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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
On 24 June 2008

**REASON FOR BRINGING TO COMMITTEE: Major Application**

**Application Number:** 08/0602/RM

**Application Type:** Reserved Matters

**Applicant:** GC Bescot Ltd

**Proposal:** Reserved Matters for layout and scale only for the erection of 69 dwellings with associated infrastructure and development

**Ward:** Palfrey

**Recommendation Summary:** Approve Reserved Matters

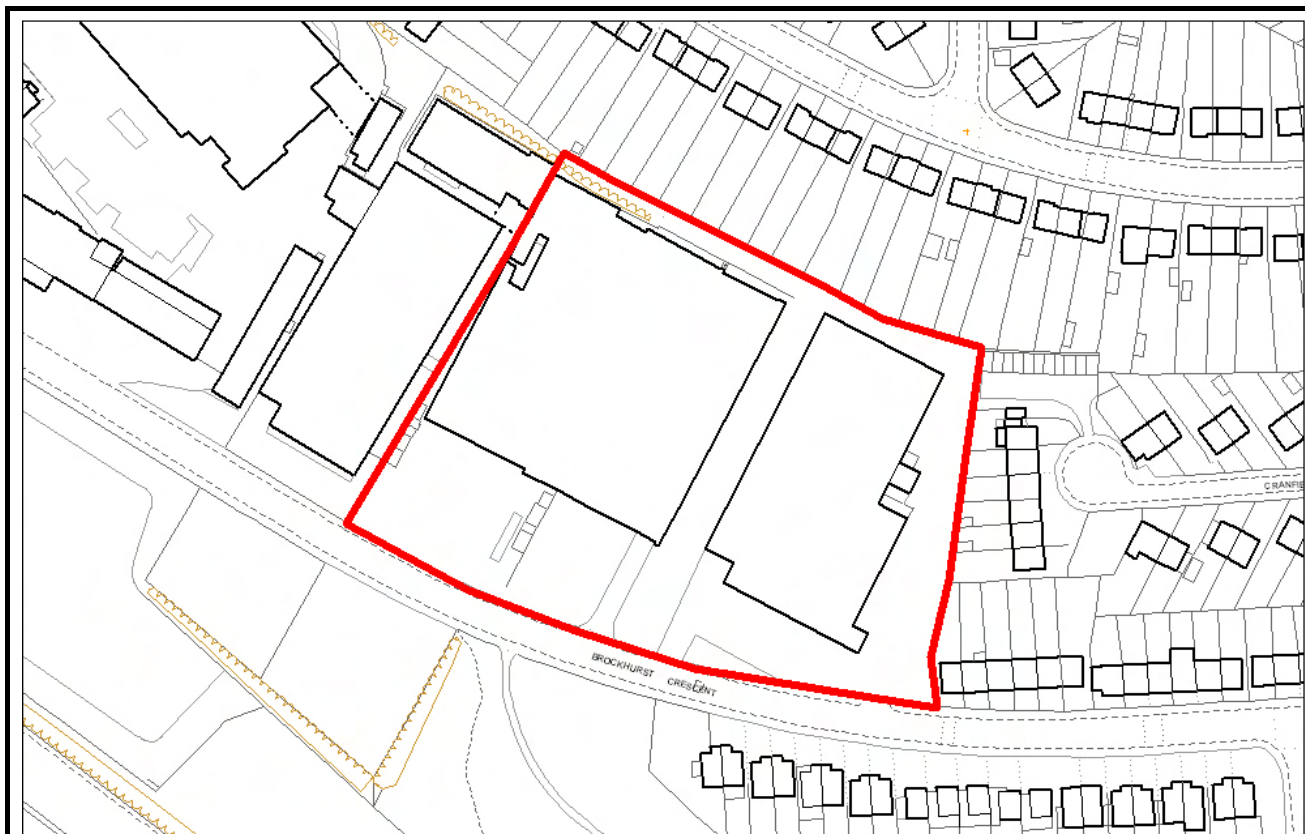
**Case Officer:** Karon Hulse

**Telephone Number:** 01922 652492

**Agent:**

**Location:** LAND AT BROCKHURST CRESCENT, WALSALL

**Expired:** 04/07/2008



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## **Application and Site Details**

This application seeks consent for reserved matters approval of layout and scale only, following outline consent for residential redevelopment of the site off Brockhurst Crescent, Walsall. It does not include details of reserved matters for external appearance and landscaping.

The means of access was approved at the outline stage. This report therefore focuses on the submitted aspects and issues outlined above only.

The details of this application are very similar to those which were illustrated at the outline stage. the scheme proposes

- 12 x two bedroom apartments
- 48 x three bedroom dwellings and
- 9 x four bedroom dwellings

giving a total of 69 units, the density would be 51.5 dwellings per hectare (dph).

The frontage onto Brockhurst Crescent will be mostly houses with parking being provided at the rear in secure communal parking / garage areas. Two blocks of apartments are sited at the entrance to the development providing a strong entrance feature.

The site was previously in engineering uses within classes B1, B2 and B8. It is bounded to the west by existing industrial uses and to the north, east and southeast by residential properties which range between 2 and 3 storey in the newer more recent developments. The mix of housing is mainly 50 and 60's style dwellings (previously Local Authority owned) on the north side, and privately owned on the south side.

To the south of the site is an area of Green Belt along the M6, including Silverdale Park.

The nearest local shopping centre is at Fullbrook on Broadway approximately 1200 metres away. There are small shopping parades nearer the site, on West Bromwich Road which is approximately 350 metres to the east and this road is a major bus route (showcase) into and out of Walsall. The local train station at Bescot is approximately 900 metres away and there are frequent train services.

Access into the site would be from Brockhurst Crescent as approved at the outline stage. The road into the site is the same as the illustrative layout in so far as it is centrally located, flanked on either side by rows of dwellings and then branches left and right towards the rear of the site. The left hand branch terminates at the site boundary with existing industrial premises to allow for access into the adjacent site as the opportunity arises.

The built form would be a mix of 2½ and 3 storeys, with 3 storeys along Brockhurst Crescent to provide a noise barrier from the M6 motorway.

Parking would be between 150 and 200% either within the curtilage of dwellings or in courtyards behind the units (a design device intended to reduce the impact of the car and allow the layout to reflect more closely the nearby surrounding urban grain).

## **Relevant Planning History**

### **ON THE SITE**

07/1845/OL/W5 – Outline residential. Grant Subject to Conditions 12<sup>th</sup> October, 2007.

06/0744/OL/W5 – outline residential. Refused August, 2007 (prejudicial to the comprehensive redevelopment of the larger industrial estate and potential for undue impact on residents of the new development arising from existing industrial and commercial uses adjacent to the site).

#### NEARBY

Other relevant history relates to the site at the western end of Brockhurst Crescent, which is also an industrial site and was granted outline planning permission also for residential on 15<sup>th</sup> November, 2007.

Others also nearby are

06/2022/FL/W5 – erection of 132 units, in a mix of 56 2-bedroom apartments and 76 houses (2, 3 and 4 bedrooms) in a mix of styles and house types. The proposals will provide frontage development to both Brockhurst Crescent and Walstead Road. The proposals are a mix of 2 and 3 storey development.

06/0226/FL/W7 for 76 houses and 52 flats including access roads, car parking and landscaping was withdrawn in June 2006 due to issues with regard to the Section 106 and land ownership.

### **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**

##### **Unitary Development Plan**

GP1...principles of sustainable development

GP2, 3.6 and 3.16 seek to improve the environment and achieve schemes that do not an unacceptable adverse impact on the environment

GP7 designing out crime

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

ENV14...encourage the development of previously developed land

ENV32 does not permit poorly designed proposals

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

H3 relates to use of previously developed land for housing and flexibility in standards for parking and amenity space.

H10 Layout, Design and Dwelling Mix

7.36...ensure adequate levels of off-street parking...particularly in residential areas to avoid environmental and road safety problems

T7 and T13 Car Parking standards

T12...access by Public Transport to Residential Developments...walking distance no more than 400 metres to a bus stop

#### **Designing Walsall SPD**

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

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

DBW2 - Safe and welcoming places. All new development must contribute towards creating places that feel safe, secure and welcoming for everyone

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  
DBW10 – 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 68m<sup>2</sup> for housing and 20m<sup>2</sup> 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 for the West Midlands**

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. A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

CF1: focus new home building in the Major Urban Areas. In Walsall the MUA is limited to the built-up areas and excludes the Green Belt.

CF3: A - make adequate provision for additional house building as per Table 1; B iii - maximise use of previously-developed land; C - make the most efficient use of land within the Major Urban Areas.

CF4: optimise opportunities for recycling land and buildings for new housing development.

CF5: deliver affordable housing.

### **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 promotes sustainability and good design.

PPS 3 (Housing) promotes use of previously developed land for housing... flexibility in the application of standards to achieve development, housing to meet the needs of the whole community, create sustainable patterns of development, more efficient use of land, promote good design and reduce car dependence.

PPS15 deals with issues of flooding.

## **Consultations**

**Transportation** - no objections subject to details.

**Environment Agency** – objects that the Flood Risk Assessment submitted is not satisfactory.

**Pollution Control (scientific team)** - no objections.

**Pollution Control Division (contaminated land)** – no objections

**Police Architectural Liaison Officer** – concerns over the alleyways being unrestricted

**Education Walsall** –no objection subject to financial contribution to primary education of £151,946.60.

**Housing** – 25% affordable property mix for shared ownership/affordable homes

**Fire Service** – no objection

## **Public Participation Responses**

Two letters of objection from the neighbouring industrial occupiers of Corus and Tomkins Buckle. Their concerns are :

- plots adjacent to their site are too close.
- Operational activities may impact on living environment resulting in complaints
- plots 25 – 29 look out onto industrial site
- Proposed residential will exacerbate congestion issues on surrounding network

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

## **Determining Issues**

- Design and Security
- Residential amenity
- Flood Risk
- Education, and affordable housing

## **Observations**

### **Design and security**

The principle of using this site for residential has been established by the outline consent. The layout of the site embodies concepts which were set out in the outline application and will result in a well designed development.

The elevations are not submitted, as this developer has chosen to pursue a phased approach to the design of the scheme. The layout shows a conventional housing layout, with 3 storey houses and flats on the main street frontage, dropping to 2 and 2-and-a-half storeys in the back of the site. On-plot parking is provided for some dwellings, others rely on courtyard parking. A T-shaped road system services the site. Street frontages within the scheme will be simple, but attractive.

The layout offers maximum security and natural surveillance throughout the site. Internally there is a good mix of dwellings served either by private drives or communal parking areas all of which are positioned and orientated so as to gain maximum natural surveillance of those areas. The rear pedestrian alleyways will be gated and secured similarly the entrances to the courtyards will be secure gated (addressing the concerns of the Police).

### **Residential amenity**

There is a mix of dwellings from small terraces to larger detached ones. The rear garden areas are between 11 metres and 13.5 metres., this is below that which is normally required by the Designing Walsall supplementary planning document which requires garden dimensions of 12m in length or 68m<sup>2</sup> for housing. However, the existing residential occupiers would not be impacted upon as those in Fullbrook Road have rear gardens of at least 30 metres therefore separation distances are easily achieved and exceeded.

Overall, it is considered that the level of amenity space provided for the mix is acceptable in this instance and provides a positive approach to the provision of private amenity space.

There is sufficient private amenity for the apartment blocks and the entrance drive which if fronted by dwellings facing onto it will create an avenue with a defined focal point at its end. This should be subject to a planting scheme to enhance its appearance which would be required through the landscaping reserved matters.

The outline consent was granted with the condition that a removable acoustic barrier along the western boundary to provide sufficient protection for future residents whilst allowing the continued operation of an existing business. The barrier could be removed as and when future developments take place. This was also included within the Section 106 Agreement and the Pollution Control Division are satisfied that with this layout and the proposed acoustic fence that any noise issues are satisfactorily addressed.

### **Flood Risk**

The Environment Agency have raised an objection on the basis that the Flood Risk Assessment submitted is not satisfactory to address their requirements. The applicants are currently discussing this matter with the Environment Agency and are hopeful that prior to the committee date this will have been resolved, however as it stands there is a statutory objection to the proposals.

