



To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2731/FL/E11  
**Application Type:** Full application

**Case Officer:** Alison Deakin  
**Telephone Number:** 01922  
652487

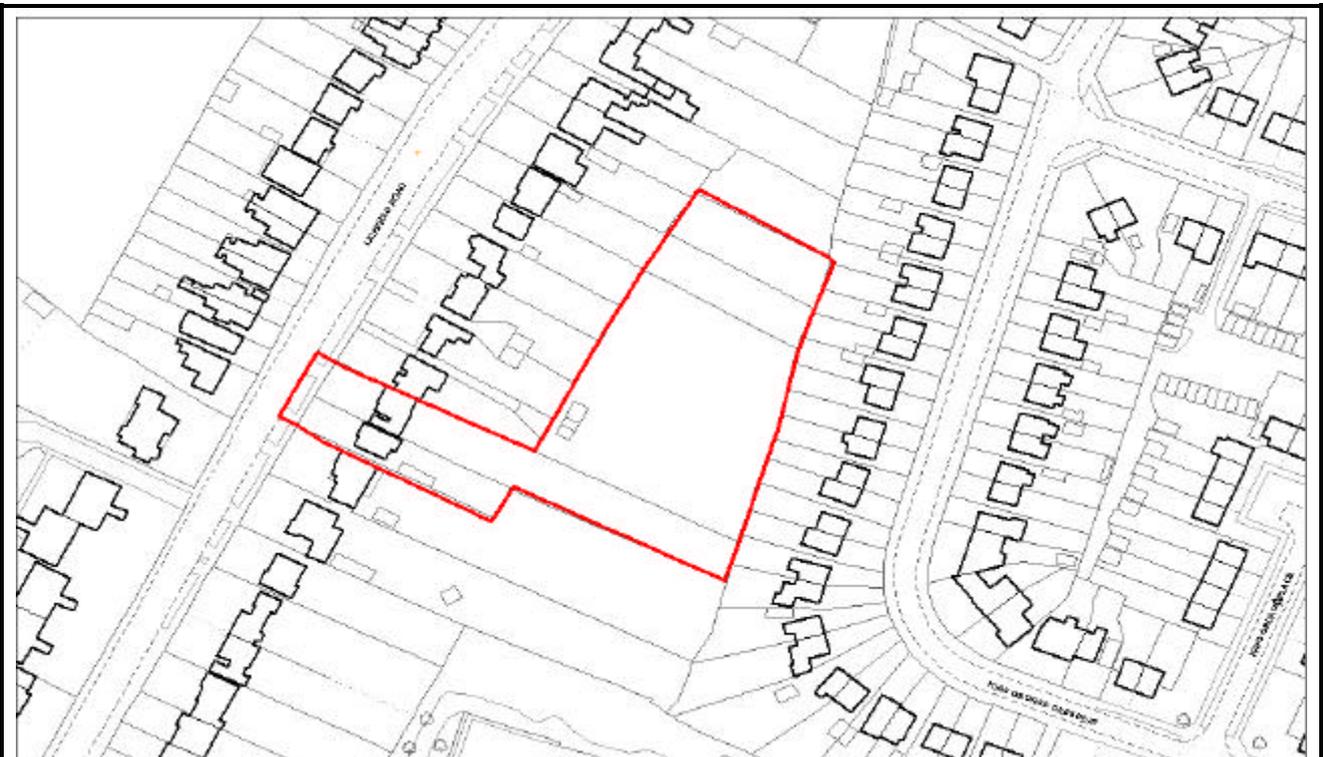
**Applicant:** Bentley Homes  
**Proposal:** Demolition of Nos. 215 and  
217 Lichfield Road and Erection of 21  
New Dwellings Including Access Road  
and Associated Works

**Agent:** Pegasus Planning Group  
**Location:** LAND TO THE REAR  
OF 201-217 LICHFIELD ROAD,  
RUSHALL, WALSALL, WS4 1EA

**Ward:** Rushall-Shelfield

**Expired:** 20/03/2008

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



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2	16	07/1362/FL/W2	FORMER DEELEYS CASTINGS, LEAMORE LANE, BLOXWICH, WALSALL	Erection of 102 dwellings and associated infrastructure including a balancing pond	Grant Permission subject to Conditions and a Planning Obligation.
3	36	07/2730/FL/W7	WILLIAM HOUSE, MARSH LANE, WALSALL, WS2 9LN	Demolition of existing warehouse and erection of residential block of 60 flats and 2 A3/A4 Units on basement ground and mezzanine floor. (Resubmission of 06/1986/FL/W7)	Grant Subject to Conditions.
4	57	07/2759/OL/W6	JOSEPH LECKIE COMMUNITY TECHNOLOGY COLLEGE, WALSTEAD ROAD WEST, WALSALL, WS5 4PG	Outline redevelopment and extension of school (masterplan)	Grant Outline Consent
5	70	07/2733/FL/W6	JOSEPH LECKIE COMMUNITY TECHNOLOGY COLLEGE, WALSTEAD ROAD WEST, WALSALL, WS5 4PG	New classroom block and extension of school site	Grant Subject to Conditions

6	79	07/2167/FL/E6	THREE CROWNS P.H., SUTTON ROAD, WALSALL, WS5 3AX	Change of use including minor extension to public house to form 12 residential apartments	Grant Permission Subject to conditions and a Planning Obligation
7	97	08/0183/FL	LAND ADJACENT WELL PLACE AND BARRACKS CLOSE, WALSALL.	Construction of 35 no. 2,3 & 4 bedroom dwellings with associated parking	Grant Permission Subject to Conditions and a Planning Obligation
8	113	07/2616/FL/W5	LAND BETWEEN 38 & 39 ROUGH HAY ROAD, DARLASTON, WS10 8NQ	Change of use to private garden	Grant Subject to conditions
9	117	08/0031/FL	FORMER FILLING SERVICE STATION, 1A HIGH STREET, MOXLEY, WALSALL, WS10 8RX	Retrospective: Change of use from vacant petrol filling station to hand car wash	Grant Subject to conditions
10	125	08/0211/FL	LAND ADJACENT TO 172 CLOTHIER STREET WILLENHALL, WALSALL, WV131BB.	Proposed 3 bed dwelling at land adjacent to 172 Clothier Street including rear access to 172 and 173 Clothier Street.	Grant Subject to Conditions
11	132	07/2684/FL/H5	LAND ADJACENT TO PLOTS 94 AND 171, POETS WOOD ESTATE, ALDRIDGE ROAD, WALSALL	Change of Use from managed landscape area to private garden land to be included in Plot Numbers 94 and 171 (6 and 37 Field Maple Road), and associated boundary fencing	Grant Subject to conditions
12	139	07/2549/FL/H5	76 BESCOT CRESCENT, WALSALL, WS1 4DH	Two-storey side, and single-storey front and rear extension	Refuse
13	144	07/2175/FL/E9	ADJ. 12 GRANGE AVENUE, WALSALL, WS9 8HJ	Erection of 2 no. 3 bed houses	Grant Subject to conditions
14	153	07/2705/FL/H3	2 HILLBURY DRIVE, WILLENHALL, WV12 5UT	Part two-storey, part single-storey side and rear extension	Grant Subject to conditions

## **Reason for bringing to Committee: Major Application**

### **Application and Site Details**

The application site comprises two dwellings and their gardens known as 215 and 217 Lichfield Road, Rushall and open paddock land located at the rear between the rear gardens of properties fronting Lichfield Road and King George Crescent. The proposal is for demolition of numbers 215 and 217 Lichfield Road and erection of 21 new dwellings, access road and associated works. The demolition of the existing properties will make way for creation of a new access to the land at the rear.

The two existing properties are large two storey detached houses set on a uniform building line to Lichfield Road having long rear gardens with established garden planting. The open land at the rear is mainly grass as it was formerly a paddock used for horses yet includes some stable buildings and areas of hardstanding. There are established trees within adjacent gardens around the perimeter of the open land. The surrounding properties on the eastern side of Lichfield Road also comprise predominantly large detached houses with long rear gardens but there is a variety of dwellings including flats and properties converted into multi occupation opposite the site. Properties on King George Crescent are two storey semi-detached properties with shorter rear gardens and are located at a higher ground level.

A new three storey building to accommodate three apartments (1 X 1 bed and 2 X 2 bed) is proposed at the Lichfield Road frontage adjacent to the access. The remainder of the new dwellings are located on the land at the rear including a mix of detached, semi-detached and terraced properties all facing the new access road. The proposed houses comprise 11 X 3 bed houses and 7 X 4 bed houses. These are predominantly 2 storeys with the exception of six of the central terraced properties which are to be 2½ storeys with dormer windows in the front elevation of the roof facing into the site and velux windows in the rear.

Parking for the terraced properties is located immediately in front of the dwellings and parking for the detached and semi-detached housing provided in garages and private drives with 2 or 3 spaces provided per dwelling. The apartments have a secure shared parking space at the rear of the building. Parking provision for the housing is therefore at least 200% and 160% for the flats.

The site area is 0.57 hectares giving a density of 36 dwellings per hectare.

In addition to the submitted site and floor plans, elevations and street scene illustrations the applicants have provided a Planning Statement, Design and Access Statement, Transportation Assessment, Ecological Appraisal, Arboricultural Assessment and Topographical Survey in support of the proposals.

## **Relevant Planning History**

03/2081/FL/E3 – Proposals for construction of 15 new dwellings and garages on land at the rear of 219 Lichfield Road (a larger site that incorporated 219 and land at the rear of 221 Lichfield Road) was refused by the Council on 1/12/04 contrary to officer recommendation. This proposed demolition of 219 Lichfield Road to provide access. The application was refused as the layout failed to meet adopted design and space standards and as a result would not provide an appropriate living environment and would have an adverse impact on the character of the area and amenity currently enjoyed by adjoining residents. It was also refused due to the absence of either on site provision of amenity space, or a financial contribution towards off site improvement of public open space facilities, which would in unacceptably increase the demands on local public open space facilities.

A subsequent Appeal was dismissed on 21/7/05 due to the impact on the character of the area in respect of density and design, impact on living conditions for existing dwellings adjacent to the proposed access and lack of and absence of a contribution towards provision for urban open space.

## **Relevant Planning Policy Summary**

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

GP1: Supports the sustainable location of development.

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

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

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

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

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

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

ENV23: The layout of all new development should to take full account of existing features of value for wildlife or geology and will require mitigation to compensate for features lost.

ENV24: New development which would sever or unacceptably harm the integrity of a wildlife corridor will not be permitted.

3.16, GP7, ENV32, H10 and 3.116: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be

permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

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

ENV39: The Council will encourage proposals for the development of renewable energy resources and for efficient use of energy.

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

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

8.8: states that residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities a financial contribution to the costs of providing these facilities will be required.

LC1: seeks to retain and enhance existing urban open spaces and readdress any deficiencies in the provision or accessibility of these. Residential developments will be required to make financial or other contributions, which will enable the provision of new, or the improvement of existing urban open spaces.

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

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

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

T13: car parking standards

1, 2 & 3 bedroom houses - 2 spaces per unit

4 bedroom houses and above - 3 spaces per unit

Flats with individual parking - 2 spaces per unit.

Flats with communal parking - 1.5 spaces per unit.

**Residential Development Standards** (April 2005) provides guidance to standards for residential dwellings. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Gardens should normally be 12m long and 68m<sup>2</sup> in area. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

### **Supplementary Planning Document for Urban Open Spaces**

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

## **Supplementary Planning Document for Education**

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

## **Regional Spatial Strategy**

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

## **National Policy**

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

PPS3 Housing - Promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments. Consideration of design and layout must be formed by the wider context.

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

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

Other relevant policies include PPS24 Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places- The Planning System & Crime Prevention.

## **Consultations**

**Transportation** – No objections subject to recommended conditions. The applicant looks to provide sufficient parking to serve the proposed development and the Transport Statement demonstrates there would be no adverse impact on the free flow and safety of traffic at the access point, or on the highway network. Revised plans have addressed earlier concerns.

**Pollution Control (Scientific Team)** – No objections subject to conditions.

**Pollution Control (Contaminated Land)** – No objections.

**Environmental Health** – No objections.

**Urban Design** – No objections.

**Strategic Policy** – Awaiting comments.

**Ecology** – Objects as there is no landscape plan and the bat survey was inconclusive. The ecological survey was carried out in November which imposes limitations on the conclusions that can be drawn and also not all

parts of the buildings were inspected. Further survey work at an appropriate time of year is therefore recommended. The ecological survey proposes new hedge planting and habitat creation which is not incorporated in the layout and no landscape details have been provided. Also, trees and hedges for retention are likely to cause significant shading to rear gardens and amenity space which may lead to their premature loss. In the event that the application is approved conditions should be imposed to require submission of a landscape plan, and further bat survey work before any demolition takes place. Preferably this information should be provided before determination of the application.

**Arboricultural Officer** – No objections in principle subject to provision for protection of any remaining trees in accordance with BS:5837 as detailed within the tree survey.

**Landscape** – Raises concerns that whilst this backland site is not prominent in the wider landscaped setting of this established residential area the scheme does not provide acceptable opportunities for planting. There are trees on the margins of the site that would be largely physically unaffected by the proposed building layout. However, there are instances where the existing trees may overshadow or overhang the proposed new houses and garages which are likely to lead to pressure from future occupiers for pruning or removal of the trees. There is also limited space for new tree planting, including that to the Lichfield Road frontage.

**Natural England** – No objections.

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

**Education Walsall** – No objections. A financial contribution of £45,585.19 is required towards secondary school provision in accordance in line with the Supplementary Planning Document for Education.

### **Public Participation Response**

A petition with 39 signatures and 33 letters of objection (including a letter from Rushall, Pelsall & Shelfield Local Neighbourhood Partnership) has been received which are summarised as follows:

- Increased traffic congestion on Lichfield Road leading to potential highway hazards in terms of vehicle and pedestrian safety
- Not addressed previous reasons for dismissing appeal
- Loss of wildlife habitat and impact on protected species
- Overlooking resulting in loss of privacy – particularly from 3 storey dwellings and given ground level differences
- Devaluation of property (*not a material planning consideration*)
- Too high density resulting in cramped overdevelopment
- Exacerbation of drainage problems by building on green land
- Insufficient parking to serve the development

- Loss of the two houses within the street scene and out of keeping with surrounding character
- Loss of sunlight to gardens
- Loss of outlook and views of unsightly buildings
- Increased noise and disturbance from cars and occupiers/increased air pollution
- Proposed layout may prejudice development of adjacent land
- Loss of security to back gardens
- Development of previously undeveloped green land on site not allocated for residential development
- Does not encourage pedestrian and cyclist access to local amenities
- Loss of the trees to create access
- Uncertainty regarding the existing access to the land between 211 & 213 Lichfield Road poses security issues
- Increased pressure on amenities in Rushall
- Lack of acoustic barrier to surrounding properties
- Inadequate access for fire service, delivery and refuse vehicles
- The LNP does not support the proposals

Two letters of support has been received which are summarised as follows:

- Improved security for 213 Lichfield Road by erection of a boundary wall
- Improved security for surrounding dwellings as building new houses on the land at the rear will prevent intruders
- Privacy is maintained for existing dwellings by the positioning of the buildings
- Prevention of vermin problem from existing wasteland
- Development of this land will reduce pressure to build on Green Belt land and make more effective use of vacant land
- Proposals will enhance the area and prevent further deterioration of the land

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

### **Determining Issues**

Whether the proposals overcome the previous reasons for refusal and dismissal of the appeal in terms of:

- Impact on the character of the area in respect of density and design
- Impact on Living Conditions
- Urban Open Space Provision

Also other matters raised as a result of public participation:

- Principle of Residential Development
- Access and Parking
- Landscaping/Trees/Ecology

## **Observations**

### **Impact on the character of the area in terms of density and design**

The appeal Inspector found that the density of the earlier scheme (15 dwellings) was too low at 20 dwellings per hectare and would be contrary to policy H9 and that the layout of exclusively detached houses did not provide an appropriate mix of house types to reflect the character of the surrounding area or to justify such a low density. The current proposal is for 36 dwellings per hectare which seeks to make more efficient use of the land and provides a mix of one and two bedroom apartments and three and four bedroom houses including detached, semi-detached and terraced houses. This provides a density within the range specified in policy H9 and in PPS3 to accord with the principles of sustainability and provides a greater mix of house types and sizes to better reflect the surrounding context.

The inspector also expressed concern regarding the previous layout as it proposed exclusive use of detached houses with detached double garage blocks and long driveways where there were extensive areas of hardstanding and overprovision of parking resulting in a cramped appearance. The current proposals provide for a greater mix of house types, some detached houses with garages between the houses to reduce the visual dominance of vehicles and some parking on street immediately in front of the houses they serve with tree planting between to break up the spaces. These factors coupled with proposed use of different surface materials such as paviers, within the cul-de-sac are considered by officer's to reduce the visual dominance of parking areas and as a result create a less cramped appearance in order to address previous concerns.

### **Impact on Living Conditions**

The previous scheme was refused by the Council on the basis that the garden areas provided would be inadequate and fail to meet adopted standards, the close proximity of buildings to the boundaries of existing dwellings and potential overbearing effect on the outlook for existing residents, loss of privacy to adjoining gardens and the impact upon the living conditions of the remaining properties adjacent the proposed new access.

However, the Inspector found that the garden areas were adequate and although they fall short of Council standards the wide plots did give sufficient area of garden space. Members may also be aware that recent appeal decisions have called into question a rigid reliance on the RDS guidelines. The current proposal again incorporates wide plots for detached houses and although there are also terraced properties that have a narrower plot width the garden lengths of these properties range between 9-12m with only 10 garden areas falling below RDS standards yet ranging between 38m<sup>2</sup> and 60m<sup>2</sup>, compared to the RDS standard of 68m<sup>2</sup>, which on balance is considered acceptable. Also as the gardens adjoin other gardens and open space the reduction in garden area will not to harm residential amenities and there are no instances where the lack of garden length would result in inadequate

window to window distances between existing and proposed dwellings therefore the overall objective of the garden length standards are met.

