



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1904/FL/H5

Application Type: Full application

Applicant: Mr and Mrs R Kumar

Proposal: Two Storey Side, Part Two Storey Part Single Storey Rear Extension and Single Storey Front Extension

Ward: St. Matthews

Case Officer: Owain Williams

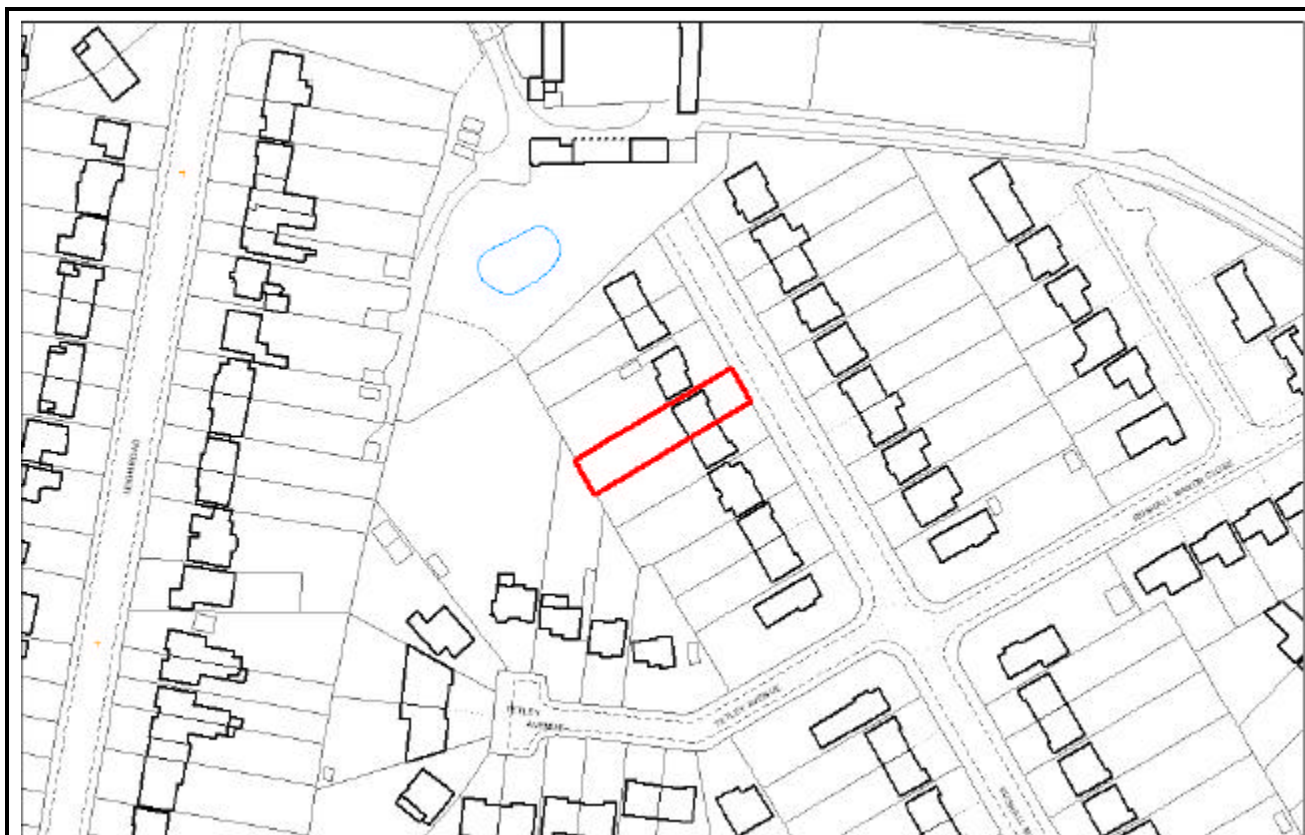
Telephone Number: 01922 652486

Agent: Kevin G Bramwell MCIAT

Location: 49 RUSHALL MANOR ROAD, WALSALL, WS4 2HD

Expired: 13/11/2007

Recommendation Summary: Grant Subject to conditions



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DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 20th November, 2007

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2	7	07/1650/FL/W7	THE KEYS (FORMER UNION LOCKS SITE), WOOD STREET, WILLENHALL, WV13 1JY.	Proposed development of 74 no. 1, 2 and 3 bedroom flats and 37 no. 2,3 and 4 bedroom houses and associated car parking, landscaping and external works, including conversion of existing Union Locks Building	Approve Reserved Matters with Conditions
3	18	06/0169/OL/E4	520 CHESTER ROAD, ALDRIDGE, WALSALL, WEST MIDLANDS	Outline: Residential development and construction of new access road to serve Branton Hill Quarry	Refuse
4	39	07/1861/FL/E11	UNITS D/E1 PHOENIX CENTRE, MIDDLEMORE LANE WEST, WALSALL, WS9 8OG	Change of Use from industrial use (Class B2) to mixed general industrial and storage and distribution (Class B1, B2 and B8)	Grant Subject to conditions
5	45	07/2065/FL/E9	FORMER GARAGE COURT, ROEBUCK ROAD, LEAMORE, WALSALL, WS3 1AQ	Proposed construction of 9 new residential dwellings	Grant Subject to conditions

6	55	07/0275/FL/W2	ROWLEY VIEW, MARGARET ROAD JUNCTION, MOXLEY, WALSALL	Erection of 13 houses and 1 apartment block containing 22 flats	Grant permission subject to conditions and a Planning Obligation
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8	81	07/1784/FL/W2	LAND REAR OF 121 PARGETER STREET, WALSALL, WS2 8QR	Erection of dormer bungalow	Grant subject to conditions
9	89	07/2141/FL/H3	59 PARK HALL ROAD, WALSALL, WS5 3HL	Proposed one and two- storey front extensions and pitched roof to garage	Grant subject to conditions
10		07/2161/RM/W5	THE WATERGLADE INN P.H., ROSE HILL, WILLENHALL	Proposed residential development comprising 7 no. houses and 16 no. apartments and associated works	Delegate to Head of Planning & Building Control

Application and Site Details

This application is for an extension to a semi-detached house to provide an enlarged kitchen on the ground floor, two additional bedrooms with a bathroom and en suite on the first floor, and a bedroom and shower room in the roof space. The porch is also to be rebuilt to the front. The total number of bedrooms is to be increased from three to six.

The side part of the extension is to lie over the existing garage. The front of the first floor of the extension is to be set back 750mm from the front of the existing first floor. The rear of the ground floor of the extension is to project 3.4 metres out to be in line with an existing single-storey rear extension that lies next to the boundary with the adjoining house number 47, the other half of the pair, whilst the rear of the first floor is to project between 1.4 and 3.4 metres out.

An 850mm gap is to be retained between the side of the extension and the boundary with the neighbouring house number 51. There is a similar gap between the boundary and the side of number 51 itself. The front of number 51 is approximately in line with the front of the application property. To the rear, the ground floor of number 51 is in line with the rear of the existing two-storey part of number 49, whilst the first floor of number 51 lies 1.8 metres further forward.

The two-storey part of the extension is to have a hipped roof to match the existing house, whilst the single-storey part is to have a mono-pitch roof.

Relevant Planning History

None

Relevant Planning Policy Summary

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

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 - Car Parking

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

T13: Parking Provision

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

Residential Development Standards

These include guidelines concerning design, including roof shapes, terracing, and the length of extensions in relation to adjoining dwellings.

First floor extensions to the side of a house should avoid creating a terracing effect where this would detract from the character and appearance of the area.

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

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

Planning Policy Statement 1

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

Consultations

None

Public Participation Response

Representations have been received from the occupier of 17 properties in Rushall Manor Road and Tetley Avenue objecting on the following main grounds:

- Extension would be completely dominant in the skyline and affect light into lounge;
- Extensions are much too large for the house and therefore out of character with the area;
- Increase in the amount of traffic and parking;
- Would set an unwanted precedent for the area;
- Extensions would put pressure on drainage and sewer systems;
- Is similar to the application for 31 Rushall Manor Road which was refused.

Determining Issues

- whether the design of the extension would be compatible with the existing dwelling and
- the character of the wider area;
- the impact on the amenities of nearby residents and
- parking

Observations

Whether the design of the extension would be compatible with the existing dwelling

The hipped roof of the extension would match the existing house. The extension is to be lower than the existing and its position set back from the front would make it subservient to the existing house.

The character of the wider area

The street comprises large detached and semi-detached houses, several of which have already been extended. The size of the house that would result from the extension would be similar to that of other houses nearby. The 1.7 metre gap that would remain between the side of the application house and the side of number 51 would be similar to the gaps between most of the other houses in the street.

The impact on the amenities of nearby residents

The extension would be separated from number 47 by the existing single-storey rear extension. Although number 51 lies to the north-west, the gap that would remain between the two houses, and the design of the rear of the first floor part of the extension with the section nearest the boundary reduced in length, means that the impact on number 51 would also be acceptable and would comply with the 45 degree code.

The adequacy of the drainage system would be assessed under the Building Regulations.

Parking

The existing garage is to be retained and there would be room to widen the driveway in front to provide the third parking space required to comply with the parking standards in the UDP.

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. This development shall not be brought into use until the driveway has been enlarged to provide a total of at least 2 parking spaces, each hardsurfaced and measuring at least 2.4 x 4.8 metres. The spaces shall thereafter be retained as such.

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

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

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

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

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

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

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

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1650/FL/W7
Application Type: Reserved Matters

Applicant: Great Hampton Homes
(Midlands) Ltd

Proposal: Proposed Development of 74
no. 1, 2 and 3 bedroom flats and 37 no.
2, 3 and 4 bedroom houses and
associated car parking, landscaping and
external works, including conversion of
existing Union Locks Building

Ward: Willenhall South

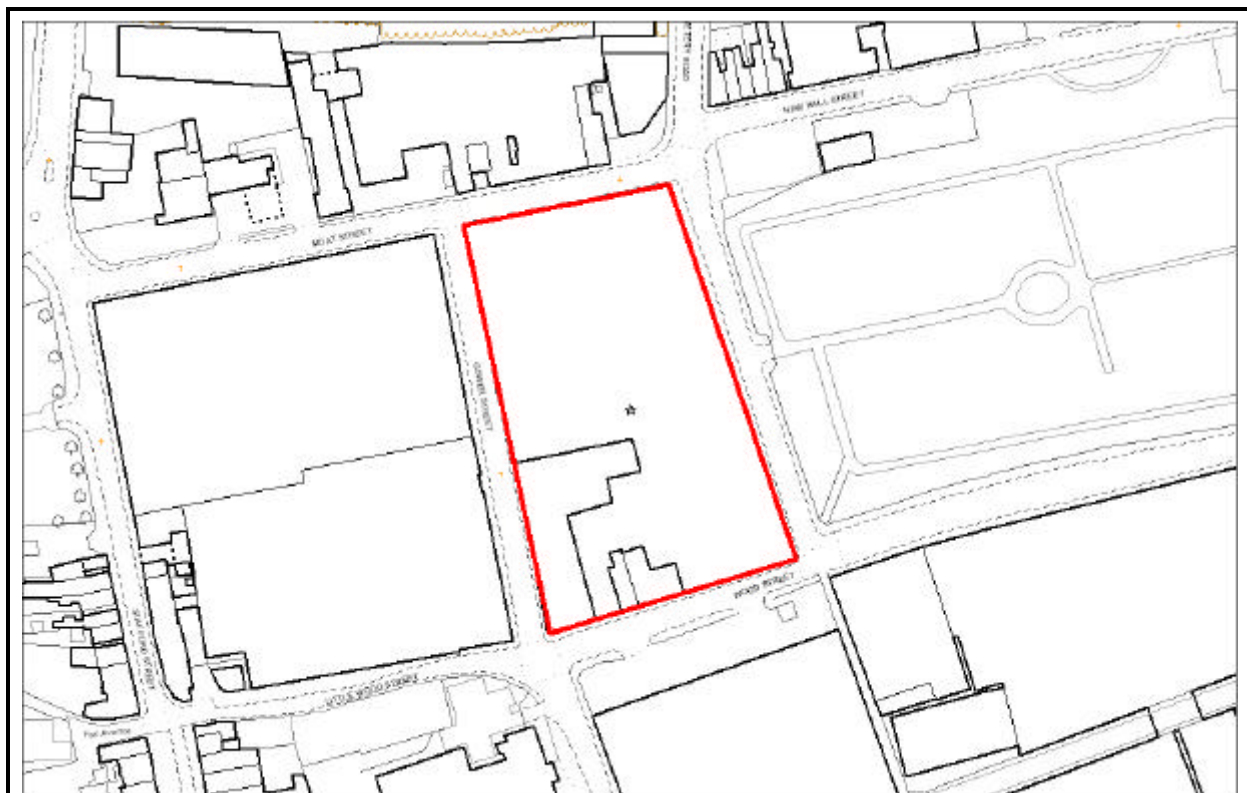
Recommendation Summary: Approve Reserved Matters with Conditions

Case Officer: Andrew Thompson
Telephone Number: 01922
652403

Agent: I.D Architects (Midlands)
Ltd

Location: The Keys (Former
Union Locks site), Wood Street,
Willenhall, WV13 1JY

Expired: 25/10/2007



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Application and Site Details

The site is located to the northeast of Willenhall Town Centre opposite Willenhall Cemetery bounded by Wood Street, Gower Street, Moat Street and Cemetery Road South. The site was previously used for the lock manufacturing industry and there are a mix of styles and designs. The principal building, the Union Lock building is an Art Deco building over 3 storeys and is a style that is commonplace in the locality. The Union Locks Building is Locally Listed and is located within the Willenhall Conservation Area.

The application is for reserved matters approval (all the reserved matters – access, layout, external appearance, scale and landscaping) relating to application 04/1304/OL/W2 which was granted in March 2005.

The application for 110 units includes the retention and conversion of the Union Locks building (with an extra top storey). The accommodation proposed is:-

Flats

- 18 1 bedroom
- 52 2 bedroom
- 4 3 bedroom

houses

- 6 2 bedroom
- 17 3 bedroom
- 13 4 bedroom

The proposed density would be 168dph and the proposals include 115 car parking spaces (105% provision), 67 spaces will be located above ground in a courtyard, with the remainder underground. The access to the underground car park will be from Gower Street with the above ground parking access from Cemetery Road South.

The proposals would achieve 68sqm of garden area for each house with a large area of amenity space for flats through the use of terraces, balconies, roof gardens, private gardens and communal gardens. The application is supported by a detailed landscape strategy.

The development has considered sustainability issues including solar maximisation, wind and natural ventilation, noise from neighbouring properties, views and privacy, the use of recycled and replaceable materials, grey water and rainwater harvesting, energy and heat insulation and reducing the amount of waste from the development. It is proposed to develop the proposals to a high environmental standard. The applicant has indicated that within this development solar photovoltaic panels will be considered in the build.

In addition to the Design and Access Statement and Landscape Strategy, the application is supported by a Transport Assessment, Flood Risk Assessment, Mining Report, Ground Contamination Assessment, Drainage and Water Assessment, Environmental Site Assessment and a Decontamination Method

Statement. A model and computer generated images have also been submitted with the application.

Relevant Planning History

04/1304/OL/W2 - OUTLINE: Residential Development involving the retention and conversion of some factory units and demolition of other factory units. Granted 9th March 2005.

05/2355/CA/W2 – Demolition of the Union Lock Building, Gower Street, and Phoenix Works, Wood Street, Willenhall. Refused – 15th February 2006

Site opposite side of Wood Street

07/0639/FL/W2 - Outline: Demolition of existing buildings and provision of retail (use class A1), residential (use class C3), premises for retail, service or office use (use classes A1, A2, A3, A4, A5 or B1), link road, car parking and other associated works. Undetermined but there is a resolution to approve the application subject to a S106 legal agreement.

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

Adopted Walsall UDP

The relevant planning policies include the General Principles for Development (Chapter 2 of the UDP) which encourage sustainable regeneration and seek to maximise the development of previously developed land in sustainable locations and promote high quality development. High quality design is at the core of the Principles for Development. The application site has no specific designation within the UDP therefore policy JP7 applies (seeks to protect employment land unless it would be more appropriate to consider alternative uses).

The application site is in an Industrial Regeneration Area, which is covered by UDP policy 4.1. This policy was introduced to support a programme of environmental and security improvements to help create and safeguard employment, which drew on European Union funding. This funding has not been available for some years, so the means for implementing this policy has been withdrawn. It should therefore be given little weight in comparison to other policies and proposals to regenerate the area in other ways.

H3: Encourages provision of additional housing on previously-developed land, subject to (among other things) satisfactory residential environment, and no unacceptable constraint on the development of any adjacent site for its allocated or identified use. Policy H4 seeks to provide a level of affordable housing at 25% of the total dwellings proposed on the application sites. Policy H9 and H10 seek to encourage appropriate densities on developments with the proposed layout, design and mix.

Policy Env10 seeks to ensure that proposals take account of pollution, including air quality, noise and smell, for example, and also to ensure that proposals do not have an unacceptable adverse effect on nearby land users

and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

Policy Env14 specifically encourages the development of previously developed land. Policy Env32 sets out design criteria and Policy Env33 seeks good landscape design. Policy Env39 seeks to ensure renewable energy and energy efficiency is encouraged as part of development

Policy S8 encourages housing in town and district centres to promote sustainable patterns of development

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

The site is located within Willenhall District Centre and in particular in the area designated for redevelopment opportunity under Policy WH4(VI). The policy states that residential development might be appropriate. Policies WH3, WH7, WH8, and WH9 all seek the improvement of the district centre and promotion of traffic management and using sustainable modes of transport.

Walsall Local Development Framework

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

Regional Spatial Strategy for the West Midlands (RSS11)

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

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:

Policies UR1 and UR3 which seek to regenerate urban areas and in particular centres;

Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations;

Policies QE1, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space. Policy EN2 seeks to conserve energy.

Policies T2, T3, T4, T5 and T7 seek to reduce the need to travel and promote sustainable modes of transport.

Regional Spatial Strategy Review / Black Country Study

The Regional Spatial Strategy is under review. Phase 1 (Black Country) has completed its Examination in Public and the Secretary of State has made her proposed changes. The revised study will be published in early 2008. 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: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. In paragraph 13 (indent four) PPS1 indicates that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings and that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted." Paragraphs 33 to 39 also state the importance of good design.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria.

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

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

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPS6 seeks to promote strong and diverse town centres whilst being accessible to all and promoting the need for high quality design.