The outline permission includes conditions controlling drainage. There will be an update in the Supplementary.

### **Education and affordable housing**

A Section 106 agreement is in place. It controls the provision of affordable housing.

It also defined the payment of an education contribution to be used for secondary education purposes. The nature of the school rolls has changed in the intervening period and Education now advise that the need is for primary contribution. However, this can not be delivered, given the terms of the already signed agreement.

### **Recommendation: Approve Reserved Matters**

Approve matters reserved by conditions 2(a) and 2(b) of planning permission 07/1845/OL/W5.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
On 24 June 2008

**REASON FOR BRINGING TO COMMITTEE: Major Application**

**Application Number:** 07/2661/RM/W7

**Application Type:** Reserved Matters

**Applicant:** J S Bloor (Tamworth) Ltd

**Proposal:** Erection of 262 no. dwellings with associated works (Reserved Matters to Outline application 07/0029/OL/W5)

**Case Officer:** Andrew Thompson

**Telephone Number:** 01922 652403

**Agent:** Design 2 Detail Limited

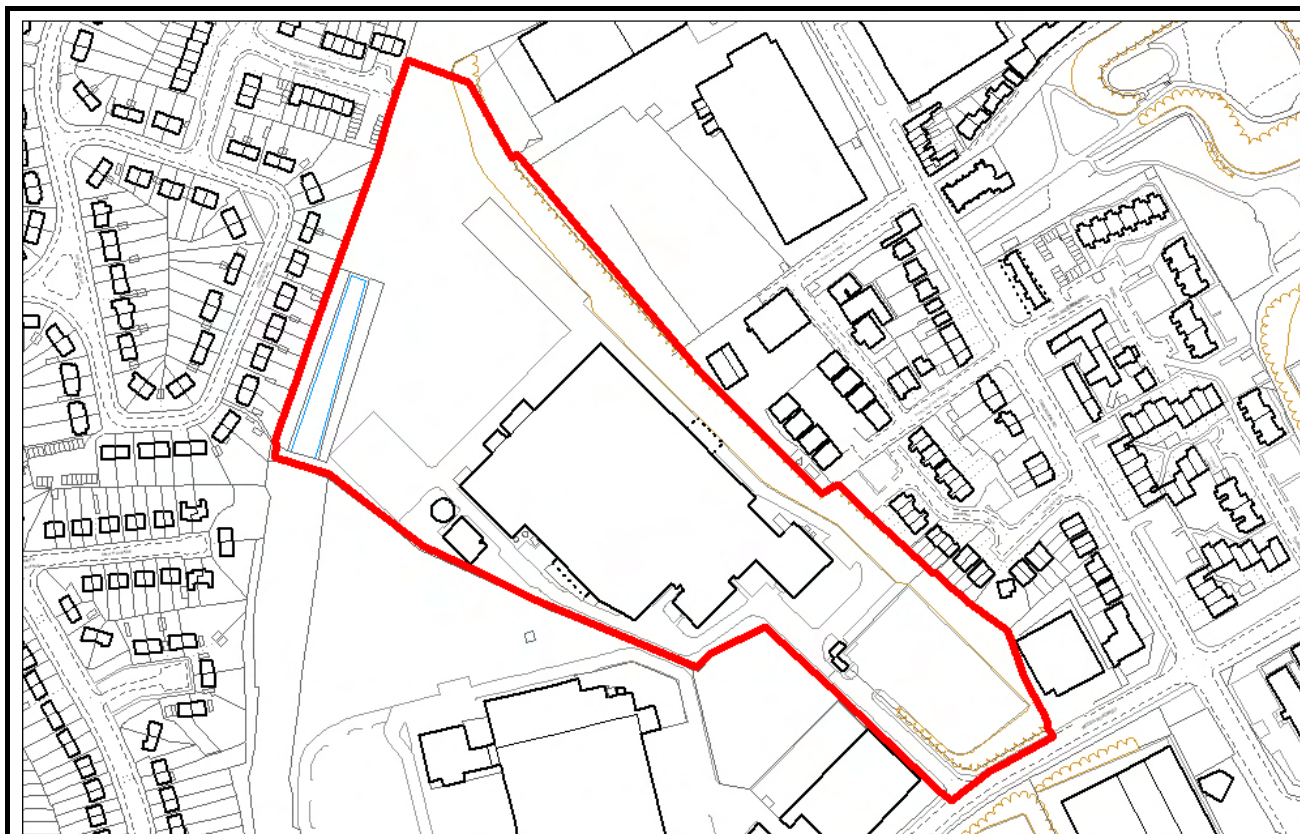
**Location:** FORMER T.R.W.  
AUTOMOTIVE SYSTEMS LTD, WODEN  
ROAD

WEST, WEDNESBURY, WALSALL

**Expired:** 09/04/2008

**Ward:** Darlaston South

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



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## **Application and Site Details**

This application seeks to detail the reserved matters following outline consent (under planning permission 07/0029/OL/W7) for the residential redevelopment of land at the former TRW Automotive site on Woden Road West, Darlaston. Layout, design, external appearance, and landscaping are now considered.

The scheme comprises 262 units based on the following housing schedule:

Bungalows

6, all 2 bedroom.

Flats:

6 one bedroom,

69 two bedroom.

Houses:

20 two bedroom,

132 three bedroom,

23 four bedroom,

6 five bedroom.

The layout is based on a mix of traditional housing layouts and home zone concepts with private courtyards. The proposed flats would be three storeys with the houses being a mix of 2, 2.5 and 3 storeys. The 3 storey houses are generally at the end of vistas.

The density, based on a site area of 5.4 hectares would be 48.5 dwellings per hectare (dph).

The site was formerly occupied by TRW Automotive for manufacturing and supplying vehicle parts to the automotive industry. It is a roughly rectangular site with its main frontage and access onto Woden Road West. To the northwest is residential separated from the site by a former railway line, to the north and south the site is bounded by existing industrial uses to the northeast is housing and to the east across the border with Sandwell MBC is industrial.

The existing residential properties around the site are predominantly 2 storey and a mix of 50's, 60's and 70's style dwellings (previously Local Authority owned) with newer town houses to the northeast (Phoenix Rise).

Darlaston district centre is approximately 850 metres away along Darlaston Road. There are a number of small local shops on the adjacent housing estate along a public footpath. This was originally intended to be diverted from the current location (along the southern boundary of the site from Woden Road West to Lodge Road) onto a new route through the housing development to Boswell Close. In addition the footpath to Boswell Close would be capable of being used by emergency services. It is understood that local residents were unhappy with the proposed route. The developers have revised the plan, such that the Boswell Close link still exists, but the footpath is now to be diverted onto a route closer to the existing route, and continuing to emerge onto Lodge Road, as at present.

Parking would be either within the curtilage of dwellings or in courtyards behind the units (a design device intended to reduce the impact of the car and allow the layout to reflect more closely the nearby surrounding urban grain).

The reserved matters submission is supported by a Design and Access Statement, Sustainability Statement, Flood Risk Statement, Transportation Assessment and Travel Plan.

## **Relevant Planning History**

07/0029/OL/W5 - Outline: Residential Development – Granted 14<sup>th</sup> March 2007.

## **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 - 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, GP7, 3.16, ENV18, ENV32, H9 and H10 - Development schemes should, help improve the environment of the Borough whilst not allowing development that has an adverse impact.

### ***JP7 - Use of Land and Buildings in Other Employment Areas***

(d) windfall sites or buildings will normally be safeguarded for appropriate employment uses however sometimes other uses such as housing may be acceptable...alternative uses must satisfy other relevant policies and not constrain the operation of neighbouring businesses, or appropriate future commercial investment.

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

LC1 and 8.3 protection of and provision of urban open space

T7 - All parking provision designed and sensitively integrated into the townscape or landscape...Policy T13 also sets parking standards.

H3 - Encouragement for the provision of additional housing through the re-use of previously developed windfall sites and conversion of existing buildings.

The Council has also adopted its Design Guide Supplementary Planning Document (SPD), Education SPD, Urban Open Space SPD, Affordable Housing SPD and Healthcare SPD.

**Regional Spatial Strategy** for the West Midlands (RSS11) was published in June 2004 and revised in January 2008 to include the results of the Black Country Study and evolution in planning policy.

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

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

### **National Policy**

Planning Policy Statement (PPS) 1 focus on delivering sustainable development, climate change and good design.

PPS3, 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 environmental standards of new homes and neighbourhoods in order to move towards zero carbon development,
- deliver more affordable homes in rural and urban areas,
- support more family housing, including more play spaces, parks and gardens for children
- give local authorities more flexibility about how and where to deliver the homes that are needed.

Planning Policy Guidance Note (PPG) 13 on transportation seeks to minimise the use of the car by sustainable location of development.

PPG24 advises on noise standards and how to carry out noise assessments. PPS25 Development and Flood Risk advises on sustainable drainage methods and prevention of flooding.

Other related documents include the Urban Design Compendiums, Manual for Streets and Circular 05/2005 (planning obligations).

### **Consultations**

**Transportation** - Transportation previously had no objections to the original proposals, subject to conditions, and that their comments on the revised plans and any un-necessary or remaining / requested conditions will be included in a supplementary paper. Transportation Officers were involved in the meeting the applicants to discuss the current amended plans.

**Pollution Control Scientific Team** - The decision notice in respect of planning application 07/0029/OL/W5 states in conditions 6 and 7 that a noise survey and details of any mitigation measures are required. Following consultation and discussion with the applicant the noise assessment and noise attenuation requirements have now been agreed by Pollution Control Officers.

**Pollution Control Contaminated Land Team** - No specific requirements regarding the reserved matters in respect of this development. However, the site development is dependant on remediation and validation of the site as required in the original development permission 07/0029/OL/W5 in order to protect the future occupants of the site.

**Environment Agency** – No objection - We can confirm that we are satisfied with the site remediation work and have no objections to the discharge of conditions relating to this. The amendment to the finished floor levels are acceptable. Suggest condition.

**Centro** – No objection, however the site does not meet the Passenger Transport Authority's minimum standards. Therefore a formal Travel Plan is essential to reduce the level of traffic from the site. The revised access point across the proposed metro line to Boswell Close is acceptable.

**Wildlife Trust** – No objection to the amended plans and landscape strategy.

**Housing Strategy** – No objections however, concerned at the number of flats as part of the proposals but welcome the inclusion of bungalows. The proposals should offer 25% for affordable housing unless otherwise demonstrated in accordance with the Adopted SPD and UDP Policy.

**Education Walsall** - a financial contribution of £499,649.40 towards secondary school provision should be sought in line with the Council's Adopted SPD and UDP Policy.

**Green Space** - a financial contribution of £474,802 towards open space improvement should be sought in line with the Council's Adopted SPD and UDP Policy.

**Healthcare** - £274,390.20 toward healthcare improvements should be sought in line with the Council's Adopted SPD and UDP Policy.

**British Waterways** – No objection

**Fire service** - Satisfactory for fire service access

**WM Police** – No objections however raise concerns with regard to whether the proposals will meet the Secured by Design principles although recognising that some good design principles (e.g. reducing delineation of public and private space at the front of properties) appear to conflict with this standard. The lack of secured by design issues in the Design and Access Statement is also a concern. The crime situation in the local area is a concern.

### **Public Participation Responses**

The owners of the adjacent industrial estate, Woods Bank Trading estate object on the grounds that a residential scheme would have an impact and be prejudicial to the operation of businesses on the estate, that there are no exceptional circumstances, the site is part of a wider employment area, surrounded by industrial uses, the site is more appropriate for industrial use and Walsall councils annual monitoring shows that housing completions exceed Regional Space Strategy requirements, no noise survey has been carried out as part of the reserved matters to demonstrate that the layout will not impact on the surrounding area. An additional letter on behalf of Woods Bank Trading Estate has been received concerning the validity and technical requirements of the noise assessment and noise attenuation methods.

2 letters of objection from local residents received in relation to the remediation work on the site and the impact of these works on the open space.

