted.

Public Participation Response

Representations have been received from the occupiers of 10 and 12 Newquay Close, and 26 Bude Road, objecting on the following grounds:

- The extension will further increase the size of the property in this tight corner of the hammer head.
- The proposed garage will further decrease parking space on the drive of this property
- The brick pillars and gates should remain on the applicants land. As this is a corner plot 26 and 28 share a boundary line.
- The positioning of the garage close to the boundary fence will leave it hard to maintain this fence.

- The windows to the lean to extension will overlook their garden.
- Loss of space to maintain the fence.
- Loss of light and view.

The representations may be viewed on the application file in Planning Services on publication of this report.

Determining Issues

- design and character
- impact on the amenities of nearby residents,
- highway and pedestrian safety; and
- parking

Observations

Design and Character

The house previously had a single-storey flat roof section to the front and side. Much of the latter has been replaced by the two-storey extension that was approved last year. The design of the proposed extension would be in keeping with the original part of the house. The extension is to be set back from the front of the house. Its position between the side of the house and the boundary fence means that it would not be visible from the street and would have little impact on the character of the area.

The shallow gable roof of the garage would also be in keeping with the roof design of the application house and its neighbours. It would lie in front of the application house but would be set well back from the road and the other houses in the street.

The impact on the amenities of nearby residents

The proposed extension to the side of the house is to measure 2.2 metres in height to the eaves and therefore will only project 0.4 metres above the height of the existing boundary fence. The high level windows to the extension are to be obscure glazed and therefore will not impact on the privacy of neighbours. The extension will be within the shadow of the existing house so it will not create any more loss of light over and above that which is taken by the existing building. The rear garden of 10 Newquay Close is 15 metres long.

The eaves level of the garage will only be 2.4 metres in height. The habitable room windows to number 12 Newquay Close are situated 13 metres away from the rear boundary and with the house being situated higher in level than the proposed garage the height of the garage would be reduced in relation to the windows so it therefore would have minimal impact on the neighbouring amenities.

The issue relating to the maintenance of the boundary fence is a civil matter between the neighbours and the applicant and is something to which the Council has no control over.

Highway and Pedestrian Safety

The gate and pillars proposed have now been omitted from the scheme. The position of the garage set back 11 metres from the road means that there will be no impact on highway or pedestrian safety.

Parking

The remaining driveway would be sufficient to accommodate parking in accordance with the Council's parking standards even if the garage was not used for parking.

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

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

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

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

4: This permission does not grant or imply consent for any gates, walls or other means of enclosure.

Reason; To define the permission, in the interest of highway and pedestrian safety and in accordance with policy GP2 of Walsall's Unitary Development Plan.

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing a Better Walsall", 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 determined by the Development Control Committee, the report can also be viewed on the Council's web site at www.walsall.gov.uk/planning.

Application and Site Details

This application is for an extension to a semi-detached house to provide a utility and enlarged kitchen on the ground floor with a bedroom and study on the first floor. The total number of bedrooms is to increase from three to four, plus the study.

The front of the proposed first floor is to be set back 0.75 metres from the front of the existing first floor whilst the rear is to be in line with the rear of the existing first floor. The proposed first floor is to lie above the existing garage which is to be retained. The single-storey rear extension is to project 3.5 metres out across the full width of the house. The two-storey part of the extension is to have a hipped roof. The single-storey rear extension was originally proposed to have a mono-pitch roof, but amended plans have been received that amend the section on the corner nearest the adjoining house number 9 to a hipped shape.

The two-storey extension is to lie between the side of the application house and the side of number 9. Number 9 is approximately 0.7 metres lower than the application house but the two-storey part is in line at the front and rear with the application house. Number 9 has a garage to the front and a breakfast kitchen to the rear nearest the boundary.

There is a shared passageway approximately 0.8 metres wide between the garages of the two houses. This gap is to be retained. The part of the extension to the rear of the garage is to be stepped in a further 0.5 metres from number 9.

The house on the opposite side, number 15 the other half of the pair with the application property, has a conservatory to the rear next to the boundary.

The rear garden of the application house faces the blank side wall of 11 Planetree Road. 16 and 18 Elmtree Road lie on the opposite side of the road to the front.

Relevant Planning History

None.

Relevant Planning Policy Summary

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

Unitary Development Plan 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.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Designing a Better Walsall – Supplementary Planning Document

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances in excess of those stated in the guidelines will be applicable where it is appropriate to the character of the area. It may also be possible to achieve shorter distances through creative design or in order to protect an area's character.

These guidelines including the following:

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.
- 13m separation between habitable windows and blank walls exceeding 3m in height.
- 45 degree code, in particular where new development impacts on existing (details of this code are available on request or can be downloaded on the web site). Single-storey extensions that breach the 45 degree code will be allowed provided they do not project more than 3.5 metres beyond the adjoining dwelling.

Terracing – avoid creating terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character.

National Planning Policy

PLANNING POLICY STATEMENT 1

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

Consultations

None.