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment

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

Consultations

Transportation - There are no objections to the principle of residential development, given the outline consent. Details of offsite works are conditioned accordingly. A residential travel plan is also required.

Pollution Control – No objection subject to conditions.

Environment Agency – No objections

Urban Design - Full support to this application for its high quality and cohesive design that has at its core strong urban design principles and a commitment to providing a residential environment of a safe, attractive and welcoming nature that reinforces the local distinctiveness of Willenhall. The approach to design demonstrated through this scheme can be adopted with more developments not only through Willenhall but across the borough.

WM Police - It certainly hits you with the 'Wow' factor. The proposals appear very impressive on the eye and quite innovative. Need to meet secured by design standards on locks, balconies and access points.

Education – Seek a contribution of £163,156.80 towards secondary school provision in accordance with the Council's Adopted UDP.

Healthcare – Seek a contribution of £102,223.80 in accordance with the Council's Adopted UDP.

Housing Strategy – No objection as effort has been made to minimise apartments on this development. Seek 25% of the units to be provided as affordable units on site. These affordable units should be shared ownership in tenure and should be integrated within the scheme and mixed across the property types, including the houses.

Fire Service – Need to agree a satisfactory fire access strategy.

Greenspace - Seek a contribution of £184,388 in accordance with the Council's Adopted UDP / SPD.

Strategic Policy – Proposals would be consistent with the regeneration and policy aims and objectives for the area subject to the relationship to BE Wedge being mitigated against.

Rights of Way – No objections

Street Lighting – No objections

Land Drainage – No objection

Representations

None.

Determining Issues

- Principle of the proposed use
- Density and layout of the proposals
- Amenity space and landscaping
- Transportation issues
- Industrial Context and Heritage
- Relationship to existing industrial buildings
- Section 106 legal agreement

Observations

Principle of proposed use

The principle of residential use on the site was established by the outline planning permission.

Density and layout of the proposals

Being within Willenhall District Centre, a density of 50 or more dwellings per hectare could be supported in terms of UDP policy H9; the proposed density is 168dph. The proposals have used the scale and mass of the existing Union Locks building to build the density and scale of the proposals while also promoting the amenity of occupiers and in considering the town centre location and high quality design, the proposals are considered acceptable in terms of density.

The proposals have paid careful attention to respecting and drawing on the character and local distinctiveness of Willenhall and the locally listed 1930s factory building that sets the tone for the design of the new build part of the site.

The use of an underground car park, accessed from Gower Street, aids the creation of a sense of place and reduces the dominance of car parking in the courtyard allowing for increased levels of amenity space and creative solutions for a varied housing mix on the site.

The principles of both social (community cohesiveness) and environmental (green technologies) sustainability underpin the design, these are outlined in the Design and Access Statement submitted with the application and ensures that the development will meet the latest standards in the Code for Sustainable Homes (3 stars standard).

The creation of integral refuse bin storage designed in to the housing frontages allows for a positive design solution for the issue of bin collection and ensuring that high quality design permeates through the development.

The applicant will introduce waste management for the development and has agreed the provision of bin stores with the waste management authority.

The proposals include balconies on the ground floor, at the corners of the proposals. These help to define private space and give a defensible space away from movement on the public footpath.

The entrance to the underground car park would be secured and with access solely for residents. The entrance to the courtyard and surface car park would remain open, however the buildings would define the private entrance and the use of landscaping and built form would define the area as a private space. It is not considered necessary to gate the courtyard entrance as this would conflict with the strong built form and reduce the capabilities of access for service and emergency vehicles.

Amenity Space and landscaping

The scheme includes ground level gardens for the houses, shared amenity space for the scheme as a whole, and a range of roof gardens and balconies. This innovative approach to providing useable private space for both individual houses and apartments and community recreation areas is a positive and attractive feature of the proposals. It allows for a sense of place and high quality to permeate through the development.

The multi-level approach to amenity space ensures that a significant amount of amenity space is provided whilst not impacting on density and making best use of the land.

The provision of a full landscaping scheme, of high quality has been submitted as part of the application, and allows the quality of the public realm to be conceived as an integral part of the design and assessed for its contribution to the quality of life of the future residents.

In addition the Public Art locations shown on the submitted drawings will be conditioned.

Transportation issues

The visibility splays available at the site access in Cemetery Road South are inadequate for a 30 mph road. Traffic calming the surrounding streets to reduce vehicle speeds to 20 mph will be required. This is indicated in the Design and Access Statement and will be incorporated as part of the off-site highways works. This is conditioned.

The visibility at the junction of Wood Street and Cemetery Road South is below standard, due to the alignment of the road. The proposed solution of realigning the kerb at this junction with a potential lay-by behind would be acceptable to the Highway Authority.

The applicant will introduce waste management for the development and has agreed to the provision of bin stores with the Waste Management Authority.

The applicant has confirmed that they will enter into an indemnity agreement with the Council to ensure that the bin lorry can enter the site, and that they accept the risk of damage.

As such the issues raised by Transportation Officers will be overcome through conditions and will be delivered in conjunction with the agreement of the Highway Authority.

Industrial Context and Heritage

Retention of the locally listed industrial building and reflection of the modern and art deco styles is welcomed. As previously stated the proposals have paid careful attention to respecting and drawing on the character and local distinctiveness of Willenhall and the locally listed 1930s factory building that sets the tone for the design of the new build part of the site.

The proposals create a modern version of a back-of-pavement design, typical of this area of Willenhall with strong links to industrial heritage

Relationship to existing industrial buildings

The application site is surrounded by a number of industrial uses in the town centre which have noise and air quality implications. These were considered as part of the outline planning permission.

The area is designated within the Adopted UDP as a Development Opportunity (Policy WH4 (VI)) and together with the nearby proposals for a new supermarket led, mixed use development (outline planning permission reference 07/0639/FL/W2) will start to transform and regenerate this area of Willenhall. As such whilst the existing uses should be noted and acknowledged in the design, the long term objectives of regeneration and policy should not be ignored.

The proposals have been designed to create an active frontage and secure boundary around the outside of the site whilst creating an open and private central function. The proposals have therefore created a capability to mitigate against neighbouring uses as they exist whilst creating a high quality residential environment that would act as a catalyst for regeneration.

Section 106 legal agreement

On the basis of the outline planning permission, a section 106 agreement is needed but only by the commencement of construction. The scope of the agreement at current values will be as follows:

Healthcare - £102,223.80

Education - £163,156.80 towards secondary school provision.

Affordable Housing – 25%, mix of all types for shared equity.

The outline permission predates the SPD on open space, and instead specifies £100 per bedroom as the contribution.

The applicant has ongoing negotiations with a Housing Association for a greater provision of affordable housing, possibly 100% provision. These discussions are not concluded and require planning approval on the scheme in order to progress further but this does not affect the recommendation.

The applicant has committed in writing to assess the scheme further once negotiations with the Housing Association are completed and has agreed will submit financial assessments to the District Valuer should alterations to the scope of the Section 106 change from the above provision. Should it prove necessary, there would have to be a further report to committee.

Conclusion

Overall the proposals are a high quality residential development, providing a mix of units with design and sustainability at the core of the development. The proposals will act as a catalyst for regeneration and as a standard bearer for the design of future regeneration schemes.

Recommendation: Approve Reserved Matters with Conditions

In relation to the area outlined in red on the submitted plans:-

- a) Conditions 2a), 2b), 2c), 2d), 2e), 3 and 13 are complied with.
- b) Conditions 4 and 5 are complied with, subject to the details being carried out in accordance with the approved plans
- c) And subject to the following new conditions:-

A) The development shall be carried out in accordance with the submitted details for the conservation and efficient use of energy and natural resources and sustainable development, to a meet the 3 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document.

Reason: To ensure the development meets sustainable development objectives in accordance with Policy Env39, Env40 of Walsall Unitary Development Plan and PPS1.

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

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

C) Prior to the commencement of development details of the proposed public art shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

D) Prior to the commencement of development revised details and sections of the access slope to the underground car parking area shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory functioning of the development

E) Prior to the commencement of development the applicant shall detail and agree the offsite highways works, including a timetable for the works, detailed on the approved plans and within the submitted Design and Access Statement with the Local Planning Authority. The agreed scheme shall be implemented and completed in accordance with the agreed details prior to the first occupation of the development.

Reason: In the interests of highway safety.

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, GP3, GP7, T7, T12 T13, ENV18, ENV26, Env28, Env32, Env33, Env39, Env40, JP1, JP7(d), S8, H3, H9, H10 and WV4(VI) of the Adopted Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA6, QE3, QE4, QE5 and QE9 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number:

06/0169/OL/E4

Application Type: Full application

Applicant: Bliss Sand and Gravel
Company Ltd

Proposal: OUTLINE: Residential
development and construction of
new access road to serve Branton
Hill Quarry.

Ward: Aldridge/Central & South

Recommendation Summary: Refuse

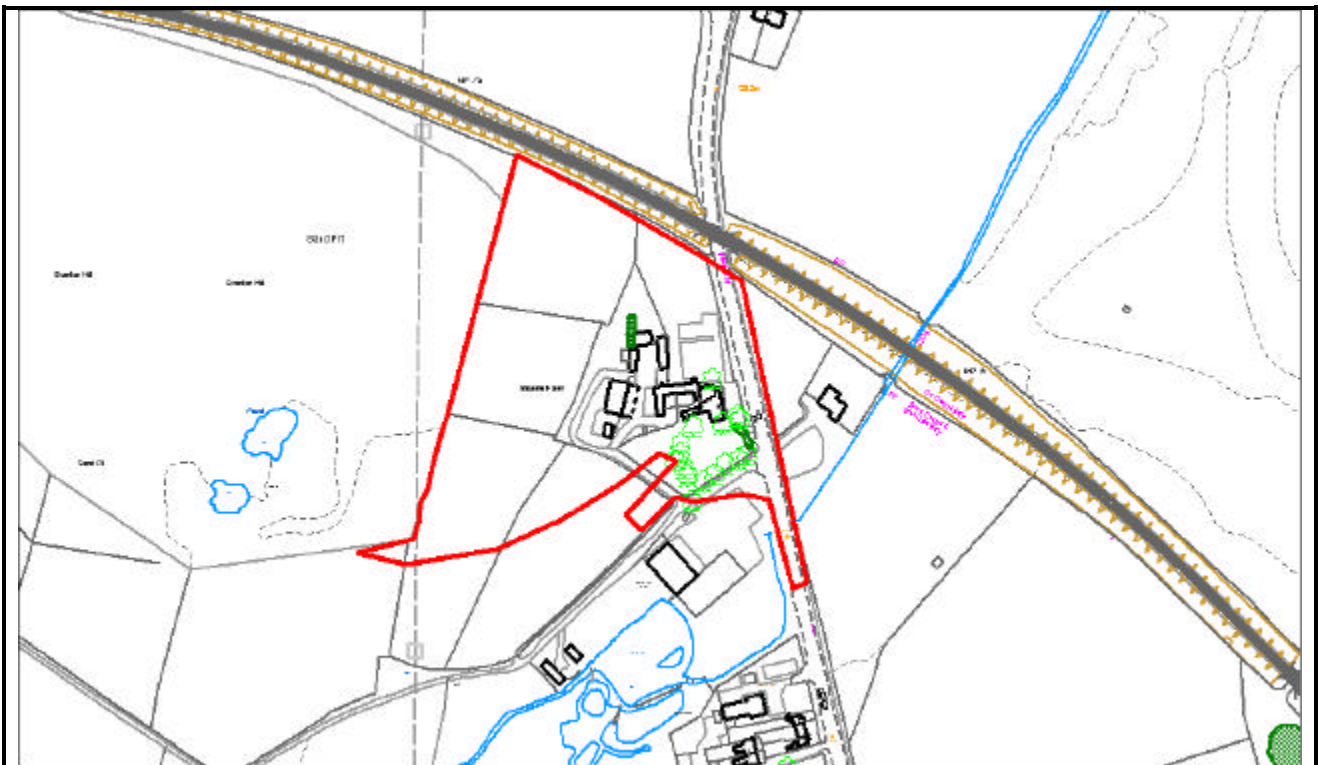
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: Bliss Sand & Gravel

Location: 520,CHESTER
ROAD,ALDRIDGE,WALSALL,WEST
MIDLANDS

Expired: 09/06/2006



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Background Information

This application was originally reported to Committee on 26th June 2007 when the Committee were minded to support the proposals, subject to a full financial appraisal and details of the cost of the road being established in order that the appropriate level of enabling development could be established.

The applicants have submitted further information which suggests that the road building costs are significantly higher, requiring a greater amount of enabling development. However, the District Valuer considers that the enabling development required for the new road to be built and reorganisation of the quarry to take place could be reduced by at least 50% of that proposed. The District Valuer advises that the new road and roundabout would cost approximately £1 million which together with the estimate for reorganisation of the offices/yard would give a total cost of £1.5 million. For a scheme based on 16 residential units this would give a profit level of 16% which is normally a viable level for a new build low risk development of this kind. A scheme of 20 units would result in an 18.7% profit. The profit margins are based on the assumption that the land acquisition cost could be reduced pro-rata to reflect the size of the overall development. The proposal indicates a potential residential development of 67-102 dwellings.

Should Committee be minded to approve the application despite the reasons as set out in this report, as this would constitute a Departure from the Unitary Development Plan, the application will need to be referred to the Government Office West Midlands for its consideration under the Green Belt Direction. Full justification for the reasons for approval would need to be given by Committee. It is likely that the application would be called in by the Secretary of State and a Public Local Inquiry held by an appointed Planning Inspector for the Secretary of State to make the final decision. In the event that the Council lose this case and the application is refused then it is likely that the full costs of the Inquiry would have to be met by the Council.

The recommendation remains unchanged and the original report now follows. Matters reported in the previous Supplementary Papers are incorporated into the body of the report and are shown in italics.

Application and Site Details

The application relates to land at Chester Road, Aldridge. The site incorporates a frontage to the A452 Chester Road and 520 Chester Road (Simon's Restaurant premises), Bourne Farm buildings including access, outbuildings and paddock and part of the frontage of William Wheat & Sons Garden Centre. The site borders on the west of the existing Branton Hill Quarry and to the north the railway line. The site area is 4.3 hectares.

The application is made on behalf of Bliss Sand & Gravel Company Limited and seeks outline planning permission for residential development and construction of a new access road to serve Branton Hill Quarry. All matters except for the means of access are reserved for subsequent approval.

The existing access to the quarry is via Branton Hill Lane, past residential properties to the north of the railway, over a narrow bridge and via right angled turns down a steep slope towards the site offices and haul road. The proposal seeks to change this access by constructing a new access off Chester Road comprising a roundabout which will provide a revised access to the garden centre and also serve the proposed new residential development and Branton Hill Quarry. The roundabout would have four arms, the proposed access to the quarry having a 7.3m wide carriageway narrowing to 5.5m wide with verges on both sides. The proposed access to the residential development is shown as having a 4.5m X 90m right hand visibility splay and visibility splay to the junction in the opposite direction, and has a 2m wide footway on its eastern side. The access road would be in a deep cutting, as it approaches the quarry at Branton Hill, with planting along its boundaries.

The site falls within the Green Belt and lies partly within Minerals Safeguarding Area One, which is referred to in UDP Policy M1 and shown on the UDP Proposals Map. Bourne Farm is a Locally Listed building and there are 16 individual trees and two groups of trees protected by Tree Preservation Orders within the proposed development site. The site also lies above a groundwater source protection zone, which means that development is subject to regulation by the Environment Agency.

The applicants have stated that the residential development has been included as an enabling development that is to help finance the provision of the new access road to the quarry. The supporting planning statement suggests that the site could provide in the region of 67-102 dwellings.

The applicants have offered to enter into a planning obligation requiring the existing quarry access off Branton Hill Lane to be closed and the new access from Chester Road to be brought into operation before construction commences on any new dwellings.

In support of the application a Highway Assessment, Stage 1 Road Safety Audit, Landscape Appraisal, Baseline Bat Survey, Planning Statement and Planning History have been provided. In response to initial consultation responses the applicants have also provided additional supporting information covering a range of matters including appeal cases where housing has been acceptable in the Green Belt.

Relevant Planning History

IDO1144 : Old mineral permission granted in 1945 related to area to the west of Branton Hill Lane Quarry. Mineral extraction ceased in 1964.

EA3966: Permission granted in 1962 for extraction of sand and gravel at land north of Branton Hill Lane, Aldridge. This permission covers the former quarry and Site of Importance for Nature Conservation. Extraction ceased some years ago and the site is now partly restored and managed for nature conservation.

EAB2352: Permission granted in 1972 for extension of the existing quarry. Conditions require restoration to agriculture. The conditions do not specify the method of restoration or an end date for workings.

BC9335P: Permission granted retrospectively in 1985 for extension to existing mineral workings. This permission relates to a relatively small extension to the area covered by permission EAB2352.

BC21813P: Permission refused in 1989 for working of sand and gravel, infilling with waste and restoration to agricultural land. Reasons for refusal: long-term use of Branton Hill Lane by heavy goods vehicles considered unacceptable due to adverse impact on environment and amenity; applicant had not demonstrated there were any overriding reasons to justify release of further mineral reserves; applicant had not demonstrated that the site could be satisfactorily worked and restored within a reasonable timescale without undue environmental impact on amenity and character of surrounding area.

BC52105P: Permission granted in 1999 for a schedule of modern conditions to be applied to existing mineral workings permissions EA3966 and EAB2352. These conditions sought to control dust, vehicle movements, noise and importation of materials and end of working by 2042. An appeal was lodged against these conditions and has been held in abeyance ever since pending the determination of applications BC61721P and BC64995P.

BC61721P : Certificate of Lawfulness of Existing Use granted in 2000 for the storage, sale and distribution of imported sand, soils, gravels, stones, broken tarmac, hardcore, concrete etc. and various other inert wastes from the construction industry.

BC64995P Current application submitted in 2001 for extension of the operational area and quarry and proposed new conditions covering the existing quarry and the proposed extension.

BC63675P - OUTLINE: Six new dwellings as footprint replacement of existing redundant farm buildings – Refused 26/10/01 inappropriate development in the green belt harmful to the openness and character of the Green Belt, loss of trees. No very special circumstances were submitted by the applicant to justify inappropriate development. Also, the proposed development of housing at the site would result in an intensification of the use of the existing site access to the detriment of highway safety.