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

### **Determining Issues**

- The principle of development
- The layout of the proposals
- The external appearance of the proposals
- Landscaping strategy and plan
- Revised access arrangements
- Relationship to neighbouring industrial properties and the amenity of future residents
- Transportation comments and issues
- Sustainability
- Education, open space and affordable housing contributions

### **Observations**

#### **The principle of development**

The outline application established the principle of residential development on the application site. However the development has increased in density from the indicative layout on the site and the proposals no longer include on site open space. Nonetheless the principle of residential development on the site is established.

### **The layout of the proposals**

The layout has been designed around Home Zones, to the south side of the site and private courtyards, with a conventional highway running through. Home Zones are a concept common in modern residential estates, where surfacing is shared and between the highway and pedestrian users to slow traffic speeds, create a more pleasant residential environment and promote more active use of the street. The materials used are block paving rather than tarmac and is interspersed with landscaping and trees. This type of development is promoted as good practice by all Design Guides.

The levels are such that it is hard to create an active frontage to Woden Road West (the site is very low). As a result, the scheme shows apartments focussing on an internal courtyard. The space between flats and road will be partly private amenity space, partly a landscaped frontage.

The proposals are to utilise traditional house building methods (i.e. a highway with a footpath either side) outside the Homezone areas, with parking and landscaping closely related to each property.

The layout also includes terracing to the northeast boundary to create appropriate levels of amenity space

and the layout will create an area to the northwest which will be landscaped the area allocated for the metro line. There is an emergency and pedestrian access to this area from across Boswell Close.

The original proposals for the diversion and closing of the public footpath were acceptable in principle to officers. It carried with it the opportunity to improve the footpath (wider and not passing between two residential properties). The revisions, to accommodate what is understood to be the preference of the majority of local residents, relies on the continued existence of the existing narrow path, between two houses

Street tree planting is proposed to give the streetscene some interest and adds the potential for variety of colour throughout the year.

The houses stagger the frontages slightly and together with altering the roof heights adds interest and helps bring distinction to the development. Parking spaces are generally well overlooked and the spaces in the courtyards and for private housing with the private courtyards utilise different materials to promote their use and to aid interaction and community cohesion.

The layout includes cycle and bin stores and amenity space for the apartments

The proposals include amenity space for the flats and the spacing and landscaping around the apartments give the proposals an enjoyable and attractive setting. Therefore it is considered that in this instance that the proposals will be acceptable in terms of the layout.

### **The external appearance of the proposals**

The buildings are traditional designs typical of the commercial house builders (pitched roof with bays and porches) which are a mix of primarily two storeys with three storey houses at the end

of vistas. The apartments are 3 storeys in height and are also traditional designs (i.e. with a pitched roof) although the frontage properties to Woden Road frontage have more detailed distinction.

Overall the proposals incorporate design features that are in keeping with the area and acceptable on the site.

### **Landscaping strategy and plan**

A revised landscape strategy has been submitted as part of the application. The proposals create opportunity for planting in public areas including trees and amenity spaces for the apartment buildings. It is considered that the proposals have therefore addressed the requirements for landscaping of the site.

### **Relationship to neighbouring industrial properties and the amenity of future residents**

With the principle of residential development established on the site suitable noise attenuation to neighbouring industrial units is required to alleviate concerns raised by local businesses in this regard and these are reflected in the conditions on the outline planning permission. The levels of the application site are lower than Woden Road West and the northern boundary.

The siting and design/layout of the buildings are part of the Reserved Matters considerations and these may be highly relevant to noise mitigation measures, not least because there are 24 hour commercial operations that take place on nearby land and, historically there is a catalogue of noise complaints arising in this locality. A noise assessment has now been submitted and is acceptable to Pollution Control Officers. It is therefore recommended that the appropriate conditions with regard to noise are accepted as complied with.

### **Transportation comments and issues**

The application proposes 200% parking provision for houses and 100% for flats. The comments of Transportation Officers are noted and conditions are proposed in this regard in relation to the submitted layout. The proposed bin store to plots 10-18 and 19-24 is approximately 20m from the apartments and is located in a logical point nearby the entrance to the units. It is therefore considered in this regard that an amendment to the bin store location is not required. Overall the proposals are considered acceptable from a transportation viewpoint.

### **Sustainability**

Under condition 11 of the outline permission the applicant was required to submit details of sustainability as part of the Reserved Matters submission. In this regard the applicant has agreed to construct the affordable houses to a 3star standard as sought by the Code for Sustainable Homes.

However, no standard or details are submitted nor proposed for the market sale houses. This requires clarification.

In order to discharge the condition Officers consider more information is needed and that this should be followed through into the construction of the proposals. Therefore it is not proposed to discharge condition 11 of the outline permission at this time, however it is not considered appropriate to refuse to determine the rest of the reserved matters submission.

### **Education, open space and affordable housing contributions**

Conditions 23 to 26 of the outline planning permission control potential S106 issues to be resolved at this stage, by the creation of a formal agreement.

As stated above the Council would seek:

- the equivalent of 25% shared equity for affordable housing.
- £ £499,649.40 towards secondary school provision
- £474,802 towards open space improvement
- £274,390.20 toward healthcare improvements

Centro are also seeking Improvements to public transport – a contribution towards a proposed Metro stop next to the site. Centro have yet to quantify the amount that they would seek. Due to the significant levels of abnormal costs and the lower level of S106 offered by the applicant (see details following) it is recommended that no S106 contributions are to be offered to Centro as part of the agreement. However a Travel Plan has been submitted by the applicant which is welcomed.

The applicant has submitted a viability assessment which has been assessed by the District Valuers Service. The District Valuers initial response was that there was some scope for increasing the Section 106 offer by the applicant.

The applicant has submitted further evidence in relation to abnormal costs, subsequent to the initial submission, including technical data that show abnormal costs are £4,107,000. These abnormals consist of site remediation works costing £2,497,000, in conjunction with supplementary foundation solutions (including full depth Vibroground solutions, engineering fill and reinforced footings due to recorded mine workings) across the majority of the site, totalling an additional £1,610,000 towards development costs.

On the basis of the new information on abnormal costs and the initial assessment of the District Valuers Service, the applicant offers 13 units for affordable housing (5% of the total number). These are 2, two bedroom apartments and 3, three bedroom apartments for social rent; and 2, two bedroom apartments, a two bedroom house, a four bedroom house and 4, three bedroom houses for shared equity.

In addition the applicant has increased the financial contribution on offer from £250,000 to £300,000.

It is relevant that the balance of the 101 units are being developed in partnership with Accord Housing Association, with delivery of the additional mixed tenure units above having been agreed with the Local Planning Authority and Housing Strategy Officers. However, this will not form part of the Section 106 agreement due to the fact that this is beyond the requirements of the Council's Supplementary Planning Document and subject to additional funding from the Housing Corporation.

Having regard to the full extent of abnormal costs and the increased financial contribution the level of Section 106 contributions is appropriate in this instance.

There is an issue over the division of the financial contribution. Typically, officers have been recommending that where the entire contribution is not met, that priority is given to education and affordable housing. In this case the affordable housing element seems satisfactory. As a result, the entire contribution could be directed to Education (and it would still not meet the appropriate level of contribution). However, there is a specific competing demand for financial contributions in this area.

The Darlaston Local Neighbourhood Partnership have identified that Kings Hill Park as an important issue in the local area and have requested that a proportion of the Section 106 monies be directed to this important regeneration initiative.

Kings Hill is one of Walsall's top 25 premier Greenspaces as outlined in the Greenspace Strategy, it is a neighbourhood park but is classified as High Value Low Quality. The park is a priority for improvement and investment, and a share of the S106 from this development would allow Greenspace to make significant improvements (the desired improvements probably cost at about £700,000).

Kings Hill is undoubtedly in need of major investment and this is supported by the local councillors.

Failure not to invest a significant proportion of this S106 funding to the park will result in the new residents from the development not having a high quality or appealing green space in their local area.

It is therefore recommended by officers that the Section 106 would be split between open space and education (£200,000 towards Open Space and £100,000 towards Education).

### **Recommendation: Grant Permission Subject to Conditions and a Planning Obligation**

With regard to the outline planning permission reference 07/0029/FL/W7 the following conditions can be considered to be discharged subject to the works being carried out in accordance with the approved details and the Section 106 Agreement being signed:

Conditions 2, 9, 10, 14, 23, 24, 25, and 26

And subject to the following conditions being added:

1. Prior to the commencement of any works, a revised drawing shall be submitted showing an Autotrack for a large three axle vehicle used by Walsall Council, to ensure that the vehicle can reach all sections of proposed adopted highway, in particular the two turning heads located to the east of the site.

*Reason:* In the interests of highway safety

2. No trees shall be installed within the limits of the adopted highway until an agreement is made whereby a commuted sum shall be provided, to fund the future maintenance associated with those trees that may affect the integrity and safety of the highway from falling branches, leaves and damaged trees. The sum to be agreed and confirmed in writing by the Local Planning Authority in conjunction with the Local Highways Authority.

*Reason:* In the interests of maintaining the highway to a satisfactory standard and ensuring that the development is completed to a satisfactory standard.

3. Prior to the commencement of any works, a Waste Management Strategy shall be submitted showing the required bin hardstanding to serve all properties that do not have facility for direct frontage refuse storage adjacent to the highway. The applicant shall demonstrate that sufficient bin hard standing can be provided to prevent refuse bins or recycling boxes obstructing pedestrian or vehicular, movement and visibility on the highway, and that all bins and boxes can be delivered to the highway from all apartments bin storage areas, and rear access routes from

proposed houses, within the latest guidance of acceptable distance to be travelled with bins to the limit of the highway on refuse collection day.

*Reason:* In the interests of highway safety

4. The most southerly footway from current point 'A' to the junction of Woden Road West shall be incorporated within the adoptable area of the site and the footway shall be constructed to a specification to be agreed in writing by the Local Planning Authority, to meet adoptable standards.

*Reason:* In the interests of highway safety

5. Public Right of Way 'Point B' link to Lodge Road, at the limit of the site, shall be permanently closed, with details to be submitted to the Local Planning Authority, at a cost to be met by the applicant. The scheme shall be implemented in accordance with the agreed details.

*Reason:* To ensure satisfactory appearance of the area and development of the application site.

6. Prior to the commencement of any works, the details of the specification and construction of the Pedestrian and Emergency Link, and measures to prevent unauthorised vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

*Reason:* In the interests of highway safety

7. A revised plan shall be submitted showing a cycle store to serve apartment block 1 to 9 in accordance with the Unitary Development Plan standards. The scheme shall be implemented in accordance with the agreed details.

*Reason:* In view of the applicant's reduction in parking provision from the UDP maximum standard for apartments, the proposal should look to encourage sustainable options such as cycling, and the current proposal does not provide a cycle store for these units.

8. At no time shall any vehicles, including construction and delivery vehicles, access the site from Boswell Close. The access shall remain for emergency vehicles and pedestrians only and shall be secured accordingly.

*Reason:* In order to safeguard the amenities of neighbouring residents.

9. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

*Reason:* To prevent the increased risk of flooding.

#### NOTES FOR APPLICANT

A) The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

B) Drainage arrangements shall be provided to ensure that surface water from the private driveways, parking courts and vehicular turning area does not discharge onto the public

highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

C) If it is the developers intention to request that Walsall Council, as the Highways Authority, to adopt the proposed roadwork's as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed road works, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all the necessary drainage arrangements and run off calculations shall be submitted to Walsall Council. No works on the site of the development shall be commenced until these details have been approved and an agreement under Section 38 of the Highways Act, 1980 entered into.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
On 24 June 2008

**REASON FOR BRINGING TO COMMITTEE: Departure from Development Plan.**

**Application Number:** 08/0028/FL

**Application Type:** Full application

**Applicant:** Fresh Space

**Proposal:** Proposed amendments to planning permission 03/2170/FL/E2, remaining as nine residential units with amendments including; use of the roofspace, minor re-siting, fenestration amendments, inclusion of a bin store, minor repositioning of the access drive, conversion of parking barns to garages and additional parking spaces.