Public Participation Responses

Representations have been received from the occupiers of 9, 16 and 18 Elmtree Road, objecting on the following grounds:

- single-storey rear extension will cause a loss of light and outlook to number 9, which will be made worse because of the difference in levels between the two houses;
 - extension will be built across a sewage pipe that serves 7 properties;
- the occupier of number 9 states that they have no objection to the side two storey extension provided there is no reduction in width to the shared side access and access to their side gate at all times is retained during construction;
- two-storey extension will cause a loss of light to numbers 16 and 18;
 - two-storey extension will add to the terracing effect already created by several similar extensions in this part of the road.

The representations may be viewed on the application file in Planning Services on publication of this report.

Determining Issues

- Design and Character;
- Impact on the Amenities of nearby dwellings;
- Parking.

Observations

Design and Character

The hipped roof of the two-storey part of the extension would be compatible with the existing house and the adjoining properties. The position of the proposed first floor set back from the existing front of the application house and the lower hip roof would make the extension subservient to the existing house. This design combined with the gap that would remain to the side of number 9 would avoid any potential for terracing. However, there are at least three houses in the street between the junction with Cherrywood Road to the east and the bend to the west (numbers 15, 21 and 22) which have added either two-storey or first floor side extensions to the side which have resulted in the loss of the gap at first floor level. As a result of these extensions there is no longer a regular rhythm to the gaps between the houses. The application proposal would be in keeping with this changed character.

Impact on Amenity

The front and rear of the two-storey part of the extension would not project beyond that of number 9. The single-storey rear extension would only project approximately 0.9 metres beyond the existing conservatory to number 15 so would have little impact on this house.

The difference in levels between the two houses means that the eaves of the single-storey rear extension would be approximately 3.3 metres high measured from number 9. The hipped roof shown on the amended plans would slope up away from number 9. The rear corner of the breakfast kitchen would lie approximately 1.5 metres away from the rear corner of the extension. This gap and the roof shape means that, despite the difference in levels between the two houses, the impact on the rear of number 9 would be acceptable. The length of the extension in relation to the rear of number 9 would comply with policy.

The extension would lie on the opposite side of the road and to the north of numbers 16 and 18, so would cause no loss of light to these properties.

The suitability of building over the existing sewer would be examined at the Building Regulations stage. The issue of access for maintenance of the sewer would be a private legal matter between the owners.

Parking

The number of habitable rooms at first floor would be increased to 5 however there is sufficient space within the front garden to widen the front driveway which, together with the existing garage would provide sufficient parking space to meet the Council's requirement of 3 spaces for a house with 4 or more bedrooms.

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

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

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

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

4. Before the development is brought into use, the front driveway shall be enlarged and hard-surfaced to provide a total of at least 2 car parking spaces, each measuring at least 2.4 by 4.8 metres. The spaces shall thereafter be retained at all times.

Reason: To ensure the satisfactory provision of off street parking and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

5: There shall be no alterations that would prevent the use of the garage for parking unless the driveway has first been enlarged to provide a total of at least 3 parking spaces, each hardsurfaced and measuring at least 2.4 x 4.8 metres. The spaces shall thereafter be retained as such.

Reason: To ensure the satisfactory provision of off-street parking and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

6: This permission relates to the amended drawings numbered 079-2007 deposited on 17 March 2008.

Reason: To define the permission.

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing a Better Walsall", 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 view on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

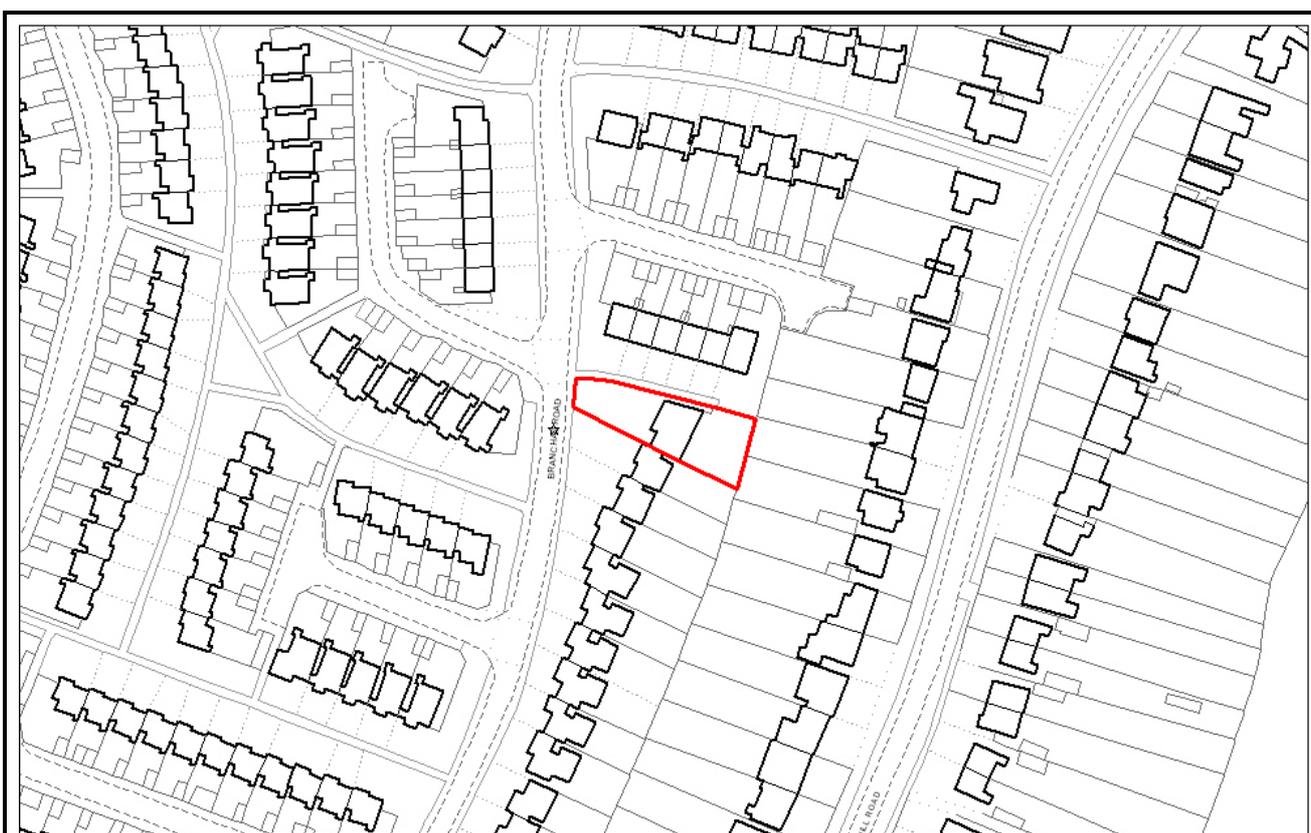
Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 08/0228/FL
Application Type: Full application
Applicant: Mrs Hull
Proposal: First Floor Side Extension