BC43883P - Redevelopment of Bourne Farm to Comprise Restaurant, Tea Room, Managers/Staff Accommodation and Associated Access and Parking – Grant subject to conditions 12/09/95. There were also several applications to extend opening hours at the premises all refused in 2001 plus an application to alter the exterior of the building that was granted subject to conditions on 03/08/01

BC63179P Permission granted subject to conditions 08/04/02 for the construction of new access to Shire Oak Quarry. This application is highlighted as, although it relates to a different Quarry site, it proposed a new access road in the Green Belt to remove nuisance from housing adjacent the

original access for the quarry. The principal difference between this and the current application at Chester Road is that this was purely an access point and no enabling residential development was proposed to fund the works.

Relevant Planning Policy Summary

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

Unitary Development Plan

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

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

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

3.16: Development will be considered in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

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

ENV2: There is a presumption against construction of new buildings except for specific purposes. Making of a material change in the use of land is inappropriate development in the Green Belt if it conflicts with the openness and purposes of the Green Belt.

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

ENV18: 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: Proposals must take account of protected species.

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

ENV25: Proposals for development which affect archaeological sites normally need evaluation of the archaeological resource.

ENV28: The Council will not grant planning permission for a development scheme which proposes the demolition or adverse alteration of a "local list"

building. If a developer demonstrates it is impractical to retain a “local list” building appropriate recording prior to demolition is required.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted.

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

6.3: Aims to make provision for a supply of new housing in accordance with the current Regional Spatial Strategy requirement, with emphasis on sequential approach (i.e. using previously-developed land in preference to Greenfield land), locations that have or will have good accessibility by a choice of means of transport and are well related to local facilities, relationship to existing infrastructure and physical and environmental constraints.

6.5: Aims to provide housing that takes into account the needs and characteristics of the Borough's population, including the need for affordable housing and the particular requirements of groups such as the elderly, single people, one-parent families, large families, disabled people and key workers.

H3: Encourages provision of additional housing on previously developed land, subject to (amongst other things) satisfactory residential environment, and no unacceptable constraint on the development of any adjacent site for its allocated or identified use.

H4: On sites suitable for provision of an element of affordable housing the Council will normally negotiate with developers for 25% of total dwellings to be affordable homes.

H9: Indicates that housing densities in the range of 30-50 dwellings per hectare are likely to be suitable on most sites.

H10: The design of residential developments to create a high quality living environment, integrate with surroundings and local character in accordance with principles of good design.

T1: Seeks to improve access to public transport and ensure all development conforms to accessibility standards set out in policies T10-T13.

T5 – T12: Seeks to improve access and promotes sustainable development.

T13: Specifies parking standards for various developments.

9.2: Seeks to protect known mineral resources by defining Mineral Safeguarding Areas (MSAs) within which new development will not be permitted if it is likely to prejudice the future extraction of minerals.

M1: Defines four Mineral Safeguarding Areas (MSAs) including MSA One Branton Hill Lane, Aldridge.

M2: Specifically relates to potential future development at Branton Hill Lane Quarry and states that proposals for further extensions to the area will be required to demonstrate that (amongst other things) existing vehicular access problems can be overcome and that any proposed activities will not pose any threat to the underlying aquifer.

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

Regional Spatial Strategy

The Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area and sustainable development in accordance with national government guidance. Beyond the Major Urban Areas (MUA) provision of new housing should generally be restricted to meeting local needs and/or supporting local services, with priority given to the reuse of previously-developed land (Policy CF2 D - the Green Belt is not part of the MUA). Further, local planning authorities should maximise use of previously-developed land and make the most efficient use of land within the Major Urban Areas (Policy CF3).

In terms of the RSS (RPG 11 Table 1) / UDP target for new housing provision up to 2011 there is no compelling need for further residential development. The UDP target is 10,100 and at April 2007 completions plus commitments add up to 16,044; even applying a discount in line with Government policy the target is comfortably exceeded. The main reason for allowing more residential development is to support the regeneration of the borough, including through the provision of affordable housing and reuse of previously-developed land.

This application is above the threshold for consideration under the Conformity Protocol.

The proposed development would be a departure from the UDP and, under Communities for the Future a conformity opinion is required from the West Midlands Regional Assembly because the site: is not in a Major Urban Area, is not in one of the sub-regional foci, other large settlements or market towns, is in a rural area and would accommodate substantially more than 10 dwellings.

RSS Policy M2 sets out the sub-regional aggregates apportionments for each part of the region. The West Midlands Metropolitan area (i.e. Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton) is required to make provision for around 0.5 million tonnes of sand and gravel per annum. It is assumed that authorities will make provision for this in Unitary Development Plans and Local Development Documents and through mineral planning permissions for the extraction of sand and gravel.

RSS Policy CF1 Housing within the Major Urban Areas seeks a step change in housing provision within the MUAs to stem the out migratory trends of the recent past as part of the overarching Urban Renaissance agenda. The built up areas of the Metropolitan Area comprise part of the MUA; it does not

include Green Belt locations. As such, this location is considered a rural location by default.

Policy CF2: Housing beyond the Major Urban Areas, states that in such areas housing development should take place to meet local needs rather than encourage and accommodate out migration. In the longer term, five relatively self-contained sub-regional foci should be considered as locations for further growth.

Policy CF3: Level and distribution of housing development augments this: Levels and distribution of housing development augments this by stating that: Locations which extend the boundaries of the MUAs will not be acceptable as they would run counter to the approach taken throughout the Spatial Strategy and the policies set out within this document. Outside MUAs, new development should be allocated in accordance with policy CF2.

The overarching spatial strategy objectives (para 3.14) identify the need to retain the Green Belt, but to allow an adjustment of boundaries where this is necessary to support urban regeneration.

The West Midlands Regional Assembly (WMRA) Conformity Protocol advises that any proposals that are considered to be a departure from an adopted development plan and meet one or more of the criteria specified in the Protocol should be referred to it in its capacity as a statutory consultee.

In this case, a conformity opinion is required from WMRA because the proposed development is considered to be a departure from the UDP and also meets several of the criteria in the Protocol (i.e. it is not in a Major Urban Area, is not in one of the sub-regional foci, other large settlements or market towns, is in a rural area and includes more than 10 dwellings). A conformity opinion has therefore been sought.

National Policy

Minerals Policy Statement 1, Planning Policy Statement (PPS) 1- Delivering Sustainable Development, Planning Policy Guidance (PPG) Note 2 Green Belt, PPS3 Housing, PPG9 Nature Conservation, PPS10 Planning for Sustainable Waste Management, PPG13 Transport, PPG15 Planning and the Historic Environment, PPG16 Archaeology & Planning, PPS23 Planning and Pollution Control, PPS24 Planning and Noise , PPS25 Development and Flood Risk.

Minerals Policy Statement 1 (MPS1): MPS1 advises that minerals can only be worked where they are found and that mineral planning authorities should safeguard known mineral resources from needless sterilisation by other development by defining mineral safeguarding areas (MSAs). MPS1 does not include guidance on improving access to existing quarries.

National and Regional Guidelines for Aggregates Provision in England 2001 – 2016: Sets out requirements for provision of aggregates (i.e. sands and gravels, crushed rock and alternative materials) for England as a whole and for each region. Regional planning bodies are expected to decide how much each mineral planning authority or sub-regional area should contribute

towards the regional requirement, and to set out the apportionments in regional planning guidance (now the RSS).

Planning Policy Guidance Note 2 (PPG2) - Green Belts: PPG2 advises that new residential development is inappropriate in the Green Belt. Very special circumstances must be demonstrated that outweigh the harm caused by inappropriate development

Planning Policy Statement 3 (PPS 3)- Housing requires the Council to maintain a five-year supply of housing land. The 2006 Annual Monitoring Report demonstrates that a more than adequate five-year supply existed at April 2006; equivalent to approximately ten years. Preliminary figures emerging for 2007 indicate a similar position. In these strictly numerical terms there is no compelling need for more residential development now. It also advises that new housing should be considered in sustainable locations that offer a range of community facilities with good access to jobs, key services and infrastructure and contribute towards cutting carbon emissions.

Consultations

Transportation – object to the proposal.

The residential element of the scheme would be contrary to the principles of sustainable development and contrary to UDP policies T10, T11, and T12. The introduction of a four arm roundabout of the nature proposed, in this section of Chester Road, would potentially result in positive and negative aspects. On balance, I consider that the dis-benefits would outweigh benefits, in terms of road safety and capacity on the A452, Chester Road which is part of the nationally designated primary route network.

To assess the extent of quarry traffic using Branton Hill Lane, traffic counting loops were put down in the lane, close to the end of the residential properties. This measured the number and class of vehicles, including pedal and motor cycles, between 10.01 on Monday, 13th November and 10.00 Monday 20th November 2006.

The results are tabulated below, for both the 24 hour and 12 hour periods. The traffic is the combined two way movements, for example, a lorry entering Branton Hill Lane to go to the quarry and leaving again would count as two movements.

The classifications are: cars and light vans; goods vehicles exceeding 30 hundred weight, total weight including the vehicle and the load, with two axles; rigid three axle; rigid 4 axle and (for simplicity) others, which includes 2 axle buses and combinations of multiple axle articulated units (there were only 7 movements in the week).

Branton Hill Lane – Quarry Traffic
24 hour traffic flow 00.01 - 24.00 Normal type;
12 hour traffic flow 07.01 – 19.00 *Italic type.*

Day	Date	Total two way flow	Cars or lights vans	Goods >30 cwt, two axle	Rigid 3 axle	Rigid 4 axle Plus other HCVs	Total Goods > 30 cwt	Plus Pedal and motor cycles
	2006							
Mon*	13}Nov	246	120	57	33	35	125	3
Mon *	20}Nov							
<i>Mon</i>	<i>13}Nov</i>	<i>244</i>	<i>119</i>	<i>54</i>	<i>33</i>	<i>35</i>	<i>122</i>	<i>3</i>
<i>Mon</i>	<i>20}Nov</i>							
Tues	14 Nov	215	95	41	49	23	113	7
<i>Tues</i>	<i>14 Nov</i>	<i>208</i>	<i>90</i>	<i>40</i>	<i>49</i>	<i>23</i>	<i>112</i>	<i>6</i>
Wed	15 Nov	170	85	51	16	12	79	6
<i>Wed</i>	<i>15 Nov</i>	<i>162</i>	<i>83</i>	<i>51</i>	<i>16</i>	<i>10</i>	<i>77</i>	<i>2</i>
Thurs	16 Nov	283	134	26	48	43	117	32
<i>Thurs</i>	<i>16 Nov</i>	<i>281</i>	<i>133</i>	<i>25</i>	<i>48</i>	<i>41</i>	<i>114</i>	<i>2</i>
Fri	17 Nov	224	119	30	43	22	95	10
<i>Fri</i>	<i>17 Nov</i>	<i>221</i>	<i>116</i>	<i>30</i>	<i>43</i>	<i>20</i>	<i>93</i>	<i>2</i>
Sat	18 Nov	57	41	10	1	2	13	3
<i>Sat</i>	<i>18 Nov</i>	<i>57</i>	<i>41</i>	<i>10</i>	<i>1</i>	<i>2</i>	<i>13</i>	<i>3</i>
Sun	19 Nov	11	11	0	0	0	0	0
<i>Sun</i>	<i>19 Nov</i>	<i>7</i>	<i>7</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>

(*Monday 13th 10.01 - 24.00 + Monday 20th 00.01 – 10.00.)

Pollution Control –Object. The proposal seeks to introduce new residential development into an area where existing commercial industrial activity has the potential to impact adversely on residential amenity. Essentially the grounds given as justification for the construction of the new access road (i.e. to separate vehicle movements associated with the quarry activity from sensitive residential uses) would be recreated by the proposal that incorporates a residential element sharing, in part, the same access as the quarry. Whilst there are opportunities to enable a layout for residential use that can address the potential for noise and disturbance from vehicle movements one of the prime intentions of the new access is to enable unrestricted numbers of vehicle movements to and from the quarry thus increasing potential noise.

In addition there are concerns regarding the compatibility between the proposed residential use and other existing land uses surrounding the site such as the proximity of the railway to the north, retail/garden centre to the south and the existing and future permitted quarry/restoration activity itself.

Strategic Policy – Object. There is insufficient information available to justify the proposed development, and it is also not clear how this application relates to the other current application BC64995P relating to an extension to the quarry.

Recent surveys have demonstrated that only relatively small quantities of sand are extracted from the existing quarry at Branton Hill Lane per annum and that it does not make a significant contribution towards the current sub-regional sand and gravel apportionment in RSS Policy M2. At present, the only authorities that contribute towards the West Midlands Metropolitan Area sub-regional apportionment are Solihull and Walsall. The Solihull UDP makes

provision for 91% of the sub-regional apportionment up to 2011, leaving Walsall to provide 9% or around 50,000 tonnes per annum. There are currently two quarries in Walsall producing sand: Branton Hill Lane Quarry (Bliss Sand & Gravel) and Aldridge Quarry (Cemex).

A recent survey commissioned to inform the joint Black Country Core Strategy (March 2007) shows that Branton Hill Lane and Aldridge Quarries have limited reserves of sand remaining, and that both are nearing the end of their operational life. Although there is an application to extend Branton Hill Lane Quarry this has not yet been determined.

However, an important issue that may affect future quarrying activities at Branton Hill Lane is the groundwater source protection zone, underlying the site, which relates to a borehole at the nearby waterworks. This limits the options for restoration of voids after extraction has taken place, because the Environment Agency will only permit them to be filled with inert materials. Such materials are now in short supply, because construction and demolition wastes are often recycled and re-used rather than being sent to landfill. Given the groundwater issues and the potential difficulties of restoring voids once extraction has ceased, it is not clear whether a further extension to the quarry will be feasible.

Until such time as there is a valid permission for an extension to the quarry that would enable mineral extraction to continue in the long-term, the need for the access road can only be demonstrated in terms of improving access to the existing lawful activities on the site.

In view of this, the proposed access would only be acceptable in principle in planning policy terms;

- If it is necessary to the satisfactory operation of the existing quarry and other lawful business carried on at the site in the context of impact on existing residents
- If it would also bring a net benefit to the area in terms of the balance of:
 - harm to the Green Belt, inconsistency with planning policies about the Green Belt and accessibility and impact on future residents; and
 - The benefit to residents affected by the existing access and to the operation of the quarry.
- If it would be acceptable in highway terms; and
- If the impact on future residents of the development would be acceptable.

Even if the proposed access road is satisfactory in the above terms, any new residential development could only be justified if it is necessary to enable the construction of the proposed access road. The applicant's must therefore demonstrate that the existing quarry/sand and gravel business could not bear all or part of the necessary costs and that any new residential development would be solely to enable the construction of the access road and consequent works. They should also demonstrate that the likely benefits would outweigh inconsistency with Green Belt and accessibility policies.

New residential development at the site would be inappropriate development in the Green Belt and does not meet the UDP accessibility standards as it relies on private vehicles. The proposed new development should also be designed to minimise the impact on the Green Belt and on this sensitive landscape which has not been demonstrated. In the circumstances insufficient information has been provided to justify the development which is contrary to policy.

West Midlands Regional Assembly- The site is outside of the MUA and no evidence is submitted to suggest that it meets local needs; the level of development proposed is significant as it could amount to approximately 20% of the Council's annual required completion rate of 500.

Walsall is currently meeting its annual housing requirement with 605 completions during 2005/6. Capacity work undertaken as part of the Black Country Study and subsequent Phase One Revision also suggests that current levels of housing provision can be accommodated without adjustment to Green Belt boundaries.

Further evidence brought forward through the 2006 based Urban Capacity Refresh for the City Region Area, submitted as representations on the RSS Phase Two Revision Spatial Options consultation document (February 2007), suggests that the Black Country has capacity to accommodate growth beyond that identified in the current RSS without the need to amend Green Belt boundaries.

RSS makes it clear that any adjustments to Green Belt boundaries need to be justified on regeneration grounds and those extensions to the MUA boundaries for housing are not supported. Whilst technically this is not an extension of the MUA boundary, the implications of its development for housing would be comparable, namely that it would be contrary to the urban renaissance agenda, as it is likely to detract from development activity on one sustainable sites within the MUA.

This is supported by the panel report into RSS Phase 1 Revision which states that: The current RSS framework for housing provision, set out in RPG11 policies CF1 to CF6, reflects a clear focus on achieving urban renaissance through the re-use of previously developed land. For the Black Country of all places this is a key priority and a very strong case would be needed for a strategy which breaks out of the RSS framework by introducing Greenfield urban extensions. We have no doubt that, were the Draft Phase One Revision amended to do this, developers would seek to take advantage of it by bringing Greenfield sites forward effectively in competition with opportunities on previously developed land. There is a real risk that this could undermine the redevelopment and re-use of urban sites, which would be a serious weakening of the regeneration strategy.

In terms of precedent, it is understood that WMRA has considered similar applications outside of the Metropolitan Area and considered them not to be in General Conformity with the RSS. It is considered that the current proposal is not in General Conformity with the RSS as it is likely to have an adverse implication on the delivery of urban renaissance.

The proposal is considered not to be in General Conformity with the RSS as it is likely to have an adverse implication on the delivery of urban renaissance.

However, if minded to approve the proposal, it is understood that it needs to be referred to GOWM for its consideration under the Green Belt Direction.

Environmental Health – No adverse comments.

Conservation – Object as the proposal involves removal of a Local List property. Number 520 Chester Road, also known as Bourne Farm which is on the Council's List of Buildings of Local Architectural and Historic Interest and the application states that the proposals include the clearance of the existing site. This would involve removal of the Locally Listed building and no justification has been provided by the applicant for removal of this property.

Even if the building were to be retained the proposed roundabout would pass very close to the property and the impact of the proposals, including increase in traffic on the structure of the property, may affect the long term viability and sustained use given the damage to its setting and amenity.

Natural Environment- Object to the proposal- The applicants have submitted an inconclusive bat survey and the LPA cannot make a planning decision without having full details of protected species, as this is against advice contained within circular 06/2005 paragraph 99 and the ruling in the Cornwall Case.

Landscape – Object to the proposal. This is an open site and the topography is such that there are clear open views over a wide area. The majority of the site is used for horse grazing with the land divided up into paddocks by post and wire fencing. The former farmhouse, modern and old barns and established gardens occupy the south-east corner of the site. The most prominent site features are mature trees within the front and side garden of the former farmhouse, now Simon's Restaurant, of which many are protected by Tree Preservation Order (TPO). These trees are of notable amenity value as they are prominent from Chester Road. There is also a brick garden wall that forms the west boundary of the former farmhouse that is of note.