**Ward:** Aldridge North and Walsall Wood

**Recommendation Summary:** Grant Subject to Conditions Subject to Referral to Government Office

**Case Officer:** Barbara Toy

**Telephone Number:** 01922 652429

**Agent:** Planning Cubed

**Location:** FORMER SHIRE OAK  
TRANSPORT CAFE, 250 CHESTER  
ROAD, STONNALL, WALSALL

**Expired:** 03/03/2008



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## **Application and site details**

The site is situated on the western side of Chester Road (A452) which forms part of the Strategic Highway Network (SHN) within the Borough. The site sits within the Green Belt and is surrounded by extensive woodlands.

The site is now vacant and overgrown following the demolition of the original derelict transport café building in May 2007.

The closest residential accommodation is situated approx 100m to the north west on the same side of Chester Road. Shire Oak Local Nature Reserve sits immediately to the north, west and south of the site

Chester Road forms the boundary between Walsall MBC and Lichfield District Council. The land on the opposite side of the road comprising a sand and gravel pit in Lichfield.

The character of the area is generally rural, interspersed with small groups of dwellings.

The application proposes amendments to planning consent 03/2170/FL/E2 granted on 7<sup>th</sup> February 2006. The development would remain as nine residential units, but now proposes to include the use of the roofspace in the main courtyard buildings to create additional bedrooms and ensuite facilities, minor repositioning of parts of the buildings, fenestration amendments (windows and doors), additional parking spaces and conversion of the parking barns to garages.

The approved scheme provided: 2 x 1 bed apartments, 3 x 2 bed apartments and 4 x 2 bed houses, in the form of a three storey farmhouse building on the frontage, with two storey units and single storey parking barns set in a courtyard arrangement to the rear.

The proposed amendments would now provide: 4 x 2 bed apartments, 2 x 3 bed house and 3 x 4 bed houses providing a net gain of 9 bedrooms within the same general arrangement. The overall design and general layout of the approved scheme would remain unaltered.

The approved scheme provided nine parking barns (open fronted) and informal parking within the courtyard area. The proposals would now provide nine formal garages (with doors), 6 formal parking spaces within the courtyard and 3 further parking spaces set behind the garage court, providing a total of 18 parking spaces. The proposals also include a bin store to be sited on the end of the garage court to the north east of the site.

Further minor fenestration amendments are proposed, to alter the size and design of some windows and doors, as well as a minor revision to the position of the access drive from Chester Road, moving it approx 2.5m to the south.

## **Relevant Planning History**

BC08886P, extensions in connection with change from transport café to restaurant and wine bar with flat over, granted subject to conditions 08-08-1984.

BC22371P, erection of fence exceeding 2m in height and change of use of additional land to use ancillary to existing, refused 07-06-1988.

BC32539P, Section 63 application (retrospective) erection and painting of fence exceeding 2m in height and landscaping, granted subject to conditions 01-05-1991.

BC42899P, Certificate of Lawfulness for existing use, transport café with overnight accommodation, ancillary car/lorry parking, granted 14-03-1995. The certificate explains that it was issued on the basis, in part, that 'the premises are in a condition to facilitate reopening without alterations which would materially affect the external appearance of the premises...'

BC62753P, proposals for alterations and extensions to add restaurant facilities to 24hr transport café and overnight accommodation at the site. Alterations and extensions to the existing building. Resulting in total floor area of 418sqm, 1200sqm of hard surfacing and 21 parking spaces. Approved subject to conditions November 2001.

02/2134/FL/E4, redevelopment for 10 residential units, car parking, landscaping and associated works, withdrawn 25-02-2003.

03/2170/FL/E2, erection of 9 apartments in a farm courtyard style development to include demolition of existing transport café, approved subject to conditions 07-02-2006.

May 2007, derelict transport café demolished.

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

**Unitary Development Plan 2005**

Policies 3.6 and 3.7 states that development should help to improve the environment of the Borough whilst seeking to protect people from environmental problems.

GP1: The Sustainable Location of Development

Locating facilities where they are accessible to everyone and minimise the need to travel.

GP2: Environmental Protection

Development should be sustainable and contribute to environmental improvement and have no adverse effect on the countryside and the Green Belt.

Policy 3.3 states that the character and function of the Greenbelt will continue to be safeguarded, as part of the wider West Midlands Green Belt. Inappropriate development will not be allowed in the Green Belt unless justified by very special circumstances.

Policy 3.16 requires high quality design.

Policy 3.23 states that the Green Belt has a positive role to play in terms of retaining attractive landscapes.

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.

ENV2: Control of Development in the Green Belt

In the Green Belt there will be a presumption against new buildings except in very special circumstances. Where development is acceptable in principle the siting, design, form, scale and appearance should be compatible with the surrounding area and careful consideration of the openness and character of the Green Belt.

ENV3: Detailed Evaluation of Proposals within the Green Belt

Proposals will be assessed for their impact on the Green Belt including:

- i. layout
- ii. siting, design, grouping, height and scale of buildings
- iii. colour and suitability of materials
- iv. use of redundant land and buildings for alternative uses

- v. quality landscaping
- vi. impact on significant views
- vii. cumulative physical effect in one area

#### ENV 4: Major Development Sites in the Green Belt

Criteria for determination of such applications include:

- No greater impact than the existing development on the openness or purposes of the Green Belt
- The height of the existing buildings would not be exceeded
- The area covered by the buildings would not occupy a larger area of the site.

#### 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.

#### ENV18: Existing Woodlands, Trees and Hedgerows

Seeks to protect, manage and enhance existing trees and where developments are permitted which involve the loss of trees developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

#### 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.

#### 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 if 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.

#### T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. (e) all parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area.

#### T13: Parking Provision

1, 2 and 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
Flats with allocated parking	2 spaces per unit

### **Designing Walsall (SPD) (Feb 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 68m<sup>2</sup> for housing and 20m<sup>2</sup> 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 Policy**

The emerging Black Country Core Strategy aims to attract more affluent households.

### **National Policy**

PPG2: Green Belts

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt. Paragraph 3.1 states there will be a general presumption against inappropriate development except in very special circumstances. Para 3.2 states that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These exceptional cases will thus be treated as departures from the development plan.

Whilst Annex C refers to major development site redevelopment in the Green Belt, which the application site is not, the assessment criteria can be used as a guide:

- a) have no greater impact than the existing development on the openness of the Green Belt
- b) contribute to the achievement of the objectives of the use of land in the Green Belt
- c) not exceed the height of the existing buildings
- d) not occupy a larger area of the site than the existing buildings.

### **Consultations**

**Strategic Policy** – no increase in number of dwellings and appears to have no appreciable additional impact on the openness of the green belt, although increased occupancy and accessibility, but accessibility was not considered as sufficient reason for refusal previously.

**Environmental Health**.- no adverse comments

**Pollution Control – Scientific Team** – no objections subject to conditions requiring a noise survey and mitigation.

**Contaminated Land Team** – no objections subject to conditions re site investigation and remediation.

**Landscape Officer** – no objections but a detailed landscape scheme would be required which should include:

- Details of the front boundary wall, gravel drive, parking bays etc
- Consideration of existing trees on the site and protection to BS5837:2005
- Reallocation of bin store away from the crown of the existing tree

- Scheme should include, hedging and trees to all 4 boundaries
- Specific planting for each bed including size and species of plants
- Topsoil details.

**West Midlands Police** – It appears that little consideration has been given to crime prevention at this stage of the development and would strongly recommend Secure By Design accreditation be sought for the site.

**Fire Officer** - Satisfactory access for fire appliances.

**Drainage** – no comments

**Highways Agency** – no comments

**Severn Trent Water** – no objections subject to conditions.

**Lichfield District Council** – object as inappropriate development within the Green Belt contrary to National, Regional and Local policy.

**Centro** – no affect

**Environment Agency** – no comments, no increase in footprint therefore outside of the scope of the Agency to comment.

**National Grid** – negligible risk.

### **Representations**

None

### **Determining issues**

The determining issues here are:

- Inappropriate development within the Green Belt
- Impact of the proposed amendments on the openness and character of the Green Belt

### **Observations**

#### **Inappropriate Development within the Green Belt**

Redevelopment of the site for residential purposes is inappropriate development within the Green Belt and such development should not be approved except in very special circumstances.

The very special circumstances put forward under the previous planning approval included the removal of the potential to use the site for a 24 hour transport café with overnight accommodation, a reduction in the area of hardstanding on the site and replacement of a derelict unattractive building with a high quality residential development. Furthermore an extant planning consent granted permission to extend the transport café building to create a footprint of some 400sqm with 1200sqm of hardstanding and 21 parking spaces, which was regarded as a fall back position and the maximum level of development for the site. It was considered that the very special circumstances were sufficient to override the presumption against inappropriate development.

The previous application was referred to the Government Office for the West Midlands, as a departure from the Council's adopted Unitary Development Plan, with a recommendation from the Development Control Committee for approval, subject to conditions.

Whilst the amended proposals show minor amendments to the original layout the only increase in overall footprint of the buildings is the proposed bin store (6sqm) and additional (gravel) hardstanding comprising 3 additional parking spaces set to the rear of the garage block to the north east of the site. This is considered acceptable.

### **Impact of the proposed amendments on the openness and character of the Green Belt**

The general arrangement of the buildings would remain as the original approval, but the proposals include minor amendments to the overall layout. Plot 9 has been turned through 90 degrees with no increase in its overall footprint.

The bin store would be located to the end of the eastern garage block, central to the gable end with a similar design and style to the garage block, making little impact on the overall view of the built form. It is therefore considered that the addition of the bin store would have no adverse impact on the openness and character of the Green Belt.

The proposals include the provision of 5 additional bedrooms within the roofspace and alterations to the internal layouts to provide an additional 4 bedrooms, providing in total an additional 9 bedrooms to the development. Whilst this is a significant increase (37%) and will lead to an increase in occupancy it is not considered that the additional vehicular movements and activities would rise significantly, to impact on the openness and character of the Green Belt.

The total parking provision, including the garage spaces would increase to 18 spaces, which would provide 2 spaces per unit, slightly below the requirement within policy T13 of the UDP (which is a maximum provision), but this level of parking is considered appropriate in this case. Only 3 additional spaces would be provided outside of the original layout and it is considered that this additional gravel hardstanding would have no significant adverse impact on the openness or character of the green belt, as existing and proposed trees and planting would screen the area from the road and the surrounding Green Belt.

An appropriate condition is attached to ensure that the garages are used for the parking of vehicles only and not for storage purposes to ensure no additional vehicles are parked in the open, resulting in an adverse impact on the openness and character of the green belt.

The fenestration alterations proposed (size and design of windows and doors) would not have any significant impact on the openness and character of the green belt, but would make improvements to the overall design of the scheme

The proposed minor revision to the position of the access drive from Chester Road would have no impact on the openness or character of the Green Belt or the overall design and layout of the scheme.

### **Conclusion**

The proposals are considered to represent acceptable amendments to the original approval (03/2170/FL/E2 which remains a valid consent) which would have no additional adverse impact on the openness or character of the Green belt, over and above that of the original scheme.

It is therefore recommended that the Committee refer the application, which represents a departure from the Walsall Unitary Development Plan (2005) to the Government Office for the West Midlands and subject to the application not being called in, grant permission subject to conditions.

**Recommendation: Grant Subject to Conditions Subject to Referral to Government Office**

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 until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the development.

3. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought in to use, or other such period as may be agreed in writing by the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the development.

4. No development shall be carried out until details of the means of lighting have been submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid any undue light spillage and the development shall be carried out and retained in accordance with these approved details.

*Reason:* To protect the character of the Green Belt and general amenities of the area.

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

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

6. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

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

7. The site access shall maintain 2.4m x 3.4m pedestrian visibility splays and 2.4m x 60m vehicular visibility splays onto Chester Road. These splays shall be kept clear of landscaping over 600mm in height and structures over 1.05m in height from carriageway level.

*Reason:* In the interest of highway safety.

8. Notwithstanding the submitted details, no development shall be carried out until full details of the proposed boundary treatment of the site, including any internal boundary treatments, have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter retained in accordance with these approved details.

*Reason:* To safeguard the appearance of the Green Belt.

9. No development shall commence on site until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

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

10. No development shall be carried out until a noise survey is undertaken to include daytime and night time monitoring in accordance with the guidance and procedures contained in PPG24 and BS 7445: 1991 'Description and Measurement of Environmental Noise'. Details of necessary noise insulation measures, shall then be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before this development is brought into use.