Case Officer: Jenny Townsend
Telephone Number: 01922 652485
Agent: G. T. Smalley
Location: 38 BRANCHAL
ROAD, ALDRIDGE, WALSALL, WS9 8SH
Expired: 10/04/2008

Ward: Aldridge North and Walsall Wood
Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for a first floor extension above part of the existing garage to the side of a detached house to add a fourth bedroom with en-suite shower room.

The house is a modern design with a simple gable roof over the two-storey part that slopes down to either side. There is a double garage with a flat roof to the front and side. The extension is to have a hipped roof with the front in line with the front of the existing two-storey part of the house. The rear of the extension is to lie 1.7 metres forward of the rear corner of the existing two-storey part.

The original plans proposed the addition of a sloping roof across the front of the garage in front of the extension however amended plans have been received which show this omitted and the existing flat roof to be retained.

The side of the extension is to be set in between 1.2 and 2.2 metres from the side of the existing garage. The side will face the fronts of house numbers 7, 9 and 11 Bar Walk. These houses lie to the north of the application property and are separated from the application house by a footpath. They will lie approximately 13 to 14 metres from the side of the proposed extension.

Relevant Planning History

BC20152P Extension to lounge. Granted subject to Conditions August 1987.

07/2238/FL/H4 First floor side extension. Refused December 2007 on the grounds that the proposed extension would have an overbearing impact, and cause an unacceptable loss of light and shading to the adjoining houses.

The extension was to cover the whole of the existing garage, and the front and rear was to be in line with that of the existing two-storey part of the application house.

Relevant Planning Policy Summary

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

Unitary Development Plan Policies

GP2: Environmental Protection

The Council will 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.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

T13: Parking Provision

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

Designing a Better Walsall – Supplementary Planning Document

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

These guidelines including the following:

- 13m separation between habitable windows and blank walls exceeding 3m in height.

National Planning Policy

PLANNING POLICY STATEMENT 1

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

Consultations

None.

Public Participation Responses

Representations have been received from the occupiers of 1, 5, 7, 9 and 11 Bar Walk, objecting on the following grounds –

- loss of light;

- height and proximity to the houses in Bar Walk;
- their houses would face a large expanse of brickwork;
- the extension would be very close to the footpath which would be overbearing and make the walkway very dark at night and
- loss of value and problems when selling.

Determining Issues

- Design and Character;
- Impact on the amenities of nearby residents;
- Parking

Observations

Design and Character

The existing house and nearly all other dwellings in the area have gable roofs. However, the pitch of the proposed hipped roof would match that of the existing house. The application house lies at the end of a row of detached houses of a similar design but none of the other houses have a double garage to the side. The application property therefore lies in a unique position in the street so the proposed roof shape would not harm the character of the rest of the street.

The use of a hipped roof would reduce the impact on the adjoining houses to the side.

Impact on Amenity

The reduced width and depth of the extension compared with that in the previous application means that the extension will lie within the outline of the existing house when viewed from the adjoining houses in Bar Walk. The side wall of the existing garage abuts the footpath and forms a mass of brickwork in front of these houses but the proposed extension will be stepped back away from this path. This step back means that the extension will have little impact on the footpath and will break up the mass of the extension when viewed from the houses themselves. Although these houses lie to the north, the separation distance from them to the side of the extension will comply with policy.