Although the outlook for existing properties surrounding the site would inevitably be altered due to the presence of the proposed new housing adjacent to the boundaries of their gardens the case officer considered that the adjoining gardens are of sufficient length that the effect would not be oppressive or cause undue harm to residential amenities. Also existing vegetation and trees within the surrounding gardens would be retained providing some limited screening and as the separation distances between existing and proposed housing meets the RDS criteria privacy would be maintained and residential amenities protected.

Objectors have raised concerns about the inclusion of three storey dwellings in the proposed layout and potential for overlooking. However, only the apartment building fronting Lichfield Road is three storeys and it is designed to respect the height of adjacent dwellings whilst its position in line with adjacent dwellings reduces the potential for overlooking. Plots 7-10, 16 and 17 within the rear part of the site are intended as 2½ storey dwellings that utilise the loft space and incorporate front facing dormer windows that overlook the internal part of the application site only, with roof lights on the rear elevations. The overall height and mass of the proposed 2½ storey dwellings is therefore not significantly greater than the other proposed dwellings and as these are in the centre of the site, not on the edges it is considered that there will be no adverse impact on neighbours privacy or outlook. A condition is recommended to remove permitted development rights to prevent further extensions or alterations to the proposed dwellings.

The final concern in relation to living conditions raised at the previous appeal was the impact the demolition of the Lichfield Road frontage property would have on the character of the area and living conditions of existing houses adjacent to the proposed access regarding diminished acoustic screening, noise and disturbance from use of the access and potential lighting and diminished security to existing properties. The current application seeks to demolish two existing properties on Lichfield Road in order to create access that will allow for provision of a new apartment building that addresses both Lichfield Road and the access road. A new 1.8m high boundary wall is proposed along the perimeter of the adjacent dwelling 213 in order to provide enhanced screening and security and additional landscaping proposed along the back of the highway to provide further screening along the access. The proposed layout will also provide improved security to existing dwellings whose back gardens adjoin the site as the dwellings at the rear offer improved surveillance in order to deter potential anti social behaviour.

### **Urban Open Space & Education Provision**

Although the previous decision referred to provision of open space only, current policies require provision of education facilities also. In accordance with policies GP3, 8.8 and LC1 of the UDP and relevant Supplementary

Planning Documents on provision of Education and Urban Open Space the application would be subject to a S106 Planning Obligation to secure contributions towards provision of education and urban open space. On the basis of the submitted plans an education contribution of £45,585.19 and urban open space contribution of £57,420.00 would be required which gives a total of £103,005.19. The applicants have agreed to enter into a S106 Obligation to address these matters.

### **Principle of Residential Development**

There was no objection to the principle of residential development in the previous reasons for refusal of application 03/2081/FL/E3 but objectors have raised the issue of development of greenfield land. The existing dwellings 215 and 217 Lichfield Road are considered previously developed land of which the proposals seek to make more efficient use in accordance with policies ENV14, 6.3 and H3. The open land at the rear has previously been used for keeping horses and comprises overgrown grass and is relatively undeveloped other than the stable buildings and an area of hardstanding. It may therefore be considered as greenfield land. Policy 6.3 encourages a sequential approach which maximises the re-use of previously developed land and buildings within the urban area before the use of greenfield land. However, the continued use of the paddock for keeping horses is constrained by the fact that this is a backland site that has a narrow access between existing dwellings and is surrounded by residential gardens. As the site is within an urban area close to Rushall Local Centre where there is access to public transport, shops and facilities then an alternative use for residential purposes is considered acceptable.

### **Access and Parking**

A Transport Statement has been submitted in support of the application to demonstrate the potential impact the development generated traffic may have on Lichfield Road. Transportation are satisfied that the proposals will have no adverse impact on the free flow of traffic at the access point, or on the highway network. Amended plans have been submitted (Drawing P40 Rev F) that show minor revisions to the junction radii, parking bays, bin and cycle storage. The proposals show 2 parking spaces for 3 bed houses, 3 parking spaces for 4 bed houses and 5 shared spaces to serve the 3 apartments. This accords with policy T13 and is therefore acceptable. Parking is provided either in the curtilage of each property, immediately in front of the properties or in a parking court. Although objections have been received claiming insufficient parking to serve the development the provision accords with UDP policy and as the site is in a sustainable location close to Rushall Local Centre and a main public transport route. The proposals are therefore considered not to have any adverse impacts on amenities or highway safety. The Fire Service is also satisfied that the layout is acceptable. The proposals seek to create a pedestrian friendly environment within the cul-de-sac and incorporate measures to reduce vehicle speeds.

### **Landscaping/Trees/Ecology**

A significant lime tree was recently removed on the frontage of 215 Lichfield Road to accommodate the proposed access. This tree was not protected by Tree Preservation Order and in the circumstances did not need Local Planning Authority approval for its removal.

The landscape officer and ecologist have requested a full landscaping scheme to be submitted prior to determination to show greater landscaping and habitat creation within the layout. The ecologist has also requested that further bat surveys are carried out prior to determination of the application. These issues were not referred to in the previous appeal decision which is a material consideration in determination of the current proposals and cannot therefore be introduced as a reason for refusal of the current proposals. In addition these were not matters that influenced the decision of the Inspector. However, in mitigation for any potential harm to protected species or their habitats it is recommended that a condition is imposed to require the additional surveys be carried out and landscaping approved prior to commencement of any development on site. It is also pointed out that in order to address the previous appeal decision where the layout represented an inefficient use of land the current developers have sought to introduce a greater density and mix of dwelling types and as a result there is less space available within the site for incorporation of significantly greater amounts of landscaping.

### **Conclusions**

The principle of residential development was accepted in the previous application 03/2081/FL/E3 therefore the key issues remain whether the current proposal addresses the previous reasons for refusal and dismissal of the appeal. For the reasons given above it is considered that the new scheme has addressed the character of the surrounding area in terms of density and design, impact on living conditions and provision of urban open space and education contributions. In addition the minor revisions to the access and parking arrangements are acceptable and provision of a suitable landscaping plan and further ecological reports can be addressed by way of conditions in order to address other concerns. The proposals provide a density and housing mix that addresses the Inspector's concerns and meets the objectives of creating a sustainable development that makes more efficient use of land within the urban area.

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

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

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

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

- Location Plan (Dwg. 010) received 20/12/07
- Proposed Site Plan (Dwg. P40 Rev F) received 29/02/08
- House Type A Proposed Plans & Elevations (Dwg. P-01) received 20/12/07
- House Type B Proposed Plans & Elevations (Dwg. P-02) received 20/12/07
- House Type B1 Proposed Plans & Elevations (Dwg. P-07) received 20/12/07
- House Type C Proposed Plans & Elevations (Dwg. P-03) received 20/12/07
- House Type D Proposed Plans & Elevations (Dwg. P-04) received 20/12/07
- House Types F & G Proposed Plans & Elevations (Dwg. P-06) received 20/12/07
- Street Scenes (Dwg. P-08) received 20/12/07
- Perspective Drawings (Dwg. P-09) received 18/01/08
- Site Sections (Dwg. P-10) received 06/02/08
- Planning Statement prepared by Pegasus Planning Group dated December 2007 received 20/12/07
- Design & Access Statement prepared by BBLB Architects dated December 2007 received 20/12/07
- Ecological Appraisal prepared by FPCR dated December 2007 received 20/12/07
- Tree Assessment Report prepared by FPCR dated December 2007 received 20/12/07
- Transport Statement prepared by BWB Consulting dated December 2007 received 20/12/07

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

3. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall otherwise only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 14.00 on Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

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

*Reason:* To ensure the satisfactory appearance of the development and enhance the canalside corridor.

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

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

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

6. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees to be retained adjoining the perimeter of the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any site preparation, or construction work is undertaken and shall be retained until the development is finished and all other equipment and installations have been removed from the site, the protection area shall be kept clear of all contractors' materials and machinery at all times. Details of measures to be used to protect the street trees shall also be submitted for approval and thereafter retained in accordance with the agreed details.

*Reason:* To safeguard the trees around the perimeter of the site in the interests of visual amenities.

7. No development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments has been submitted to and approved in writing by the Local Planning Authority.

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

8. Notwithstanding the submitted plans, the access ways, vehicle parking areas and manoeuvring spaces shall be hard-surfaced in materials to be

agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the access drives, vehicular turning areas and parking have been provided as shown on the approved plans. These areas shall thereafter be retained and used for no other purpose.

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

9. No development shall be carried out unless and until arrangements have been made for the satisfactory drainage of the site, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

*Reason:* In the interests of the amenity of the area.

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

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

11. Prior to the commencement of any demolition, construction or engineering works on site a further ecological survey shall be carried out between May and September to ascertain the presence of bats. Survey work shall be carried out in accordance with the Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (2007). No demolition shall take place until the report of survey work has been submitted to and approved in writing by the Local Planning Authority. The recommendations included in the approved report shall then be implemented in accordance with the agreed details and subject to confirmation by the Department for Environment, Food and Rural Affairs, if a license is required.

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

12. Prior to commencement of the development full drawn details of the following matters shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees otherwise in writing:

- Covered, secure cycle storage to serve the apartments
- Bin store facilities and bin hardstanding to serve the apartments
- Details of traffic calming and vertical alignment
- Provision of parking for site operatives, machinery and visitors within the application site

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

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

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

14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no development within Classes A, B, C, E and F of Schedule 1 to the Order shall be carried out on any of the dwellings hereby approved without the prior submission and approval of a planning application.

*Reason:* To enable the Local Planning Authority to retain effective control over future development at 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, 2.2, 3.6, 3.7, 3.16, GP2, GP3, GP7, ENV17, ENV18, ENV22, ENV23, ENV32, ENV33, H9, H10, 8.8, LC1, T7 and T13 of Walsall Unitary Development Plan March 2005, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

**Notes for Applicant**

**In relation to condition 3**

\* 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.



To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/1362/FL/W2  
**Application Type:** Full application

**Case Officer:** Andrew Thompson  
**Telephone Number:** 01922  
652403

**Applicant:**

**Agent:**

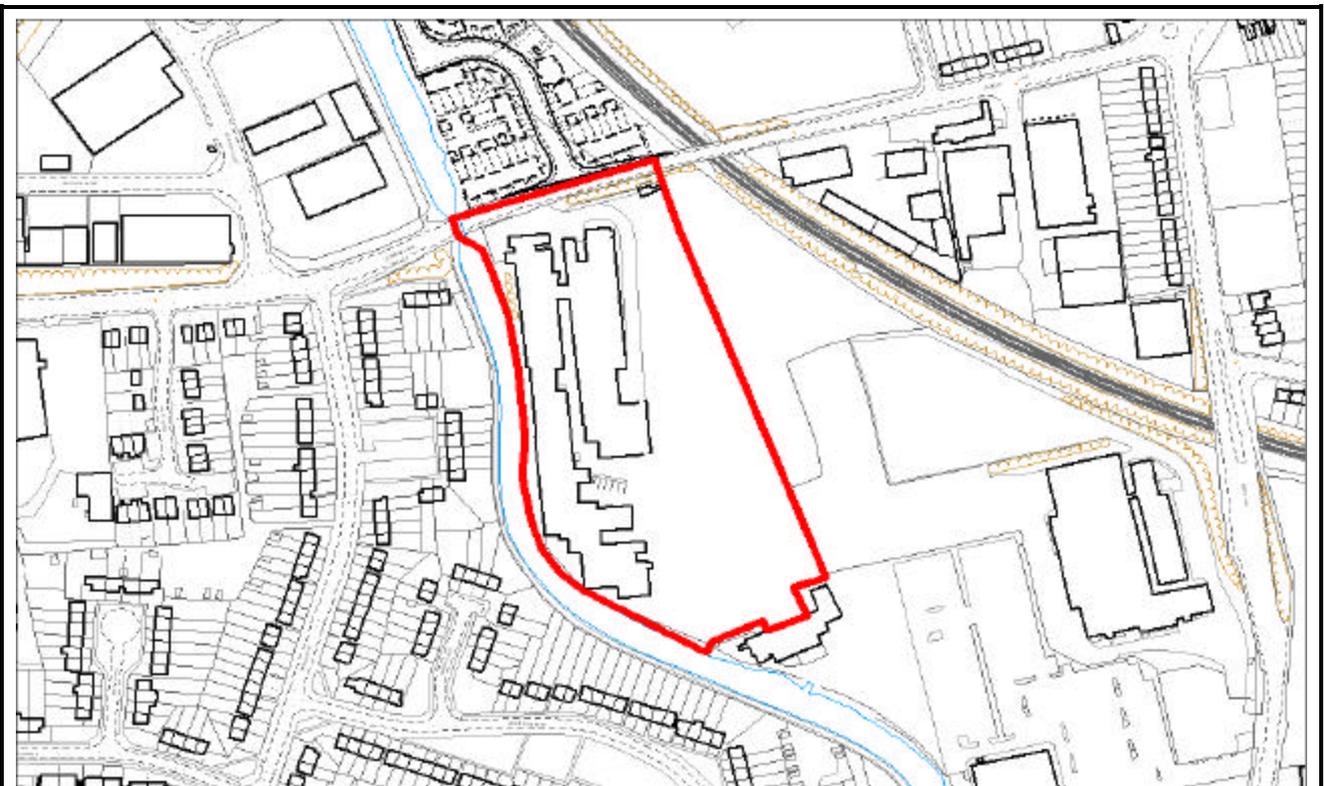
**Proposal:** Erection of 102 dwellings and associated infrastructure including a balancing pond.

**Location:** Former Deeleys Castings, Leamore Lane, Bloxwich, Walsall

**Ward:** Birchills Leamore

**Expired:** 10/10/2007

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



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## **Reason for Bringing to Committee: Major Application**

### **Application and Site Details**

The site is to the southern side of Leamore Lane opposite the development approved under planning permission reference 06/1118/FL/W2. The site is broadly rectangular in shape and bordered by the Wyrley and Essington Canal on two sides and British Car Auctions on the eastern boundary with the railway beyond. The towpath is on the opposite side of the canal to the development. There is a pedestrian route to the canal towpath on the west side of the canal bridge. Beyond the canal are a number of residential properties. The foundry / factory complex occupying the site has been demolished.

To the north of the site on the opposite side of Leamore Lane and on the western side of the canal, land is used for commercial purposes as part of an allocated area of Core Employment Land.

The site is to be served by a single access point centrally located on the Leamore Lane frontage on the northern boundary of the application site.

The proposals are for 102 residential units in a mix of 2, 3, 4 and 5 bedroom units on a development density of 45dph. The proposals include 189 car parking spaces (185%).

The proposals are a mix of two, two and a half, and three storey development with an emphasis towards the development fronting the canal and a centralised “home zone” concept. The designs are traditional house types with pitched roofs and the use of courtyard parking as private areas.

The proposals form a strong frontage to Leamore Lane with 3 storey dwellings forming and defining the entrance to the site. The site levels fall down into the site from Leamore Lane and therefore building plots 44, 45 and 46 will form the vista viewed from Leamore Lane whilst also creating the entrance to the central area. The central houses will be primarily 3-storey in design. The canal frontage will be a variety of styles and designs on a traditional canal-side theme with front doors facing onto the canal to promote active frontages, surveillance and use of the canal.

The application is supported by a Design and Access Statement, Acoustics Report, Flood Risk Assessment, Ecological Appraisal, Tree Survey, Ground Investigation Report and a Statement of Community Consultation carried out at the pre-application stage.

### **Relevant Planning History**

**None on site**

### **Site Opposite**

06/1118/FL/W2 - Redevelopment of site for new residential development of 134 units and associated works, including access alterations. Granted – 11/06/2007

BC28247P Outline: Industrial Units Development with Associated Parking & Access Road Grant Subject to Conditions 11/9/90

### **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).

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 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

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.

Policy LC1 of the UDP is an important consideration in the provision of open space within the development.

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

## **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 the major urban areas. Policies CF1, CF3, CF4 and CF5 seek to encourage housing in sustainable locations. Policies QE1, QE2, QE3, QE4 and QE9 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.

## **National policy**

PPS1: Sets out the overarching planning policies on the delivery of sustainable development through the planning system. 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. This includes high quality housing that is well-designed and built to a high standard; 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; a sufficient quantity of housing taking into account need and demand and seeking to improve choice; and housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

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. PPS23 (Planning and Pollution Control) and PPS 24 (Planning and Noise) also apply seeking to appreciate and conserve the historic environment and deliver development which does not raise issues in terms of polluted environments.

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 Transportation objections to the principle of residential development on the site. However, there are several areas of detail concern which need to be resolved via the imposition of conditions. These relate to the construction of the signalised junction identified in the TA, the completion of a section 278 agreement and payment of commuted sum towards future traffic signal maintenance costs, the extinguishment of the private right of way from the adjacent car auction site to the existing access on Leamore Lane and the removal of the existing access and re-instatement of full footway construction, the completion of an acceptable travel plan. In respect of the bin collection areas shown, Transportation Officers consider that there is insufficient provision both in size and location within the development which will lead to obstruction of the highway.

**Pollution Control** – No objection subject to conditions

**Urban Design** – No objection.

**Natural England** - No objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal.

**Ecology**– Object to this application because the design of this development has not satisfactorily integrated existing features of value for wildlife within the layout. Of major concern is the encroachment of development very close to the tree belt along the canal frontage which will result in the partial destruction of a section of the belt and the frontages of the proposed houses being constructed within a few metres of tree canopies. There is a strong risk that future house owners will not tolerate shading by these trees leading to their removal.

The canal is a wildlife corridor defined in the UDP and a Site of Local Importance for Nature Conservation and therefore it is important that any development on the canal frontage takes proper account of the ecological context in conformity with the Council's UDP policies and pre-application advice. At least three species of protected species were found on or immediately adjacent to the site.

Some recent amendments have been received which attempt to introduce ecological elements into the proposed development. These include enhancing

a small balancing pond at the south of the site and the inclusion of tree and shrub planting along the Leamore Lane frontage. However, no landscaping plan has been received and details are currently insufficient to assess the quality of the scheme.

It is important to try and resolve the future management of the tree belt, although it is out of the application site and is not owned by the applicant. I understand that this is being done.