*Reason:* To safeguard the amenities of the occupants.

11. 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 1 month of completion.

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

12. 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.

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

13. 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 prevent the possibility of surface and/or groundwater pollution.

14. 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

15. No buildings shall be erected or trees planted within 2.5 metres of the public sewer that crosses the site.

*Reason:* To ensure there is no damage to existing drainage system.

16. The garages hereby approved (9 in total) shall be used for the parking of motor vehicles only and not for general storage purposes.

*Reason:* To ensure no additional external parking takes place within the site which may result in an adverse impact on the openness and character of the Green Belt.

17. The works hereby approved shall only be carried out in accordance with details contained within drawing numbers 067/100 Rev H, 067/101 Rev F, 067/102 Rev E, 067/103 Rev H submitted on 28<sup>th</sup> April 2008, 067/104 Rev A submitted on 28<sup>th</sup> March 2008, and 067/105 and 141007/01 submitted on 7<sup>th</sup> January 2008.

*Reason:* In order to define the permission and ensure that only the approved works are implemented.

### **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, ENV2, ENV3, ENV4, ENV14, ENV32, ENV33, H9, H10 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

### **Notes to 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 gasses 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.

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.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
On 24 June 2008

**REASON FOR BRINGING TO COMMITTEE: Significant Public Interest**

**Application Number:** 08/0569/FL

**Application Type:** Full application

**Applicant:** Bluemark Developments Ltd and  
Punch Taverns PTL LT

**Proposal:** Erect 5 no. Houses with associated  
drive, parking and gardens on excess car park  
and beer garden, and Relocation of Parking  
and Garden Area

**Ward:** Willenhall South

**Recommendation Summary:** Grant Subject to conditions

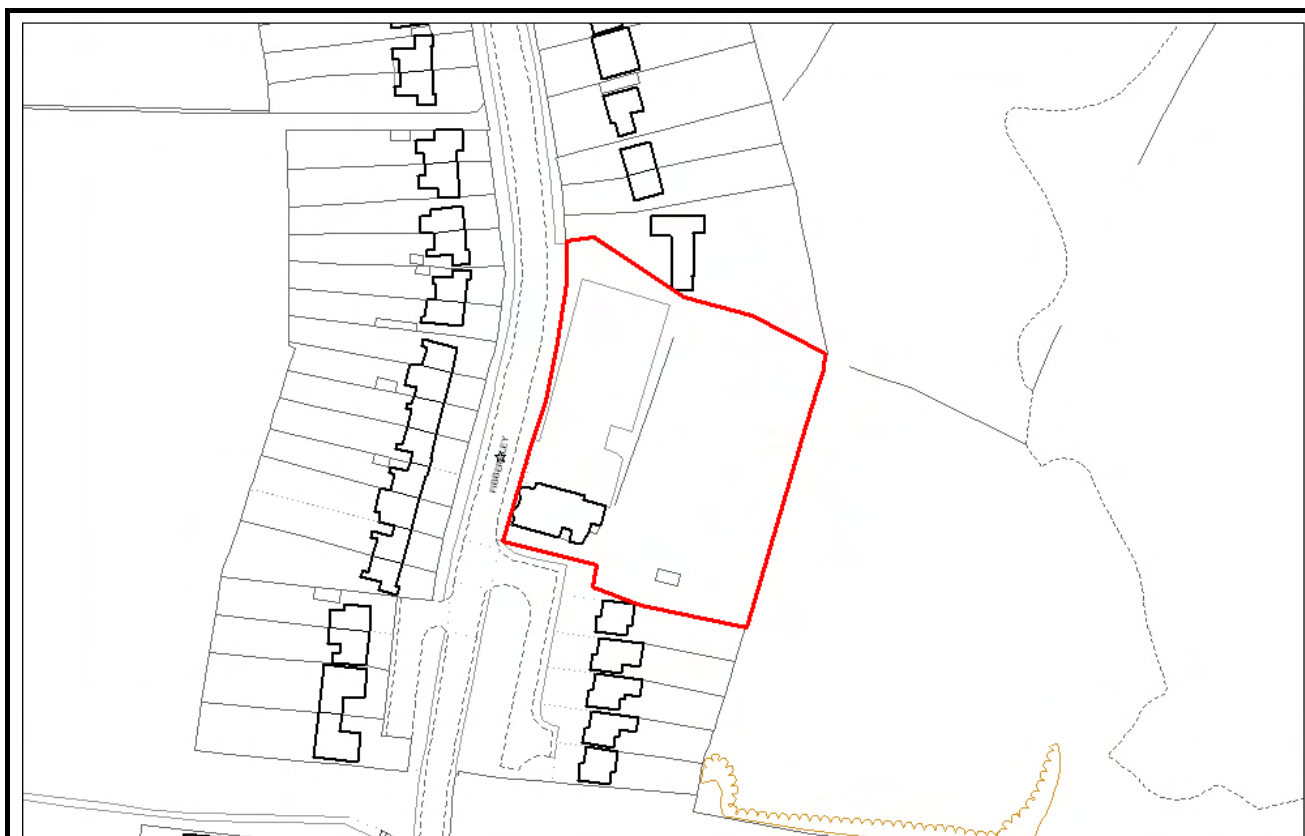
**Case Officer:** Karon Hulse

**Telephone Number:** 01922 652492

**Agent:** The Design Box

**Location:** THE NAVIGATION  
INN, FIBBERSLEY, WILLENHALL

**Expired:** 30/05/2008



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## **Application and Site Details**

This application seeks consent to construct 5 new dwellings on land adjacent to the Navigation Inn, Fibbersley, Willenhall. The land currently forms part of the car park and beer garden to the public house.

The site is generally level with access directly from off Fibbersley adjacent to the navigation pub. The road frontage has an existing mature landscape buffer consisting of trees and hedgerow. The car park is to the front of the site with a lawn at the rear.

The proposed layout comprises three detached and two semi detached two storey houses all served by creating a new access drive to the north of the site. With the exception of the public house which sits at the back of pavement the position of the houses respects the existing residential building line, with frontages and garden depths matching those of the surrounding properties.

The density of the housing area equates to 13 dwellings per hectare, as the rear gardens are long. Parking is 200%.

The proposals also include a new car park and repositioning of the beer garden to the rear of the public house. The existing car park access off Fibbersley would continue to be the main point of access for the public house. The new car park would run along part of the side boundary to the new dwellings. this boundary would be formed by a new brick wall.

The design of the dwellings has been specifically selected to relate to and characterise those existing dwellings in the area. the use of part render/part brickwork is synonymous with other houses in the street.

## **Relevant Planning History**

None relevant

## **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...principles of sustainable development

GP2, 3.6 and 3.16 seek to improve the environment and achieve schemes that do not an unacceptable adverse impact on the environment

GP7 designing out crime

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

ENV14...encourage the development of previously developed land

ENV 32 does not permit poorly designed proposals

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

H3 relates to use of previously developed land for housing and flexibility in standards for parking and amenity space.

H10 Layout, Design and Dwelling Mix

7.36...ensure adequate levels of off-street parking...particularly in residential areas to avoid environmental and road safety problems

T7 and T13 Car Parking standards

T12...access by Public Transport to Residential Developments...walking distance no more than 400 metres to a bus stop

### **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 relevant to this proposal;

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

DBW2 - Safe and welcoming places. All new development must contribute towards creating places that feel safe, secure and welcoming for everyone

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 68m<sup>2</sup> for housing and 20m<sup>2</sup> 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 Review / Black Country Study**

Regional Spatial Strategy for the West Midlands was published in June 2004.

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

Policy QE1 - Environment

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

### **National Policy**

PPS1 relates to sustainability and good design.

PPS 3 (Housing) promotes use of previously developed land for housing... flexibility in the application of standards to achieve development, housing to meet the needs of the whole community, create sustainable patterns of development, more efficient use of land, promote good design and reduce car dependence.

PPG 24 relates to noise.

### **Consultations**

**Transportation** - no objections

**Pollution Control (scientific team) – no objections**

**Pollution Control Division (contaminated land) – no objections**

**Fire Service – no objections**

**Police Architectural Liaison Officer - no objections subject to a number of measures being incorporated into the scheme**

### **Public Participation Responses**

Six letters of representation have been received objecting on the following grounds:

- Already a busy thoroughfare for passing traffic
- Reduced size car park for the pub resulting in on street parking
- Noise from new car park
- Lack of privacy
- Flooding
- Development doesn't reflect the nature of the area
- Should be bungalows like ours
- Car park too small for pub
- Cars will park on the grass verge
- Noise and nuisance late at night

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

### **Determining Issues**

- Principle of development and residential amenity and design
- Access / Car parking
- Proposed re-siting of pub car park
- Police Architectural Liaison Officer comments

### **Observations**

#### **Principle of development and residential amenity and design**

With the exception of the public house the surrounding area is predominantly residential. Therefore the proposed new dwellings are in principle acceptable.

The proposed siting of the five dwellings reflects a natural building line created by existing housing either side of the public house and will allow for a satisfactory residential amenity to be provided for both future and existing residents.

The scheme has been well designed, will enhance the area and make the best use of a brownfield site in accordance with government policy.

#### **Access / Car parking**

The proposed residential development will provide two three bedroom, and three four bedroom dwellings, each house will have two parking spaces, with all parking being served off a private drive accessed from Fibbersley.

## **Re-siting of pub car park**

Whilst the pub car park is being reduced it is acceptable on the basis that it will still provide parking spaces in excess of what is required by the Unitary Development Plan standards. Its new location will utilise the existing entrance therefore there will be no additional impact on highway safety.

The driveway to the public house car park will run along the side boundary of plot 1, therefore in order to protect the amenity of future occupiers from the use of the new car park a condition requiring the boundary to consist of a 2.4 metre high brick wall is required (see also the following paragraphs on security).

## **Police Architectural Liaison Officer comments**

The pub car park has the potential to expose the rear of plot one and potentially the rear of all the other new plots. Therefore as outlined above it is considered that a 2.4 meter brick wall will be required to be erected along that boundary in order to protect both the amenity and security of future occupiers.

The car park should also be covered by a CCTV system and lighting scheme. A condition requiring details to be submitted should be imposed on any approval to ensure that they have no detrimental impact on the amenities of existing and future occupiers

Gates giving access to the rear gardens of the new dwellings should also be brought into line with the front of the dwellings in order to remove any recesses or hiding places for offenders.

## **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. No development shall be carried out until full details of the proposed boundary treatment of the site (including a boundary brick wall of 2.4 metres in height along the rear side boundary of plot 1) have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

*Reason :* To ensure the satisfactory appearance and functioning of the development and in order to protect the rear amenity areas of the new dwellings.

NOTE FOR APPLICANT It is considered that the rear accesses to the dwellings should be gated, and the gates brought in line with the front of the properties)

3. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the development.

4. 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.

5. 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.

6. 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 protect the visual amenity of the area.

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

*Reason:* To ensure the satisfactory provision of off-street parking, ensure the satisfactory functioning of the development and in the interests of highway safety.

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

*Reason :* To ensure the satisfactory provision of off-street parking, appearance and functioning of the development and in the interests of highway safety.

9. 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 only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

*Reason* :To safeguard the amenities of existing occupants.

10. No ground fires shall be permitted on the development site for the purposes of waste disposal, during the remediation and construction of the development.

*Reason* :To safeguard the amenities of existing occupants.

11. A desk study and site reconnaissance, approved in writing by the Local Planning Authority, shall be conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing and in the event that the desk study and site reconnaissance indicates the presence of contamination and/or ground gases on site, a ground contamination survey and site investigation shall be undertaken and approved in writing by the Local Planning Authority prior to built development commencing.

A copy of any ground survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any gas and/or land contamination and a timetable for their implementation shall be submitted to the Local Planning Authority and agreed in writing before construction of the development commences.

*Reason* : To ensure the satisfactory development of the site.

12. The proposed vehicular access shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

*Reason* : In the interests of highway safety.