With respect to the neighbours' comments regarding de-valuation, this is not a material planning issue and cannot be taken into account when determining the application.

Parking

The existing double garage and long driveway would provide plentiful parking to meet the Council's requirements for a house with 4 or more bedrooms.

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

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

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

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

4: This permission relates to the amended drawing deposited on 27 February 2008, and does not grant or imply any consent for a pitched roof to the front of the house above the existing garages.

Reason: To define the permission.

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing a Better Walsall", 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 determined by the Development Control Committee, the report can also be viewed on the Council's web site at www.walsall.gov.uk/planning

To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008**

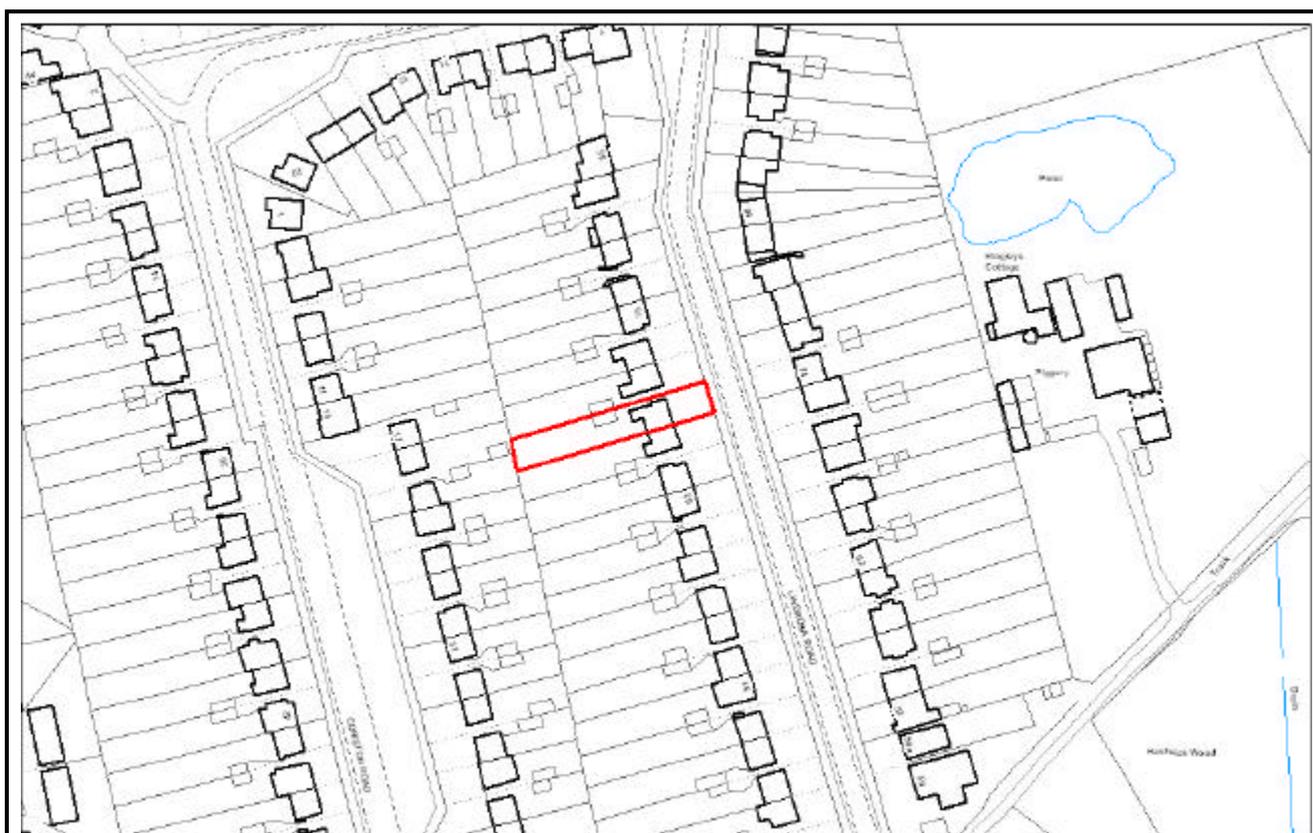
REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 08/0258/FL
Application Type: Full application
Applicant: Mr. P. Rickard
Proposal: Single Storey Side Extension

Case Officer: Jenny Townsend
Telephone Number: 01922 652485
Agent: Mr Roger Palmer
Location: 69 LINDROSA
ROAD, STREETLY, SUTTON
COLDFIELD B74 3LB
Expired: 15/04/2008

Ward: Streetly

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for a single-storey extension to the side of a semi-detached house. The extension is to be 1.1 metres wide with a mono-pitch roof and is to replace an existing lower lean-to extension that is 0.8 metres wide but is a similar shape.

The extension is to lie on part of a shared driveway between the application house and the adjoining house number 71. This driveway provides access to a pair of detached garages that lie to the rear of the two houses.

Relevant Planning History

04/0547/FL/H4 Part two storey and part single storey extension to rear. Granted subject to Conditions June 2004.

04/1256/FL/H4 Two storey rear extension. Granted subject to Conditions August 2004.