The proposals have significant implications for the existing landscape. No levels have been provided. The proposals would destroy the garden of the existing restaurant, the TPO trees and garden boundary wall and the building. The proposed access road would cut across the existing hill and be prominently visible from the open views to the south and west. Residential development would be visually intrusive as the ground levels are above the adjoining buildings and would be difficult to screen. The submitted Landscape Assessment does not adequately address the issues referred to above and conclusions are disputed.

Arboricultural Officer – Object to the application on the grounds of unacceptable tree loss.

Archaeology – No objection subject to a condition to ensure implementation of a programme of archaeological work.

Strategic Housing – Require 25% affordable housing provided on site. These affordable units should be split 50/50 between shared ownership and social rent, and should be mixed across the property types and fully integrated within the development.

Fire Service – No objection in principle.

Centro – Do not support the proposal. Public transport measures need to be secured at this development to ensure the site would be compliant with public transport access standards.

Wolverhampton City Council – Object to the application. The proposal represents inappropriate development in the Green Belt and no very special circumstances are provided to justify the development. The proposal also does not conform to the policies of the Regional Spatial Strategy.

Representations

One letter of objection has been received and is summarised as follows:

- Moving the access to the quarry from Branton Hill Lane to Chester Road removes the problem from one group of residential properties to another
- Loss of property value (*this is not directly a material planning consideration*)
- Conflict between lorries using the island and residential property
- Additional noise and rubbish from lorries using the island
- Planning permission for residential development in the Green Belt should not be granted
-

20 letters of support have been received from neighbours (10 neighbours have provided multiple copies of their letter). The supporting comments are summarised as follows:

- Closure of Branton Hill Lane to quarry traffic will improve pedestrian and traffic safety
- Access to the quarry via a roundabout at Chester Road would slow traffic down to the benefit of highway safety
- Quarry lorries go carefully but other agencies do not
- Quarry and other large lorries put a strain on the railway bridge
- Request closure of Branton Hill Lane to through traffic
- Dust hazard generated by loaded vehicles is a health hazard for residents
- Providing an alternative access to the quarry from Chester Road will make Branton Hill Lane a quieter and safer thoroughfare
- There are children and the elderly living in Branton Hill Lane with only one footpath – closure to quarry vehicles would improve safety
- Chester Road is built to accommodate heavy traffic and would be a better alternative
- Branton Hill Lane would benefit from improved security if closed to heavy through traffic

- Although not generally in support of building on Green Belt land construction of the new access is a costly procedure and gives little alternative in this instance
- Concern that allowing residential development in the Green Belt will set a precedent

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

Determining Issues

- Principle of Providing an Alternative Quarry Access Road and Residential Development in the Green Belt
- Whether the claimed need for residential 'enabling development' amounts to very special circumstances to outweigh the harm it would cause in the green belt
- Impact on the openness, character and purposes of the Green Belt
- Impact on the amenities of the surrounding occupiers
- Means of Access
- Ecological Impact

Observations

Principle of Providing an Alternative Quarry Access Road and Residential Development in this location

The site is within the Green Belt. The principle of allowing quarrying in the Green Belt has already been established by planning permission for the quarrying operations. Also, it is an accepted use in Green Belt policy. Part of the site is within a Mineral Safeguarding Area as identified on the UDP proposals map therefore quarrying within this area is acceptable in principle, provided that it complies with UDP Policy M2.

The proposal includes provision of a new access to the quarry as an alternative to the existing access off Branton Hill Lane. The road and substantial roundabout are only acceptable, in principle, if it can be demonstrated that very special circumstances exist that outweigh the harm its impact would have on the Green Belt. Careful consideration must also be given to the landscape and visual impact arising from the proposed route and new roundabout.

The location of the proposed residential development is not within 400 metres of a bus stop to allow future residents to use different modes of transport instead of relying on private transport and does not accord with the requirements of UDP policy T12. The Council may require the applicants to make a contribution to providing public transport to and from the site. This may include funding bus stops at the development and funding a bus route to and from the site at regular intervals during the day though out the week for a period in excess of five years. However, given the remote location and that the council would be unlikely to approve any other significant residential development between this site and a local centre. I consider that this bus service would never actually become a viable bus service without significant future public funds to keep the service going, after that 5 year period.

Part of the proposed residential development is also within the Minerals Safeguarding Area whereby it could sterilise the mineral resources and preclude future exploitation of these materials. The applicant has provided no justification for the proposed housing development within the MSA. The proposed development is therefore likely to prejudice the future extraction of minerals within this area, contrary to paragraph 9.2 of the UDP Strategic Policy Statement, UDP Proposal M1, and the advice in MPS1.

Residential development would be inappropriate in terms of PPG2. The applicants have not justified a development of the scale of 67 to 102 residential units. There may be an argument for the redevelopment or replacement of the aggregate ground floor area of the existing buildings, excluding temporary buildings, open spaces with direct external access between wings of a building and areas of hard standing for new dwellings. Such a development would be significantly smaller in scale than the applicants are requesting and any development would have to not exceed the height of existing buildings and not occupy a larger area of the site than the existing buildings. Any new buildings would have to also consider the openness of the green belt, the objectives for the use of land in green belts, the main feature of the landscape and the need to integrate the new development into the surroundings.

There is no evidence that a new access road is actually needed to support the current level of business at the quarry. The claim of residential development is necessary in order to enable construction of the new access. Residential development within the Green Belt is inappropriate. The applicant must therefore demonstrate that there are very special circumstances that outweigh the harm such inappropriate development would have upon the character and openness of the Green Belt.

The RSS specifies that there is no need for residential development and as this site is not in a sustainable location in terms of it offering a choice and means of travel or offering a range of community facilities with good access to jobs, key services and infrastructure the proposal does not demonstrate very special circumstances sufficient to outweigh the harm the development would have upon the openness and character of the Green Belt. The removal of traffic from Branton Hill Lane cannot be given sufficient weight as a very special circumstance to override important regional and national policy.

WMRA has considered similar applications outside of the Metropolitan Area and considered them not to be in General Conformity with the RSS. It is considered that the current proposal is not in General Conformity with the RSS as it is likely to have an adverse implication on the delivery of urban renaissance.

However, if Committee are minded to approve the proposal, it is understood that it needs to be referred to GOWM for its consideration under the Green Belt Direction. Full justification for the decision to grant permission would need to be given by Committee.

Government Office will be likely to give more support to national rather than local issues. If the Council is minded to approve an application that is not in

general conformity with the RSS and is contrary to national policy guidance, it is likely that it will be called-in for decision by the Secretary of State. The determination of the application would then be made by an independent Planning Inspector, following a Public Local Inquiry, involving rigorous scrutiny of the Council's case. In the light of the evidence currently available, permission would almost certainly be refused.

Whether the claimed need for residential 'enabling development' amounts to very special circumstances to outweigh the harm such inappropriate development would cause in the green belt

The need for enabling development normally arises in relation to Listed Buildings or historic landscapes where there is an opportunity for profits from enabling development, such as new housing, to finance repair and/or conservation in the national interest.

The applicants have been unable to cite any cases where minerals development has had to rely on enabling development for finance. The applicants claim that, by financing the access road, the house building will lead to the removal of quarry traffic nuisance, principally in Branton Hill Lane. The access could also allow for maximisation of the sites development potential, as referred to in the UDP. They submit that this benefit justifies the building of up to 102 houses in the green belt

The unusual connection with the proposed inappropriate housing development, in this quarrying case, is the financial element. The profitable housing development would help pay for the new quarry road which it is claimed would otherwise be unaffordable. The argument is clearly that a new access for the quarrying/ sand and gravel company is not a viable concern. Conversely, in the recent Tarmac case at Shire Oak, Tarmac did not have the need for enabling development to pay for their new access road.

Quarrying is actually only a small part of Bliss's business. Most of the material they sell is imported into the site and they only sell small amounts of what is quarried on-site, which is blended with imported materials, most of which are recycled. It is therefore not clear why a major "quarry access road" is needed, or how this relates to the existing business.

The applicants have not submitted a clear and robust financial statement to demonstrate that the quarry/ sand and gravel business could not bear all or part of the necessary costs or that any new residential development would be solely to enable construction of the access road and consequent works.

The access proposal should properly form part of a comprehensive application to extend the quarrying area. Such a combined scheme would meet the aims of UDP policy M2, negating any reliance on harmful housing development and avoiding conflict with the RSS and UDP housing policy.

The applicant has supplied copies of appeal decisions allowing inappropriate development in the green belt where special circumstances were found. This information is noted, however, the cases are from parts of the country where the site circumstances appear to be very different and they have little direct

relevance to this particular case, in terms of scale, prominence, impact, and justification. Indeed, in most cases where housing it is justified is because the housing *replaces* an existing more harmful development.

The applicants have not demonstrated any acceptable financial justification for enabling development.

Impact on the openness, character and purposes of the Green Belt

The scale of the proposed new access road, 7.3metres wide narrowing to 5.5 metres with footways and verges either side and a roundabout in excess of 130metres diameter would have a significant visual impact upon the character of the Green Belt as its construction would result in removal of TPO trees, removal of the garden boundary wall adjacent Bourne House and severe reduction in the garden curtilage of Bourne House. The plans also show that Bourne House would need to demolish to allow for the access road to be constructed. The proposed carriageway is of a scale that would be expected to be linked to a significant development rather than just an access to a quarry, even if the quarry operator intends to intensify lorry movements. The proposed route of the access road and the large roundabout would have an unacceptable impact on the openness and character of the green belt.

The introduction of a housing development to the west of the original farm buildings would also encroach within previously undeveloped land and be highly visible due to the exposed position and the prominent views from the south of this presently open land which is at raised ground levels compared to Bourne House, the garden centre and Chester Road. The proposal would therefore be a dramatic alteration to the openness and character of this Green Belt land by urbanising largely undeveloped land to the detriment of the amenities of the area. The potential impact on the setting of the remaining outbuildings at Bourne House would also be adversely affected due to the reduction in the amount of land surrounding the buildings which would adversely affect their context and the character of the surrounding area. The housing site would be highly visible from the south and due to its scale; isolation and prominent location would be likely to have a serious impact on the openness and character of the green belt.

Impact on the amenities of the surrounding occupiers

Properties in Branton Hill Lane post date the quarry. They were built and occupied in the knowledge that the lane serves as a quarry access. Closure of Branton Hill Lane as a quarry access would undoubtedly improve the residential amenities of existing occupiers in Branton Hill Lane as it would remove large commercial vehicles from Branton Hill Lane thereby removing traffic, noise, dust, disturbance etc. However, the proposed new access off Chester Road which would cater for larger volumes of quarry traffic would also have an adverse impact on the amenities of potential residents within the proposed residential development at the site thereby transferring the problems from one area to another. The applicants have stated that a detailed application could ensure that the proposed layout would be arranged to avoid potential conflict between the quarry and potential residents. However, as the application is in outline and is not supported by adequate information in order to establish the layout, landscaping etc it is not possible to assess the potential impact fully and it is considered likely that the two uses would be

incompatible in such close proximity to each other. The proposal simply moves the problem of conflict between residential occupiers and quarry traffic from one area of the site to another.

There is a requirement for a PPS24 Noise Survey. To date the applicants have not provided this information and it is required in order to give full consideration to this matter.

Means of Access

Transportation has objected to the proposals for two main reasons. The first relates to sustainable policies in the UDP and the resulting dependence by future residents on the private car. The second grounds of objection relates to safety and capacity concerns arising from the introduction of the roundabout on Chester Road, which is part of the primary route network.

Ecological Impact

There are a number of mature and semi-mature trees as well as stretches of hedgerows within the site which would be lost if this development took place. The grasslands are described by the ecological surveyors as being semi-improved and therefore have some ecological value. Trees, hedgerows and grasslands may be of value to foraging bats. The bat survey accompanying the application is inadequate and fails to demonstrate that bats or their habitat would not be harmed by the development

Conclusions

The benefits of removing quarry traffic nuisance from Branton Hill Lane are fully recognised. But this cannot justify the associated consequences of a substantial, remote and unsustainable housing development in the green belt which could sterilise potential mineral reserves.

No acceptable, clear, financial case has been put forward to explain why the quarrying company cannot fully finance the new access road without the new housing. It is considered unlikely that any such case could ever be put.

The applicants are relying heavily on the localised benefits of removing traffic nuisance in Branton Hill Lane being seen as having sufficient weight to override nationally important housing and green belt policy. This is not the case. In any event, the new access would be likely to simply transfer the nuisance to the new housing.

Whilst a proposal for the quarry access alone may be welcomed, as proposed the road and roundabout would have undue impact on the character and visual amenity of the green belt. Furthermore, it would present a hazard to the safety of users of the highway.

In terms of precedent, it is understood that WMRA has considered similar applications outside of the Metropolitan Area and considered them not to be in General Conformity with the RSS. It is considered that the current proposal is not in General Conformity with the RSS as it is likely to have an adverse implication on the delivery of urban renaissance.

However, if Committee are minded to approve the proposal, it is understood that it needs to be referred to GOWM for its consideration under the Green Belt Direction. Full justification for the decision to grant permission would need to be given by Committee.

Government Office will be likely to give more support to national rather than local issues. A Public Local Inquiry would be called and for the Council's case to be rigorously scrutinised. Refusal of permission is almost certain.

Recommendation: Refuse

1. The current proposal for a quarry access road and enabling residential development is considered to not be in General Conformity with the Regional Spatial Strategy as it is likely to have an adverse implication on the delivery of urban renaissance. The proposal is therefore contrary to the Regional Spatial Strategy Policies CF1, CF2 & CF3.

2. The proposed residential development represents inappropriate development in the Green Belt, for which no very special circumstances have been submitted sufficient to outweigh the harm the development would cause to the role, function, character and amenity of the Green Belt. As such the proposal is contrary to Development Plan Policy ENV2 and Planning Policy Guidance Note 2

3. New housing at this remote site would not represent sustainable development in that it would not meet the accessibility standards in UDP policies T1, T10-T12 and Policy GP1, GP2, GP4 because it would be likely to rely solely on private vehicles. Furthermore, the proposal does not conform to the policies of the Regional Spatial Strategy, in particular paragraph 3.4a and policies CF2 and CF3, in that the proposed development would be outside the Major Urban Area and would not be making the best use of previously-developed land.

4. The proposal seeks to introduce housing into an area where activity from the quarry, railway and garden centre has the potential to impact adversely on residential amenity. In effect, the existing impacts of quarry vehicle movements on residential amenity would be unacceptably transferred via the new quarry access to the proposed residential area. The prime intention of the new access, which is to enable unrestricted numbers of vehicle movements to and from the quarry, would increase the potential for noise and general disturbance. The proposal is therefore contrary to Development Plan Policies GP2, ENV10, ENV40 and Planning Policy Statement 24.

5. The applicant's have neither demonstrated that the quarry business could not bear all or part of the necessary costs of building the quarry access road nor that any new residential development would be solely to enable the essential construction of the access road and consequent works. As such the very special circumstances needed to allow inappropriate development in the Green Belt have not been demonstrated and the proposed residential development is therefore contrary to UDP Policy ENV2 & Government Guidance in PPG2

6. The proposed four-arm roundabout, providing access to the existing quarry, proposed residential development and the garden centre, raises safety and capacity concerns as it is likely to result in an increased risk of accidents. The proposed development is unacceptable in highway terms contrary to Development Plan policies GP2, T4 & T5,

7. The proposed access road would cut across the existing hill and be unacceptably prominent from the open views to the south and west. Furthermore the excessive size of the proposed roundabout would be unacceptably intrusive. As such the access road and roundabout would have an unacceptable and unjustified adverse impact on the character and amenity of the Green Belt, contrary to Development Plan policies GP2, ENV2, ENV3, ENV4 and advice in PPG 2.

8. The proposed development would result in the unjustified removal of a Locally Listed property and loss of protected trees. It also results in the loss of the landscape setting to the Locally Listed Building including the garden and garden wall. The proposal is therefore detrimental to the historic character and visual amenities of the area contrary to Policies ENV28, and the Government's Planning Policy Guidance 15

9. The proposed development makes no provision to meet increased demand from new housing on education capacity, urban open space and medical facilities and does not provide affordable housing. In addition, there is lack of public art provision as part of the substantial residential development. The proposal is therefore contrary to policies GP3, ENV34, LC1, H4 and 8.8 of the Walsall Unitary Development Plan March 2005 and the Council's Education, Affordable Housing, Healthcare provision and Urban Open Space SPDs and the Government's Planning Policy Statement 1, Planning Policy Statement 3 & Planning Policy Guidance 13.

10. The application fails to demonstrate that the proposed development would not have an adverse impact on protected species. The lack of information submitted with the application fails to confirm or deny the presence of roosting bats within the existing building. The development is therefore contrary to Walsall's adopted Unitary Development Plan policies ENV22 and ENV23 and guidance given in PPS9 and Circular 06/2005.