13. Prior to any part of the development commencing the following details shall be submitted to the Local Planning Authority :

- details of parking and a turning facility for site operatives;
- a bin hardstanding area for residents to deliver their bins adjacent to the adopted highway on refuse collection day;
- details of CCTV equipment required to be installed to cover the new car park for the public house and amenities of nearby future and existing residents. (NB. CCTV should be installed to cover the car park area only and not impact on the amenities of existing or future residential occupiers, its hard drive shall be stored in a secure location inside the premises.)
- a lighting scheme for the new public house car park;

- a revised plan showing a "Sight Stopping Distance (SSD)" of 2.4m x 43m from the access of both the proposed residential development, and the access from 'The Navigation' Public House. NB. Nothing shall be planted, erected or allowed to grow within the splayed area described above that may obstruct visibility.

The submitted details shall be approved in writing by the Local Planning Authority and shall be fully implemented prior to first occupation. The approved details shall be implemented prior to any construction of the dwellings has commenced.

*Reason* : To ensure the satisfactory development of the site.

14. Prior to the construction of any dwelling the new car park to the public house shall be constructed, surfaced and all parking spaces demarcated and disabled spaces marked out in accordance with national guidance.

*Reason* : In the interests of highway safety.

Notes for Applicant.

A. The desk study and site reconnaissance shall have regard to the previous unknown filled ground and materials used and processes carried on. Further details on the matters to be addressed is available in "PPS 23 : Planning and Pollution Control", Annex 2, Development on Land Affected by Contamination", paragraphs 2.42 to 2.44. and "Model Procedures for the Management of Contamination" (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

The survey should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Waste Management Paper No. 27 "Landfill Gas"; or any relevant antecedents 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.

B. 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.

C. 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.

## **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, ENV32 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
On 24 June 2008

**REASON FOR BRINGING TO COMMITTEE:** Significant community interest and requiring a balanced judgement.

**Application Number:** 08/0559/FL

**Application Type:** Full application

**Applicant:** Mr. B. C. and Mrs. D. J. Clark

**Proposal:** Redevelopment comprising four houses, vehicular access and landscaping

**Ward:** Pelsall

**Case Officer:** Paul Hinton

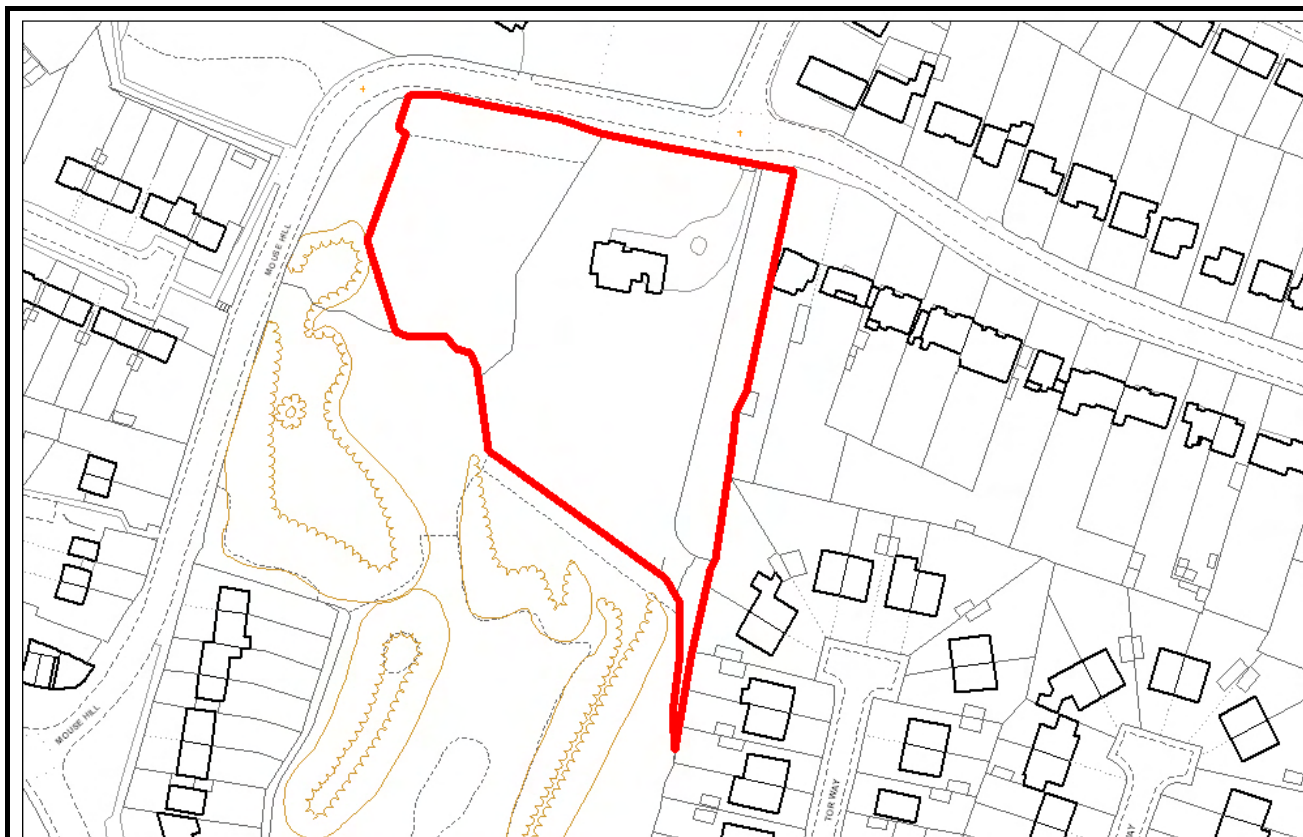
**Telephone Number:** 01922 652420

**Agent:** Bidwells

**Location:** 71 Hall Lane, Pelsall, Walsall

**Expired:** 26/05/2008

**Recommendation Summary:** Grant Subject to conditions



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## **Application and site details**

This application seeks planning permission for the erection of four 5 bedroomed individually designed houses at the site of 71 Hall Lane, Pelsall. At present there is a vacant dwelling behind a boundary of mature trees, covered by blanket tree preservation order 03/1964 along the boundary with Hall Lane and Mouse Hill. The dwelling is within a large garden area with a number of mature trees. The application site is generally level east to west, but there is a gentle fall north to south. The site is higher than the road where Mouse Hill meets Hall Lane and drops down towards Allens Lane.

To the rear of the application site is 1.554 hectares of mature woodland. This is defined as Urban Open Space within Walsall UDP and includes a pond to the south of this area. The woodland area drops significantly down towards Allens Lane.

The application proposes a new vehicle and pedestrian access point 35m west from the existing access which is proposed to be removed. The proposed access would necessitate the felling of some trees along the front boundary. The application site is within Old Pelsall Conservation Area.

The proposed development includes four detached homes suitable for family occupation. They will share a private drive and communal turning and manoeuvring area. Each home has its own private rear garden and a front garden. The applicants state that the woodland area to the rear will be within shared ownership of the future occupiers. The proposed dwellings are of individual design to be built of red brick with artificial slate roof tiles and timber case windows with some timber cladding to the exteriors.

The application site, excluding the woodland is 0.845 hectares, giving a development density of 4.7 dwellings per hectare.

In support of the proposals the following documents have been submitted:

- Design and Access Statement
- Ecological Assessment
- Planning Policy Statement
- Sustainability Strategy
- Transport and Access Statement
- Services Report
- Flood Risk Assessment
- Phase I Environmental Risk Assessment
- Phase II Intrusive Environmental and Geotechnical Site Investigation

## **Relevant Planning history**

None relevant.

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

### **Walsall Unitary Development Plan March 2005**

GP1, 2.1 and 2.2 states that the aims of the Plan include sustainable development, urban regeneration and environmental improvement.

GP2: Environmental Protection and Policy 3.6 requires new development to contribute to the improvement of the environment.

Policy 3.16 considers development in relation to its setting, requiring a high quality of built and landscape design.

GP7 and 3.114: good design can discourage crime and increase safety

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

H9: Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable for most sites. Densities below 30 dwellings per hectare may be justified to provide larger houses to support urban regeneration.

H10: Requires a high quality living environment to be created, well integrated with surrounding land use and local character.

ENV14 and 3.9; The Council will encourage the reclamation and development of derelict and previously developed land.

ENV18: Seeks to protect, manage and enhance existing trees and where developments are permitted which involve the loss of trees developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

ENV22: Protected Species – Development on sites used by species protected by European law and/or British legislation, or a species which is the subject of a national Biodiversity Action Plan, will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species.

ENV23: The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology.

Policy ENV29 states that the Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area

ENV32 and 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: Good landscape design is an integral part of urban design

ENV39: Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

LC1: The Council will seek to retain and enhance existing urban open spaces and redress any deficiencies in the provision or accessibility of these.

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

T13: Parking Provision: 4 bedroom houses and above 3 spaces per unit

## **Designing Walsall SPD**

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, identifying privacy and aspect distances between dwellings.

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

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

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

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

## **National Policy**

PPS1: Delivering Sustainable Development, emphasis is given 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

PPS9 on biodiversity and geological conservation says that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.

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

PPG15: Planning and the historic environment requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **Consultations**

Plans amending the boundary treatment and omitting the woodland walkway are currently being re-consulted. The consultation period is due to expire on 20<sup>th</sup> June 2008. Any additional comments will be reported in the supplementary papers.

**Transportation** – no objection subject to conditions relating to access, visibility and waste management.

**Pollution Control Contaminated Land Team** – no objection subject to use of recommended conditions.

**Natural England** – no objections subject to a detailed bat survey being undertaken prior to the demolition of the existing dwelling, and a management plan to enhance the woodland pond and woodland habitat for newts

**Natural Environment** – holding objection, currently considering survey information and Natural England's comments.

**Arboricultural Officer** – no objections subject to replacement trees.

**Police** – raise concern. Hall Lane is a historical hotspot for burglary dwellings. This particular location is used by offenders to gain access to neighbouring properties around the woodland area. There is a lack of natural surveillance and therefore it is imperative that there is a high standard of security doors and windows. It is recommended that a perimeter fence is installed to the Hall Lane and Mouse Hill boundary and incorporate access control measures on the entrance.

**Urban Design** – no objection. The design of the houses provides a suitably unique development that combines contemporary architecture with character and seems sit well within its setting.

**Landscape** – no objection subject to use of recommended conditions.

**Conservation Officer** – no objection.

**Archaeologist** – no known archaeological constraints.

**Drainage** – no objection. No surface water from the site is to be discharged onto the land to the rear of the development.

**Centro** – no objection. The current bus service provision is limited, but given the nature of the development there will be insufficient demand to bring about improvements to the public transport provision.

**Building Control** – no objections. Recommended note for applicant.

**Fire Services** – no objections.

### **Public Participation Responses**

Plans amending the boundary treatment and omitting the woodland walkway are currently being re-consulted. The consultation period is due to expire on 20<sup>th</sup> June 2008. Any additional comments will be reported in the supplementary papers.

Eight letters have been received; with seven letters raising concern about:

- The access to the propose development and its proximity to a sharp blind bend.
- There have been two fatalities in Hall Lane
- Increase in traffic
- Security to adjacent residential properties
- The Council should undertake its own transport survey
- The long term management of the woodlands to the rear of the site
- Responsibility of the woodland and the need to ensure that this is not available for public access.
- Do not need any more back yard development.
- Damage from existing trees.

In two of the letters received the writers have commented the proposal would enhance the location and this area of Pelsall and are favourably impressed with the proposed development and it will enhance the standing of the village.

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 proposal
- Impact on surrounding occupiers
- Access and parking arrangements
- Impact on trees
- Impact on ecology
- Sustainability
- Community Safety

### **Observations**

#### **Principle of residential development**

The application site comprises of a vacant house with large domestic garden. The proposed development would therefore satisfy the objectives of policies 3.9 and ENV14 of the UDP which

encourage the reclamation and development of derelict and previously developed land. Policy H3 further encourages the provision of additional housing through the reuse of previously developed windfall sites and PPS 3 – Housing, encourages development of brownfield sites for residential purposes. The proposal is not back land development.