There is a current application for a single-storey rear extension to number 71 elsewhere on the agenda for this meeting.

Relevant Planning Policy Summary

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

Unitary Development Plan Policies

GP2: Environmental Protection

The Council will 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.

VII. The adequacy of the access, and parking.

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.

Designing a Better Walsall – Supplementary Planning Document

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix E although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

National Planning Policy

PLANNING POLICY STATEMENT 1

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

Consultations

None.

Public Participation Response

Representations comprising a letter signed by the occupiers of 8 of the neighbouring houses (numbers 73, 75, 72, 74, 76, 78, 80 and 82 Lindrosa Road), and individual letters from the occupiers of 70 Lindrosa Road and 19 Coniston Road have been received objecting on the following grounds:

- The side extension would exacerbate the current parking problems that they are experiencing because the driveway between the houses would no longer be wide enough to accommodate a vehicle. They claim that a building company is run from the property that involves the storage of vehicles.
- The extension would cause the houses to have the appearance of a terraced street.

The representations may be viewed on the application file in Planning Services on publication of this report.

Determining Issues

- Design and Character
- Impact on Amenity
- Parking

Observations

Design and Character

The design of the extension would be almost identical to the existing lean-to structure. The modest size of the extension and its position to the side between the two houses means that it will have little impact on the character of the area. There have been additions made to the original side projections or replacements similar to the proposal made at neighbouring houses numbers 67, 75 and 83.

As the extension is only to be single-storey and a gap would remain to the side of the adjoining house, there would be no potential for terracing.

Impact on Amenity

The extension would not be faced by any habitable room windows in the side of number 71 and would lie away from the surrounding houses. It would not be visible from the houses in Coniston Road.

Parking

The extension would be approximately 0.3 metres wider than the existing side projection, but this still leave a gap at least 2.5 metres wide which would be of sufficient width to allow access for cars to the rear. However, the garages appear to be a similar age to the houses themselves and there is no planning condition attached to any existing permission that requires the garages and driveway to the side to be retained for parking. The driveway in front of the house is long enough to accommodate two vehicles and there would be room to widen it in front of the house to provide additional parking if necessary.

The modest size of the extension is such that it would be difficult to facilitate any commercial use of the property. The alleged commercial use will be investigated by the Council's enforcement officers and is not material to the current application.

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

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

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

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

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing a Better Walsall", 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 view on the Council's web site at www.walsall.gov.uk

NOTE FOR APPLICANT: This planning permission does not override any right of way that may exist to provide access for the neighbouring dwelling to the rear of the property.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

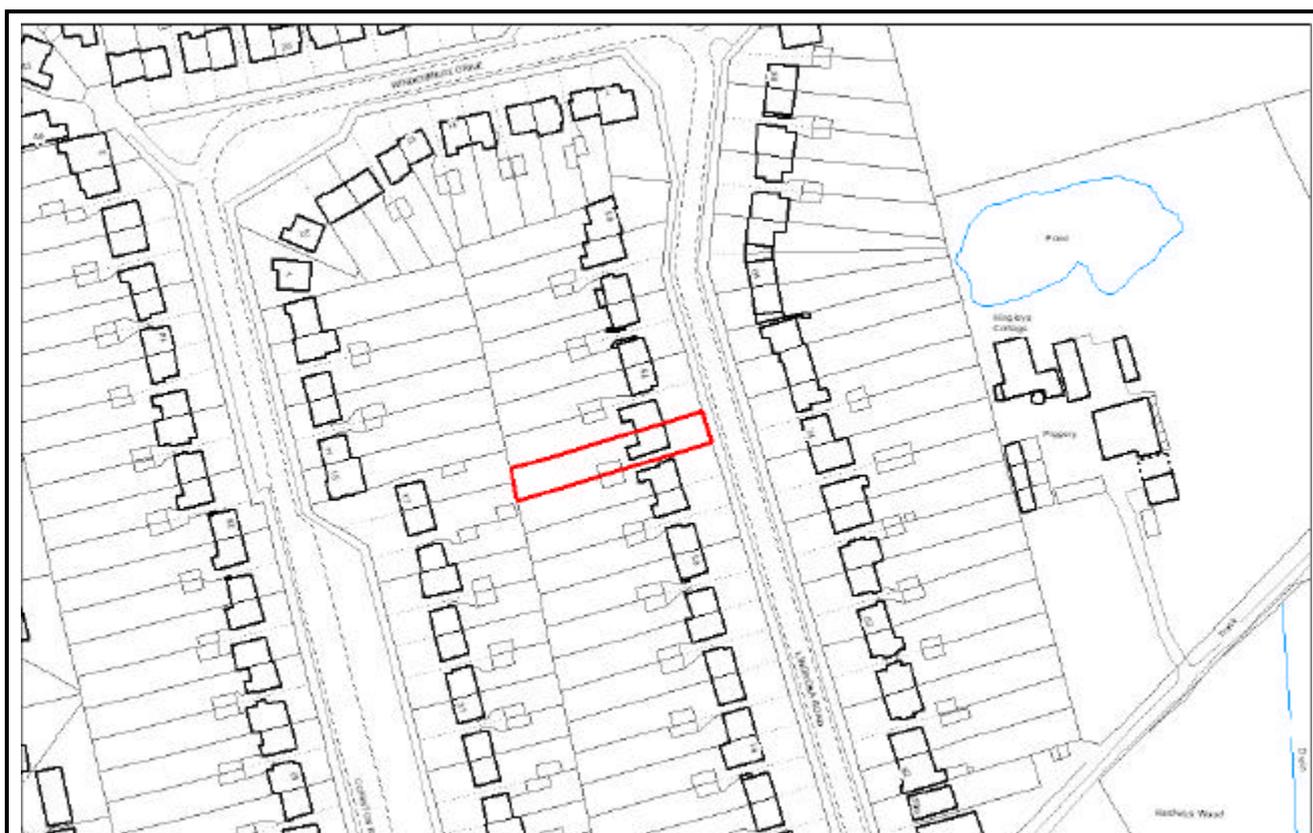
REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 08/0259/FL
Application Type: Full application
Applicant: Mr. C. Brown
Proposal: Ground Floor Rear Extension