In conclusion, I feel this scheme has failed to properly consider the ecological context of the site and will be damaging to wildlife.

If the application is approved planning conditions will be required to cover the following issues:

- Construction of a steel vertical bar fence along the canal frontage to discourage encroachment on to the canal frontage by future residents. This should be at least 1.5 metres high.
- A full landscape scheme.
- Full details of the establishment and management of the area around the balancing pond. This should include the design and composition of the substrate.
- A tree survey to BS5837: 2005 to identify Root Protection Zones in respect of the trees along the canal frontage is required. Within the RPZ details should be given of the construction methods proposed to avoid damage to tree roots, remedial works proposed to trees, protective fencing. During construction there should be no storage of materials, driving of vehicles, lighting of fires, siting of temporary buildings. It is important that there are no levels changes or service runs within this area.
- Provision for artificial bat boxes should be incorporated into the buildings on the canal frontage.

**British Waterways** – Welcome the development and seek contributions towards canal improvements as part of the Section 106 Agreement.

**Environment Agency** – Requested balancing pond to overcome lack of Sustainable Drainage Systems (SUDS) and ensure adequate drainage. In principle the EA have no objections to the proposals shown on the above plan subject to the details being confirmed in full. Details have been submitted to the Environment Agency. The pond is to be a wet area following the appropriate design guidance.

**Urban Open Space** – Seek £255,865 in accordance with the Council's Adopted Supplementary Planning Document.

**Healthcare** - Seek £140,269.50 in accordance with the Council's Adopted Supplementary Planning Document.

**Education** – Seek £244,735.10 towards Secondary School provision in accordance with the Council's Adopted Supplementary Planning Document.

**Housing Strategy** – Seek 25% of the units towards affordable housing in accordance with the Council's Adopted Supplementary Planning Document. This should be integrated within the development and mixed across the property types and sizes.

**Fire Service** – No objection subject to a satisfactory fire access strategy being implemented.

**WRC** – Support the proposals in terms of the strategic aims.

**Centro** – No objection subject to the applicant agreeing to a residential travel plan.

### **Public Participation Responses**

None.

### **Determining Issues**

- The Principle of Residential Development
- Design and Layout of the Proposed Development
- Environment Agency comments
- Transportation comments
- Ecological comments
- Section 106 Agreement

### **Observations**

#### **The Principle of Residential Development**

The development lies within the Walsall Regeneration Company "Canal Communities" regeneration area where residential development is to be supported. 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. The site is not an allocated employment site within the Adopted UDP and the proposals are considered to be consistent with Policy JP7(d) which considers that other uses, e.g. residential development, is appropriate and acceptable. The development proposed would be compatible with the David Wilson Homes scheme which is under construction on the opposite side of Leamore Lane.

Both national and local policies also identify the importance of sustainability. Centro have expressed some accessibility requirements. Officers suggest

conditions relating to a residential travel plan and cycle parking.

The development density of 45 dwellings per hectare is considered to be satisfactory in policy terms.

### **Design and Layout of the Proposed Development**

The overall concept is to produce a traditional styled development that builds a sense of place and context throughout the site. As such the design and layout of the proposals are centred on two principal areas.

Firstly the development aims to create an active and interesting frontage to the canal frontage with traditional architecture and pedestrian accesses to houses fronting the canal. This positive relationship to the canal will encourage use of the canal (though this is by influence as there is no direct access to the water as the towpath is on the other side) and give active overlooking to the canal towpath. The relationship to the canal is positive and would build on the principles of high quality design.

The second point is to create a central feature to the scheme where the pedestrian and vehicular space is blurred to create a shared surface and place which encourages interaction. This feature would be consistent with best practice and urban design techniques in improving the quality of the built form and producing high quality usable streets.

In addition there is clear evidence from examples already in place around the country that this sort of development reduces car dominance, slows traffic speeds and encourages community interaction. As such it is considered that the proposed central area would create a sense of place to the development and should be encouraged.

### **Environment Agency comments**

The applicant has submitted a Flood Risk Assessment which raised objections from the Environment Agency with regard to the amount of drainage and the lack of sustainable drainage systems (SUDS).

The drainage on the site will be designed to accommodate considerable levels of surface water and a balancing pond has been added to accommodate additional drainage requirements.

The reason for not incorporating SUDS (e.g. soakaways) is the level of ground contamination and that this would compromise the remediation strategy and works that are proposed to be installed.

Whilst SUDS is encouraged in new developments, in this case the Environment Agency have accepted and been actively involved in the design of the balancing pond. The Ground Contamination issues on the site are also noted by the Environment Agency and it is accepted that SUDS cannot be incorporated on this development.

In addition to the elements set out on the applicant's plan the Environment Agency have also calculated that around 79 of the proposed property plots could be provided with a water butt (with an overflow connected to the drainage system). Whilst the Environment Agency fully support the use of water butts on all new residential development sites, they cannot be included within final attenuation calculations, but could be taken into account when calculating lost capacity due to siltation within any drainage system. This will be important and beneficial in reducing the amount of rainwater in the sewer system and create a positive element for future use of the gardens. Overall Officers consider that this is acceptable.

### **Transportation comments**

Transportation and Planning Officers have met with Cala Homes and their legal representatives to secure appropriate resolution of highways issues on the site. With regard to the existing access, Highways Officers have confirmed that the closure of the existing foundry access under the relevant sections of the Highways Act will be an improvement to highway safety.

The principal issue is the right of access of British Car Auctions over the site to the current access on Leamore Lane. The new road will improve the safety and ease of access for British Car Auctions and might encourage them to use this access point which appears to have not been used in recent years. A condition as part of the S106 (using both planning and highway powers) securing the extinguishment of the right of way is essential and has been agreed by the applicant.

The site is accessed from Leamore Lane opposite the access to the David Wilson Homes site, work on this site has commenced so the applicant will be required to construct the final form of the signalised junction indicated on Faber Maunsell drawing number 53402TBMD\_006 Rev A, included in the TA. This will be via a section 278 agreement and will require satisfactory safety audits and designers' responses and a commuted sum towards future maintenance of the signal equipment.

Turning to parking, including garages, frontage parking and unallocated visitor spaces there are 189 car parking spaces, 185% overall provision. The maximum level of parking sought by the UDP would be 266 spaces. There are 68 four bedroom properties, each provided with 2 spaces compared to the UDP standard of 3 spaces, each flat-over-garage is allocated one space with four shared visitor parking spaces. A parking strategy plan has been submitted showing the overall the level of parking provision and it is considered acceptable by planning and Transportation Officers.

The majority of the site fails to meet the standards sought in the UDP for walking distance from a bus stop. Consequently, and in conjunction with the reduced car parking provision, use of non car modes should be encouraged. A travel plan will be part of the Section 106 agreement.

A plan has been submitted relating to bin storage areas and whilst Transportation comments are noted, there is no need to over-engineer a solution without any appreciation of how the future residents are going to use the development. Provided locations are provided, the need the future residents and the bin collection service will determine for themselves where to put the bins no matter what facility is provided for them.

With regard to Manual for Streets it states that above all design and standards should be flexible and not driven by numbers or figures contained within guidance documents and that these should not be compromised by slavishly adhering to these figures. It allows then design and work up streets that are not dominated by the need for movement

Secure cycle storage should be provided for all units. A plan is required showing the areas of highway to be offered for adoption.

The applicant has been submitted and demonstrates that the Council's bin lorry can manoeuvre around the site and the applicant is aware of the Fire Service's comments with regard to properties fronting the canal. It is considered that adequate fire access can be achieved in accordance with Building Regulations Document B5.

There are no details of the depth of the balancing pond currently submitted and the applicant is detailing this in consultation with Officers and the Environment Agency. Protection measures will be put in place by the applicant to prevent drivers losing control on the bend and entering the water, and a condition to this effect is recommended.

Overall it is considered that the proposals would be acceptable subject to the imposition of conditions and the Travel Plan being included in the S106 legal agreement.

### **Ecological comments**

As part of the submission the applicant has submitted an ecological assessment which has been considered in detail by the Council's Ecological and Landscape Officers.

The canal is a wildlife corridor and protected from damaging development in the adopted UDP. The canal is also a Site of Local Importance for Nature Conservation and therefore to be protected from damaging development.

The canal is important visually and the fronting of houses onto this feature is supported, however, Ecological Officers consider that houses should be set well back from the buffer strip of 10metres to avoid damage to the trees and to discourage encroachment into the canal side vegetation.

It is noted that Ecological Officers advise that a strip of around 10 metres is required however Officers consider that this would be onerous and

significantly in excess of the buffer on the approved David Wilson Homes scheme on the opposite side of Leamore Lane. Taking into account this approved development and the approval of Urban Design Officers to the layout and design, it is considered that the proposals are considered to be reasonable in its relationship to the canal and that a 10m buffer strip would compromise the deliverability of the overall development concept.

The frontages of the proposed houses range from 4 to 6 metres of the SLINC boundary. A full landscape scheme is conditioned accordingly.

The applicant's ecological consultants suggest the retention of the tree belt within and outside the application site, along the southern end of the site was visually important as it separated what would be a residential area from adjacent land uses.

The design of the proposals has no buildings on the southern boundary with a turning head, four parking spaces and balancing pond as the only development in close proximity to the southern boundary.

It is noted that ecological and landscape officers consider that it could be possible to incorporate the proposed balancing pond feature into a proper wetland which would augment the canal corridor. In this regard the balancing pond could be a positive environmental feature.

The Council's Ecological Officers also consider that a substantial landscape belt is required along the eastern boundary to separate the development from the large adjacent car park (car auction site). It is noted that the previous use presented poor quality landscaping to this boundary and that Pollution Control Officers do not object to the application in terms of noise indicating that noise and disturbance from the car auction site will not be detrimental to the amenity of future residents. Back gardens on these properties are 11 metres and those properties that are side on to the eastern boundary are set off the boundary.

It is noted that the canal margin is well vegetated with emergent vegetation and trees. This strip is largely outside the application site but along the southern boundary it lies within the site. The remediation and demolition work has retained the offsite trees and these provide a good buffer to the canal.

It is noted that the findings of the bat survey showed that at least 2 species of foraging bats were discovered. This suggests that the site is used as a foraging area and the trees along the margins of the canal and the southern boundary of the site should therefore be properly retained within the development. It is proposed to condition bat boxes and new habitats be provided as part of the new development.

The findings of the water vole survey showed that no water voles were found in the canal by the application site and that there were no ideal habitats next

to the application site. However, the site immediately to the north of Leamore Lane has a flourishing water vole population and population movement could be expected along the canal corridor. The proposals include locations which will be developed as habitats for water voles.

Ecological Officers consider that it is important that the frontage of the application site retains features of value as a wildlife corridor and remains relatively free of disturbance from future residents and their pets. It is noted that the canal towpath on the opposite side of the canal provides unrestricted access to pets and residents, fishing under licence also takes place and the towpath is also used for cycling and informal leisure activity. However, in agreement with Ecological Officers, 1.4m high railings have been included along the boundary of the site which will prevent significant intrusion onto the canal bank.

The applicant's ecological consultants also discovered a disused badger hole in the south-western corner of the site. Following a further site visit on 5<sup>th</sup> February 2008, the applicant's ecologist has confirmed that there was an abundance of leaf litter and cobwebs together with plant growth at the entrance. In the interim between the additional survey and the original assessment no paths, prints or any other form of evidence of the presence of badgers was recorded within 30m of the site boundary. The applicant's ecologist concludes therefore that due to the location of the hole, a single outlying sett, between a canal and a discontinuous bankside habitat (inhibiting commuting along the canalside) and in an urban area of light industry and residential land use, access for badgers to this location is severely restricted and the likelihood of re-colonisation of this hole is considered highly unlikely. The sett is therefore considered inactive and does not pose a constraint to development and it is no longer necessary for a watching brief to be maintained on this site for badgers.

The Council's Ecological Officers consider that the additional badger report recently received is inconclusive because it cannot be determined whether the absence of recent evidence of badgers is because the sett is actually disused or because badgers have been driven away by the site clearance and remediation works.

The seed mix for the balancing pond is mainly for dry or occasionally wet areas. While the Council's Ecologist likes the species combination proposed, there is the question whether it will survive regular seasonal inundation. Off the peg seed mixes are of limited use, far better would be a mix designed for the conditions on the site. Seeds ideally should be of local provenance and certainly from a UK source.

It is absolutely essential that the seed is used only on substrates with low nutrient levels. The species proposed cannot compete with vigorous weed species. I have therefore proposed a planning condition requiring full details of establishment and future management of this feature.

The shrubs chosen for around the pond are all deciduous so will have little screening benefit. A native hedge including hawthorn, blackthorn and holly may be better and some tree planting could still be incorporated. The planting around the balancing pond will be conditioned

The other woodland areas are also a concern because only trees are proposed. What happens at ground level is also critical. Ideally there would be shrubs and herbaceous native ground flora. I would not want to be bound by this apparently hastily gathered information. It really does not get the scheme any further forward.

Overall, whilst the development will not satisfy the objections of Ecological Officers, the applicants have made considerable effort, including excluding development from the southern boundary, including a balancing pond, and incorporating water vole habitats within the development to overcome the objections to the proposals.

When considered against the previous industrial use and the remediated quality of the land, it is considered by Officers that this will improve the overall natural environment. Therefore, on balance, the proposals are considered to be acceptable.

### **Section 106 Agreement**

The applicant has submitted a financial viability report to the District Valuers for assessment. Based on the figures and plans submitted to the District Valuer they conclude that based on the submitted Cala's sales value of the Affordable Housing properties, the projected sales figures could be slightly on the low side. Nonetheless any increase in value is unlikely allow Cala to provide additional contributions based on the abnormal costs demonstrated.

Working through the appraisal, adopting the District Valuers' sales income and accepting Cala's building costs (including all externals including roads/drainage etc) as reasonable, Cala's fee level is very reasonable, so S106 costs at the full £680,869 would not be possible on this site.

Based on the advice of the District Valuers assessment, Committee is therefore recommended to seek 15 units (14.7%) of affordable housing and £400,000 towards other contributions as offered by Cala.

On this basis, it is proposed to seek the full £244,735.10 towards the Education contribution and the remainder (£155,264.90) split equally between Healthcare and Open Space, £77,632.45 each. This equates to 55% of the Healthcare contribution and 30% of the Open Space contribution sought.

It is considered that approximately £10,000 of the Open Space contribution will be offered to British Waterways, for maintenance of the canal bank adjacent to the site. The view of officers is that this has a direct benefit to the

development and there is considerable merit in achieving this improvement through Section 106 payments.

In addition the S106 will contain a clause relating to the extinguishment of the existing right of way across the site and the provision of a Residential Travel Plan.

### **Conclusion**

Overall the proposals continue the concept of the Walsall Regeneration Company's "Canalside Communities". The proposals have been amended to create a high quality residential environment, have overcome Transportation concerns and detailed objections of the Environment Agency. Whilst the development will not satisfy the objections of Ecological Officers, the applicant have made considerable effort to overcome the objections and the proposals, when considered against the previous use and the remediated quality of the land will improve the overall natural environment to all. Overall the proposals are acceptable in the view of Officers.

### **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 the development, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed in partnership with this Council's Travel Wise co-ordinator and included in as part of a S106 Legal Agreement. 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 routes and infrastructure provision; and
- c) Walking initiatives.

The approved measures shall be implemented in accordance with the details written in the approved Travel Plan. A review of the approved Travel Plan shall be submitted to, and agreed in writing by, the Local Planning Authority in accordance with the approved Travel Plan. 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 and to promote sustainable modes of transport.

3. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The scheme, based on the principles outlined on the approved plans information, shall include tree protection methodology to be retained in or immediately adjacent to the boundary of the application site in accordance with BS 5837: 2005 'Trees in relation to construction', details of the water vole habitat areas, and replacement habitat creation areas, and habitats for terrestrial invertebrates. 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. All planted and grassed areas and associated protective fencing shall be maintained for a period of 3 years 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.
- (e) any tree works shall be carried out by a tree surgeon approved by the Head of Environmental Regeneration, or a person who is appropriately insured and competent in such operations

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

4. No fences, walls, barriers, gates or other forms of boundary treatment shall be installed or erected anywhere on the site until full details have been approved in writing by the Local Planning Authority. Installation or erection, and subsequent retention, shall be in accordance with the approved details.

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

5. The development shall be constructed in accordance with the Code of Sustainable Homes (December 2006) 3 stars standard relating to energy efficiency/CO<sub>2</sub>, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

*Reason:* In order to provide high performance sustainable homes and protect the environment in accordance with policy aims 3.17 and 3.18 and policy

ENV39 of the Walsall Unitary Development Plan and Policy CC1 of the Regional Spatial Strategy for the West Midlands.

6. Prior to built development commencing details of additional investigation and assessment of ground contamination and ground gas shall be submitted to and agreed in writing by the Local Planning Authority. A copy of the findings of the ground contamination investigation and ground 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 within 1 month of completion.

*Reason:* In order to ensure satisfactory development of the site.

7. Prior to built development commencing details of remedial measures (required as a result of survey work under Condition 6) 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:* In order to ensure satisfactory development of the site.

8. Agreed remedial measures (agreed under Condition 7) shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

*Reason:* In order to ensure satisfactory development of the site.

9. Prior to development commencing, a noise survey shall be undertaken in accordance with guidance and procedures contained in Planning Policy Guidance PPG 24 and British Standard BS 7445:1991, (as amended) "Description and Measurement of Environmental Noise" to the written satisfaction of the Local Planning Authority. The results of the survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the Local Planning Authority within 1 month of completion.

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

10. No occupancy shall take place until suitable noise mitigation measures have been implemented to the satisfaction of the local planning authority for all habitable rooms in close proximity to noise sources identified in condition 10. Such measures shall take into account the guidance and criteria contained in British Standard BS 8233:1999 '*Sound Insulation and Noise*

*Reduction for Buildings - Code of Practice'* and World Health Organisation 'Guidelines for Community Noise 2000' and shall be completed prior to the development coming into use.

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

11. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

*Reason:* To ensure the safety of the occupiers and users of the development.