The site is in a predominantly residential area, with the local shop 260m away, and 610m from Pelsall Local Centre. Primary schooling is available in the form of St. Michaels Church around 300m to the south of the site, with the nearest secondary school, Walsall Academy around 1.6km from the site. There is a bus route along Hall Lane. The proposal is therefore considered to be a sustainable location within a well established residential area. Residential development on the site is therefore appropriate, as it reflects the general character of the area.

The proposal would provide a density of 4.7 dwellings per hectare (excluding the woodland). Policy H9 says that densities below 30 dwelling per hectare may be exceptionally justified to provide larger houses to support urban regeneration. It is considered that exceptional circumstances are presented in this case. The site is within Old Pelsall Conservation Area and has a blanket Tree Preservation Order. To ensure the spacious nature of the site is maintained and to provide aspirational houses of individual design, it is considered that the density makes effective use of this land by reflecting the character of the area and responding to local needs.

### **The design and layout of the proposal**

Each dwelling has been individually designed and is bespoke to the site with a strong sense of place and common identity while having clear variations. The roof designs and ridge heights are varied to add interest and effectively break up the built form. The spacing between the homes is also generous with boundaries demarcated by planting and garages sited near to the boundary in part. Plot 3 provides a focal point to the entrance creating local legibility. Each plot has functional chimneys, an important feature of the Conservation Area.

The properties along Hall Lane are of spacious and individual design. The proposal has considered this character by proposing four individual properties specific for this site. The sizes of the properties are appropriate and sit comfortably within the site. The mature tree boundary largely obscures the buildings from the streetscene. The properties are set back 38m from Hall Lane. It is considered that the contemporary design enhances the Conservation Area and provides a good example of modern design within a traditional area.

The proposals provide large gardens which exceed the area requirements of Designing Walsall SPD. Plot 2 has a shallow garden length at 6m, but has a generous width garden which backs onto an expanse of woodland, the short garden will not be an adverse feature. It is considered that the proposals would have a high level and quality of amenity.

### **Impact on surrounding occupiers**

The proposed dwellings are sufficiently distant from the existing dwellings along Hall Lane, Mouse Hill and Tor Way to have little impact upon surrounding occupiers. The existing trees to the boundaries are shown to be retained to ensure visual amenity is not affected.

The layout has been designed to minimise overlooking and shadowing between each dwelling.

### **Access and parking arrangements**

The Transport and Access Statement states that the existing flow levels on the adjacent highway network are relatively modest and well within the capacity of the road. It concludes that the proposed development will have no material impact on the capacity or safety of the

wider highway network. The site is in a sustainable location with the Local Centre and local schools within reasonable walking or comfortable cycling distance of the site.

The Transportation Officer does not object to the application subject to the use of recommended conditions.

Reference is made in the Transport and Access Statement to accidents within the last five years. The Personal Injury Accident Data records two accidents resulting in 'slight' injuries. In both cases the cause being failure to look properly, with the 2005 accident also referring to failure to signal, and poor turn and manoeuvre. Transportation accepts the findings of the Transport and Access Statement, in that there are no specific highway issues that would need to be addressed as a result of this information.

### **Impact on trees**

The proposal would require the removal of two trees subject to Tree Preservation Order 3/1964. The Arboricultural Officer does not object to the application subject to appropriate replacement trees which can be secured by condition. It would also be a requirement to ensure that the rest of the trees on site are protected during construction in accordance with BS: 5837 2005, this can be achieved by condition. The closure of the existing access would require additional planting to maintain the tree boundary which is of significant amenity value. Therefore a condition is recommended for appropriate planting to take place within this area.

While the woodland to the rear of the site is outside of the planning application boundary, it is within the applicants ownership. The applicant has shown a willingness to provide a long term woodlands management plan for this area. The woodland is of significant amenity value with a pond to the southern boundary. The woodland has not been adequately maintained for a number of years. In accordance with policy LC1 and ENV18 it is considered reasonable to require a long term woodland management plan to be required as part of a planning condition to ensure the positive protection, management and enhancement of the woodlands to maximise the Urban Open Space's contribution to biodiversity and visual amenity. This plan would need to identify areas and methods to improve the existing woodland and facilitate its long term maintenance to ensure its significant visual, amenity and ecological value is retained.

The applicants have stated that the management plan would entail a survey and assessment of the condition of the trees and shrubs within the wooded area, the preparation of a strategy for enhancement, through selective tree and shrub maintenance and also the enhancement and where necessary, creation of habitat for animal species and in particular protected species. The cost of this would be initially funded by the developers of the site, then the owners of the homes will jointly own the woodland and they will be required to make maintenance payments for implementation of the management of the woodland. Therefore even if the management company with involvement with the site were to become bankrupt as raised by concerned residents, the potential dwelling owners would still have responsibility to comply with the planning condition. The applicant has suggested at least two inspections a year with maintenance work arising therefrom.

One letter of objection refers to damage to their property from trees falling from the application site and who would be responsible. It is not proposed to fell trees to the boundaries with the dwellings along Hall Lane and Tor Way. The damage occurring from existing trees would be a private matter between the relevant land owners.

### **Impact on ecology**

Natural England originally objected to the application, but have withdrawn their objection after additional surveys were undertaken. The Council's Natural Environment Team object to the application, but are currently considering the additional information. It is anticipated that this information, with appropriate recommended conditions, should enable the withdrawal of their concerns. Further comments will be reported in the supplementary paper.

The amphibian survey determined that a small population of great crested newts was breeding in the pond in the woodland to the south of the site and an individual great crested newt was using the swimming pool on the development site. Reptiles were not recorded on the site. A licence would be required from Natural England to allow relocation of great crested newts from the site to the woodland to enable development of the site. As part of the mitigation strategy, the swimming pool aquatic habitat would be replaced by a new, more suitable pond, created in an existing depression to the south of the woodland pond. The existing woodland pond would be enhanced through removal of silt and reduction of shading around the margins. A mitigation strategy and management plan detailing the requirements and actions is recommended to be required by condition.

### **Sustainability**

The development has been designed to achieve Code for Sustainable Homes Level 3. The proposed houses take full advantage of the site's orientation in terms of their elevational appearance and all plots have south facing rear gardens. A Sustainability Strategy has been undertaken which states that the proposal will meet level 3 through either the use of a high efficiency gas boiler with thermal hot water panels or a wood chip/pellet boiler in addition to many other practical measures. The plans show the indicative hot water panels. It is stated that water butts will be provided as a minimum for all houses and materials will be sourced from the local area or from recycling centres wherever feasible. Individual home composting bins will be provided and the buildings will be constructed by timber frame. Full cycle storage facilities will be provided within the garages of each unit with dedicated secure fixing and home office space will be available in each unit.

### **Community Safety**

The Police raise concern about the application because Hall Lane is a historical hotspot for dwelling burglaries. This particular location is used by offenders to gain access to neighbouring properties around the woodland area. The application site is largely obscured from the street by the mature band of trees and there is a significant lack of natural surveillance. The Police therefore insist that a high standard of security doors and windows are used within the proposed dwellings. The application proposes a 2.4m pedestrian and vehicle entrance gate with a remote control operation with internal intercom system to provide a secure entrance point. The Police support this element, but consider that a perimeter fence should be installed to the Hall Lane and Mouse Hill boundary to ensure a secure boundary is in place to deter crime. It is considered that this can be achieved by condition, with significant weight being attached to a well designed fence to respect the Conservation Area status and the tree boundary.

Within the site the dwellings have been designed to have windows looking onto the public realm to maximise visibility of the shared drive. The replacement of one isolated house by four family houses and boundary improvements should bring security improvements to the site and the surrounding neighbours backing onto the woodland.

## **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. No demolition or development shall take place until a detailed mitigation scheme for great crested newts, reptiles and bats has been submitted to and approved in writing by the Local Planning Authority; the development should then be implemented in accordance with the approved scheme. The detailed mitigation scheme should be based on the outline mitigation detailed in the additional ecological assessment produced by Catherine Bickmore Associates dated 22<sup>nd</sup> May 2008 and incorporate any requirements of the licensing process should this be relevant.

*Reason:* In the interests of wildlife protection.

3. No development shall commence until a detailed woodland management plan has been submitted to and approved in writing by the Local Planning Authority. The woodland management plan shall include the integration of construction works with protected species including their relocation as part of enabling works for construction and longer term woodland management to benefit nature conservation, in particular recorded protected species and to include the juxtaposition of the woodland margins with the residential development. The management plan will also indicate the long term management of the woodland area of the site, including actions and timescale necessary for the enhancement, protection and maintenance of the area. The agreed management plan shall be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* In the interests of wildlife and woodland protection.

4. Prior to the demolition or alteration of any part of the building which may contain roosting bats a full bat survey shall be undertaken at an appropriate time of the year by person(s) with appropriate qualifications and experience in surveying for bats to ensure that bats are not present during building works. The survey shall comprise of internal inspections of the property and emergence survey works. No demolition shall take place until the survey has been submitted to and approved in writing by the Local Planning Authority. If a bat roost is found then appropriate mitigation measures will need to be approved in writing by the Local Planning Authority before any demolition takes place.

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

5. No development shall commence until details for replacement trees to be planted (including species, size and location), including a time period for planting, within the application site have been submitted to and approved in writing by the Local Planning Authority. Planting to the extinguished access will also need to be provided. Should the replacement tree(s) die, become seriously diseased, damaged or is removed within three years of the planting; it shall be replaced by a tree of the same or greater size as originally agreed.

*Reason:* To mitigate for the loss of two trees protected by Tree Preservation Order 3/1964 and in the interests of visual amenity.

6. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees to be retained within and adjacent to the development site has been submitted to and 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, the protection area shall be kept clear of all contractors' materials and machinery at all times.

*Reason:* To safeguard the trees and trees with protection orders on the site

7. 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.

8. No development shall be carried out until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of fencing, wall and railings and access gates to the boundary with Hall Lane and Mouse Hill, designed to reflect the Conservation Area setting and to integrate adequately within the belt of Protected Trees and to the satisfaction of the Police Architectural Liaison Officer. The approved scheme shall be implemented before the development is brought into use and shall thereafter be retained unless agreed in writing by the Local Planning Authority. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, no fences, gates or walls other than those approved shall be erected without the prior submission and approval of a planning application.

*Reason:* In the interests of community safety, visual amenity and to safeguard the amenity of occupants of adjoining premises.

9. Prior to the commencement of development a waste management strategy shall be provided to demonstrate how refuse collections will operate. In view of the length of the drive from the proposed dwellings and the adopted highway, and Walsall Councils requirement for refuse bins to be delivered by residents to the limit of the highway on collection day, or by agreement with Walsall Waste Management, details on a revised plan shall showing appropriate provisions be submitted to and approved in writing by the Local Planning Authority.

*Reason:* In the interests of highway and pedestrian safety.

10. Development shall not begin until parking has been provided for site operatives, machinery, and visitors within the application site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development.

*Reason:* In the interests of highway safety.

11. Prior to development commencing details of impervious hardwearing materials to be used for surfacing, including paths, roadway and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

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

12. No development shall commence or site clearance works take place until a scheme fully detailing the provision of artificial bat roosts upon the proposed buildings and attached to existing trees has been submitted to and agreed in writing with the Local Planning Authority. Details shall include full construction details and the precise location of all such features. The artificial bat roosts shall be retained thereafter or as otherwise agreed in writing by the Local Planning Authority.

*Reason:* In order to safeguard and enhance the habitat of protected species

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

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

14. Following demolition and prior to built development commencing additional investigation and assessment of ground contamination and landfill gas shall be undertaken to the satisfaction of the Local Planning Authority. 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 1 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 gasses 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:* In order to protect the residential amenities of potential occupiers.

15. 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, 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.*

*Reason:* In order to protect the residential amenities of potential occupiers.

16. 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:* In order to protect the residential amenities of potential occupiers.

17. The development hereby approved shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that there is no run-off from the development site to the woodland to the area to the rear. The scheme shall subsequently be implemented in accordance with the approved details.

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

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

*Reason:* In the interests of securing the site.

19. Prior to the first occupation of the development, details of the terrace screen to plot 4 shall be submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter.

*Reason:* To protect the privacy of the occupiers of plot 3.