Case Officer: Jenny Townsend
Telephone Number: 01922 652485
Agent: Mr Roger Palmer
Location: 71 LINDROSA
ROAD, STREETLY, SUTTON
COLDFIELD B74 3LB
Expired: 15/04/2008

Ward: Streetly

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for a single storey extension to project 3.7 metres out to the rear of a semi-detached house which would enlarge the kitchen and dining room.

The extension is to be the full width of the house and is to lie between an existing conservatory to the adjoining house number 73, the other half of the pair, and the driveway between the side of the application house and the house on the opposite side number 69. The extension is to have a mono-pitch roof.

There is a detached garage in the rear garden of the application house that adjoins a similar garage to number 71. The application house has a long rear garden that backs onto the gardens of houses in Coniston Road that lie over 50 metres away.

Relevant Planning History

There is a current application for a single-storey extension to the side of number 69 elsewhere on the agenda for this meeting.

Relevant Planning Policy Summary

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

Unitary Development Plan Policies

GP2: Environmental Protection

The Council will 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.

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.

Designing a Better Walsall – Supplementary Planning Document

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

These guidelines include a 45 degree code.

National Planning Policy

PLANNING POLICY STATEMENT 1

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

Consultations

None.

Public Participation Response

Representations comprising a letter signed by the occupiers of 8 of the neighbouring houses (numbers 73, 75, 72, 74, 76, 78, 80 and 82 Lindrosa Road), and an individual letter from the occupier of 19 Coniston Road, have been received. The letters quote the applications for both numbers 69 and 71 but the only grounds of objection relate to the side extension proposed at number 69, the details of which are set out elsewhere on this agenda.

The representations may be viewed on the application file in Planning Services on publication of this report.

Determining Issues

- the impact on the amenities of nearby residents

Observations

The extension would only project approximately 1.0 metre beyond the rear of the conservatory at number 73 and would not project beyond the rear of number 69. The extension will therefore have little impact on either house.

The long separation distance of over 50 metres to the rear of 19 Coniston Road means that there would be no impact on this house.

The alleged commercial use referred to in the representations will be investigated by the Council's enforcement officers.

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

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

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

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

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Supplementary Planning Document "Designing a Better Walsall", 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 determined by the Development Control Committee, the report can also be viewed on the Council's web site at www.walsall.gov.uk/planning



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 22 Apr 2008

REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Longhi

Application Number: 07/2346/OL/E9

Application Type: Full application

Applicant: MR TOM BAILEY

Proposal: Outline: For the erection of 8 x 2 bed apartments, with layout, scale, external appearance and means of access for consideration

Ward: Pelsall

Recommendation Summary: Refuse

Case Officer: Barbara Toy

Telephone Number: 01922 652429

Agent: SPOONER ARCHITECTS

Location: HIGH HEATH WORKING MENS CLUB, CORONATION ROAD, PELSALL, WALSALL, WS4 1BG

Expired: 04/01/2008



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Background

This application has been called in by Councillor Longhi because of the significant level of public interest in the proposals.

Application and Site Details

The site is situated on the southern side of Coronation Road just to the west of the junction with Field Lane. The site comprises a detached two storey house at No 26 and a single storey members club building (which has been extended to the side) with parking on the frontage and to the side and rear of No26. The site has two existing footway crossings, one serving No 26 and the other serving the club premises.

The site is situated in a predominantly residential area characterised by detached and semi detached two storey houses. Immediately to the east of the site is a pair of modern semi detached houses which have their main entrance doors on the side elevations. To the south are the end of the rear gardens of 26 and 28 Field Lane, with detached houses in Daisy Bank Close beyond. To the west are three detached houses, No 22 immediately adjacent to the side. To the north on the opposite side of Coronation Road are two storey semi detached houses.

This is an outline application with means of access, external appearance, scale and layout to be considered and only landscaping for further determination.