12. 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 otherwise such works shall only take place between the hours of 07.30 to 18.30 weekdays and 08.00 to 16.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

*Reason:* In the interests of the amenity of adjacent occupiers.

13. 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.

14. No development shall be carried out until a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

*Reason:* To safeguard the amenities of the occupiers of adjoining premises and highway safety.

15. Prior to the commencement of development, details of the proposed balancing pond (including details of depth, confirmation as to whether this is a proposed wet pond or dry attenuation area, full supporting calculations be provided for the new drainage system, aeration facilities, retaining walls, landscaping and screening, boundary treatment and any lighting scheme) shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include an ecological assessment and detailed

landscaping scheme. The pond shall be installed in accordance with the approved details.

*Reason:* To ensure the satisfactory appearance of the development and to enhance the natural environment.

16. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

17. Before work commences on site details of measures to control water run off from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

*Reason:* To protect the water environment.

18. Prior to the commencement of development the details and locations of cycle stores, shall be submitted to and approved in writing by the Local Planning Authority. The stores shall be implemented in accordance with the approved details.

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

19. Prior to the commencement of development, or an alternative agreed timescale with the Local Planning Authority, the applicant shall construct the signalised junction indicated on Faber Maunsell drawing number 53402TBMD\_006 Rev A to a standard to be agreed in writing by the Local Planning Authority. The proposals shall be implemented in accordance with the agreed timescale and details.

*Reason:* In the interests of highway safety.

20. The Council's refuse vehicle will be required to access roads that are not being offered for adoption. Consequently, prior to the first occupation of the development, the applicant will be required to indemnify the Council against damage caused to the road by the vehicle.

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

21. Prior to the commencement of development details of additional bat boxes along the canal frontage shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to enhance the natural environment.

**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, ENV10, ENV18, ENV32, ENV33, JP7(d), H3, H9 and H10 of the Walsall Unitary Development Plan 2005, Policies QE3, QE4, QE5 and QE9 of the Regional Spatial Strategy for the West Midlands (RSS11), and Walsall's Urban Open Space SPD (April 2006), Education SPD (February 2007), Healthcare SPD (January 2007) and Draft Design Guide (November 2007) 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 website at [www.walsall.gov.uk](http://www.walsall.gov.uk) <<http://www.walsall.gov.uk>>.

**NOTES FOR APPLICANT:**

A) 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.

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

C) Noise Survey - In view of the topography of the site, monitoring positions used for the survey may need to be at the height of the receiver, this would entail locating the microphone at the same height of the proposed 4 storey flats and the monitoring must include the night-time period. The development may need to incorporate either one or a combination of the following measures to afford adequate acoustic protection to the future occupants: courtyard style development to include all non-habitable rooms located on the external façade facing potentially noisy activities, brick only (i.e. 'single aspect') façade to face potential noise sources and the layout of individual buildings to act as a noise barrier to neighbouring properties.

D) 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).

E) The site is adjacent to a bus shelter, which should be retained in its existing location. If this is not possible and the bus shelter must be relocated a standard 3 x 1.5m enclosed Transit shelter, at an approximate cost. The applicant and/or Council should liaise with Julie Smithers, Centro Bus Infrastructure Manager on telephone number (0121) 214 7123.

F) If the developer requires any advice on Travel Plans they should contact Louisa Stebbings, Walsall Metropolitan Borough Council's Business Travel Advisor, on 01922 652 561. Kerry Slater, Centro's TravelWise Officer, can also advise on public transport promotion initiatives and journey planning, and she can be contacted on (0121) 214 7409.

G) The Council consider the scheme should meet the terms of the Secured by Design concept, and will expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so.

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2730/FL/W7  
**Application Type:** Full application

**Case Officer:** Andrew Thompson  
**Telephone Number:** 01922  
652403

**Applicant:** Swan Wharf Construction  
Ltd

**Agent:** Associated Architects

**Proposal:** Demolition of Existing  
Warehouse and Erection of Residential  
Block of 60 Flats and 2 A3/A4 Units on  
Basement Ground and Mezzanine  
Floor. (Resubmission of  
06/1986/FL/W7).

**Location:** WILLIAM  
HOUSE, MARSH  
LANE, WALSALL, WS2 9LN

**Ward:** St. Matthews

**Expired:** 14/04/2008

**Recommendation Summary:** Grant Subject to conditions



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## **Reason for Bringing to Committee: Major Application**

### **Application and Site Details**

***The proposals are to demolish the existing 4 storey industrial building (currently vacant) and replace it with a ten storey development of modern construction with a basement.***

Marsh Lane is an unadopted highway. There is currently no ability for vehicles to turn and the ability for safely servicing the site is non-existent. It is noted that Marsh Lane also falls within the redline boundary of the Urban Splash application with this application also including this area to utilise the servicing and access arrangements approved under the Urban Splash permission.

The application is for 60 flats on the upper floors with commercial units to the basement, ground floor and a mezzanine floor. All accesses are to the Waterfront however the residential units face both directions in terms of habitable windows. No parking is proposed as part of the proposals. The density of the proposals is approximately 153 dwellings per hectare.

The commercial units on the ground, first and basement levels would be A3 (restaurant use) totalling approximately 1,053sqm. Bin stores and cycle stores would be located centrally on the ground floor with further storage capability within the central feature on the roof. The proposals include a lift.

### **Relevant Planning History**

06/1986/FL/W7 - Demolition of existing warehouse and erection of residential block of 44 flats with basement/ground floor for commercial premises (2no. A3 uses) – Refused December 2006

Waterfront applications, planning application 06/1450/FL/W1 and 07/2341/RM/W7 (Urban Splash) have both been granted permission. 07/0618/FL/W7 (Jessups) has also been granted permission.

Neighbouring the site is Crown Lofts Developments, planning permission reference 03/0381/FL/W4, and is particularly relevant in this instance as neighbouring residential and commercial developments.

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

Policy WA12: Town Wharf (“Walsall Waterfront”) is the key policy for the area. The policy states:

(a) The land within this area represents the continuation of the second phase of the Town Wharf development: the possibility exists to consolidate the previous two phases and maximise the opportunity offered by this canalside location. Given the proximity of the area to the New Art Gallery and The Wharf

Public House, both of which have received wide acclaim for their high quality contemporary design, the Council will require particularly high standards of design in this area. This should be reflected not only in relation to future construction of buildings, but also in the relationship to the canal, and the quality of public space, with the aim that the development should provide a major 'gateway' to enhance the town centre as a whole.

(b) The area, on both sides of the canal, is considered to be the main location in the town centre for substantial leisure development to serve the Borough and surrounding areas. It should be developed principally for leisure uses which can serve all sections of the community, and examples of uses that would be particularly welcomed by the Council include a cinema, a family entertainment centre and an adventure activity centre. Associated bars/restaurants would also be encouraged, provided they form part of a comprehensive scheme to provide major facilities. Other appropriate uses will include hotel, and conference facilities, cultural uses, and office/business uses (including small scale craft-based activities) to complement development primarily for leisure uses. Retail use, except small-scale, complementary activities, will not be permitted. Generally, the mix of uses and the arrangement of those uses should be such as to ensure the creation of the most attractive possible scheme for investment in leisure facilities.

(c) Residential uses may be acceptable in appropriate locations as part of a comprehensive scheme, but must be able to provide an acceptable residential environment (in terms of Policy S8 in Chapter 5) without constraining the development of leisure and other commercial uses or the operation of existing nearby industry.

(d) Should the existing industrial uses in the area south of the canal remain, they will be able to develop and enhance their existing properties - provided that this would not have any greater adverse impact on the development of leisure and other town centre uses around the canal. Where any new development opportunities might arise in the area - for example, through the relocation of existing businesses - then the guidelines set out in this policy (and in any Supplementary Planning Document produced by the Council) will apply.

(e) The emphasis within the area should be on redevelopment rather than refurbishment. However, within the Marsh Street / Navigation Street area there are a number of buildings of local architectural interest which must be retained.

(f) The development of the area should relate positively, in visual and functional terms, to surrounding areas and particularly to the rest of the town centre. Strong and secure, pedestrian linkages will be required both to and within the development to encourage the maximum public access. In particular:

(g) Development proposals should be brought forward in a manner which will ensure the comprehensive development of the area and should accord with a Development Brief and Design Guidelines produced by the Council as a Supplementary Planning Document.

Other policies to consider that are associated with the development are policies in the general principles chapter (Policies GP1 to GP7) relating to sustainable development in appropriate locations, encouraging regeneration, and meeting the needs of all the population.

Policies Env9, Env10, Env11, Env14, Env17, Env24, Env26, Env28, Env29, Env32, Env33, Env34, Env39, and Env40 seeks to build an enhanced environment, taking into account pollution control, new planting and landscape issues, the need to preserve and enhance locally listed buildings and the Walsall Locks Conservation Area, to seek high quality design and to promote sustainable use of energy and resources.

Policies JP2, JP7 and JP8 seek to secure appropriate employment opportunities in appropriate locations (e.g. the office uses) and securing high quality employment, particularly developing the service sector in Walsall Town Centre.

Policies S1, S2, S3, S4, S6, S7, S8, S10 seek to strengthen Walsall Town Centre as the primary centre in the Borough, making sure retail is provided to meet local needs and that town centre uses, such as offices, are provided within the town centre boundary. Appropriate consideration of eating and drinking facilities and housing in the town centre are also considered under these policies.

Policies H3, H4, H9, and H10 seek to secure appropriate consideration of affordable housing, housing density and layout as well as detailed design considerations.

Policies T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, and T13 promote development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport and to secure appropriate car parking provision.

Policies LC1, LC8, LC9 seek to provide a good level of open space and capability for leisure and recreation and recognise the canal network as a principal facility throughout the borough. Policy WM4 seeks to ensure that recycling facilities are provided for within development.

In coordination with policy WA12, policies WA1, WA3, WA5, WA7, WA15, WA16, WA18, and WA19 seek to promote and develop the town centre and bring forward high quality environments. Reduced levels of car parking as well as the association with the bus and rail services are recognised. The

importance of the New Art Gallery and Walsall Locks Conservation Area is recognised.

**Waterfront SPD (November 2006)** is the key element of the Local Development Framework for the area. The SPD promotes the Waterfront as the creation of a new gateway to the town centre and the New Art Gallery civic space from the south and west, which is centred on the junction of the canal corridor and Wolverhampton Street. With regard to the uses on the Waterfront the SPD indicates:

As per policy WA12, the area on both sides of the canal should be developed principally for leisure uses but that residential development can form a part of the overall development. Bars, cafes and restaurants will be encouraged, provided they form part of a comprehensive scheme to provide major facilities.

### **Regional Spatial Strategy for the West Midlands (RSS11)**

Policies UR1, UR3, CF1, PA1, PA11, QE1, QE2, QE3, QE4, QE5 and CC1 of the Regional Spatial Strategy for the West Midlands (RSS11) seek regeneration, particularly in the town centres, and prosperity for all whilst ensuring that the quality of the environment is not harmed. Policy QE9 relates to Waterfront Development. Policies EN1 and EN2 seek to reduce energy consumption. Policy T2 seeks to reduce the need to travel.

### **National Planning Policy**

Planning Policy Statement (PPS) 1, PPS3 and PPS6 all apply as does Planning Policy Guidance Note 13 and PPG15. High quality design is progressed within national guidance and development in sustainable locations should seek to reduce the influence of the private car and reduce the level of car parking in order to promote sustainable modes of transport.

### **Consultations**

**Transportation** - No Objection to the current proposal subject to the following conditions in relation to Waste management capacity, service vehicle movement, and service road improvements.

**Pollution Control Contaminated Land Team** support this development proposal subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the former commercial and industrial uses. Conditions to address these concerns have been added.

**Pollution Control Scientific Team** - No objection to the application in principle, however we are mindful of continuing industrial/commercial usage of neighbouring development which has the potential to impact upon new residencies. It is important therefore to ensure the amenity of future occupiers is suitably safeguarded, and to this end planning conditions are recommended.

**Education** – Seek £64,230.01 towards primary and secondary education phases in accordance with the Adopted Education SPD. Any reduction should be justified by the submission to District Valuers.

**Green Space** – Seek £84,120 in accordance with the Adopted Urban Open Space SPD.

**Healthcare** – Seek £46,116 in accordance with the Adopted Healthcare SPD.

**Environmental Health** – No objection

**Conservation** - Notwithstanding the emphasis on redevelopment as advocated by policy WA12 - the application should fully address the need to demolish the building in terms of the local importance of the building (Policy ENV26 Industrial Archaeology should be referred to), its contextual importance in terms of the setting of the canal, the condition of the building, the ease or otherwise of converting the building to a new use.

A condition should be attached to any approval requiring the recording of the building to a specified standard, the Borough Archaeologist, Mike Shaw should be able to provide a suitable brief, he should also be able to advise whether there would be any further archaeological considerations.

The proposed new build does not appear to make any reference to the existing building nor to the surrounding existing buildings. It towers above the recently built one gallery square and the local list buildings on Marsh Street Crown Lofts and Greatrex House. While the Waterfront development includes very tall buildings, this development should provide a step up in terms of height from the historic 3-4 storey buildings nearby to the tall buildings of the waterfront.

The palette of proposed materials seems very large and may result in a finish that is not cohesive with the surrounding buildings.

**British Waterways** – No objection

**Centro** – No objection subject to the submission of a travel plan

**Housing Strategy** – Considering the number of flats coming forward in the town centre, it is considered that the need from affordable housing will not be of this type will not be needed therefore having regard to the adopted SPD an equivalent commuted sum of 25% shared equity should be sought in this instance. Should this amount be reduced, an assessment should be submitted to the District Valuers.

**District Valuers** – Assessment has been submitted and carried out – overall whilst there are some discrepancies in the assessment the viability of the project does not allow for any S106 contributions to be sought in this instance.

## **Representations**

None

## **Determining Issues**

- Previous refusal
- Transportation comments
- Design and Relationship to Waterfront regeneration
- Loss of William House
- Impact in relation to neighbouring industrial uses
- Section 106 Agreement

## **Observations**

### **Previous refusal**

The previous refusal raised several issues with regard to the submission of information the impact on neighbouring Locally Listed Buildings and the adjacent Conservation Area and industrial heritage of the existing building of William House.

In addition the physical relationship to neighbouring industrial and commercial uses would have resulted in an unsatisfactory residential environment for future residents.

It was also considered that the refused scheme would not to present a comprehensive development and as such would compromise wider objectives of the regeneration of the wider area.

Finally, it was considered that the refused scheme would not be capable of being satisfactorily and safely accessed by the emergency services, Council refuse vehicles and general service and delivery vehicles.

Following the previous refusal the applicant has entered into significant pre-application discussions with Officers and has simplified the design of the development. The revised proposals also have increased the height of commercial element to improve the relationship to neighbouring commercial users on the Oyster buildings and to the rear and as such have a relationship akin to neighbouring residential development of Crown Lofts.

In addition the proposals have worked with Urban Splash to provide adequate servicing and delivery opportunity for the site and have been in detailed discussions with Urban Splash to ensure a co-ordinated development.

### **Transportation comments**

It is noted that the site is located within the town centre boundary as defined in the UDP and therefore benefits from good transport linkages therefore minimal levels of car parking are appropriate in this location.

Marsh Lane is an unadopted highway that also is within the boundary of the Urban Splash development and therefore the applicant entered into discussions with Urban Splash and secured access and servicing using the same area to be used for the Urban Splash development. This is included in the application site boundary for this application.

The conditions suggested by Transportation Officers have been added.

### **Design and Relationship to Waterfront regeneration**

It is considered that the proposals will form a positive contribution to the intended lively and vibrant waterfront area. The multi-level restaurant/café use will present a positive feature and aid in the development of a positive environment.

The design is modern and linear to contrast and frame the curved, colourful and lively Oyster building. The bulk and mass will be subservient to the Oyster building and continue to allow for these buildings to be the main landmark of the Waterfront area. The upper two floors have been designed to allow units that front the Waterfront to have outdoor living areas with large balconies/terraces overlooking the main Waterfront area. This will add to the vibrancy of the upper floors and add to the visual distinction of the proposals.

The lower residential floors will also have smaller balcony areas to overlook the Waterfront development and the wider area.

The application has submitted broad details of materials proposed for the development. The use of terracotta tiles and timber will allow for visual distinction and echo the use of texture and colour of materials on the New Art Gallery. Both the principal elevations will have also added visual distinction arising from changes in the profile of the elevation. All these factors add to the overall design ethos of the proposals and will add to the overall interest of the Waterfront.

The rear elevation has been designed to take account of the current use of adjacent development (Staffords) whilst anticipating the submission of the proposals for that adjoining land (WRC expect such a submission in the next few months). The design has evolved following discussion between landowners and their architects.

The changes in storey heights between Crown Lofts as viewed from long distance will add interest and variety to the roovescape of this area of the Waterfront. Whilst the proposed development is taller than Crown Lofts, when considered against the overall Waterfront development, the proposals are in keeping with the ethos of the area.

In addition the proposals include a potential feature to the side elevation that could act as visual distinction and add local identity to the proposals. The design and detail would be subject to a separate application.

### **Loss of William House**

William House is a brick built industrial factory and is well proportioned in the current environment of the Waterfront. However, the area is due to undergo significant transformation and regeneration, with the introduction of the 12 storey Oyster buildings and the modern concepts being progressed in the area, the overall environment will change and the design and ethos of William House will appear dated. In addition the existing building is not very attractive. However, as indicated by Conservation Officers comments the Industrial Heritage of the building is an important consideration.

The proposed new build does not appear to make any reference to the existing building nor to the surrounding existing buildings and this is deliberate. Rather than pastiche or attempt to copy the proportions or style of the existing building, the proposals seek to take influence from the iconic New Art Gallery and the modern architecture that will become the feature of the Waterfront.

Whilst taller than Crown Lofts and Greatrex House (on Marsh Street) which are 3-5 storeys in height, the view of officers is that this development provides a step up in terms of height from the historic storey buildings nearby to the tall buildings of the Waterfront and also takes account of the Crown Lofts and 1 Gallery Square which are also 5 and 6 storeys in height, Jessup proposals at 5-7 storeys and the forthcoming Stafford proposals on the corner of Marsh Lane and Upper Navigation Street. Overall it is considered that the proposals have considered all the neighbouring storey heights and the overall feel of the Waterfront development and are considered to be acceptable.