11. The proposal housing could lead to the sterilisation of potential mineral reserves, contrary to the aims of Development Plan Strategic Policy Statement paragraph 9.2 and Proposal M1, and Mineral Planning Policy Statement 1.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number:

07/1861/FL/E11

Application Type: Full application

Applicant: V&P Properties LLP

Proposal: Change of use from industrial use (class B2) to mixed general industrial and storage and distribution (classes B2 and B8)

Ward: Aldridge/Central & South

Recommendation Summary: Grant Subject to conditions

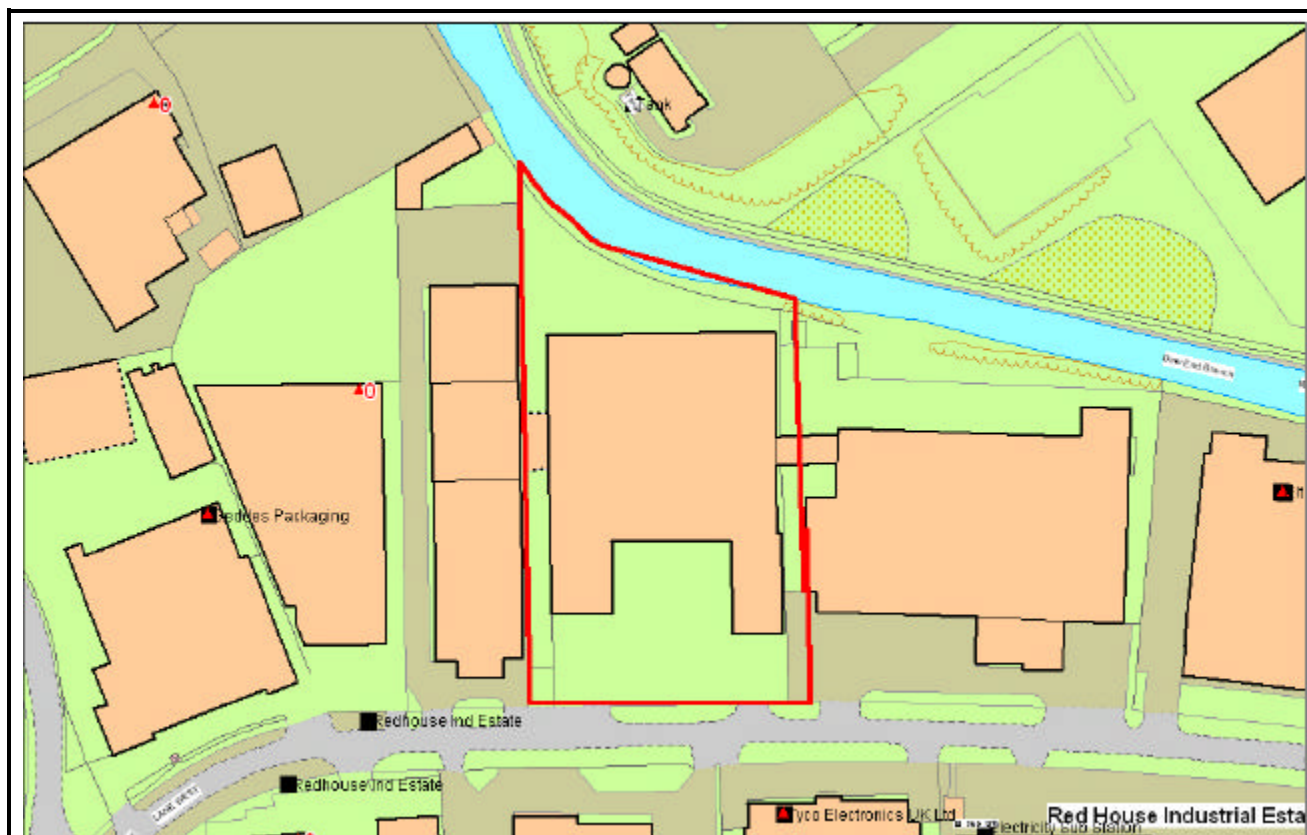
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent: The John Hughes Law Practice Ltd

Location: UNITS D/E1 PHOENIX CENTRE, MIDDLEMORE LANE WEST, WALSALL, WS980G

Expired: 06/12/2007



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Application and Site Details

The proposal is for change of use of existing Class B2 general industrial premises at Phoenix Centre, located on the north side of Middlemore Lane West to a mixed use for Class B2 (general industrial) and B8 (storage and distribution) purposes. There are industrial and commercial properties surrounding the application site which lies within the Core Employment Area. The premises comprise a large industrial building with ancillary offices, parking and servicing areas in front and gated access to external yards at the side and rear. The northern site boundary at the rear adjoins the Daw End Branch Canal.

Supporting information advises that the applicant occupies premises opposite the application site where it has its headquarters for their business of importing household furniture and accessories. The items are imported in flat pack form and the applicant's business involves testing electrical goods, carrying out minor repairs and assembling goods which are then stored on site ready for dispatch to retail premises throughout the UK. The proposal is to provide expansion premises for this existing business to provide additional workshop accommodation for testing and assembly and areas for storage.

The applicant's advise that the proposals will safeguard two jobs and create three additional jobs on site.

Twenty six parking spaces are provided of which 3 are to be disabled spaces. The proposed access will be via the existing in/out system at the front of the site allowing for a one-way flow of traffic.

The site area is 0.5 hectares.

Relevant Planning History

BC41312P – Division of existing building to form 2 units (general Industrial Class B2 at rear, warehousing Class B8 at front) – Granted subject to conditions 22/06/94

BC42603P – Part demolition of unit with sub-division of remainder creating 4 no. units for light industrial use (Unit E) – Granted subject to conditions 13/12/94

BC43653P – Change of use to B2 General Industrial (Unit E – Amendment to BC42603P) - Granted subject to conditions 05/06/95

Relevant Planning Policy Summary

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

Walsall UDP March 2005

GP1: Encourages sustainable development, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

ENV32, ENV33, 3.113, 3.114 & 3.115: Encourage good design and layout as an integral part of urban design and good landscape design.

3.16: Development is considered in relation to its setting.

ENV35: The design of commercial premises should be appropriate to their setting and sympathetic to the building.

JP5: Core Employment Areas will be safeguarded for core employment uses.

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

T13: Use Class B1(a)(b) & (c) - 1 car park space per 30m² of gross floorspace. 1 bike locker for every 10 car parking spaces and taxi facilities.

Use Class B2 - 1 car park space per 50m² up to 250m², then 1 space every additional 100m² of gross floor space. 1 bike locker for every 10 spaces and Taxi facilities. Use Class B8 - 1 car park space per 50m² up to 250m², then 1 space per 100m² up to 2500m² then 1 space for every 500m² of gross floor space. 1 bike locker for every 10 spaces and Taxi facilities.

National Policy: PPS1 Delivering Sustainable Development, PPG4 Industrial and Commercial Development & Small Firms, PPG13 Transport, PPS23 Planning and Pollution Control, PPS24 Planning and Noise.

Regional Policy

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

Consultations

Transportation – No objections subject to conditions. The parking requirement of the subject site will be 27 car parking spaces for either B2 or B8 use. These are shown on the submitted plan. However, the applicant is required to demonstrate that 10 car parking spaces can be accommodated on the frontage of the remaining unit without compromising the manoeuvring, loading and unloading on that site and the provision of secure cycle storage facilities (to accommodate at least three cycles) in accordance with UDP standards.

Pollution Control – No objections.

Strategic Policy – No objections. The proposal for Class B2/B8 uses accords with the Core Employment policy.

Fire Service – No objections -satisfactory for fire service access.

Public Participation Response

None.

Determining Issues

- Principle of proposed uses
- Impact on the amenities of the surrounding occupiers
- Access and parking

Observations

Principle of proposed uses

The proposed use for Class B2 and B8 purposes fall within the categories of development encouraged within the Core Employment Area and are therefore acceptable. Planning permission has also previously been granted for changes of use at the premises that included Class B2 and B8 uses hence there is an established acceptance of these uses.

Impact on the amenities of the surrounding occupiers

The proposed development involves change of use of the premises only and no material alterations to the external elevations of the existing buildings are proposed. As the site falls within an established commercial/industrial area proposed use of the premises for the purposes specified will not have any adverse impact on the surrounding occupiers.

Access and parking

The premises comprise existing buildings with access and parking arrangements shared with other units on this site. There is an in/out access across the site frontage that is shared with these other units and some parking and loading takes place on the site frontage. It is proposed that some loading and unloading will take place on the eastern side of the building and additional plans have been provided showing a one-way traffic circulation from east to west around the buildings. The additional plans also demonstrate that additional parking is available at the rear of the buildings, accessed via the one-way circulatory system. The Transportation officer has raised no objections to the proposals subject to the applicant demonstrating that the access, parking, turning and manoeuvring is sufficient to cater for both the existing uses and proposed uses on the site. A condition has been recommended requiring the applicant to demonstrate 10 car parking spaces can be accommodated on the frontage of the remaining unit and provision of cycle storage.

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 & Country Planning Act, 1990.

2. The works hereby approved shall only be carried out in accordance with details contained within the following drawing numbers:

- Site Layout & Proposed Car Park (Drwg. AF-0020-02) received 06/09/07

- Plan & Elevations of Factory Unit (Drwg. AF-0020-01) received 24/08/07
- Existing Site Layout One Way System (Drwg. AF-0020-03) received 06/11/07

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

3. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987, or succeeding Order, this permission is for the use of the premises for Class B2 (General Industrial) and B8 (Storage or Distribution) purposes only as defined within Part B of the Order.

Reason: To define the permission in the interests of highway safety and protection of employment land.

4. No development shall commence on site until detailed layout plans for the site that demonstrate 10 car parking spaces can be accommodated on the frontage of the remaining adjacent unit without compromising the manoeuvring, loading and unloading on that site has been submitted to and agreed in writing by the Local Planning Authority. The proposals shall then be implemented in accordance with the agreed details and the parking; manoeuvring, loading and unloading areas for the entire site shall thereafter be retained for these purposes in accordance with the agreed details throughout the life of the development.

Reason: In the interests of highway safety.

5. Prior to commencement of the development details of secure cycle parking facilities at a ratio of 1 space per 10 car parking spaces shall be submitted to and agreed in writing by the Local Planning Authority and then provided on the site in accordance with the agreed details and maintained throughout the life of the development.

Reason: In the interests of encouraging sustainable transport.

6. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than refuse in a refuse container which shall be positioned so as to avoid interference with car parking spaces and vehicle manoeuvring on the site.

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

7. No industrial process shall take place in the open on any part of the site.

Reason: To safeguard the amenity of the area.

8. All loading and unloading of goods shall take place within the curtilage of the site.

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

Summary of reasons for granting planning permission 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, ENV32 and JP5 of Walsall's Unitary Development Plan (March 2005), and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007**

**REASON FOR BRINGING TO COMMITTEE: Disposal of Council Owned
Land**

Application Number:

07/2065/FL/E9

Application Type: Full application

Applicant: Great Hampton Homes
(Midlands) Ltd

Proposal: Proposed Construction
Of 9 New Residential Dwellings

Case Officer: Barbara Toy

Telephone Number: 01922 652429

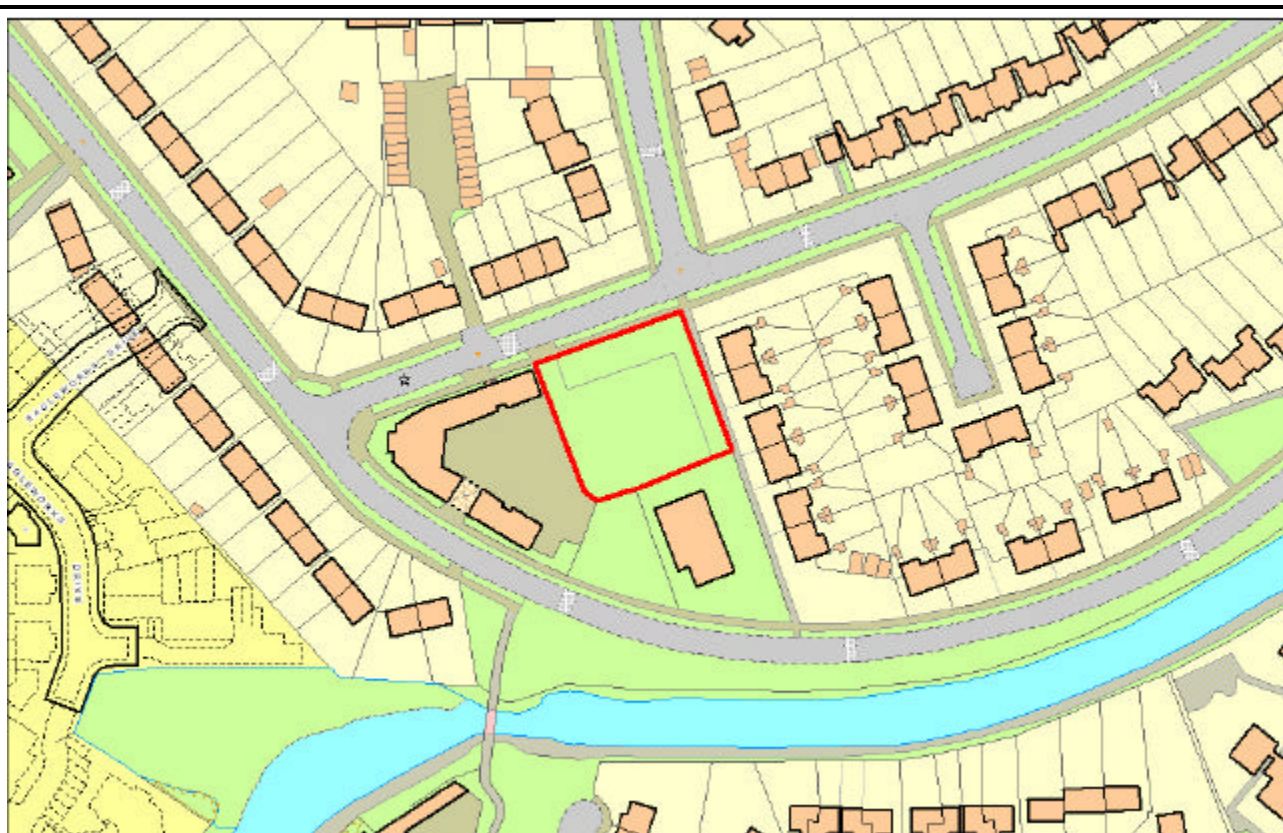
Agent: ID Architects (Midlands) Ltd

Location: FORMER GARAGE
COURT, ROEBUCK
ROAD, LEAMORE, WALSALL, WS3
1AQ

Ward: Blakenall

Expired: 27/11/2007

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The application proposes the erection of 9 terraced houses, 5 x 3 bed and 4 x 2 bed. Plots 1- 6 fronting Roebuck Road with plots 7-9 set to the rear at right angles to the road. Plots 1-3 would comprise 3 bed houses split over 3 floors with the third floor within the roof space, Plots 4-6 would comprise two storey 2 bed houses, plot 7 a two storey 2 bed house and plots 8 and 9 3 bed houses split over 3 floors.

16 parking spaces (177%) would be provided to the east of the buildings with a landscape buffer provided between the parking and the existing public footpath leading to 35a – 43b Hawbush Road.

The site is situated on the southern side of Roebuck Road and comprises a vacant hard surfaced area formerly occupied by lock up garages.

The surrounding area is predominantly residential in scale and character. Immediately to the west is a two, two and a half and three storey new residential development of 20 x 1 and 2 bed apartments which sits at back of pavement and wraps around the corner of Roebuck Road and Hawbush Road. To the north on the opposite side of Roebuck Road are two storey terraced and semi detached houses with front gardens/driveways. Immediately to the east are two storey semi detached properties that comprise flats at ground and first floor. These premises are set at right angles to Roebuck Road and have pedestrian access only via a public footpath which runs between the site and the frontage of the properties. To the south of the site fronting Hawbush Road is St Aidan's Church and church centre.

The site area is 0.149 hectares with a density of 60 dwellings per hectare.

Relevant Planning History

Nil

Relevant Planning Policy Summary

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

Walsall Unitary Development Plan March 2005

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

GP2: Environmental Protection and Policy 3.6

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

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

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.

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

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

H9: Minimum Densities

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

H10: Layout, Design and Dwelling Mix

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

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

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

ENV32: Design and Development Proposals and Policy 3.16.

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

ENV39: Renewable Energy and Energy Efficiency

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

T7 – Car Parking

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

T13: Parking Provision

1, 2 and 3 bed houses	2 spaces per unit
-----------------------	-------------------

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and area of 68 sqm. However the main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

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

National Policy

Planning Policy Statement 1: Delivering Sustainable Development, emphasis 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

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

Consultations

Transportation – no objections in principle. The existing footway crossing to the north west of the site onto Roebuck Road shall be permanently closed to prevent any unauthorised access.

Pollution Control – The Scientific Team has no objections subject to mitigation measures to protect nearby dwellings from noise during construction. Condition recommended.

The Contaminated Land Team supports the development subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the former mining located on the site. Conditions recommended.

Landscape Officer – The amended layout provides a realistic space for the planting of trees and shrubs adjacent to the proposed parking area and includes a trip rail to prevent cars over running this area which will assist with the successful establishment of the planting. The layout is therefore now considered acceptable subject to specific details planting, which could be conditioned.

British Waterways – no adverse comments, note to applicants.

Environmental Services – no adverse comments.

Fire Officer – Satisfactory access for fire appliance.

West Midlands Police – Some concerns raised regarding the layout of the proposals and the relationship to the existing footpath to the east of the site in conjunction with security. The area has a high record of burglaries and vehicle related offences and natural surveillance of the parking area is necessary as well as good lighting. Other issues raised, including the provision of gates to all rear access points, suggested gated access to the car park and burglar alarms to the houses.

Public Participation

Surrounding occupiers notified – no comments received.

Determining Issues

The determining issues are

- The principle of residential development.

- The design and layout of the proposals
- Impact on the surrounding occupiers
- Access and parking arrangements

Observations

Principle of residential development

The application site comprises of previously developed, now vacant land and 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 PPG 3 – Housing, encourages development of brownfield sites for residential purposes.

The site is situated in a predominantly residential area, between Coalpool and Leamore local centres and is considered a sustainable location. The principle of residential development on the site is therefore considered appropriate.

The proposals would provide a density of 60 dwellings per hectare which would comply with both UDP and National Policy guidance for development and would make efficient use of the land.

Design and Layout.

The site layout would reflect and enhance the existing pattern of development within the vicinity.

The proposals would provide 6 traditional two and three bed terraced houses fronting Roebuck Road, following the existing building line of the adjacent recently constructed houses to the west, with 1m frontage. 3 further two and three bed terraced houses would be set to the rear at right angles to the road, facing the existing semi detached flatted properties in Hawbush Road, to the east.

Plots 1 – 3 on the frontage would be two and a half storey reducing down to two storey (plots 3 – 6), plot 7 would be two storey and plots 8 and 9 two and a half storey, this variation in heights would reflect the existing properties both to the west and east of the proposed development site and the general pattern of development in the vicinity. The design of the properties would pick up on key characteristics of the surrounding area, including, gables, dormer windows and front boundary treatment.

Each house would have its own private secure rear amenity space (with gated rear access). Although all would have a minimum overall length of 13m, (exceeding the RDS guidance) the gardens would vary in area from 57sqm to 72sqm. As some of the gardens would fall slightly below the minimum area suggested within the RDS, a condition is attached to restrict permitted development rights for extensions and buildings in the gardens. It is considered however that the proposals would meet the overall objectives of the RDS in ensuring that the space around the dwellings provides adequate private amenity space with an acceptable level of privacy and daylight.

The proposals would comply with the separation distance guidelines contained within the RDS in terms of the relationship between plots 1 – 6 and plot 7 and the existing residential properties at 35a – 43b Hawbush Road, facing plots 7 – 9.

A distance of 21m would be provided between the habitable room windows in the frontage of plots 1 – 6 and the frontages of 19-25 Roebuck Road. This separation distance would however include Roebuck Road itself, together with two grass verges (1 either side of the road) and provide a similar relationship that the newly constructed apartments to the west of the site has with the houses opposite and is therefore considered acceptable and would not create any adverse impact on residential amenity in terms of overlooking or loss of privacy.