20. Prior to the first occupation of the development the existing access shall be permanently closed to a specification to be submitted to and approved in writing by the Local Planning Authority. The proposed vehicular access shall be constructed to a specification to be approved and agreed in writing by the Local Planning Authority, and any works shall meet all statutory requirements.

*Reason:* In the interests of highway safety.

21. The development shall be constructed to provide vehicle access arrangements with Sight Stopping Distance (SSD) of 2.4m x 60m, and 2.4m x 40m in a westerly and easterly direction respectively, from the access. Nothing shall be planted, erected or allowed to grow above a height of 600mm, within the splayed area described above that may obstruct visibility. The required visibility will be subject to the removal of existing trees.

*Reason:* In the interests of highway safety and to define the permission.

22. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations to the dwelling or the erection of buildings within the curtilage of the site, as defined in Classes A to E of the Order, shall be constructed without the prior submission and approval of a planning application.

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

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

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

24. 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:* In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

25. The development shall be constructed in accordance with the Code of Sustainable Homes '3 stars' or Eco Homes 'good' standard relating to energy efficiency / CO<sub>2</sub>, 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

26. No 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 only take place between the hours of 0700 to 1800 weekdays and 0800 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

***Note for Applicant***

*(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).*

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

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

- Proposed site plan – A5706/2.1001 Rev F received by the Local Planning Authority on 28<sup>th</sup> May 2008.
- Proposed Landscape – A5706/2.1/007 Rev B received by the Local Planning Authority on 28<sup>th</sup> May 2008.
- Plot 1: Proposed Plans, Elevations and Section - A5706/2.1/003 Rev B received by the Local Planning Authority on 28 April 2008.
- Plot 2: Proposed Plans, Elevations and Section - A5706/2.1/004 Rev A received by the Local Planning Authority on 28 April 2008.
- Plot 3: Proposed Plans, Elevations and Section - A5706/2.1/005 Rev A received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Plot 4: Proposed Plans, Elevations and Section - A5706/2.1/006 Rev A received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Proposed site views, sections and elevations – A5706/2.1/002 Rev B received by the Local Planning Authority on 28<sup>th</sup> May 2008.
- Report on Trees by Rodney Helliwell dated March 2007, received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Topographical Survey – 07/164/07 received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Transport and Access Statement prepared by David Tucker Associates received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Planning Policy Statement prepared by Bidwells received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Ecological Assessment prepared by Catherine Bickmore Associates received by the Local Planning Authority on 31<sup>st</sup> March 2008 and follow up surveys dated 22<sup>nd</sup> and 29<sup>th</sup> May 2008.
- Design and Access Statement prepared by Bidwells received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Sustainability Strategy prepared by PRP Architects received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Services Report prepared by Millard Consulting Engineers received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Flood Risk Assessment prepared by Millard Consulting Engineers received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Phase I Environmental Risk Assessment prepared by Millard Consulting Engineers received by the Local Planning Authority on 31<sup>st</sup> March 2008.
- Phase II Intrusive Environmental and Geotechnical Site Investigation prepared by Millard Consulting Engineers received by the Local Planning Authority on 31<sup>st</sup> March 2008.

*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).

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.6, 3.16, GP2, GP7, H3, H10, ENV18, ENV22, ENV29, ENV32, ENV33, ENV39, LC1 and T13 Walsall Unitary Development Plan, Supplementary Planning Document Designing a Walsall and Planning Policy Statements 1, 3 and 9 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

#### Note for applicant

*Natural England* - Planning permission does not absolve from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Pat IV B of the Circular 06/2005.

*Police* - It is imperative that there is a high standard of security doors and windows and that the applicant seeks Secure by Design status.

*Building Control* – If your application includes demolition work, it may be necessary for you to also notify Building Control Services of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Helpline number 01922 652408.

*Transportation* - The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

Drainage arrangements shall be provided to ensure that surface water from the driveway does not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and  
Building Control, Regeneration  
On 24 June 2008

**REASON FOR BRINGING TO COMMITTEE:** Requires delicate judgement.

**Application Number:** 08/0701/FL

**Application Type:** Full application

**Applicant:** WALSALL MBC

**Proposal:** Proposed single storey modular building for extended school facilities.

**Case Officer:** Paul Hinton

**Telephone Number:** 01922 652420

**Agent:** MR PETER ICKE

**Location:** MILLFIELD CP  
SCHOOL, CATSHILL  
ROAD, WALSALL, WS8 6BN

**Expired:** 25/06/2008

**Ward:** Brownhills

**Recommendation Summary:** Grant Subject to conditions



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## **Application and site details**

This application is for the erection of a single storey modular building for extended school facilities within the grounds of Millfield County Primary School. The school is located to the rear of residential properties in Catshill Road and Fullelove Road. To the east the school is bordered by the Wyrley and Essington Canal. Access is obtained from Catshill Road, between numbers 75 and 77. The proposed building measures 7.3m by 11.9m with a pitched roof height of 4.35m above ground level and would be 2.2m from the rear boundary hawthorn hedge (2.5m in height) to the semi-detached dwellings along Catshill Road and 15.4m from the rear of the nearest residential property. The area of land is a grassed part of the school with two trees adjacent to the main entrance route into the school. Adjacent to the proposed site is the single storey swimming pool accommodation.

In the applicants design and access statement it is stated that the new building is in line with a development programme for extended school facilities for use not only by the school but also parents and communities allied with the school. It is proposed that the new facility will be prominent within the community and offer exciting and stimulating accommodation for learning and enjoyment. It says that the facility will play a key role in the delivery of parent and community support and training. The purpose is to support parents and the community; this will include support for adults who may not be working, group meetings, family learning and consultations with parents. It is intended that the facility will primarily be operated as a self contained unit separate of the school's building and outside of normal hours and during school holidays. The school would use the building during the day.

The building will provide a large multi-purpose training/community meeting room, a small interview/consulting room, a kitchen area, storage and a wheelchair accessible WC. The building would be clad in a brick slip to the external walls, with a pitched tile roof. Windows and doors will be white uPVC finish. Access to the building will be provided by a pathway leading off the main car park, with a ramp and stepped approach to the building.

The applicant suggests that the hours of use would be between 07.45 and 21.00 at the latest. The location of the site has been chosen so that the whole of the school would not need to be open outside normal school hours. The applicant specifies that the proposal is not an additional classroom facility and that the proposal to use the building out of hours means that there will be no change to numbers of staff, numbers of pupils or car parking spaces during the day. The building has been designed to accommodate approximately 20 people maximum. It has been confirmed that the school currently accommodates equivalent of 17 full time staff, 193 children, 7 class rooms and 25 car parking spaces including one disabled space.

## **Relevant Planning history**

03/2406/FL/E2 - Extensions to school to form new admin area and classrooms. Granted subject to conditions 5/4/2004.

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

### **Unitary Development Plan**

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

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

3.16 consider development in relation to its setting, and will require high quality built design.

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

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

Policy 8.1 The Council, in collaboration with appropriate partners, will seek to safeguard, improve and expand facilities for education, health and community activities.

Policy 8.7 The enhancement of existing, and the provision of new facilities for education, health and other community needs will be encouraged.

### **Designing Walsall SPD**

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

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

DW3 – all new development must be designed to respect and enhance local identity

DW4- Well defined streets with a continuity of built form are important.

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

DW9 new development must seek to ensure it creates places with attractive environmental quality

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

Annexe E: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20m<sup>2</sup> 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** for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment

Policy QE1 - Environment

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

## **National Policy**

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

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, states that local authorities should give very careful consideration to any planning applications involving development on playing fields planning permission for such developments should not be allowed unless:

- ii. the proposed development only affects land which is incapable of forming a playing pitch (or part of one);

## **Consultations**

**Transportation** –

**Environmental Health** – no objection.

**Arboricultural Officer** – no objection subject to a replacement tree.

**Sport England** – no objection. The proposed development does not affect playing fields or existing sports provision.

**Education Walsall** – fully supports proposal.

**Landscape** – no objection.

**Police** – no objection in principle. The new building would be isolated with little natural surveillance. The applicant is recommended to increase security by the use of an alarm, Secure by Design doors and windows and internal grills to the windows.

**British Waterways** – no objection.

**Fire Officer** – no objection.

**Conservation Officer** – no objections.

**Access Officer** – no objections.

## **Public Participation Responses**

Three objections to the application have been received objecting on the following grounds:

- Would be visible from living room windows
- Increase noise levels
- Users of the building will see into gardens when hedge has lost foliage
- Parking problems
- De-value house prices
- No tree survey
- Existing community hall within Catshill Road

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

### **Determining Issues**

- the principle of the use
- design
- impact on the amenities of the surrounding occupiers
- access and parking arrangements.

### **Observations**

#### **Principle of the use**

The UDP encourages expanding facilities for education, health and community activities. The existing school is therefore considered a suitable location for the proposed use, providing a community facility within walking distance of the community for which it is intended. The facility would meet the Government's vision of a fully integrated and innovative resource, extending school services.

#### **Design**

The proposal comprises a modern single storey building with a pitched roof. The building would be viewed in conjunction with the existing single storey swimming pool and the mainly low lying primary school. While the building due to the pitch of the roof would be higher than the swimming pool building, it would not be in obvious contrast and the use of brick slips in similar colour to the bricks used within the swimming pool building would ensure the proposal fits comfortably within its settings. This can be achieved by condition. The building would be set back from the street frontage, behind the existing residential properties and would therefore have no adverse impact on the street scene.

#### **Impact on the amenities of the surrounding occupiers**

The nearest residential property, number 79 Catshill Road would be 15.4m from the blank side elevation of the 4.35m high building. This would be separated by a 2.5m hawthorn hedge. Designing a Better Walsall requires 13m separation between habitable windows and blank elevation exceeding 3m in height. The proposal meets the required separation criteria. Nineteen metres separates the rear windows of the bungalow at 1 Fullelove Road and the windows of the proposed building. There is a hawthorn hedge to this boundary ensuring that the proposal does not overlook the private amenity space or impact upon privacy.

Residents have raised objections on the basis of an increase in noise from the building in this location. Environmental Health do not object to the application. It is considered that the proposed building is adequate to ensure limited noise transfer and of an appropriate size to ensure that uses would not generate significant noise. The proposal is presented to be mainly used outside the core hours of the school use and no earlier than 07.45 and no later than 21.00. This can be achieved by condition.

#### **Access and Parking**

The proposals would utilise the existing vehicle and pedestrian access to the main school, off Catshill Road. No additional car parking spaces would be provided at the site. However the level of parking and access arrangements are considered acceptable as the proposals would not result in an increase in teaching staff or children at the site and would be mainly used outside school hours.

#### **Trees**

The proposal would require the removal of two trees. The Council's Arboricultural Officer considers that the dead flowering cherry tree should be removed, but the beech tree is in early maturity and has a high amenity value, therefore its removal should be compensated by an appropriate replacement in a position reasonably close to that to be removed.

### **Other considerations**

The Police do not object to the application but due to the isolated position of the building with a lack of natural surveillance, security measures are recommended and required by condition.

The objection letters refer to devaluation of properties; this is not a material planning consideration in itself. One letter also refers to an existing community hall within Catshill Road; this would not be a reason alone to refuse the planning 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. Prior to any works commencing on site, details of all the external materials to be used, including brick slip facing panels and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

*Reason:* To ensure the satisfactory appearance of the development

3. This development shall not be carried out until details of a replacement tree to be planted; (including species, size and location) have been submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted within six months from the development being brought into use. Should the replacement tree die, become seriously diseased, damaged or is removed within three years of the planting; it shall be replaced by a tree of the same or greater size as the same species as that originally required to be planted.

***Reason:* To ensure the satisfactory appearance of the development.**

4. The premises shall not be open for use outside of the hours of 7.45am to 9.00pm Monday to Friday unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* In the interests of the amenity of local residents.

5. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the lights shall be installed in accordance with the approved details and retained as such.

*Reason:* To safeguard the visual amenities of the area.

6. Prior to the commencement of development details for the provision of security measures to the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.

*Reason:* In the interests of crime prevention.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, GP7, 3.16, ENV18, ENV32, 8.1, and 8.7 of Walsall Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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