In terms of the varying roof heights, the Waterfront SPD calls for a varied and interesting roofscape, the proposals achieve this and from the perspective of long distance views this will add interest and further interest to the Waterfront skyline.

Therefore whilst the industrial heritage of the building is noted, it is considered that the proposals, as submitted will echo and develop the environment better than retaining William House. The building in itself is not worthy of being locally listed or statutorily listed.

Extensions to the existing building have been considered by Officers and the applicant during pre-application discussions; however this would reduce the overall quality and would adversely affect the viability of the development. It is therefore considered that the loss of William House, is acceptable subject to recording and archaeological condition.

An indicative palette of materials has been submitted with the application, however the overall relationship of these materials will be considered in detail through conditions.

### **Impact in relation to neighbouring industrial uses**

Stafford Properties have begun relocation to their new build premises in Pleck. Redevelopment proposals for a mixed use, residential led scheme are advanced and will be submitted in the near future. The proposed development has been presented to the Walsall Regeneration Company Regeneration Framework Committee on 5<sup>th</sup> February 2008 and has received a positive response. The proposals are anticipated to be generally 10 storeys and designed in a manner to reflect the ethos of the modern Waterfront development. The designers have been working with the present applicants to dovetail issues such as window locations. It is this which enables officers to support the present application.

Notwithstanding this and the likely changing situation of the area, Pollution Control Officers have recommended several conditions in order to safeguard the amenities of future residential occupiers. In this regard the suggested conditions are added.

### **Section 106 Agreement**

The applicant has submitted a viability assessment which has been passed to District Valuers for assessment and consideration. As a result of investigation work and construction costs the applicant is proposing that no contributions will be offered as a result of the development.

The assessment by District Valuers concludes that due to the viability and cost of the development together with other costs, the levels of profit are marginal given the mixed nature of the scheme and at this level there would not be scope for s106 contributions in this instance.

Although no contributions are offered the development will contribute to the wider public realm through improvements to the Waterfront regeneration. Marsh Lane and the service route will be resurfaced through condition and coordinated with the overall approach to the public realm through the Waterfront proposals.

### **Conclusion**

Overall the development will represent a positive and modern feature to the Waterfront that will reflect on the iconic Oyster buildings and continue the regeneration of the area.

### **Recommendation: Grant Subject to conditions**

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

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

2. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

*Reason:* In order to ensure satisfactory development of the application site.

3. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site (identified under survey work of Condition 2) and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

*Reason:* In order to ensure satisfactory development of the application site.

4. Agreed remedial measures under Conditions 2 and 3 shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

*Reason:* In order to ensure satisfactory development of the application site.

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

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

6. Unless otherwise agreed in writing by the Local Planning Authority, at least 28 days before work commences on William House, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artifacts or documentation meriting preservation:

\* Walsall Local History Centre, Essex Street, Walsall, WS2 7AS  
(telephone Walsall 721305);

\* Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).

\* Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

No development shall be carried out until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall include the submission of one copy of all results to the Local Planning Authority.

*Reason:* To secure an adequate record of the site's archaeology.

7. Before work commences on site details of measures to control water run off from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

*Reason:* To protect the water environment.

8. For the duration of the reclamation of the site, and the construction period, the accesses to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

*Reason:* To prevent mud being deposited on the public highway.

9. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise 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.

*Reason:* In the interests of the amenity of adjacent occupiers.

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

*Reason:* To protect the water environment.

11. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until drainage details, incorporating:-
- a) sustainable drainage principles
  - b) an assessment of the hydrological and hydrogeological context of the development
  - c) the provision and implementation of a surface water run-off limitation and on site attenuation as appropriate, and a programme for implementation and completion

have been submitted to and approved in writing by the Local Planning Authority and in consultation with the Environment Agency and British Waterways. The scheme shall be implemented and completed in accordance with the approved details.

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

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

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

13. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

*Reason:* To ensure the safety of the occupiers and users of the development

14. Prior to the occupation of the buildings hereby approved, the location of a communal satellite dishes to serve the apartment 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.

15. There shall be no deliveries or vehicular access to non-residential premises between the hours of 2300 and 0700, on any day.

*Reason:* To reduce the potential for conflict between vehicles and pedestrians on the shared surface, at times when the largest numbers of pedestrians are likely to be present.

16. Prior to the commencement of development 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.

17. No building shall be commenced until design of window cleaning arrangements for the development has been submitted to and approved in writing by the Local Planning Authority. The building will be implemented in accordance with the approved details.

*Reason:* To ensure a satisfactory design for such works, in keeping with the building.

18. At all times, unless otherwise agreed in writing by the Local Planning Authority, the internal arrangements of the non-residential ground floor uses in the buildings in the development will provide that partitions, internal divisions, bin areas, kitchens, storage areas, rest rooms, and similar works will be at least 2 metres from the glazed outside walls of the building or buildings, such that the active elements of the use define the appearance of that part of the building.

*Reason:* To ensure active frontages and a satisfactory appearance on all faces of the buildings, to ensure a permanently satisfactory urban design solution to the circulation of pedestrians around all faces of the buildings.

19. No food preparation, cooking, or catering equipment (other than domestic equipment in a dwelling, or small scale ancillary facilities in offices or similar working areas) shall be installed in any part of the development until details of appropriate ventilation and fume control equipment for that installation have been approved in writing by the Local Planning Authority. The approved details shall be implemented before proposed preparation / catering / cooking equipment is brought into use, and shall be thereafter retained in working order.

*Reason:* To safeguard the amenities of the occupiers of adjoining premises, and to safeguard the amenity of the area.

20. Hot food preparation and cooking points within commercial developments that are utilised for the vending of food shall be served by extract ventilation equipment, the specification of which has been agreed in writing with the local planning authority. Such equipment shall be maintained in accordance with

any agreed specification, and shall be installed and fully commissioned prior to hot food preparation and cooking commencing.

*Reason:* To safeguard the amenities of the occupiers of adjoining premises, and to safeguard the amenity of the area.

21. At all times, when construction is not underway, there will be unrestricted pedestrian access to the canal arm towpath.

*Reason:* To secure public access, in the interests of promoting improvements to the environment of the town centre.

22. No amplification equipment shall be installed in the non-residential premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

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

23. At no time shall any commercial use on the site have any display of goods outside the building occupied for that use, nor make any active use of the paved area (e.g. to provide seating), unless details have been submitted to and agreed in writing by the Local Planning Authority.

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

24. Prior to the commencement of development, 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 seeking to achieve a minimum of 3 stars standard as amplified by the Code for Sustainable Homes (December 2006) 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:* In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, Policy CC1, EN1 and EN2 of RSS11 and PPS1 in terms of sustainable development and use of natural resources.

25. Prior to the commencement of development, the surfacing and treatment of Marsh Lane, an unadopted public highway, and the proposed service route, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be complementary to those approved under planning permission reference 07/2341/RM/W7. The applicant shall demonstrate that vehicular access for service vehicles can be achieved along the proposed route, and not obstruct other pedestrian and vehicular movement. A plan providing an Autotrack for a three axle refuse vehicle shall be submitted in

support of this. Before first occupation of the proposed development the improvements to the service road along Marsh Lane, Gallery Square and through to Marsh Street shall be completed in accordance with the Design and Access Statement and to a specification to accommodate the necessary service vehicles required to serve the proposed development, details to be confirmed and agreed in writing by the Local Planning Authority.

*Reason:* To ensure satisfactory functioning of the development and to ensure a coordinated approach to the public realm.

26. 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 routes and infrastructure provision; and
- c) Walking initiatives.

The approved measures shall be implemented in accordance with the details written in the approved Travel Plan. A review of the approved Travel Plan shall be submitted to, and agreed in writing by, the Local Planning Authority in accordance with the approved Travel Plan. 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 and to promote sustainable modes of transport.

27. Permitted levels of ground-borne vibration transmitted to floor structures of vibration sensitive premises from all works and ancillary operations shall not exceed: A peak particle velocity (PPV) of  $1.0 \text{ mms}^{-1}$  as determined in accordance with the main procedural requirements of British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings ( $1\text{H}_z$  to  $80\text{H}_z$ )'.

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

28. All hand-held pneumatic machinery used in respect of demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels.

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

29. All plant and machinery in use shall be maintained and silenced in accordance with the manufacturer's and/or supplier's instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design, and wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

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

30. No operations or activities incorporating explosive blasting, drop-balling or thermic/thermal lances shall be undertaken.

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

31. Prior to any demolition operations or activities commencing, a method statement shall be agreed in writing with the local planning authority for the purposes of controlling grit, dust and fume. The agreed method statement shall be implemented and thereafter maintained throughout the duration of demolition operations and activities.

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

32. 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 2 months of completion.

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

33. No development shall take place until suitable noise mitigation measures identified by survey work in Condition 32 of this permission 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 occupiers of adjoining premises.

34. Prior to the commencement of development the applicant shall provide a Waste Management Strategy to serve the residential element of the development.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV29, ENV32, ENV33, JP7(d), S1, S2, S8, H3 and H10 of Walsall Unitary Development Plan (March 2005) and Policies 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. As the application was approved by the Development Control Committee, the report can be viewed on the Council's website at [www.walsall.gov.uk](http://www.walsall.gov.uk) <<http://www.walsall.gov.uk>>.

**NOTE FOR APPLICANT:**

A) 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.

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

C) There are a number of large projects in the town centre, each with areas of new public realm. The Council and Walsall Regeneration Company are working on a strategic framework for public realm works and this should be used to guide the details of landscaping and surface materials.

D) Building works may not be undertaken, and a public highway may not be closed in the absence of the appropriate consent, which must be obtained through the Local Highway Authority. Those consents may require a public local inquiry if there are objections.

E) You are advised that although this permission has been granted you must also respect any ownership rights or other legal agreements including rights of way.

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

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

H) 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).

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

J) 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.

K) 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.

L) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

M) The applicant/developer is advised to contact Steve Lugg British Waterways third party works engineer in order to ensure that any necessary

consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

N) The Council consider the scheme should meet the terms of the Secured by Design concept, and will expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so.

O) For the avoidance of doubt, no water should be discharged into the canal without first obtaining written consent from British Waterways.

P) For the purpose of this condition instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS 7482: 1991 'Instrumentation for the measurement of vibration exposure of human beings' where applicable or any superseding standard, and shall have a linear performance frequency range of not less than 1Hz to 80 Hz.

'Vibration sensitive' premises shall be taken to include, inter alia: any premises used as an occupied dwelling, hospital or similar institution, schools or other educational premises (when in use), places of worship (when in use), hotels and similar facilities.

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

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

b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(16 \text{ hours})}$ , of 45 dB between the hours 07.00 to 23.00

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

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

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England; 2005 British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise"; British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures; British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use; British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits; British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas Calculation of Road Traffic Noise, 1988; Calculation of Railway Noise, 1995. This is not an exhaustive list.

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

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

R) The submitted plans currently show four euro sized bins, with no recycling units, which is considered an under provision for the current proposal.



To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:**

07/2759/OL/W6

**Application Type:** Outline  
Application

**Applicant:** Aedas Architects

**Proposal:** Outline redevelopment and  
extension of school (masterplan)

**Case Officer:** Val Osborn

**Telephone Number:** 01922 652436

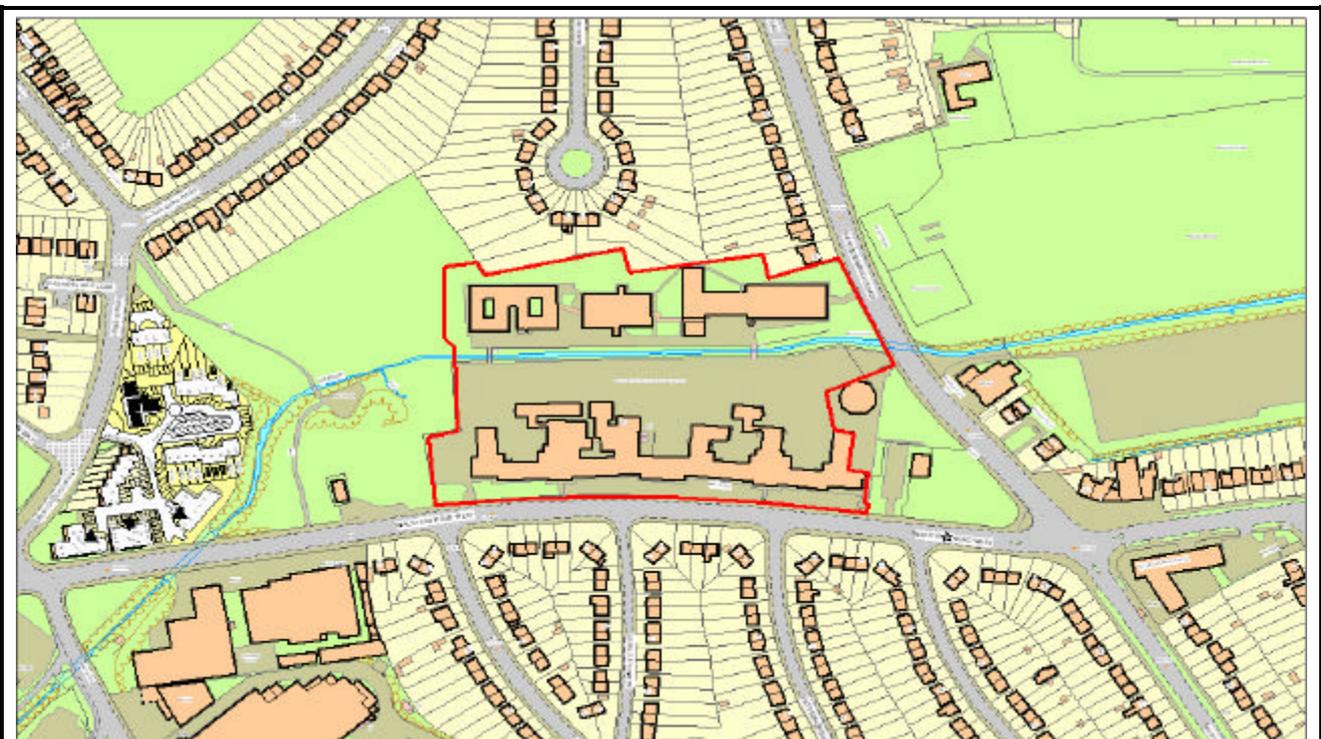
**Agent:** Aedas Architects

**Location:** JOSEPH LECKIE  
COMMUNITY TECHNOLOGY  
COLLEGE, WALSTEAD ROAD  
WEST, WALSALL, WS54PG

**Expired:** 09/04/2008

**Ward:** Palfrey

**Recommendation Summary:** Grant Outline Consent



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## **Application and Site Details**

This outline application is a masterplan for the redevelopment of Joseph Leckie Technology College and the site includes the existing school complex fronting Walstead Road West and West Bromwich Road as well as land at the rear of houses fronting Alexandra Road and Brockhurst Street.

The site straddles Full Brook. The design is to form a waterfront development overlooking a regenerated Full Brook, with the new school also viewed from Walstead Road West. A tree lined avenue with new bridge over Full Brook, would form the main entrance from Walstead Road, with the car park area to the west of the main access.

The masterplan provides for a phased redevelopment, with phase 1 as part of application 07/2733/FL/W6 , also reported on this agenda, which is required to replace existing unsatisfactory temporary teaching accommodation. The existing sports hall would also be retained.

The applicant's design statement explains the design ethos and site considerations, emphasising design with the local community in mind. The masterplan identifies possible buildings and uses of land to reinforce the community role but proposals remain very general at this stage.

The core of the new school would be Phase 2A, as new science facilities, with a new hall surrounded by a Learning Resource Centre forming the focus building at the end of the single access to the site as a tree lined avenue off leading from Walstead Road West.

Phase 2A would join to Phase 1 and be sited between Phase 1 and the rear of houses fronting Alexandra Road and Brockhurst Street, where there is a large area of woodland planting. The applicant's design statement explains that the new buildings would be set 20-25 metres back from the site boundary, with much of the dense planting retained to form a visual and acoustic barrier. A garden study area would be created between the woodland and science/biology building, which would use the existing vegetation for natural science study and be a quiet area with minimal impact on the houses to the rear of the site.

It is intended to link the hall to the drama facilities of Phase 1, so as to connect spaces to provide a music/performance area. Phase 2 would also provide a dining area to the far west of the site, with an outdoor courtyard space between the Phase 1 and Science block providing an outdoor dining and social space.

To the east of the main hall, two new buildings each with an atrium, would replace the existing structures, and have first floor glazed links to all departments.

The existing sports hall is to be retained and refurbished. Two new bridges across a refurbished Full Brook will link the new school to the car park at the south western end of the site and phases 2B and 2C, with new sports courts and multi-surface games areas on the site of the former school buildings fronting Walstead Road West.

The rest of the existing school is to be demolished.

### **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**

Policy 2.2(e) ensuring that excellent provision is made for leisure, recreation, education, health and other community needs.

Policy GP1 – relates to sustainable development- the location of facilities where they are accessible to everyone and minimise the need to travel.

Policy GP 2 – requires development to make a positive contribution to the quality of the environment;

Policy 3.6 states that redevelopment schemes should improve the appearance of the Borough.

Policy 3.9 refers to maximising the re-use of previously developed land.

Policy ENV17- new planting to be promoted.

Policy ENV 22 - Protected species; development needs to demonstrate no adverse impact on species protected by European law.

Policy ENV 23 – Nature Conservation; proposals must take account of opportunities for nature conservation.

ENV32 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

Policy LC1 and 8.3 : Urban Open Spaces to be enhanced and proposals reducing provision will not be permitted unless they redress a deficiency or

provide for sport and recreation, both informal and formal and achieving local community aspirations.

Policy 8.7 the provision of new education facilities will be encouraged, particularly where accessible to all members of the community.

Policy 7.1 seeks to promote an efficient highway network;

Policy T13 advises on the parking provision for cars, cycles...