1.2m high hooped top railings would be provided to back of pavement to define the public and private space and would also be used to the eastern boundary of the car park with the existing public footpath. This form of boundary treatment would provide a definition between the public and semi private area of the car park but would still allow natural surveillance of the parking area from the frontages of the existing properties in Hawbush Road and plots 7 – 9.

A landscaping buffer strip would be provided between the proposed car park area to the eastern side of the site and the public footpath which provides access to the existing properties in Hawbush Road. Although no specific landscaping details have been provided this area would include trees and shrubs to provide some screening of both the houses and the parking area from the front habitable room windows of the existing properties, but still allow some natural surveillance of the area.

The amended layout proposed is considered the most appropriate in order to reflect the existing surrounding pattern of development and allow for maximum security of the private spaces and surveillance of semi private areas.

Impact on the surrounding occupiers.

The proposals would follow the existing building line of Roebuck Road and would comply with the separation distance guidance within the RDS and would therefore have no adverse impact on the amenities of the surrounding residential occupiers. The proposals would remove an open vacant site which is currently used as a congregation area for the local youth and a nuisance to surrounding residents.

Access and Parking Arrangements

The proposals would provide 16 off street parking spaces which would provide 177% parking provision, just below the 200% guidance within Policy T13 of the UDP. The level of parking is however considered appropriate in this sustainable location.

Brickwork piers would be provided either side of the vehicle access to the parking area, with a change in surfacing to define between the public and semi private area of the car parking area. A hardstanding area would be provided at back of pavement for use on refuse collection days.

Appropriate conditions are attached to ensure that the existing redundant footway crossing on Roebuck Road be reinstated with full height kerbs and for details of lighting for the parking area to be provided.

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 development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

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

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

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

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

5. No development shall commence on site until full details of a landscaping scheme are submitted to and approved by the Local Planning Authority. The scheme shall include paved areas, a detailed planting plan clearly identifying proposed planting areas, areas of turf, location of proposed trees, correct botanical names, sizes at planting and planting densities of all proposed planting, details of how trees would be staked and topsoil specifications. The scheme shall be completed in accordance with the approved details before the development is occupied, unless otherwise agreed in writing with the local

planning authority, and retained as such. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

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

6. Prior to first occupation of the premises hereby approved external lighting shall be installed within the car parking area of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: To safeguard the visual amenities of the area.

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

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

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

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

9. Agreed remedial measures in respect of identified and potential hazards associated with land contamination and/or landfill gas present on the site shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

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

10. Prior to first occupation of the houses hereby approved the redundant footway crossing on Roebuck Road shall be reinstated with full height kerbs at the expense of the developers in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

13. The works hereby approved shall only be carried out in accordance with details contained within Amended Drawing Nos 1268-E01, 1268-P01 Rev A and 1268-P02 Rev A submitted on 2nd November 2007 and Design and Access Statement submitted on 21st September 2007.

Reason: In order to define the permission.

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"; Waste Management Paper No. 27 "Landfill Gas"; or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use, regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA) model 2002 or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, ENV14, ENV32, ENV39, H3, H9, H10, and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007

**REASON FOR BRINGING TO COMMITTEE: Major Application / Disposal
of Council land / terms of resolution at previous meeting.**

Application Number: 7/0275/FL/W2

Application Type: Full application

Applicant: Paul Hanley

Proposal: Erection of 13 houses
and 1 apartment block containing 22
flats

Ward: Darlaston South

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

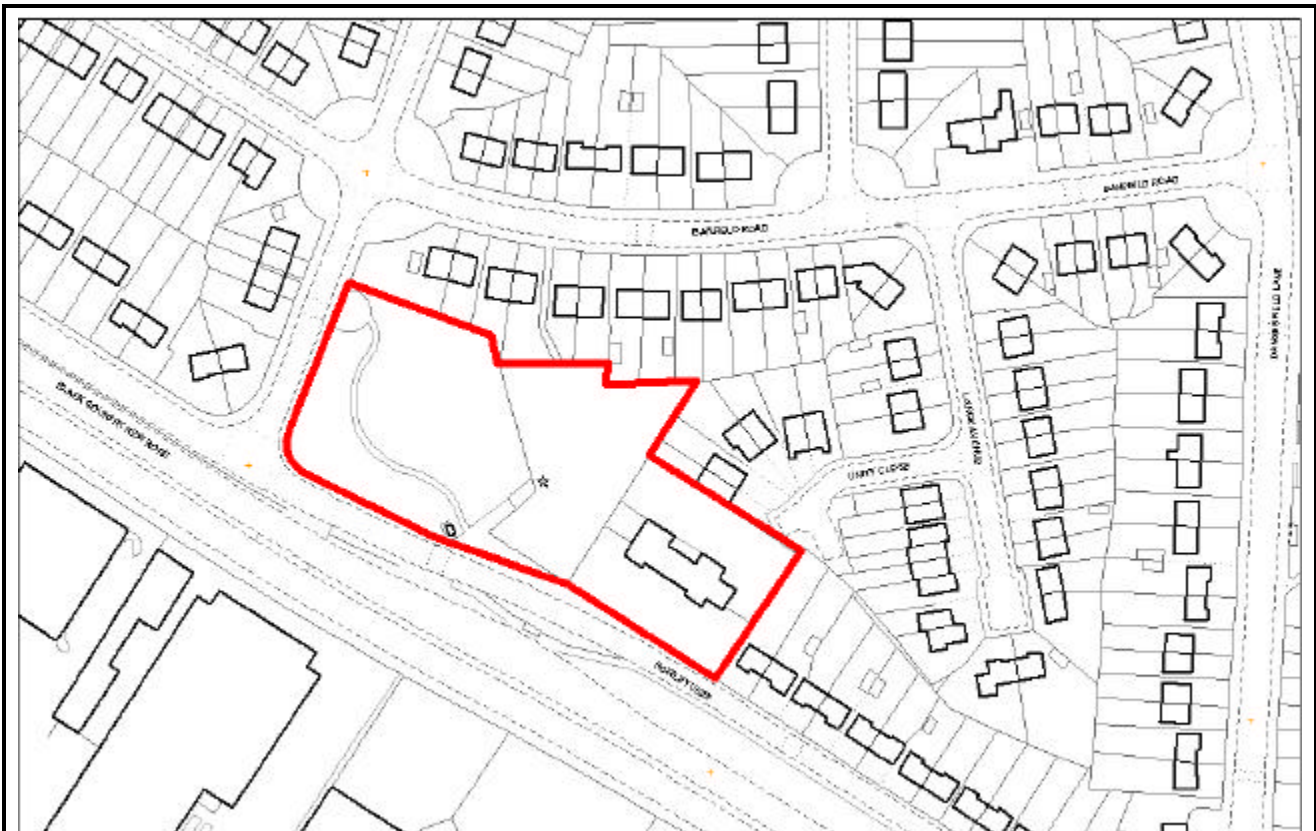
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: Marcus Lewis

Location: ROWLEY
VIEW, MARGARET ROAD
JUNCTION, MOXLEY, WALSALL

Expired: 17/09/2007



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Current Status

This application was presented to committee on 29th August 2007 and you resolved that the application be granted, subject to:-

1. conditions
2. a planning obligation
3. the deletion of condition No. 6 (on play facilities)
4. and no new material objections being raised to the amended plans.

Objections were lodged which raised new issues, therefore the application had to be taken back to committee on 18th September.

The application is being brought back to committee because the applicant has since taken a costs appraisal to the District Valuer to seek a reduction in the amount of S106 contributions for education, open space and Healthcare. The Valuers results confirmed that the scheme will show a large shortfall on the total development value compared to the development costs and S.106 contributions will further compound the overall financial deficit of the scheme. It is therefore accepted that the applicant, in this case, should not have to pay the S106 contributions previously asked for education, open space and healthcare.

However, although the applicant is currently a Registered Social Landlord 25% affordable housing contribution should be included in the S106 obligation as a safeguard in case the land is sold on to a private developer in the future. This has no impact on the costings referred to. The rest of the report is an amalgam of previous reports and supplements.

Application and Site Details

The site is roughly rectangular in shape and consists of three distinct areas, i.e. a green space on the corner of Margaret Road, Rowley View, the demolished nursery site and the Highgate Arms PH.

This is a full application for the erection of 13 houses (two and a half storey) and a 3 storey apartment block containing 24 two bedroomed flats.

Parking is provided at 200% for the houses, within a parking court at the front of the dwellings for the houses fronting Margaret Road, and for houses fronting Rowley View, to the rear in the form of a parking space and a car port.

Parking for the apartments is provided at 150% to the rear of the block.

The site area is 0.6067 hectares providing 61 dwellings per hectare with garden lengths ranging from 12m to 19m and all gardens are in excess of the 68 square metres recommended in the Residential Development Standards. The apartments have landscaped amenity space at the front and rear and a small area in the location where the old nursery used to be.

The following documents have been submitted with the application:-

Environmental Noise Assessment

The main noise source is road traffic noise on the A41 Black Country New Road, with some commercial industrial noise from the estate on the opposite side of the dual carriageway. This concludes that through the use of conditions the development will not exceed recommended limits.

Site Investigation

This concludes that consideration should be given to remedial measures such as excavation and removal and replacement of an upper zone of contaminated soil. Gas protection measures should be included.

Ground Investigation Factual Interpretive Report (Highgate Arms)

Concludes that there are generally low concentrations for the majority of contaminants analysed. No hazard to groundwater requiring remedial action. Risk from land gas is high, precautions to prevent gas ingress to all new buildings should be taken. Non standard materials may be needed for new water pipes. Excavated materials should be disposed of at a suitable landfill site.

Ground Investigation Factual Interpretive Report (Rowley View Nursery)

Similar conclusions to the above

Design and Access Statement

This includes an assessment of the site in physical, social and economic terms, evaluates the constraints and opportunities and discusses the design objectives.

Tree Survey

This concludes that most of the trees on site will need to be removed, but there are no trees of significant merit worth preserving. A replacement landscaping scheme providing more than adequate replanting can be achieved.

Relevant Planning History

BC56313P Change of use from Nursery School to landscaped play area.

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

2.1 and 2.2 define the overall strategy of the plan, GP1 and 3.1 seek sustainable development, urban regeneration, & environmental improvement are identified

GP2, GP7, 3.6, 3.16, ENV18 and ENV32 - improve the environment of the Borough

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure etc.

T7 parking provision should be well designed and sensitively integrated. T13 also sets parking standards.

T10 (c) Accessibility standards for all transport modes should continue to be met throughout the life of a development.

H3 encourages additional housing through the re-use of previously developed sites. Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

Policy H10 is about layout, design and dwelling mix of housing.

Residential Development Standards:

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

Open Space SPD / Healthcare SPD

Both define contributions appropriate to the increased demand or facilities arising from increased dwelling numbers.

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

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

PPS1 on delivering sustainable development and good design.

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

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

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

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

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

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

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

Consultations

Transportation: No objections to the principle of residential development. The location of the refuse store for the apartments does not comply with good practice or latest guidance, particularly for 4-wheeled refuse containers. A condition is requested to require the re-location of the facility. A condition is also requested to secure retention of the visibility splays (of 2.4 x 54 metres) either side of apartment access. Future of pedestrian access from Banfield Road must be addressed. Highway along Rowley View is too wide which could tempt visitors to park on the footway. The boundary should be rationalised to increase the developable area.

Pollution Control Division: No objections subject to conditions.

Education Walsall: Contribution requests are based on whether there are sufficient surplus places in local primary and secondary schools. In this case the level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore a contribution of £60,575.81 is required towards secondary school provision.

Police Architectural Liaison Officer: Support in principle. Plenty of space, good parking, good orientation of the buildings to give good overall surveillance to the development. Directly opposite the proposed site is a very large commercial/industrial site with a large distribution centre. There are no provisions for the children/youths of the development and therefore their attention may be turned towards the commercial site opposite. PPS 3 gives particular reference to family housing and the importance of taking in the needs of children. Under this heading I request that consideration is given to youth provisions on the development by way of play parks, youth shelters and the like to help divert attention away from crime and ASB.

Environment Agency: Low environmental risk.

Housing: Jephson Housing is proposing to develop this entire site. That being the case, as they are a Registered Social Landlord (RSL) the whole scheme will be affordable.

Arboricultural officer: No objection on grounds of tree loss and the lack of suitable landscaping subject to revised plans, as discussed.

Regeneration - Natural Environment: No objection subject to amended plans.

Urban Designer Regeneration: No objections in principle. Conditions are suggested to encourage re-use of the windows in the public house. In addition amended plans should be produced showing a reduced building height on the apartments leading into Margaret Road.

Public Participation Responses

I have received 3 representations from surrounding residents (2 from the same property) on the following grounds:-

- Loss of outlook;
- Increase in noise, disturbance and activity;
- Three storey element will dominate properties opposite;
- Loss of privacy;
- Loss of light;
- Prefer to have houses opposite and not apartments;
- Parking and access problems.

Further comments were made in response to the amended plans that reduced the height of the apartment block opposite the houses on Margaret Road. This had the effect of removing 2 of the proposed apartments from the scheme. A

total of 22 are now proposed. These comments were as follows:-

The part of the buildings proposed to be flats, nearest Margaret Road (reduced from three storeys to two) should also be relocated further away from existing residents, or should be replaced by houses.

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

Determining Issues

- Principle of residential
- Design quality
- Amenity
- Pollution issues
- Transportation issues
- Obligations

Observations

Principle of Residential

The development is acceptable in principle in planning policy terms. The development is to be supported as it lies within a residential area. The principle of reusing brownfield sites for housing is generally supported by Government and council policies, provided a satisfactory residential environment for future occupiers can be secured, whilst protecting the operations of existing nearby users.

Both national and local policies also identify the importance of sustainability. Conditions are recommended for a residential travel plan and cycle parking.

The development is 22 dwellings per hectare approx. this is considered satisfactory in policy terms.

Design

The design of the buildings is simple and is in keeping with the existing vernacular, with a mixed palette of materials.

The overall approach to creating a perimeter block that integrates with the layout of existing surrounding housing is supported and reflects successfully the local urban structure. The houses are two storey in appearance, but have a bedroom in the loft space which is accommodated by velux roof lights, these are in keeping with the scale of the surrounding development.

The apartment block is three storeys in height. This massing gives presence on the Margaret Road/Rowley View corner, however, there have been objections from neighbours on Margaret Road who face the three storey apartments. The bulk and scale of the building as it turns into Margaret Road is considered to be dominant in comparison to the existing housing. To address this balance the developer has been asked to reduce the height of the building. He has agreed and amended plans are expected which show the

apartments opposite Margaret Road reduced in height. The scheme will be reduced from 37 dwellings to 35. This would also allow a hierarchy of building heights across the site as it steps down towards the proposed two-storey house whilst retaining the integrity of the design. Members will be updated at the meeting.

All the apartments have 2 bedrooms and each unit is dual aspect, this is welcomed, and is positive in terms of environmental sustainability. The retention and re-use of some of the materials in the existing public house should be explored, specifically the decorative lead windows and sills. As these are obscure glazed they are unlikely to be of benefit to the apartments themselves but they may be re-usable in communal circulation areas. The overall design of the apartment building reflects to a degree that of the public house and using the windows (and replicating if more are needed) would reflect this historic character of the site and increase the design quality of the development. The issue is not significant enough to justify a condition, but an informative has been suggested to encourage this.

Amenity

The Residential Development amenity space standard has been exceeded in the case of all of the houses proposed. The amenity space provided for the apartments is considered to be adequate. However, it is felt that the configuration of the parking and amenity space could be liberated to provide a more usable central area. Amended plans are expected to address this. In addition, the police liaison officer has suggested that consideration be given to youth provisions on the development by way of play parks, youth shelters and the like. This has been conveyed to the developer and the possible inclusion of such facilities is being considered. Following discussions with the developer it has been concluded that the issue should be subject to community involvement once the development is occupied. This would have the added advantage of offering the future residents the opportunity to take ownership of the area.

The urban design officer feels that the provision of balconies to the apartments would be valuable in providing private amenity space particularly, given the location of the site overlooking the Black Country Route. The design of the apartment block seems to lend itself to including private terraces/balconies to each apartment. This is also made possible by the dual aspect layout. The internal layout of the building as currently proposed, however, would result in these private spaces being accessed off bedrooms rather than main kitchen-living areas. The private spaces would be of most value accessed off the kitchen-living areas. The internal layout could be reversed to enable the main living spaces to be on the rear of the building and benefiting from the suggested private terraces/balconies. This has been suggested to the developer and it is felt that, in this way, balconies can be provided to most of the apartments. Amended plans are being prepared.

The recommended distance of 24m between habitable room windows is achieved at the rear of all properties. At the front, the distance between the front habitable room windows of the apartments and No. 1, Margaret Road is reduced to 19.5m. This is considered to be acceptable as privacy at the front

of properties is compromised by the fact that the public have a right to walk in front of habitable room windows.

The neighbours opposite the apartments on Margaret Road feel that the apartments should be relocated further away from existing residents, or should be replaced by houses. This issue was considered at committee on 18th September 2007 and it was considered that the scheme meets Supplementary policy guidance relating to residential development and is satisfactory.

Pollution Issues

There is a sub station within the development site. It is appropriate to secure a minimum distance of 5m from the sub station to residential properties. All dwellings are further away than this. Pollution Control have raised no objections subject to conditions to deal with issues of electromagnetic fields, contamination and noise affecting the site and surrounding environs. Conditions have been proposed which will deal with these issues satisfactorily.

Transportation

Transportation do not object to the application. However some issues need to be resolved. Currently, the refuse store is too far from the majority of apartments and the public highway and the lorry will not be able to access the site. Also some of the terraced properties do not have rear access for bin storage etc. The latest guidance in Manual for Streets would suggest 10 metres is the maximum distance for 4 wheeled containers should they be need to be moved (15 metres for two wheeled.) Also the location of the bin stores may result in the proposals failing to meet building regulations. These facilities will therefore need to be relocated to a position which will comply with good practice and latest guidance. Amended plans are awaited. Following a meeting with the developer an additional refuse store is to be incorporated into the development. Amended plans are awaited.

With regard to other issues raised, a condition is recommended to retain visibility splays. Parking conforms with the Unitary Development Plan requirements. The shared vehicular access to the rear of plots 28 – 37 is narrow for two way traffic, but the set back area in front of the gates will provide a passing place and is therefore considered acceptable.

It is understood that negotiations are underway to deed the pedestrian passage between nos 33 and 35 Banfield Road to the adjoining properties as this access is now no longer needed.