The application has been amended since submission and now proposes the demolition of the existing house and club premises and erection of a single two storey block comprising 8 x 2 bed apartments, amenity space and 11 parking spaces to the rear, with an access drive to the west of the building. The amended scheme reduced the number of units by 2 and reduced the parking requirement.

The site area of 0.126 ha would provide a density for the proposed development of 63 dwellings per hectare.

Relevant Planning History

04/1904/FL/H5, replacement garage, and laundry with bedroom and ensuite above at 26 Coronation Road, approved 29-10-04.

07/1363/OL/E9, outline application for the erection of 10 x 2 bed apartments, layout, scale, external appearance and means of access for consideration. Withdrawn 03-09-07.

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.

GP1: The Sustainable Location of Development

Relates to sustainable development, the location of facilities where they are accessible to everyone and minimise the need to travel.

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.

GP7: Community Safety

Proposals are expected to have regard for the objectives to designing out crime.

Policy 3.114 good design can discourage crime and increase safety as well as accommodating the access requirements of all sections of the community.

Policy 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 and creates a sense of place.

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, but significantly higher densities exceeding 50 dwellings per hectare will be encouraged close to local centres.

H10: Layout, Design and Dwelling Mix

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

Policy 6.3, housing should be in locations that have good accessibility and are well related to local facilities, such as town, district and local centres.

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.

ENV33: Landscape Design

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.

ENV39: Renewable Energy and Energy Efficiency

Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

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

Supplementary Planning Document “Designing a Better Walsall” (January 2008)

Aims to achieve high quality development that reflects the borough’s local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

DBW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DBW2 – all new development must contribute to creating places that feel safe.

DBW3 – all new development must be designed to respect and enhance local identity

DBW4- Well defined streets with a continuity of built form are important.

DBW6 – new development should contribute to creating a place that has a clear identity

DBW9 new development must seek to ensure it creates places with attractive environmental quality

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, set backs to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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, emphasis is give to the need to reject poor design and the need for sustainable development.

PPS 3: Housing, the objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use
- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

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

Consultations

Transportation – no objections in principle subject to amendments. UDP parking guidance would require 12 spaces, and 11 would be provided, this is however considered acceptable. However the parking spaces and manoeuvring space appears sub standard and would require redesign to comply with standards. Secure cycle storage is required and refuse and recycling storage facilities are required. Existing utilities cabinet and bus stop

located to the east of the access may interfere with vehicle visibility and would require relocation.

Pollution Control – Scientific Team – no objections subject to mitigation to protect nearby dwellings from noise during construction, hours of working condition recommended.

Contaminated Land Team –no objections subject to condition requiring site investigation and remediation of any localized ground contamination or ground gas issues associated with the former use of the site.

Fire Officer – Satisfactory access for fire appliance.

Landscape Officer – The application cannot be supported on landscape grounds. Whilst the amendments reduce the height and massing of the building there is no impact on the footprint. The only reserved matter is landscaping which would appear to include boundary treatment and planting. The layout of the rear parking area would leave very narrow gaps to the boundary and would remove or limit any planting, and the layout generally would severely limit any screen planting. The proposed building is likely to cause shadowing on No 28 and its rear garden particularly late afternoon and evening.

West Midlands Police - Secure By Design accreditation should be sought. No incidents of crime reported since Dec 2005.

Environmental Health – no noise complaints logged in the past 12 months.

Public Participation Responses

Two letters of objection received in response to the consultation on original submission for 10 apartments, on the following grounds:

- Discrepancy over boundary and land ownership
- Overlooking from upper floor living rooms
- Highway safety, busy road with bus route so extra parking and vehicles will cause a danger
- Loss of privacy
- Out of character, area detached and semi detached houses which are owner occupied.

No responses received to consultation on amended proposals for 8 apartments.

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

Determining Issues

- The principle of residential development.
- The design and layout of the proposals
- Impact on surrounding occupiers
- Access and parking arrangements

Observations

Principle of residential development

The site is currently occupied by a detached house and a members club, situated in a residential area characterised by two storey semi detached and detached houses. Policy H3 of the UDP encourages the provision of additional housing through the re-use of previously developed windfall sites. PPS3 Housing encourages development of brownfield sites for residential purposes.

The site is situated within walking distance of the High Heath local centre and Coronation Road itself is a bus route. It is therefore considered a sustainable location and redevelopment of the site for residential purposes is considered appropriate.

Whilst it is recognised that redevelopment of the site for residential purposes would remove an existing non conforming use, that has in the past created problems for neighbours, an inappropriate or unacceptable residential scheme could create other adverse impacts on the residential amenity of the surrounding occupiers, in terms of privacy and environmental quality.

The proposal would provide a density of 63 dwellings per hectare which is above the 30-50 dwellings per hectare suggested in Policy H9 (a) as suitable for most sites. H9(c) encourages densities exceeding 50 dwellings per hectare within or close to local centres (within 500m of local shops), with good access to a choice of means of transport, which would be applicable in this case. Paragraph 6.49 however does confirm that in raising densities care needs to be taken to maintain privacy and environmental quality in line with policy H10.

Design and Layout.

The proposals would provide a two storey single building larger in scale, massing and height than the existing house and club building and would be sited closer to the highway than the existing buildings.