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

Policy QE1 – Environment ;Overall, these seek improvements the design and sustainability of the urban areas.

### **National Policy**

Planning Policy Statement 1 advises that good design is indivisible from good planning, which should contribute positively to making places better for people and high quality, inclusive design for the lifetime of the development, considering the direct and indirect impacts on the natural environment.

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

Planning Policy Guidance Note 17 – Open Space, Sport and Recreation- advises a robust assessment of existing and future needs.

### **Consultations**

**Transportation** – No objections, subject to conditions related to access, service and access routes, separation of pedestrian routes and provision of parking areas. Details will be reported in the Supplementary Papers.

**Pollution Control-** No objections, subject to conditions as recommended. The preliminary desk study has identified the need for intrusive site specific investigation due to the potential contamination and likelihood of the presence of ground gas. The site investigation should identify and assess the risk to end users of contamination present on the site, it should also recommend suitable measures to deal with any contamination and make the site suitable for its end use. This should be in the form of a remediation statement.

### **Natural Environment, Environmental Regeneration –**

**Arboricultural Officer** - No objections, subject to conditions as appear in the recommendation, requiring Arboricultural Impact Assessments to be completed. Particular attention should be given to the woodland in the north-west corner of the site and two plane trees outside the school on Walstead Road.

**West Midlands Fire Service** – No objections. Confident that satisfactory arrangements, including the provision of dry risers can be achieved at the site, given the applicant's on-going preparation of a Fire Strategy in conjunction with the Fire Service.

**Environment Agency** – Objection. The Agency require further floor data and the applicant is currently addressing the EA requirements.

**CENTRO** – No objection. The site is within minimum standards for accessibility to public transport. If the proposal requires the relocation of the existing bus stop and shelters, the full cost for this should be borne by the applicant.

**Severn Trent Water** – No objection subject to conditions as recommended.

**West Midlands Architectural Liaison Officer** – No objections. The site needs to be securely fenced, particularly where Full Brook has become an established intruder route.

### **Public Participation Responses**

A petition of 101 signatures of residents of predominantly Alexandra Road, Lord Street and Brockhurst Street object on the grounds that “ green belt land has been changed into brown belt for a school extension “.

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

### **Determining Issues**

- Policy and Principle of the development
- Loss of Urban Open Space
- Design
- Access

### **Observations**

#### **Policy and Principle of the development**

The majority of the application site is land already occupied and used by Joseph Leckie Technology College and policy 8.7 supports the provision of new education facilities. The redevelopment would also provide for new facilities which would be available to the community.

The aim of policy ( at 8.10), is to promote a wide range of sport, recreation, leisure, entertainment arts and education facilities and the community uses proposed within the masterplan would be contributory to that aim. The spatial requirements of the School Premises Regulations are recognised at 8.33, and , in order to meet these requirements a land exchange with Leisure Services has been undertaken, in order that the total school area now satisfies BB98 guidelines. An area of 20138m<sup>2</sup> to the rear of houses fronting Walstead Road that was part of the school playing fields has been allocated to Leisure Services and its future use/form as an area of open space has yet to be determined.

### **Loss of Urban Open Space**

The proposal would involve the loss of public open space that comprises areas of open grassed and planted woodland to the west of the school site. The land exchange referred to above intends to provide alternative facilities.

Policy LC1 refers to the provision of sport and recreation facilities as mitigation for the loss of open spaces. In this proposal, the applicant will be enhancing community provision by providing further recreational facilities, a refurbished sports hall and multi-use games surfaces as well as sports courts.

It is considered that there is a need for the provision of satisfactory school facilities together with provision of good sport, arts and other facilities for this community, which overrides the requirement for the retention of the existing area of open space, the most valuable part of which is a recently planted area of wood that is identified in the masterplan as to be retained.

### **Design**

The applicant continues to work with the school and the community to develop and refine the proposals, which, at this stage are very broad concepts and aims. However the significant qualities of the site have been appropriately taken into account in the design ethos and have been influential in design themes related to the range of needs of the school and community.

The distribution of built form relates to site conditions and aspect. The stated aim of the scheme of transforming a brook which currently causes considerable difficulty for the school as it is polluted and rat infested, into a major contributory element to the design and character of the site as a sustainable feature of water management and amenity, will make a clear and positive contribution to the locality.

As predominantly two storey structures viewed across the brook and through the avenue, the proposal will give views and vistas of the new buildings from the public realm, with the main frontage access making the site distinctly legible.

The tree lined avenue entrance to the school will be a significant landscape feature giving a strong identity. The central core of activity, the main hall and

reception areas are located on the south side of the complex, mitigating impact in respect of the amenity of the nearest residents.

The replacement of existing structures with purpose-built two storey technology and arts buildings will improve the visual appearance that the nearest houses on Brockhurst Street currently enjoy. Phases 2B and 2C will be approximately 35m from the nearest elevations of the proposed classrooms, with first floor atrium access areas of a bridge at more than 40m. As the atrium areas are for access, those passing will be transient, with little opportunity to oversee. At this stage the landscaping scheme for the site has not identified key areas where screening planting might be appropriate, although such areas as this could be considered as key points for such consideration. It is considered a satisfactory landscape scheme can be designed to mitigate such impacts and retain the privacy of nearby homes on Brockhurst Street. The design is therefore considered appropriate.

The existing buildings have a strong identity in the locality, with the continuous façade to Walstead Road West. However, the buildings are in a poor state of repair, are environmentally inefficient and no longer able to meet current curricular needs. Whilst the College has a fair record, Governors of the school consider that due to the poor image of the existing building, pupils are discouraged from enrolling at the school. New buildings must be superior in design and of a higher standard environmentally and it is intended to aim to achieve BREEAM's rating of "very good".

### **Access**

The application proposes to focus public, staff and pupil access via the main entrance off Walstead Road West. However pedestrian access will be retained to the sports hall from West Bromwich Road and as a community access alongside the nursery to two community buildings. The Architectural Liaison Officer of West Midlands Police has highlighted the extent of unauthorised access to the site from a number of points for which effective security measures should be in place and the applicant is seeking Secure by design status.

The staff car park would be on the west side of the tree lined main pedestrian access to the site and the access also provides for a drop-off zone for school transport.

Access for servicing the kitchens of the new complex is proposed to via the existing service route for the public open space for north of Full Brook from Lord Street, and would become a rear service road with a separated pedestrian route across to Walstead Road West.

## **Recommendation: Grant Outline Consent**

1. Application for approval of the Reserved Matters shall be made not later than the expiration of three years beginning with the date of this permission.

*Reason:* Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the Reserved Matters application, or the last Reserved Matters approval.

*Reason:* Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. This development shall not be commenced until details of the Reserved Matters of External Appearance, Landscaping and additionally Layout and Scale in respect of the 6<sup>th</sup> form 3-storey elements, together with proposed and existing levels for all parts of the proposals at the site, have been submitted to and approved by the Local Planning Authority.

*Reason:* Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995 (as amended).

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

- Masterplan and Phase 1 Development, project number 2007.301.001, drawing number (00)001, dated 16.12.07;
- Design Statements, Joseph Leckie Technology College, Walsall, by Aedas Architects, received 18 December 2007
- Arboricultural Impact Assessment , by Tree Health Consulting Ltd, 2007 and dated 10 August 2007;
- Baseline Noise Survey and Assessment, job number 0271300, dated November 2007;
- Flood Risk Assessment Report by Joynes Pike and Associates Ltd reference MRHB/16070105 (001), dated June 2007 and received 18 December 2007;
- Transport Statement by Faber Maunsell, dated December 2007, reference 54271TBMD;
- Ground Investigation Report by Applied geology, Xplar, Geoenvironmental assessment, dated 21 January 2008;
- Drainage design Statement, reference 07/406, by Cox Turner Morse, received 18 December 2007;

*Reason:* To define the permission.

5. The building sizes and siting shall be as set out in the Design Statements prepared by Aedas Architects accompanying the application and received on

18 December 2007, Masterplan project number 2007.301.001, drawing number (00) 004, dated 16.12.07, unless otherwise agreed in writing by the Local Planning Authority.

*Reason ;* To define the permission.

6. This development shall not be carried out until a schedule of 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 visual amenity of the area.

7. 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. Apart from being attractive visually, the proposed planting scheme shall provide for replacement planting for trees lost at the site and shall also give particular consideration to the woodland in the north west corner of the site, two plane trees outside the school on Walstead Road and trees identified in the Tree Health Consulting Ltd tree survey dated 10/08/07 as OS 1 and 2, group inc T784 to T88, group inc T790 to T808 and inc group T820 to T846. The scheme shall provide an appropriate arboricultural method statement and constraints plan and contain measures for the protection of the remaining woodland block of trees north of the application site, in accordance with BS 5837:2005. This should incorporate considerations for both the duration of the development, and for the longer term. The scheme should include measures to secure the site with details of aesthetically pleasing security fencing, ensure a buffer strip between the woodland edge and all new built structures, the buffer strip would need to be of a scale appropriate to the eventual mature spread and height of the trees.

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

8. The detailed plans shall also provide for tree protection zones and fencing specifications, and indicate storage, mixing and welfare areas, changes in levels and sustainable drainage systems during construction. The tree protection measures, storage and mixing zones and welfare areas shall be implemented before the commencement of development or as agreed 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 and retained as such until the completion of the development, or other period as agreed in writing with the Local planning Authority.

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

9. The approved scheme shall be implemented within 12 months of any part

of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

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

10. 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 7. 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.

11. Prior to the commencement of development details of a scheme that incorporates controlled access to the site, designated parking areas, perimeter security fencing, CCTV and landscaping and habitat management of Full Brook, shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the agreed details and maintained throughout the life of the development unless the Local Planning Authority agrees to any variation in writing.

*Reason :* In the interests of safety and security to ensure the satisfactory development of the site.

12. Prior to the commencement of use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development

*Reason:* To ensure a well managed safe community access to the facility, to ensure sufficient benefit to the community.

13. Before development commences a scheme for the lighting of the access routes and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. No external lighting, particularly during the construction phase shall be installed on the site unless details have been submitted to and approved in writing by the Local Planning Authority. The light scheme shall be installed in accordance with the approved details and

retained as such unless otherwise approved in writing by the Local Planning Authority.

*Reason;* in the interests of the amenity of nearby occupiers.

14. 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, including consideration of 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, 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:* In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan and PPS1 in terms of sustainable development and use of natural resources.

15. No development shall be carried out until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is commenced, completed or occupied, as appropriate.

*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 flood problem and to minimise the risk of pollution.

16. Prior to built development commencing an intrusive site investigation and assessment of ground contamination and ground gas as set out in Report "Desk Study Report of a site adjacent to Joseph Leckie Community Technology College Reference GF/15070153/100" shall be undertaken to the satisfaction of the Local Planning Authority. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion. 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. 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 that the development does not cause pollution or other hazards.

17. No development or site clearance work shall commence unless and until a design scheme for the flood plain area to the west of the application site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for existing and proposed levels as across sections and plans, together details of surfaces, access and egress for maintenance, footpath routes around and landscape works for the area. The landscape scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. The scheme shall provide for the long term maintenance of the area and shall be implemented in accordance with the approved details and retained as such unless otherwise approved in writing by the Local Planning Authority.

*Reason:* To define the permission in terms of flood management and to ensure a well managed, landscaped and safe area available for community access.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV2, ENV32, ENV17, 7.1 and 8.7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

**Note for applicant**

1. 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.

2. 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.

3. There is a public sewer which crosses the site. No buildings shall be erected or trees planted within 5.0metres (925 CWS) and 7.5metres (1050 CWS) either side of these sewers. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991.

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2733/FL/W6  
**Application Type:** Full application

**Case Officer:** Val Osborn  
**Telephone Number:** 01922  
652436

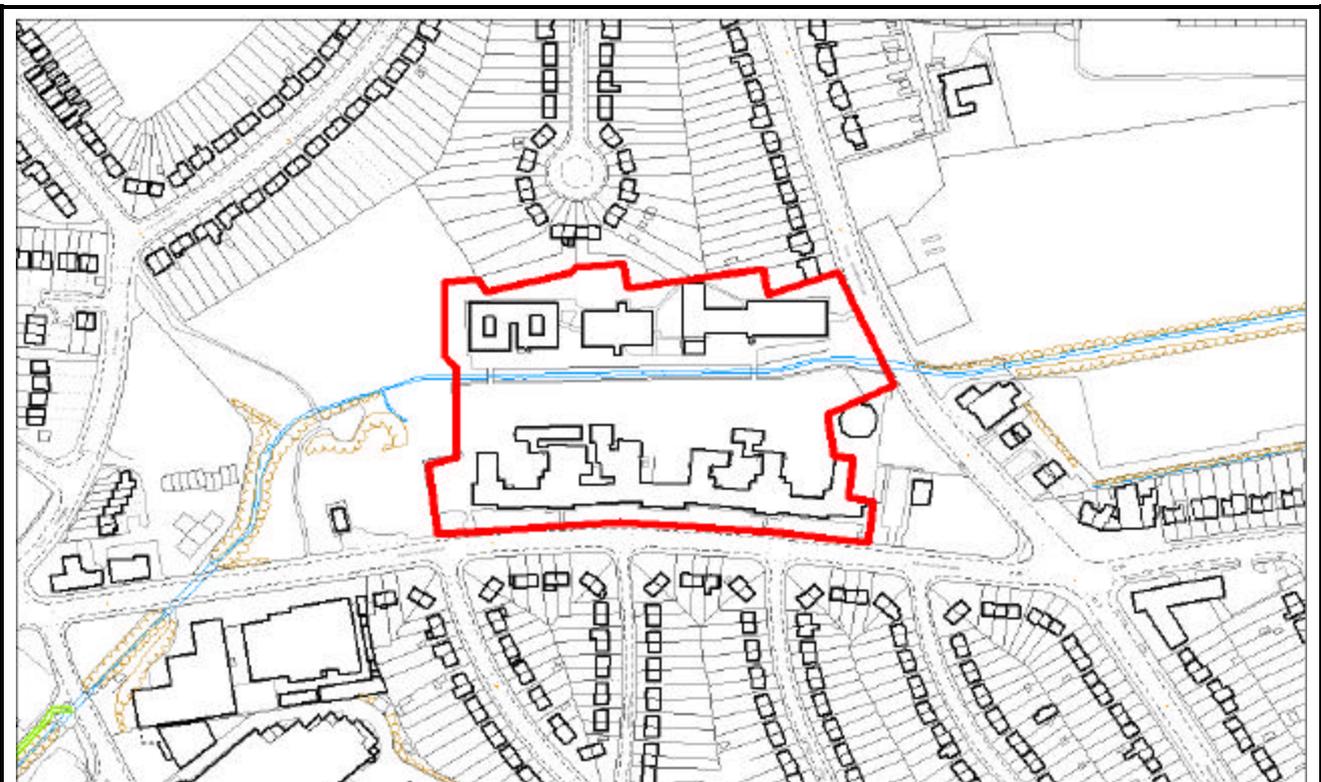
**Applicant:** Aedas Architects  
**Proposal:** New classroom block and  
extension of school site

**Agent:**  
**Location:** JOSEPH LECKIE  
COMMUNITY TECHNOLOGY  
COLLEGE, WALSTEAD ROAD  
WEST, WALSALL, WS5 4PG

**Ward:** Palfrey

**Expired:** 09/04/2008

**Recommendation Summary:** Grant Subject to conditions



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### **Application and Site Details**

The application relates to land at the rear of houses fronting Alexandra Road and west of the existing Joseph Leckie Technology College. The site is north of Full Brook. The land is currently part of a landscaped area, as a grassed and woodland embankment within the public open space west of the school.

The proposed new hall would be off-set in alignment with the existing Design and Technology /Art school buildings on the north side of Full Brook. The new hall would be sited in the lower part of the Full Brook valley, so as to be more than 75m from the nearest houses at 14 Alexandra Road and 54 Brockhurst Street.

The new hall would be a flat roofed two storey building, 55m long and 20m wide, with clerestory glazing to access corridors. The proposal would be predominantly south facing, with classroom space on the ground and first floors. The drama rooms would have high level windows. Gable elevations have glazed sections for the staircase accesses, with a central 3m wide glazed atrium. The building will be constructed using a brick outer skin over a steel frame. There will be a single entrance at its eastern end, controlled by a reception office.

The applicant's Design and Access statement explains that "this development is Phase 1, with a central government grant of £4m for the long term redevelopment of the school site. There are currently 18 temporary classrooms on the site, demonstrating a shortfall of adequate teaching accommodation at the site. These classrooms are rented and provide a heavy financial burden on the school. The Phase 1 development is intended to replace these classrooms with a purpose built new technology block to meet current and future school standards.

The design ethos is to form a waterfront development, overlooking the regenerated Full Brook. Phase 1 block, comprising 18 classrooms and a drama unit would form the front piece to this composition, with the main entrance and remaining buildings being developed when the Buildings School Fund funding is allocated.

The school involves the local community in the activities outside the school curriculum and is keen to diversify its range of extra curricular activities to the local area, including other activities such as drama into the range offered.

The applicant has conducted lengthy consultations with the School, staff, Governors and pupils, in order to establish design themes influenced by the aspirations of the community, with the design of the building being a symbol of the regeneration of Joseph Leckie School.

### **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**

Policy 2.2(e) ensuring that excellent provision is made for leisure, recreation, education, health and other community needs.

Policy GP1 – relates to sustainable development- the location of facilities where they are accessible to everyone and minimise the need to travel.

Policy GP 2 – requires development to make a positive contribution to the quality of the environment;

Policy 3.6 states that redevelopment schemes should improve the appearance of the Borough.

Policy 3.9 refers to maximising the re-use of previously developed land.

Policy ENV17- new planting to be promoted.

Policy ENV 22 - Protected species; development needs to demonstrate no adverse impact on species protected by European law.

Policy ENV 23 – Nature Conservation; proposals must take account of opportunities for nature conservation.

ENV32 considers design of development indicating that development needs to take account of its context and surroundings.

Part b) indicates the criteria to be taken into account in assessing proposals.