The transportation officer has commented that the highway along Rowley View is too wide, and this could tempt visitors to park on the footway. The developer has been asked to amend the boundary to take in more of the highway and provide for 1.8m footpaths. This will have the double advantage of providing more space within the site for planting larger trees.

Obligations

There is a need for a S106 Agreement to ensure contributions towards Education (£60,575.81), Open Space (£60,291) and Healthcare (£33,434). See the Status section of the report, these figures do not apply now, but an affordable housing contribution has been proposed.

Conclusion

On balance the scheme is considered to provide good design. The expected amendments will allow for adequate amenity space and with the imposition of conditions, will meet Transportation and Pollution requirements.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

4. A visibility splay of 2.4 x 54 metres either side of the apartment access shall be maintained free of landscaping or other obstructions over 600mm in height.

Reason: In the interests of highway safety.

5. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests

shall be submitted to the local planning authority within 6 weeks of completion.

Reason: To safeguard the amenities of the occupants.

6. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Reason: To safeguard the amenities of the occupants.

Notes for applicant

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

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and

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

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

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

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

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

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

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

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

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

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list. Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

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

7. Prior to built development commencing:-

- a) a site investigation and ground contamination survey having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.
- b) details of any necessary remedial measures to deal with any identified or potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.
- c) the approved remedial measures shall be completed as in accordance with an agreed timetable.
- d) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure the satisfactory functioning of the development.

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" (CIRIA C659); 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.

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.

8. No development shall be commenced until a protocol has been submitted to and approved in writing by the Local Planning Authority to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site. (This may involve the use of a wheel wash, road sweepers, etc.)

Reason : To safeguard the amenity of the area.

9. No development or site clearance works shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. Apart from being attractive visually, the proposed planting shall be consistent with providing a good variety of species to encourage biodiversity and maintain the functions of the site as a wildlife corridor.

Reason: To ensure the satisfactory appearance of the development.

10. Prior to the first dwelling being occupied on the development hereby approved, a Residential Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in writing by the Local Planning Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and should include details on:
 - a) Public transport information and ticket details;
 - b) Cycle provision, showers and lockers; and
 - c) Walking initiatives.

The approved measures shall be developed and implemented during the first six months following the occupation of the premises for the use hereby approved. Following the expiry of this period of time, a review of the Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. This will identify any refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development

11. No development shall 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.

12. No development shall be carried out until details of secure cycle parking facilities have been 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 provision of cycle parking facilities.

13. 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 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.

14. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 5. Within this period:
- (a) grassed areas will be maintained in a tidy condition by regular cutting and any areas that fail to establish will be reinstated;
 - (b) planted areas will be maintained in a tidy condition by regular weeding;
 - (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed will 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 will be made good.

Reason : To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

15. 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 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(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 the occupants in the area.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, no gates, fences, walls or other means of enclosure, except those included

on the approved plans, shall be moved or erected without the prior approval of a planning application relating to that work. The means of enclosure shown on the approved plans shall not be removed or moved without the prior approval of a planning application.

Reason: To ensure the satisfactory appearance of the development.

17. Notwithstanding the notation on the amended plans no development shall be commenced until revised details of bin storage areas and a Waste Management Strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development.

18. Notwithstanding the notation on the amended plans no development shall be commenced until details of a revised layout to the area in front of plots 26 – 32 on the Rowley View frontage has been submitted to and approved in writing by the Local Planning Authority.

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

19. The units hereby approved shall only be used for the purposes of providing housing accommodation to be occupied by households in need of affordable housing in the local area and to meet the objectives of a registered social landlord, provided that this condition shall not apply to a mortgagee in possession.

Reason: To ensure satisfactory development of the site and to ensure that the local housing needs are met.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP3, GP7, 3.1, 3.6, 3.16, ENV18, ENV19, ENV32, 7.51, 8.8, T7, T10, T12, H3, H9, H10 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

NOTES FOR APPLICANT:

- A. The Council's TravelWise adviser at the time of this decision is Louisa

Stebbing, who can be contacted on (01922) 652561, Centro's TravelWise Officer, Anne Shenton, can also provide advice on public transport initiatives she can be contacted on (0121) 214 7409

- B. The refuse and recycling bin stores and cycle store for the apartments will need to comply with the latest guidance in "Manual for Streets" further information can be obtained from the Councils Waste Management team (01922 653344).
- C The retention and re-use of some of the materials in the existing public house should be explored, specifically the decorative lead windows and sills. As these are obscure glazed they are unlikely to be of benefit to the apartments themselves but they may be re-usable in communal circulation areas.



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/0901/FL/W7
Application Type: Full application
Applicant: New SS Properties (UK)
Ltd

Proposal: Erection of 14 new
apartments and associated works
following the demolition of existing
buildings.

Ward: St. Matthews

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

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Agent: MCJ Solutions

Location: 22 WINDSOR
HOUSE, VICARAGE
PLACE, WALSALL, WEST
MIDLANDS, WS1 3NA

Expired: 02/08/2007



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Current status

Members will recall that this application was approved by committee on 29th August 2007. Due to the late submission of amended plans the report incorrectly reported the previous layout of 12 apartments with the amended plan showing 14 apartments. There are no other changes to the approved plans and the proposals are considered to be acceptable.

Transportation Officers have no objection to the amended plans and in considering the location and other schemes granted within the town centre, it is considered that on balance the level of car parking is appropriate in this instance.

Application and Site Details

The site is located on the corner of Vicarage Place and Vicarage Walk comprising former industrial premises that are vacant and have been for some time. The front of the application site is located within the Bradford Street Conservation Area. The Conservation Area also runs adjacent to the site up Vicarage Walk towards Glebe Street. The site is opposite the Grade II* listed St Mary's The Mount Roman Catholic Church and its associated Presbytery.

The proposals are to demolish the existing warehouse/factory and build 14 flats (10, 1-bedroom and 4, 2-bedroom) over two and a half storeys. The proposals include 10 car parking spaces (71%), including one space capable of being used by a disabled person.

The proposals incorporate bin and secure cycle stores within the scheme and a small area of private amenity space to the rear of the proposals.

Relevant Planning History

BC57394P - Alterations and Extensions (including replacement roof and first floor extension) – Granted – 8th May 2001

BC58172P – Change of use to 14no. self contained flats – Granted 27th May 2002

05/1290/FL/W7- Demolition of existing building and erection of 21 apartments – Refused 22nd September 2005. Appeal APP/V4630/A/05/1193059 - Dismissed – 19th August 2006.

Dismissal related to no car parking provision being provided on the site and the impact on highway safety and the local highway network. The design of the proposals and density was considered acceptable.

06/1400/FL/W1 – Variation of Condition 1 of Planning Permission reference BC58172P to extend the life of planning permission by 3 years for change of use to 14no. self contained flats. Withdrawn 3rd November 2006

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

Adopted Unitary Development Plan

The application site is within the Walsall Town Centre Inset Plan boundary and therefore policy WA1 applies which seeks to enhance Walsall Town Centre, Policy S8 seeks to encourage housing in appropriate locations within the centres. Part of the site is located in a Conservation Area and the need to preserve and enhance such areas is detailed in Policy Env29 with Policies Env32 and Env33 also highlighting the need for high quality design and landscaping. Policy Env10 also considers the impact on neighbouring residents.

Policies T13 seeks to consider an appropriate level of car parking and policy T4 seeks to ensure that the highway network is not adversely affected.

Walsall Local Development Framework

The Council have adopted an Urban Open Space SPD and an Education SPD which supplement the Adopted Unitary Development Plan to secure appropriate planning contributions for development.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an appropriate portfolio of land exists to meet the needs of the economy. Policies QE1, QE2, QE3, QE4, and QE5 promote high quality environments, and policy QE9 highlights the need to promote the water environment and improve such facilities, including canals. The RSS promotes similar policies to the UDP and promotes sustainable development.

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres with a strong emphasis on high quality design. PPS6 seeks to strengthen and diversify town centres.

PPS 3: Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

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

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale,

density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment. PPG14 indicates how to accommodate development on unstable land. PPG15 seeks to improve the historic environment.

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

Consultations

Transportation – No objection subject to conditions.

Pollution Control – No objection subject to conditions.

Urban Open Space – A contribution of £11,216.00 is sought under the Adopted SPD.

Education – Due to the level of one-bedroom flats, the level of appropriate units is below the size threshold, therefore no education contribution is sought.

Representations

1 letter of objection received from the Presbytery with regard to the lack of car parking and traffic congestion.

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

Determining Issues

- the previous appeal/refusal
- the design of the proposals and the impact on the Conservation Area
- transportation issues
- Section 106 Agreement

Observations

The previous appeal/refusal

The previous appeal decision related to a car-free development of the site for 21 units. Whilst the design and the density was considered to be acceptable, it was considered that the appeal should be dismissed due to the lack of car parking provision and its impact on the highway network.

The maximum UDP parking standard to serve the proposed development for 14 apartments is 21 spaces. The applicant currently proposes 10 spaces however the proposals include secure cycle storage provision, and considering the town centre location, and good transport

links this is considered a sustainable location and these levels are acceptable.

It is noted that the level of car parking introduced is similar to the level to other town centre developments. It is therefore considered that the reason for dismissing the previous appeal has been overcome.

The design of the proposals and the impact on the Conservation Area

The site had benefited from a planning permission for 14 units (reference BC58172P, granted May 2002) which has now expired. The proposals, as part of this application are for a lower density but a significantly improved design and layout to the proposals. It is therefore considered that the proposals have taken many of the features of the surrounding area and will build a satisfactory residential environment that will preserve and enhance the conservation area. It is also noted that the design of 21 units on the site was accepted.

The layout contains limited amenity space for the residents however considering previous applications and approvals and the town centre location, the level of amenity space proposed would therefore be acceptable in this instance.

Transportation issues

The car parking layout and bin storage provision has been amended to take account of transportation officers' comments. The development provides secure cycle provision and proposes a space capable of being used by disabled persons.

Section 106 Agreement

Open Space contributions are sought and agreed at £11,216.00

Conclusion

Overall the proposals represent an enhancement to the quality of the conservation area, and follow the permission granted in 2002 and overcome the reason for refusal at appeal in 2006. The proposals are therefore considered to be acceptable.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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

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

2. Prior to the first occupation of each dwelling, noise mitigation measures shall be installed so that internal noise levels of each dwelling, measured in accordance with British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 (or relevant subsequent legislation) shall not exceed:-

- (a) within the bedrooms a Continuous equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$ of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} between the hours of 23.00 to 07.00;
- (b) within the living rooms a Continuous equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$ of 45 dB between the hours of 07.00 to 19.00; and
- (c) within the living rooms a Continuous equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$ of 40 dB between the hours of 19.00 to 23.00;

Reason: To safeguard the amenities of the occupiers of development.

3. Details for the disposal of both surface water and foul sewage are to be submitted to and agreed by the Local Planning Authority prior to the commencement of the development hereby approved.

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

4. No development shall be carried out until full details of the proposed boundary treatment of the site, including a gated access to the rear of the car park, have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

5. Prior to the commencement of development a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 12 months from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development.

6. 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.

7. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable 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 are to be clearly marked out and used solely by the occupiers of the site.

Reason: To ensure the satisfactory functioning of the development.

8. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation, deliveries or investigation), shall take place on any Saturday, Sunday, Bank Holiday or Public Holiday, and such works shall otherwise only take place between the hours of 08.00 and 18.30 weekdays unless otherwise agreed in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development outside these permitted hours.

Reason: To safeguard the amenities of neighbouring occupiers.

9. All vehicle access points should be constructed prior to the occupation of the proposed development, and in accordance with a specification to be submitted and approved by the Local Planning Authority, and comply with all statutory requirements.

Reason: To ensure the satisfactory functioning of the development.

10. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to a 3 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason To ensure the satisfactory development of the site.

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

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

12. Prior to the commencement of development details of the cycle stores and bin stores, including the method for ventilation and lighting, shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

13. 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 ensure the satisfactory development of the site.

14. 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 ensure the satisfactory development of the site.

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

Reason To ensure the satisfactory development of the site.

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, GP3, GP7, T7, T13, ENV10, ENV29, ENV32, S8, WA1 and H10 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

NOTES FOR APPLICANT:

A) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

B) Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

C) As 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.

D) Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191. Fax. 0181 694 0099.

E) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

F) 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.

G) 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.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/1784/FL/W2
Application Type: Full application
Applicant: KMS Properties

Proposal: Erection of Dormer Bungalow

Ward: Pleck

Recommendation Summary: Grant Subject to conditions

Case Officer: Marilyn Kowalski
Telephone Number: 01922 652492
Agent: Integrated Designs(Midlands) Ltd
Location: LAND REAR OF 121,PARGETER STREET,WALSALL,WS2 8QR
Expired: 07/11/2007



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Application and Site Details

The application is for the erection of a 2 bedroom dormer bungalow on a triangular piece of land at the rear of houses which front on to Pargeter Street. The land is currently unused and has never been developed. It is overgrown and some tipping of builders materials has taken place on the site in the past.

The proposal gains access from an adjoining development off Rowland Street which has planning permission for 5 houses but which has not yet been built.

Two parking spaces are provided in the front of the property. A private amenity area is provided to the side of the proposed bungalow.

Relevant Planning History

Nothing relevant on the site.

Site adjoining (latest application):

07/1642/FL/W2 Adj. 35, Rowland Street, Walsall, Erection of 5, 2 and a half storey dwellings Grant Subject to Conditions 12th October 2007

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

Adopted Walsall UDP

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

Policy GP2 deals with Environmental Protection. This requires all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment. The policy identifies several considerations to be taken into account including visual appearance, overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property, traffic impact, including the adequacy of the proposed access and adequacy of parking facilities, and the effect on woodland or individual trees on or near the site.

ENV32: Design and Development Proposals.

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

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

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

Policy H10 is about layout, design and dwelling mix of housing, This states that the Council will expect the design of residential developments to create a high quality living environment, well-integrated with surrounding land uses and local character, and in accordance with the principles of good design, provide adequate open space, or improvements to existing open space, provide an appropriate mix of housing types, sizes, and tenures with a variety of design, facilitate the efficient provision of public transport services, and maximise pedestrian and cyclist access to local amenities. All proposals for residential development will also be considered against the more detailed standards and guidelines set out in the Council's Supplementary Planning Guidance for residential design.

Residential Development Standards:

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

Regional Spatial Strategy for the West Midlands (RSS11)

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

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

Regional Spatial Strategy Review / Black Country Study

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

National policy

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

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

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

Consultations

Transportation – No objections subject to conditions relating to the right of access remaining open to the bungalow and the soft landscaping at the site frontage being kept to a maximum height of 600mm in order to maintain visibility of 2.0m x 33m.

Pollution Control - No specific contaminated land requirements. Measures should be put in place to address noise issues during construction

West Midlands Fire Service - Satisfactory for fire service access

Representations

I have received 10 letters objecting to the application on the following grounds:-

- Loss of conifer trees;
- Bats have been seen in the area;
- Loss of privacy and security;
- Overlooking;
- Disturbance due to traffic at bottom of garden;
- The building will be out of keeping with the area and will crowd the surrounding properties;
- This will destroy a haven of green;
- This is a moneymaking enterprise;
- Permission may as well be granted for all residents to build over their garden areas;

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

Determining Issues

- compliance with policy
- design
- impact on the character of the area/amenity issues
- transportation issues and loss of conifer trees.

Observations

Compliance with policy

The advice contained in PPS3 (Housing) supports the principle of making more effective use of urban land for housing, especially where such land is accessible by a range of means of transport and where there are necessary services and facilities in the area. However, such developments are expected to be properly integrated into the townscape. The Council's UDP policies are consistent with these aims. They support residential development of sites like this, providing that there is no overriding need for another use, and subject to the consideration of details (design, privacy, character etc).

Design

The building is a simple 1.5 storey bungalow in brick with a tiled roof, with dormer windows on the front. It is different to the surrounding Victorian properties and the new properties off Rowland Street. However, in this secluded location it is considered that this style will merge with the surrounding development in a discrete way.

Impact on the character of the area/amenity issues

There have been several objections to the development from the surrounding dwellings.

The bungalow is lower in height than surrounding buildings which mainly consist of two storey Victorian dwellings. There are side facing secondary kitchen windows in the elevation facing the properties on Pargeter Street, 17 metres away (a condition requiring these to be obscure glazed is recommended). This is satisfactory.

There are 2 side facing inglenook windows either side of the fire place in the elevation facing the proposed properties off Rowland Street. These are secondary windows. There is a minimum distance of 13m from the closest of these properties to the side of the proposed bungalow and this is across a roadway, it is therefore felt to be satisfactory.

The car parking to the bungalow is located 2m away from the rear boundary of 115 and 119 Pargeter Street (at its closest). The gardens of these properties are 17m long. It is therefore considered that there is adequate separation from any possible disturbance due to the proximity of the proposed parking.

The erection of this dwelling would improve the security of the neighbours.

The Residential Development Standards prescribe the provision of a rear garden space of 12 metres in length and a minimum area of 68 square metres. The application site is an unconventional shape which does not allow for standard garden dimensions. However, a private area measuring 53 sq m approx. has been provided. This equates to a back garden. This land backs up to the rear boundary of no. 121 Pargeter Street. There is also a smaller piece of land (a "front" garden) on the opposite side of the bungalow,

adjoining the proposed Rowland Street development, which provides a further area of what is likely to be private amenity space with the retention of the existing 2m high fence and row of conifer trees which are located in the adjoining land.

The surrounding area comprises mainly Victorian terraced dwellings, some with longer than average gardens. The new dwellings off Rowland Street have a minimum garden length of 11m. Therefore, taking into account the character of the area it is considered that the proposed garden amenity area is satisfactory.

Transportation issues

The transportation officer has not raised any objections to the development. It is felt that adequate access is provided. It would be a civil matter to ensure that access should remain permanently open to the bungalow. A condition is suggested requiring that the soft landscaping be kept to a maximum height of 600mm in order to maintain visibility of 2.0m x 33m in order to maintain visibility at the entrance to the site. The Unitary Development Plan parking requirement of 2 spaces for 2 bed properties has been met. The transportation officer is satisfied with this. The fire officer has not raised any objections.

Loss of conifer trees

There is a row of mature leylandii (conifer) trees along the western boundary of the application site (the boundary with the new Rowland Street development) which are outside the application site. Some of these will need to be removed to form the access into the site. The trees are not in a preservation order. Such conifers are not normally considered to be worthy of preservation as they are easy to grow and certain types are extremely vigorous. The remainder are unaffected.