The building would be stepped with the eastern element adjacent to No28 Coronation Road set further back and the western side set closer to the highway. This stepping would continue the existing building line on this side of Coronation Road as No 22 is set forward and 28, 30 and 32 are set much further back from the highway.

The bulk and massing of the building despite the stepped design to split up the building, would be out of character with the surrounding pattern of development and would be a dominant and prominent feature within the general street scene, amongst domestic scale two storey detached and semi detached houses and would therefore conflict with guidance contained within SPD Designing a Better Walsall, policy DBW3 – Character.

The proposed layout would provide 4 x 2 bed single aspect apartments on both ground floor and first floor, which by their nature would provide an unsatisfactory living environment and restricted views for each unit, in conflict with policies DBW1 Sustainability and DBW10 Well Designed Sustainable Buildings. Units 4 and 8 would have a poor outlook onto the car park to the rear with the parking spaces situated only 1.5m from the bay window to the main living room of unit 4 having an adverse impact on the amenity of the occupiers and contrary to policies DBW1 and DBW10.

Approx 175sqm of amenity space would be provided to the rear adjacent to the parking area, which would provide approx 20sqm per unit to comply with guidance within Appendix E of Designing A Better Walsall.

Impact on surrounding occupiers

It is considered that the proposed building would have an adverse impact on the amenities of the surrounding residential occupiers.

The eastern side of the building would be almost double the depth of the existing house at No 26 and subsequently have an overbearing impact on the amenities of the occupiers of No 28 immediately adjacent. No 28 is a modern semi detached house with its main entrance door set on the side. The increase in depth of the building would create an extended 'tunnel' effect between the properties and reduce the light to the entrance door to No 28. In addition the side elevation of the proposed building shows 4 kitchen windows less than 1m from the boundary, which would have an adverse impact on the privacy of No 28.

The size, massing and orientation of the building would result in both the house and garden of No 28 being overshadowed for much of the afternoon and evening, providing an unsatisfactory living environment for the residents of No 28, in conflict with policies DBW1 and DBW10.

The western side of the building would replace the existing club building, whilst having a much smaller footprint the proposals would be considerably higher than the existing building and 4 kitchen windows are shown on the side elevation, some of which would directly overlook the rear garden of No 22 Coronation Road and have an adverse impact on the amenities of the occupiers in terms of loss of privacy and overlooking.

The vehicle access would sit immediately adjacent to the boundary with No 22 with no space for any landscape buffer or retention of the existing beech hedge, and is therefore likely to have an adverse impact in terms of noise and disturbance from comings and goings of vehicle to the occupiers of No 22.

The rear car park area is shown abutting the rear boundary with the rear garden of No 26 Field Lane, leaving no space to provide a landscape buffer/screening. Vehicles parked so close to the boundary are likely to have an adverse impact on the occupiers of No 26 in terms of their enjoyment of their garden, from noise, disturbance and possible fumes from vehicles.

Access and Parking Arrangements

Pedestrian access would be provided to the front and rear of the building but no separate access from the street to any individual units.

The proposals would provide 11 parking spaces to the rear, whilst UDP guidance indicates 12 spaces, 11 is considered satisfactory in this location. However the parking spaces and vehicle manoeuvring space shown appears to fall below the national guidance of 4.8m (length of parking space) and 6m (manoeuvring space) and would require amending. However the parking spaces are already tight against the rear boundary and within 1.5m of the habitable room windows on the rear ground floor apartment, with no real space for

landscape buffer/screening, leaving no space for amending the layout, the parking area design is therefore considered unsatisfactory.

The existing utilities cabinet and bus stop to the east of the vehicle access may interfere with the vehicle visibility at the access and would require relocation.

Recommendation: Refuse

1. The proposed development in terms of its size and massing would have a dominant and adverse impact on the general street scene and would be out of character with the surrounding pattern of development. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, H3, H10 and ENV32 and Supplementary Planning Document – Designing a Better Walsall (Feb 2008) in particular policies DBW3 – Character and DBW9 – High Quality Public Realm.
2. The design and layout of the proposed development would have an adverse impact on the amenities of the adjoining residential occupiers in terms of loss of light, overlooking, loss of privacy and noise and disturbance from coming and going of vehicles and would provide a poor living environment for the future occupiers in terms of outlook across the car park. Furthermore, the proposals fail to provide separate pedestrian access from the street to individual units. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, H3, H10, ENV18 and ENV32 and Supplementary Planning Document – Designing a Better Walsall (Feb 2008) in particular policy DBW9 – High Quality Public Realm.
3. The proposed layout would provide unsatisfactory parking and vehicle manoeuvring space, no cycle storage facilities and no refuse/recycling storage facilities. The vehicle visibility splay at the junction of the proposed access drive and Coronation Road would be interrupted by the position of the existing bus stop and utilities cabinet on the footpath and would therefore be detrimental to highway safety. The development would therefore be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2 and T13 and Supplementary Planning Document – Designing a Better Walsall (Feb 2008) in particular policies DBW5 – Ease of Movement and DBW1 – Sustainability.

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