Policy LC1 and 8.3 : Urban Open Spaces to be enhanced and proposals reducing provision will not be permitted unless they redress a deficiency or provide for sport and recreation, both informal and formal and achieving local community aspirations.

Policy 8.7 the provision of new education facilities will be encouraged, particularly where accessible to all members of the community.

Policy 7.1 seeks to promote an efficient highway network;

Policy T13 advises on the parking provision for cars, cycles...

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

promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment

Policy QE1 – Environment ;Overall, these seek improvements the design and sustainability of the urban areas.

### **National Policy**

Planning Policy Statement 1 advises that good design is indivisible from good planning, which should contribute positively to making places better for people and high quality, inclusive design for the lifetime of the development, considering the direct and indirect impacts on the natural environment.

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

Planning Policy Guidance Note 17 – Open Space, Sport and Recreation- advises a robust assessment of existing and future needs.

### **Consultations**

**Transportation** – No objections, subject to conditions related to service and access routes and separation of pedestrian routes. Details will be included in Supplementary Papers.

**Pollution Control-** No objections, subject to conditions as recommended. The preliminary desk study has identified the need for intrusive site specific investigation due to the potential contamination and likelihood of the presence of ground gas. The site investigation should identify and assess the risk to end users of contamination present on the site, it should also recommend suitable measures to deal with any contamination and make the site suitable for its end use this should be in the form of a remediation statement.

**Natural Environment, Environmental Regeneration** – No objections, subject to conditions as appear in the recommendation. The new development would result in the loss of the two smaller established woodland blocks. The difficulty and cost of establishing woodland in urban areas is considerable and there would be a high value on successful young plantations like this one. Without suitable constraints the development works have potential to make detrimental impacts upon the main block of woodland on the north boundary of the site.

**Environment Agency** – Objection. The Agency require further floor data and the applicant is currently addressing the EA requirements.

**West Midlands Fire Service** – No objections. Confident that satisfactory arrangements, including the provision of dry risers, can be achieved at the site, given the applicant's on-going preparation of a Fire Strategy in conjunction with the Fire Service.

**Severn Trent Water** – no objection subject to conditions as recommended.

### **Public Participation Responses**

A petition of 101 signatures of residents of predominantly Alexandra Road, Lord Street and Brockhurst Street object on the grounds that “ green belt land has been changed into brown belt for a school extension “.

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

### **Determining Issues**

- Loss of Open Space
- Design

### **Observations**

#### **Loss of Urban Open Space**

The proposal would involve the loss of areas of open grassed land that slope down to Full Brook as well as the amenity of the wood features. One of the wooded areas is an island set within the sloping embankment of the grassed area leading to Full Brook, with a few trees at the edge of the brook. A second area of planting exists as a boundary screen between the open space and the school site.

Policy LC1 refers to the provision of sport and recreation facilities as mitigation for the loss of open spaces. In this proposal, the applicant will be enhancing community provision by providing further recreational facilities related to the uses of the drama suite.

Policy 8.7 refers to the support for the provision of new educational facilities. The application is for the replacement of 18 existing temporary classrooms and clearly there is an overriding need to provide purpose built teaching accommodation to replace these temporary structures.

The footpath and cycle route link from Lord Street to Walstead Road West would remain although on a slightly adjusted alignment at the Lord Street entrance.

It is considered that the loss of the woodland landscaping strip and the planting currently screening the school site, is, on balance, off-set by the need of the school to create satisfactory teaching accommodation and the provision of new facilities to be shared with the community.

#### **Design**

The proposal's window pattern emphasises the strong linearity of the built form and elements of the design will provide natural lighting as a sustainable

feature. The building is sited on the top of the embankment to Full Brook as a means to mitigate flood impact. However, as a two structure, with a glazed atrium/clerestorey, the building will remain, at 8m in height, appropriate to the character of the area.

The design is therefore considered appropriate.

### **Recommendation: Grant Subject to conditions**

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

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

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

*Reason;* To ensure the visual amenity of the area.

3. 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. Apart from being attractive visually, the proposed planting scheme shall provide for replacement planting for trees lost at the site. The scheme shall provide an appropriate arboricultural method statement and constraints plan and contain measures for the protection of the remaining woodland block of trees north of the application site, in accordance with BS 5837. This should incorporate considerations for both the duration of the development, and for the longer term. It would be helpful if the final landscape design included measures to ensure a buffer strip between the woodland edge and all new built structures, the buffer strip would need to be of a scale appropriate to the eventual mature spread and height of the trees.

4. The detailed plans shall also provide for tree protection zones and fencing specifications, and indicate storage, mixing and welfare areas, changes in levels and sustainable drainage systems. The tree protection measures, storage and mixing zones and welfare areas shall be implemented before the commencement of development or as agreed 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 and retained as such until the completion of the development, or other period as agreed in writing with the Local planning Authority.

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

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

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

6. 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.

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

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

8. Prior to the commencement of use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development

*Reason:* To ensure a well managed safe community access to the facility, to ensure sufficient benefit to the community.

9. Before development commences a scheme for the lighting of the access routes and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. No external lighting, particularly during the construction phase shall be installed on the site unless details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details.

*Reason;* in the interests of the amenity of nearby occupiers.

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, including consideration of 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, 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:* In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan and PPS1 in terms of sustainable development and use of natural resources.

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

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

12. Prior to built development commencing an intrusive site investigation and assessment of ground contamination and ground gas as set out in Report "Desk Study Report of a site adjacent to Joseph Leckie Community Technology College Reference GF/15070153/100" shall be undertaken to the satisfaction of the Local Planning Authority. A copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion. 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. 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 that the development does not cause pollution or other hazards.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV2, ENV32, ENV17, 7.1 and 8.7 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

#### Note for applicant

1. 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.
2. 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.
3. There is a public sewer which crosses the site. No buildings shall be erected or trees planted within 5.0metres (925 CWS) and 7.5metres (1050 CWS) either side of these sewers. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991.



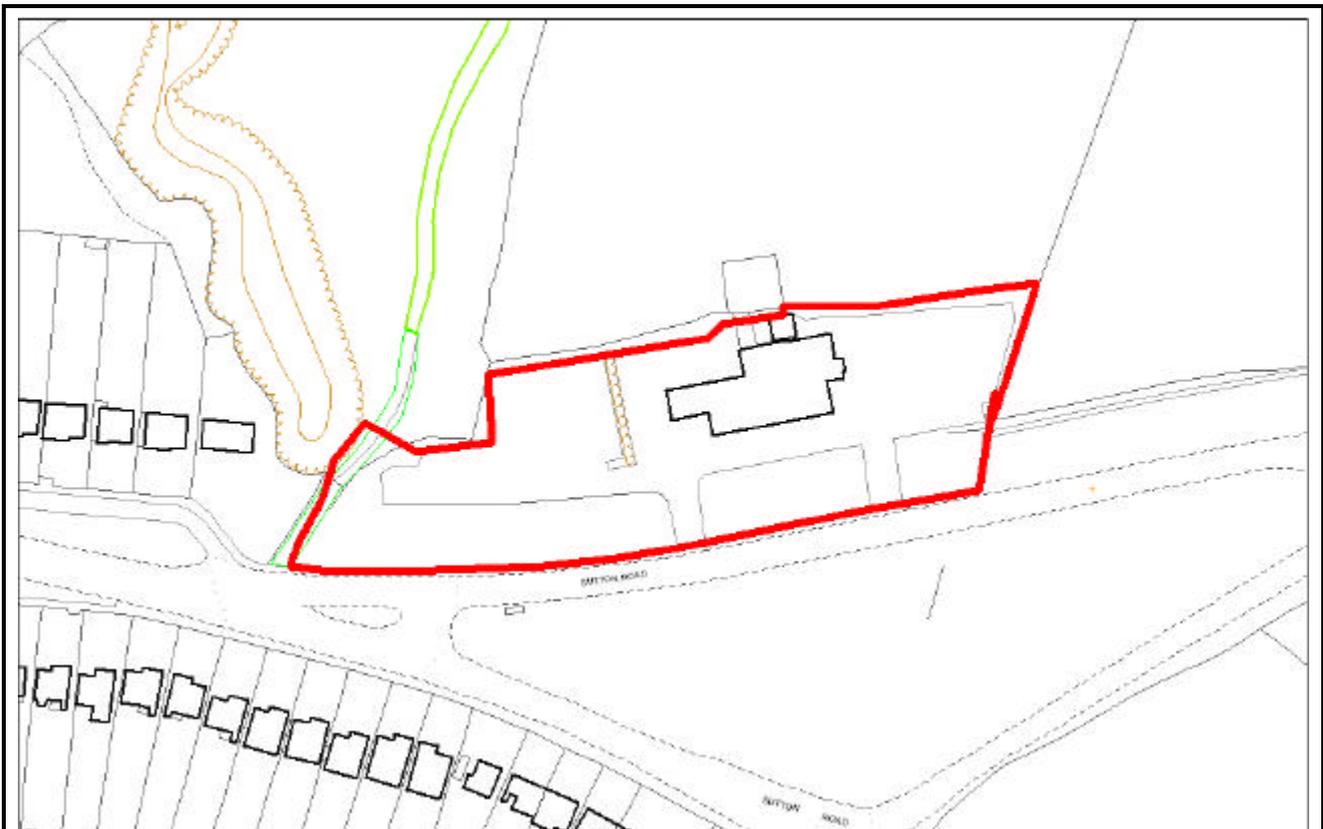
To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2167/FL/E6  
**Application Type:** Full application  
**Applicant:** Mitchells & Butlers  
**Proposal:** Change of use including  
minor extension to public house to form  
12 residential apartments  
**Ward:** Pheasey Park Farm  
**Recommendation Summary:** Grant Permission Subject to Conditions, a  
Planning Obligation.

**Case Officer:** Paul Hinton  
**Telephone Number:** 01922 652420  
**Agent:** Armstrong Burton Group  
**Location:** THREE CROWNS  
P.H., SUTTON  
ROAD, WALSALL, WS5 3AX  
**Expired:** 20/05/2008



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## **Reason for bringing to Committee: Major Application**

### **Current status**

This application was resolved to be granted subject to conditions and a S106 agreement at your committee meeting of 11<sup>th</sup> December 2007. Since this resolution it has been identified that part of the site was not in the ownership of the applicant as originally submitted with part of the land to the frontage being owned by the highway authority. The location plan has now been revised and appropriate notification has been served on the relevant owners.

There is one change to the application. The previous details included 3195m<sup>2</sup> of publicly accessible space, an area not to be formally adopted but a landscaped part of the site that would be available for access for the public. This area has now been reduced clear of the highway verge, reducing the amount of publicly accessible space to 1762m<sup>2</sup>. Additional financial contributions towards public open space are sought. All other matters remain the same as previously reported and are referred to below.

### **Application and site details**

This application is for the conversion of the existing Three Crowns Public House to 12 residential apartments including minor extensions.

The application proposes four 1 bedroom apartments and eight 2 bedroom apartments. Twenty four car parking spaces have been put forward to the east of the site where there is an existing car park. There are currently two vehicular accesses serving the site. The application proposes to landscape the western car park and retain the second access as an emergency access point for fire appliances; this will be controlled by drop bollards. It is proposed that signage will be provided to prohibit parking in this area.

The proposal reduces parking from 48 to 24 spaces, providing 200% car parking for the residential use. Secure private amenity space is proposed to the rear of the site and introduces private patio areas to ground floor units and balconies to the first floor.

The application proposes that the front elevation of the building remains similar to the existing. The applicants propose works to be undertaken to replace existing windows that are not in keeping with the character of the original building and the flat roof to the left wing of the building is to be converted to a pitched roof. It is also proposed that the flat roof that is currently situated to the right hand side entrance of the pub will also be pitched.

The rear of the building is proposed to undergo more extensive works where there are extensions which do not complement the original building. The single storey extension that obscures the double gabled roof is proposed to

be demolished so that the gable feature can be again exposed as it was originally. The single storey flat roof element at the opposite side of the rear elevation is proposed to be partly demolished, installing an arched doorway and three sets of windows matching in character to those used along the front elevation.

Dormer windows matching those on the existing front and rear elevations are proposed to the east and west elevations.

The western car park is proposed to be removed and turned into an open landscaped area that would be publicly accessible. The details of the landscaping are for indicative purposes only, however an area of 1762square metres would be made available for use by future residents and the wider public with pathways and additional planting which would be maintained by a separate maintenance company. The existing play area to the rear of the public house falls outside the application boundary however it is proposed that this will be demolished and the land returned to purposes for agriculture.

The density of the proposal would be 15 dwellings per hectare.

The public house is located on the northern side of Sutton Road within an area of land designated as Green Belt. The Public House is set within its own grounds, with an open grassed area to its frontage. The building is flanked either side by car parking. Further to the west and south are residential properties. To the north and east is open grazing land with the Hay Head Quarry Site of Special Scientific Importance (SSSI) to the northwest and Three Crowns Pasture Site of Importance for Nature Conservation (SINC) to the north.

### **Relevant Planning history**

07/0290/FL/E6 – Change of use including minor extension to public house to form 12 residential apartments. Refused 19/4/2006.

1. 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.
2. The proposed development will lead to an unacceptable demand on limited education capacity and urban open space within the locality. The proposal is therefore contrary to policies GP3, LC1 and 8.8 of the Walsall Unitary Development Plan March 2005 and the Council's Education and Urban Open Space SPD's.

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

**Unitary Development Plan**

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

Policy GP1: sustainable location of development. This supports developments which maximise the re-use of vacant urban land.

Policy GP2 requires all developments to make a positive contribution to the quality of the environment and the principles of sustainable development.

Policy GP7 considers Community Safety implications of development proposals. Proposals should have regard for the objective of designing out crime.

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.

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

**Policy H3: Windfall Sites and Conversion of Existing Buildings**

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings.

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. 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.

ENV2 b): The re-use of existing buildings within the Green Belt will be acceptable provided that:

- i. This would not have a materially greater impact than the present use on the openness and purposes of the Green Belt.
- ii. It does not involve any building extension or associated uses of land around the building which would conflict with the openness and purposes of the Green Belt.

- iii. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction.
- iv. The form, bulk and general design of the buildings are in keeping with their surroundings.

ENV2 e) states where development is consistent in principle with the purposes of the Green Belt, the Council will require that its siting, design, form, scale and appearance is compatible with the character of the surrounding area.

ENV3 states that where development is acceptable in principle in the Green Belt (under Policy ENV2) the Council will also assess proposals for their impact on the Green Belt in terms of the following factors:-

- I. The detailed layout of the site.
- II. The siting, design, grouping, height and scale of buildings, structures and associated outdoor equipment.
- III. The colour and suitability of building materials, having regard for local styles and materials.
- iv. The opportunities to use redundant land and buildings for suitable alternative uses.

ENV14: Development of Derelict and Previously-Developed Land and 3.9  
The Council will encourage the reclamation and development of derelict and previously developed land.

ENV18: The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

ENV22: Protected Species – Development will not be permitted unless it can be demonstrated that the proposed development will not have an adverse impact on local populations of the species.

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

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

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

ENV39 and ENV40 seek to encourage the efficient use of energy and the conservation, protection and use of water resources.

Paragraph 6.3 advocates a sequential approach maximising the reuse of previously developed sites.

Policy 7.8 aims to encourage walking.

LC1: Urban Open Spaces - residential developments will be required to make a financial or other contribution which will enable the provision of new, or the improvement of existing urban open spaces.

LC8: Local Community Facilities (including Para 8.37) - Loss of local community facilities including public houses should demonstrate there are other facilities in equally convenient location or no longer a need for the facility.

T7: Car Parking

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

T13: Parking Provision

Flats with individual parking spaces      2 spaces per unit

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

Policy QE1 - Environment

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

### **National Policy**

Planning Policy Statement 1: Delivering Sustainable Development, emphasises need to reject poor design and the need for sustainable development.

Planning Policy Guidance Note 2 advises on the control of development in the Green Belt. The re-use of buildings should not prejudice the openness of Green Belts since the buildings are already there. It can help to secure the continuing stewardship of land. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

The re-use of buildings inside a Green Belt is not inappropriate development providing:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it
- b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of land in it
- c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes.

PPS9 on biodiversity and geological conservation says that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

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

### **Consultations**

A plan revising the publicly accessible space has been received and re-consultation has been undertaken, the consultation period is due to expire on 4<sup>th</sup> March 2008, any additional comments will be reported in the supplementary papers. The original comments are referred to below.

**Transportation** – no objections subject to all parking spaces be numbered and assigned to particular apartments and that safe and secure cycle storage is provided rather than cycle racks.

**Pollution Control** – no objection with the proviso that measures are put in place to address noise issues from vehicular traffic on Sutton Road. This can be achieved by condition.

**Environmental Health** – no objections.

**Landscape** – the layout of the open space, with paths, seating and lighting appears on the information provided, ornamental and inappropriate for this Green Belt location.

**Arboricultural Officer** – no objection. (There are no trees protected by a Tree Preservation Order on site and the proposed development will have no arboricultural implications, however the hedgerow on the boundary is part of the adjacent 'SINC' and its protection and retention would be desirable)

**Urban Designer** – no objections subject to a quality external landscaping scheme being secured by condition.

**Natural Environment** – no objection in principle, however the submitted bat survey is only valid for works undertaken before May 2008, should development take place after this time, a new full bat survey shall be undertaken as the current survey does not confirm that bats cannot enter the site during the next season.

It is considered that the proposal meets the criteria for development requiring habitat enhancement and that measures are incorporated into a landscape scheme which creates habitats complementing the adjacent designated sites. It is also recommended that the building is provided with artificial bat roosts.

**Police** – no objections, but the location of the cycle rack is vulnerable, and would be better located within the building. There are a number of access points located around the front, rear and side of the building. Due to the permeability of the site, access into the building must be well controlled. Therefore an access control system with audio verification should be incorporated within the development. The location of the car park is potentially vulnerable and as such needs to be afforded good lighting and CCTV.

**Greenspaces** – contribution towards public open space is required.

**National Grid** – no objections.

**Centro** – no objections.

**Public Rights of Way** – no objections.

**Education** – The level of surplus places in local primary and secondary schools are below 10%, therefore a contribution of £16,945.79 is required.