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.

3. 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.

4. No development shall be carried out until details of works for the disposal of surface and foul water drainage have been submitted to and approved

in writing by the Local Planning Authority. The approved details shall be implemented as part of the construction of the development.

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

5. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority, if this includes the retention of existing boundaries the submitted details shall indicate where any necessary repairs are to be undertaken. 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.

6. No development shall be carried out until details of proposed refuse and waste recycling facilities have been approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use, and shall be thereafter retained.

Reason: To ensure the satisfactory functioning of the development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, the proposed dwelling shall not be extended without the prior approval of a planning application.

Reason: In order to maintain an adequate amenity area .

8. 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 access as shown on the deposited plans, without the prior approval of a planning application.

Reason: To ensure the satisfactory functioning of the development.

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

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

10. 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.

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

11. The soft landscaping at the site frontage shall be maintained at a maximum height of 600mm in order for a visibility splay of 2.0m x 33m to be achieved.

Reason: In the interests of highway safety.

12. Before the development hereby permitted is brought into use, the side facing kitchen windows in the elevation which sides on to the properties on Pargeter Street, and any glazing in the side door on that elevation shall be glazed in obscure glass, and permanently fixed. Thereafter the windows/door shall be maintained in that condition.

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

13. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) in connection with the development shall take place on any Sunday, Bank or public holiday* and otherwise such works shall only take place between the hours of 0700 and 1800 weekday, and 0800 to 1400 Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the site outside of these permitted hours.

(Bank or public holidays for this purpose shall be: Christmas Day; Boxing Day; New Years Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Reason: To safeguard the amenity of the area.

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

The proposed development is considered to comply with the relevant policies and proposals of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP7, 3.1, 3.6, ENV19, ENV32, H3, H9, H10 of Walsall's Unitary Development Plan and Residential Development Standards within the Supplementary Planning Guidance, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 20 Nov 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/2141/FL/H3

Application Type: Full application

Applicant: Mr S Chauhan

Proposal: Proposed One and Two-Storey Front Extensions and Pitched Roof to Garage

Ward: Paddock

Case Officer: Helen Smith

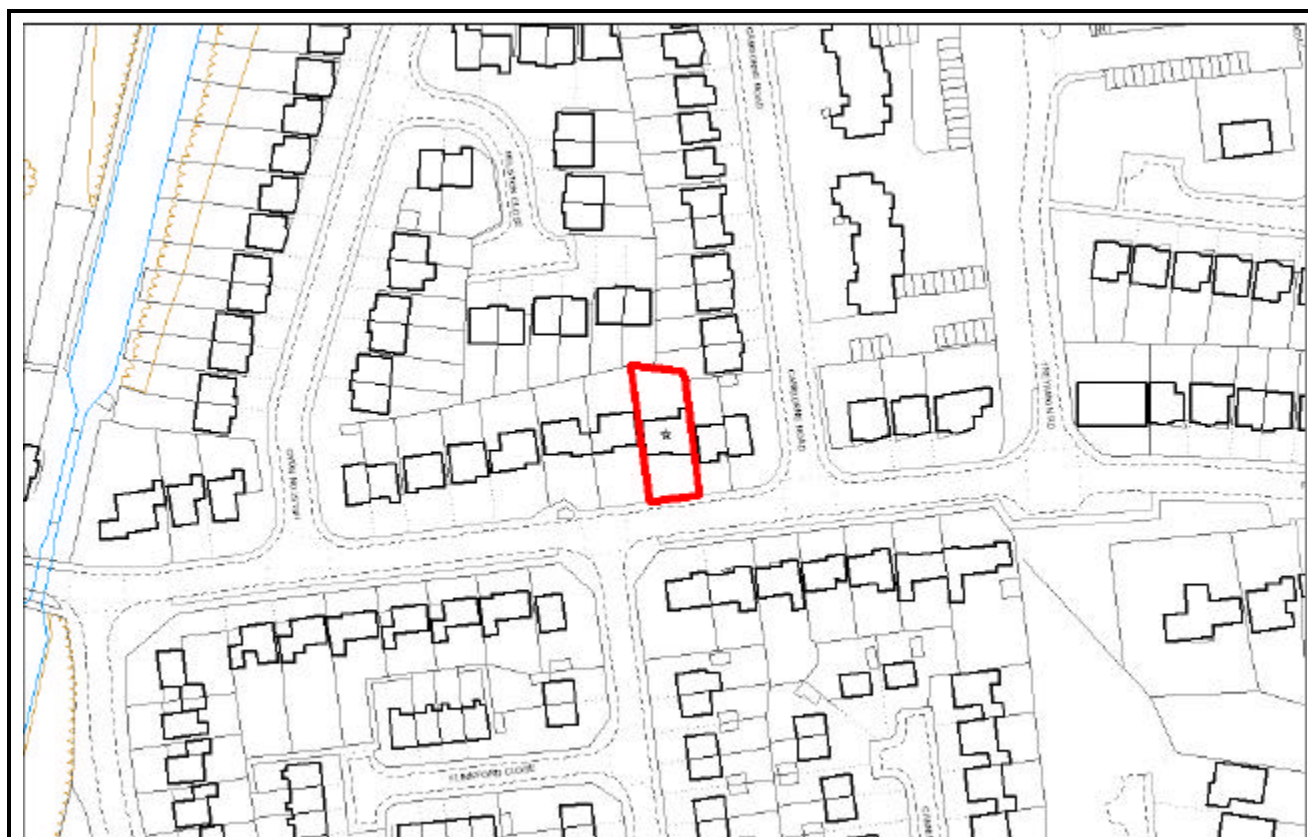
Telephone Number: 01922 652486

Agent: Mr G Durrant

Location: 59 PARK HALL ROAD, WALSALL, WS5 3HL

Expired: 22/11/2007

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

This application is for the addition of single and two storey extensions to the front of a modern detached house along with the provision of a pitched roof above the existing garage and front canopy. The extensions are to enlarge an existing entrance porch, garage and bedroom, and add a bay window to the dining room.

The house currently has a pair of garages, one of which is integral, together with a porch, that project 1 metre forward of the two-storey part of the house. The second garage lies to the side of the two-storey part of the house in the gap between the house and the boundary with the adjoining house number 61. The garages and porch are to be extended 0.8 metres further forward, with the integral garage converted to a living room. The bay window is to project 1.1 metre and is to lie between the side of the porch and the front corner of the house next to the boundary with the house on the opposite side number 57.

The first floor extension is to project 1.1 metres forward over the integral garage.

Number 57 lies 3.3 metres behind the front of the application property. Number 61 lies in front of the application house. The bay window to 59 would project 4.4 metres in front of number 57 whilst the remaining garage to 59 would remain set back 0.3 metres from the front of the ground floor of number 61.

The front extensions are to have mono-pitch roofs sloping down from the existing house whilst a gable roof is to be provided over the porch and the garage to the side.

Relevant Planning History

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

07/1244/FL/H3 – Proposed single and two storey front extensions and pitched roof to side – refused on July 2007 on the grounds that the design of the extension would be out of character with the existing dwelling and would disrupt the building line with the result that the extension would appear over-dominant.

The garage, porch and bedroom were to project 2.7 metres forward of the existing two-storey part of the house, whilst the bedroom was to have a gable roof facing the front.

Relevant Policies

Unitary Development Plan Policies

GP2: Environmental Protection

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

I. Visual appearance.

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

VII. The adequacy of the proposed access and parking.

ENV32: Design and Development Proposals.

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

H10: Layout, Design and Dwelling Mix.

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

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

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

T7 – Car Parking

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

Residential Development Standards

These include guidance relating to design, including roof shapes and the length of extensions in relation to neighbouring properties.

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

National Policies

PLANNING POLICY STATEMENT 1

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

Consultation Replies

British Waterways – No objections

Public Participation Responses

Representations have been received from the occupiers of 57, 61 and 63 Park Hall Road, objecting on the grounds that the proposal will affect the openness and character of the street, and will have an overbearing impact and loss of light to house numbers 57 and 61.

Full details of the representations can be viewed on the application file in Planning Services.

Determining Issues

whether the application has addressed the reasons for refusal of the previous application in terms of:

- whether the design of the extension would be compatible with the existing dwelling and the character of the wider area
- the impact on the amenities of nearby residents; and
- parking;

Observations

Design and Character

The application house and most of its neighbours are modern simple designs with a gable roof over the two-storey part that slopes to the front and rear, and a flat roof over the single-storey part to the front and side. However, several houses nearby have added pitched roofs over the ground floor front projections. The reduced depth of the ground floor part of the proposed extension would be in keeping with these nearby houses. The revised roof shape for the first floor extension would retain the simple shape of the existing roof.

Numbers 57, 59 and 61 form a line of houses that are stepped back in relation to each other. The reduced size of the current application compared with the previous refusal would retain this stepped appearance.

Impact on Amenity of Neighbours

Only the dining room part of the extension would lie near the boundary with number 57. Although the application property already lies in front of number 57, the fronts of the two houses face south and number 57 would continue to enjoy an adequate level of daylight. The 1 metre projection of the dining room would have little additional impact on this house and would meet the 45 degree code in relation to this house.

The two-storey part of the proposal would lie approximately 0.5 metres behind the two-storey part of number 61 and the single-storey part would lie 1 metre further back than the single storey part of 61 so would have little additional impact on this house.

The landing window to the side of 61 already faces the side wall of the application house and as the pitched garage roof will lie forward of this window there will be an acceptable level of impact on this window.

Parking

The total number of bedrooms will remain unchanged and whilst the use of one garage will be lost as part of this application the existing hard-surfaced driveway has ample space for at least four cars.

Recommendation: Grant Subject to conditions

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

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

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

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

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

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

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

The proposed development is considered to comply with Walsall's Unitary Development Plan, in particular policies GP2, ENV32, H10, T7 and T13, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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



Walsall Council

ITEM NO: 10.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and Building Control, Regeneration On 20 Nov 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/2161/RM/W5

Application Type: Reserved Matters

Applicant: Cherry Blossom
Developments

Proposal: Proposed residential
development comprising 7 no. houses
and 16 no. apartments and associated
works

Ward: Willenhall South

Recommendation Summary: Delegate to Head of Planning & Building
Control

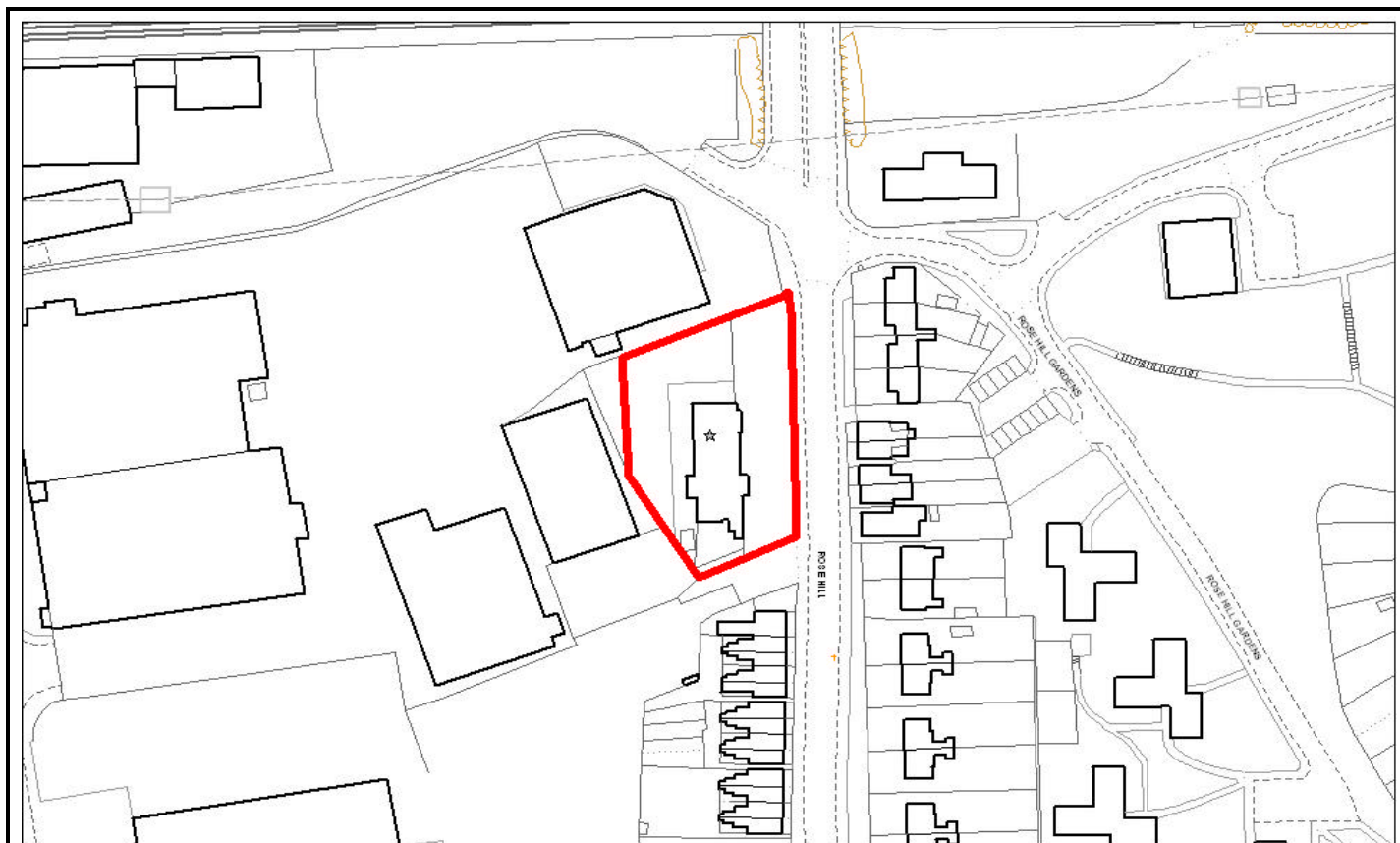
Case Officer: Karon Hulse

Telephone Number:

Agent: ADC Ltd

Location: THE WATERGLADE
INN P.H, ROSE HILL,
WILLENHALL

Expired: 14/01/2008



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Current status

The application is currently at an early stage with consultations still being received. However, the applicants have requested that if possible consideration of the scheme be given as early as possible.

Application and Site Details

This application is a resubmission following a recent refusal of reserved matters and again seeks reserved matters approval. (Both decisions follow the grant of outline permission for the erection of dwellings on land at the former Waterglades Public House, Rose Hill, Willenhall.) It seeks consent for details required under a number of conditions and reserved matters for the design and landscaping of the site only (the siting, means of access and external appearance of the buildings having already been approved at the outline stage). This report focuses on those issues.

The building design has been amended, reducing the height (a major concern in the refusal) and using the roof space to create the top floor, served by dormer windows.

Access to the site is from Rose Hill. The site is on the edge of Willenhall town centre close to the main railway line between Walsall and Wolverhampton.

The area is of mixed uses, residential to the south and east, industrial to the west (rear) and commercial properties of the town centre beginning on the other side of the railway line.

The scheme proposes a row of seven three storey terraced type townhouses (each four bedrooms) set back from the footpath along Rose Hill by 1.5 to 2.0 metres, this is in line with the character of the existing Victorian properties to the south of the site and replicates the illustrative drawings submitted at the outline stage.

Each townhouse has a private rear garden with access to designated parking spaces. Further communal parking is provided also at the rear for the apartments which is accessed under the proposed apartment block.

The details include a 35 space car parking area at the rear, 200% for the houses and approximately 125% for the flats. The site is within 170 metres of the town centre.

The layout reflects that which was submitted at the outline stage and which approved the siting, means of access and external appearance of the buildings.

The site area is 0.26 hectares, providing a mix of 23 houses and apartments, 85 dwellings per hectare.

Relevant Planning History

07/2161/RM/W5 – Reserved Matters. Refused 30th August, 2007

05/1175/OL/W5 – Outline residential development for 7 townhouses and 16 apartments. Grant Subject to Conditions 22nd March, 2006.

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

In general the UDP promotes good development, it seeks to create good residential environments.

2.1, 2.2 and GP1: Sustainable Location of Development - Development will be guided by the principles of sustainability.

GP2: Environmental Protection - Requires new development to contribute to the improvement of the environment.

GP7: Community Safety - Development is expected to design out crime whilst maintaining good urban design.

Para 3.113, 3.114 & 3.115 Seek good design and high quality architectural and landscape design to improve access, discourage crime and create a distinctive environment.

Para 3.16 The Council will consider development in relation to its setting.

ENV32: Design and Development Proposals - Poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

H10: Layout, Design and Dwelling Mix - High quality living environment to be created, well integrated with surrounding land uses and local character.

Residential Development Standards (RDS)

These include guidelines relating to design and space around dwellings including garden dimensions, habitable room separation and boundary treatments.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP.

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

(PPG/PPS) - PPS1 on delivering sustainable development and good design and PPS3 SEEKS TO 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 and support more family housing, including more play spaces, parks and gardens for children.

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

Consultations

Transportation Division – no objection subject to plan identifying parking spaces allocated to plots.

Pollution Control Division –no objections

Fire Service – no objections

National grid – no objection

Public Participation Responses

One letter of representation received from a resident opposite the site who raises similar concerns to the outline application namely concern for road safety, parking outside the development thereby reducing road width and potential problems with flooding.

Determining Issues

- Landscape and Design
- Conditions

Observations

Landscape and Design

The development has been purposely designed to both compliment and enhance the existing street scene. Siting the building at the back of footpath with small frontage fore gardens enclosed by hedge planting and appropriate boundary treatment will continue the character of the residential street along Rose Hill to the south.

The height of the development has been reduced from the previous refusal (to reflect some of the concerns expressed) and now utilises the roof space to achieve the desired design and unit numbers. The height is now similar to neighbouring Victorian properties and its presence within the streetscene will create a strong feature and gateway to the town centre when travelling along Rose Hill towards Willenhall town centre.

Whilst the development will clearly be new as opposed to the existing mix of Victorian, 1930's and 1960's style dwellings, its design will create a feature within that part of the existing street scene and particularly on one of the main approaches to the town centre.

Conditions

The range of submissions is listed in the recommendation. The proposed boundary treatment, landscaping, lighting, materials and surfacing are all consistent with the scheme and acceptable. Other submissions are also acceptable. The Pollution Control Division required the addition of further information in respect of the ground investigations, this can be controlled through the original condition on the outline in so far as the submitted information has not fully addressed that condition.

Recommendation: Delegate to Head of Planning & Building Control