**Environment Agency** – no comments.

**Fire Services** – satisfactory for fire service access.

### **Public Participation Responses**

Two letters were received during the first consultation and one additional letter has been received as part of the re-consultation, objecting to the application on the following grounds. Any additional representations will be reported in the supplementary paper following the expiration of the consultation period.

- Would lead to further unsold apartments, which is the case further down Sutton Road
- Mitchell and Butlers should channel their efforts into bringing the public house back to life
- Will generate additional traffic
- The footprint of the building should not be increased for environmental, aesthetic and associated issues that may impede upon the current ecobalance.

## **Determining Issues**

- Principle of residential development
- Loss of community facility
- Design
- Access/Transport
- Amenity Space
- Ecology
- Planning obligations

## **Observations**

### **Principle of residential development**

The application complies with national (PPG2) and local Green Belt policies (ENV2). The re-use of this existing building within the Green Belt will not have a materially greater impact than the present use on the openness and purposes of the Green Belt. The minor extensions would not increase the footprint of the building, having minimal impact upon the openness of the Green Belt. Approximately 1800m<sup>2</sup> of the site area is to be altered from hard standing to landscaping, increasing the openness of the Green Belt and the play area, although outside the application site is to be returned back to agriculture.

This landmark building is suitable for retention and would help secure the continuing stewardship of the land. The alternative to re-use could be that the building becomes vacant and prone to vandalism and dereliction.

The proposed use as 12 apartments would have no materially greater impact than the existing Public House by virtue of people and vehicle movements, having minimal impact upon the character of the Green Belt.

The principle of re-using brownfield sites for housing is generally supported by the Government and Council policies, provided a satisfactory residential environment for future occupiers can be secured, whilst protecting the operations of existing nearby users.

The broad principles of the proposed layout are acceptable as it aims to create an active frontage to the street, surveillance of the public realm and a scale of development that is appropriate to the surrounding context.

It is considered that the application should be supported as it will provide the regeneration of a key landmark building and retain its long-term future, without impacting upon the character and openness of the Green Belt.

### **Loss of community facility**

There are five public houses within a two-kilometre radius of the application site, including The Longhorn, Lakeview, King Arthur, Whitehouse and The Dilke. There are also a range of other services and facilities within easy walking distance of the application site including, Post Office, St Martin's Church, Co-op Local

Store, Cuckoo's Nook and the Dingle Local Nature reserve, a play area at Wood End Road, garden centre, furniture store and Park Hall Infants and Junior Schools. There is no pressure to retain this Public House and there are other existing facilities in a convenient location which means the loss of the Public House can be supported.

### **Design**

Care has been taken to keep the scale of the minor additions to the building in keeping with the character of the surrounding area. Minor additions have been incorporated to ensure that the site can be re-used in a sensitive and sustainable way.

The front elevation of the proposal remains similar to the existing, and it is proposed that windows that are not in keeping with the character of the original building will be replaced.

The building has undergone some unsympathetic refurbishment and extension over the years with bracket galled bay and bottled glass windows to the front elevation, whilst poor quality single storey extensions clutter the rear elevation. The flat roof to the right hand side of the existing entrance to the public house is proposed to be replaced with a pitched roof; this will improve the appearance of the building.

Demolishing the single storey extension to the rear would expose the double gabled roof as it was originally. The pitched roofs that replace the flat roofs would upgrade the building's appearance, eliminating the imbalance and creating a clean uniform appearance.

The application maintains an active frontage with two units having direct access from the front elevation and three other accesses at the front for the rest of the proposed units.

### **Access/Transport**

Transportation raise no objection to the application subject to assigning and numbering parking spaces and the provision of a safe and secure cycle store rather than cycle racks. The Police also raise concern about the use of cycle racks.

There is a bus stop located directly outside the pub and also on the opposite side of the road. Centro has no objection to the proposal. The site is in a sustainable location on a public transport route

The proposal would reduce the number of active vehicle access points from two to one. This allows for a well laid area of car parking to the east of the site with the west car park proposed to be landscaped.

One neighbour letter objects to the application on the grounds of increasing traffic. The proposal would reduce the amount of car parking spaces and by its nature

would not have the same level of vehicle activity as the public house. The proposal would have less impact upon traffic levels.

### **Amenity Space**

The application proposes to remove the western car park, converting to soft landscaping which would then become publicly accessible and maintained by a private management company. Secure private amenity space is proposed to the rear providing a positive environment for future residents, which is further enhanced by the use of private patio areas for the rear ground floor units, and two balconies at first floor. The area of the land immediately to the rear of the site is proposed to be secured by 1.2m railings to the east and west with the gap in the hedge to the northern boundary to be reinstated by the use of an appropriate condition. An appropriate level of private amenity space is provided.

### **Ecology**

The applicant's ecological survey determines that the proposal is unlikely to have any significant impact upon any designated sites or notable or protected species highlighted during the desk study. The habitats in the survey area are considered to have extremely limited ecological importance. No evidence of roosting bats was found during the external or internal surveys. The application overcomes reason 1 of the previous refusal; however the bat survey is only appropriate for development commencing before May 2008, development after this date will require a new full survey, this can be achieved by condition.

### **Neighbour comments**

The saleability of a property is not a material planning consideration.

The applicants have demonstrated that there are other public houses within the vicinity which would mitigate against the loss of the public house.

### **Planning Obligations - public open space and education**

Development Plan policies state that residential development will only be permitted where adequate school capacity exists or can be provided and that residential development will also be required to make financial or other contributions towards the provision of new or enhanced urban open spaces.

GP3, LC1 and in line with the Council's Supplementary Planning Document (SPD) for Urban Open Space (April 2006) the amount of residential units supplied would normally warrant a contribution of £19,340.00 towards public open space. Because of the level of publicly accessible space provided on site that will be maintained privately, it is considered the proposal contributes to the local level of public open space. At the last meeting it was resolved to accept a reduction to 55% of the contribution. Due to the ownership issues and the reduction in the amount of onsite publicly accessible space, it is recommended that the open space contribution should be revised to 70% or £13,538.00. The applicants have confirmed they will be willing to pay this.

The applicant has agreed to the required Education contribution of £16,945.79 in accordance with policy GP3 and paragraphs 8.8 and 8.9 of the UDP.

The financial contributions must be secured by a S106 agreement. It is also recommended that the agreement ensures that the public open space is accessible in perpetuity.

**Recommendation: Grant Permission Subject to Conditions, a Planning Obligation.**

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

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

2. No development shall 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 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 a detailed hard and soft landscaping and habitat enhancement scheme including existing and proposed ground levels 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. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

*Reason:* To ensure the satisfactory appearance of the development and to encourage the habitat creation and conservation of Hay Head Quarry Site of

Significant Scientific Interest (SSSI) and the Three Crowns Pasture Site of Importance for Nature Conservation (SINC).

4. Prior to the commencement of the development, details for the reinstatement of the hedge to the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* In the interests of maintaining and enhancing Three Crowns Pasture Site of Importance for Nature Conservation (SINC).

5. No development shall be carried out until a plan showing which trees and hedges are to be retained or removed and details of the design and location of protective guards or fencing to be used during construction, has been approved in writing by the Local Planning Authority. The approved guards or fencing shall be implemented prior to the commencement of construction and retained until the development is complete. The soil level shall not be altered within the approved guard or fencing and this area shall be kept clear of materials and machinery.

*Reason:* To safeguard the trees to be retained on the site in the interests of the amenity of the area.

6. No development shall commence until details of external lighting to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with recommendations issued by *The Institution of Lighting Engineers* for the reduction of light pollution. No light shall be directed at, illuminate, reach or cross any occupied dwelling.

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

7. Prior to the commencement of the development details of a brick constructed covered secure cycle store and bin store and the location and details of a bin hard standing shall be submitted to and agreed in writing by the Local Planning Authority. The cycle stores, bin stores and bin hard standing shall be completed in accordance with the approved plans prior to the completion of the development.

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

8. No development shall commence until details for the location and type of bollards used along the emergency vehicle access has been submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be installed prior to the development being brought into use and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall commence until details of crime prevention methods to ensure security to the car park and access points of the dwellings hereby permitted, including lighting, CCTV and access control points with audio verification have been submitted to and approved in writing by the Local Planning Authority.

*Reason:* In the interests of community safety.

10. No development shall take place until details of the materials to be used for the rear balconies has been submitted to and approved in writing by the Local Planning Authority. The walls and roof of the extensions hereby approved shall comprise of 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 agreed in writing by the local planning authority.

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

11. Before the development is brought into use, details of the location and appearance of the proposed no parking signage shall be submitted to and approved in writing by the Local Planning Authority.

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

12. If demolition or alteration to the building is to begin after May 2008, prior to the demolition or alteration of any part of the building which may contain roosting bats a full bat survey shall be undertaken at an appropriate time of the year by person(s) with appropriate qualifications and experience in surveying for bats to ensure that bats are not present during building works. The survey shall comprise an internal inspection of accessible roof voids and a dawn and dusk survey. No demolition shall take place until the survey has been submitted to and approved in writing by the Local Planning Authority. For works before this date the survey submitted with the planning application may be used. Any demolition or alteration works to the buildings shall take place under the direction of an appropriately experienced and qualified bat worker. All places where bats may reasonably be found shall be demolished with care using hand tools. If any bat is discovered work shall stop immediately and the advice of Natural England sought.

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

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

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

14. 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, and 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:* In order to protect the residential amenities of potential occupiers.

15. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be hardsurfaced in materials to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. Prior to the first occupation of the building the parking spaces shall have been clearly marked out, numbered and assigned to particular dwellings.

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

16. The visibility splays at the vehicle access point with Sutton Road shall be maintained clear of any structure or planting over 600mm in height.

*Reason:* In the interests of highway safety.

17. Prior to the occupation of the proposed apartments, the location of a communal satellite dish shall be submitted to and agreed in writing 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.

18. The area defined as publicly accessible space as shown on approved drawing number B4184/13C received by the Local Planning Authority on 14<sup>th</sup> February 2008 shall be retained as publicly accessible space and shall not be enclosed unless otherwise agreed by the Local Planning Authority. Before the development is brought into use a management plan for the long-term maintenance of the publicly accessible space shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To define the permission and in the interests of retention and long term maintenance of the publicly accessible space.

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

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

20. This permission relates to the following plans B4184-02A, B4184/04A, B4184/10, B4184/11, Topographical Survey Project Number 2507 and the Ecological Assessment and Bat Survey as prepared by Tim Outlaw received by the Local Planning Authority on 1<sup>st</sup> October 2007, B4184/06D received by the Local Planning Authority on 25<sup>th</sup> October 2007, B4184-03C, B4184/05D, B4184/07A and B4184108 received by the Local Planning Authority on 22<sup>nd</sup> November 2007 and B4184/12B and B4184/13C received by the Local Planning Authority on 14<sup>th</sup> February 2008.

*Reason:* In order to define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV2, ENV3, ENV14, ENV18, ENV32, H3, H10, LC8 and T13 of Walsall Unitary Development Plan and national guidance given in PPG2 and PPS3 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

### **Notes to Applicant**

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

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;  
British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use  
British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.  
British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas  
Calculation of Road Traffic Noise, 1988  
Calculation of Railway Noise, 1995

*This is not an exhaustive list.*

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

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

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 08/0183/FL  
**Application Type:** Full application

**Case Officer:** Paul Hinton  
**Telephone Number:** 01922  
652420

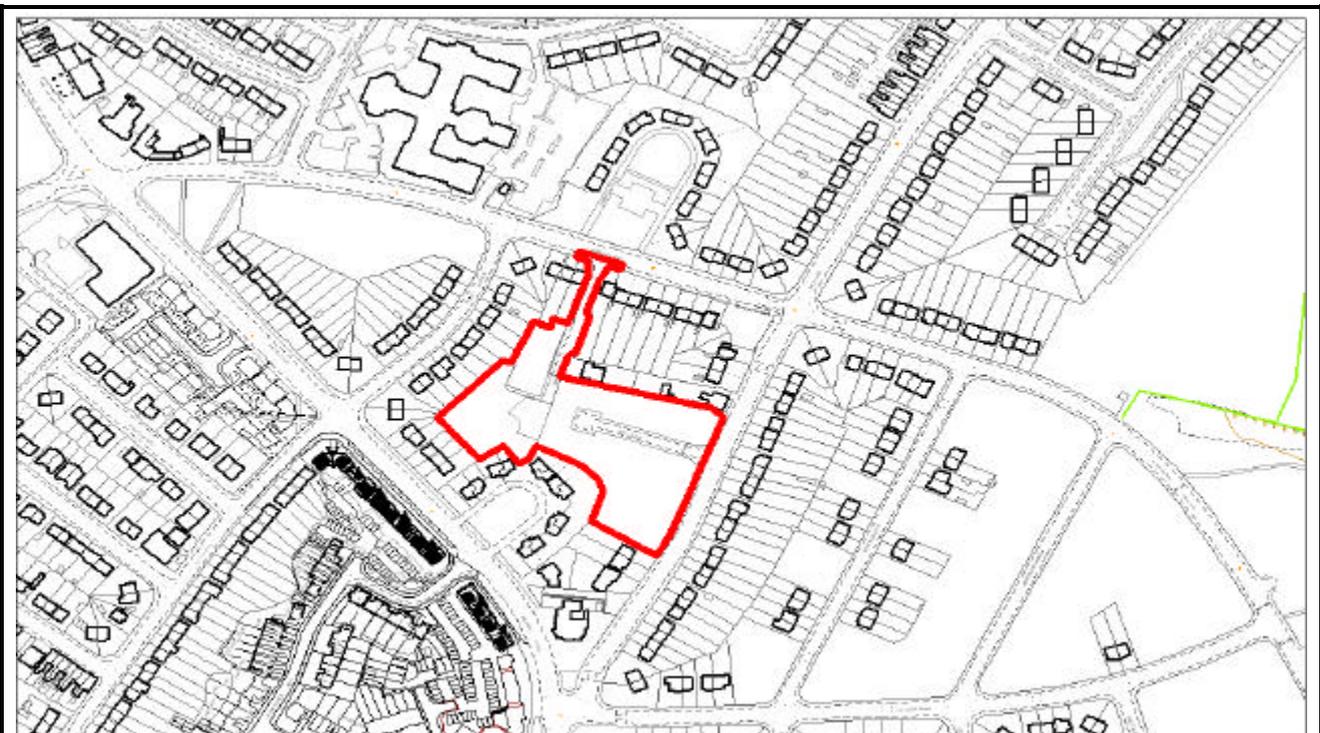
**Applicant:** Bovis Homes Ltd  
**Proposal:** Construction of 35 no. 2,3 &  
4 bedroom dwellings with associated  
parking

**Agent:**  
**Location:** Land adjacent Well  
Place and Barracks Close, Walsall

**Ward:** Bloxwich East

**Expired:** 02/05/2008

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



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**Reason for bringing to Committee:** Major application

**Application and site details**

The site comprises an area of land between Well Lane and Barracks Lane. The site is now cleared but was formerly occupied by residential units comprising 11 bungalows, 4 semi detached houses and a 3 storey block of flats. The site is split into two via separate accesses from Barracks Close and Well Lane, the existing access from Well Lane known as Well Place.

The application proposes redevelopment of the site through the erection of 35 residential units. Barracks Lane and Well Place are proposed to be linked creating a direct vehicular connection utilising a one way route through entry from Well Lane and exit onto Barracks Close.

The accommodation would comprise 8 x 2 bed flats, 2 x 2 bed houses, 17 x 3 bed houses and 8 x 4 bed houses (8 flats and 27 houses). Eight affordable housing units would be provided (4 rented flats, 2 rented 2 bed houses and 2 rented 4 bed houses). The proposal is dominated by two storey houses and flats (between 7.5m and 8.3m in height) with the exception of 4 three storey houses in the centre of the site at 10.2m in height. All properties face onto either Well Lane/Barracks Lane or onto the proposed through road. Secure gating is proposed to the car parking areas at the rear of the houses and flats along Well Lane. The other parking provision is provided by drives directly to the side or front of the proposed dwellings and by either attached or detached garages. Apartments have direct street access and all houses have street access with an additional access either through a side or rear gate or through the garages. Private rear gardens would be provided for each house and communal private amenity space for the flats as well as bin and cycle storage and landscaping.

The proposals show 76 car parking spaces, with frontage parking, tandem driveways, and driveways with internal, attached and detached garaged. The F type apartments have 200% parking, with apartments type G having 150%. Overall the parking provision meets the requirement of the UDP policies. An integral covered secure cycle store to apartments 7-10 has also been provided.

No details of materials have been provided with the application at this stage, however the applicants propose lighter bricks to the site's main frontage on Well Lane and darker bricks within the centre of the site.

The site is situated on the edge of the Blakenall local centre (approximately 80m away), within a residentially dominated area. The local centre provides a community centre, church and nursery school as well as local shops and services.

The surrounding area is predominantly two storey residential properties though adjacent to the site number 1 Barracks Close and the 12 dwellings within Walker Place are bungalows. Further to the south are modern three storey apartments fronting Walker Road.

The site area of 0.787ha would provide a density for the proposed development of 44 dwellings per hectare.

### **Relevant Planning history**

07/2328/FL/E6 – Proposed construction of 36 no 2, 3 and 4 bedroom dwellings with associated parking. Withdrawn 13<sup>th</sup> December 2007.

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

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

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

GP1: The Sustainable Location of Development

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

GP2: Environmental Protection and Policy 3.6

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

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

GP3: Planning Obligations

Used to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by the development.

GP7: Community Safety

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

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

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

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

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

H4: Affordable Housing

25% of total dwellings shall be affordable homes.

H9: Minimum Densities

Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites, but significantly higher densities exceeding 50 dwellings per hectare will be encouraged if close to local centres.

#### H10: Layout, Design and Dwelling Mix

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

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

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

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

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

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

#### ENV32: Design and Development Proposals and Policy 3.16.

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

#### ENV33: Landscape Design

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

#### ENV39: Renewable Energy and Energy Efficiency

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

#### LC1(d): Urban Open Space

Residential developments will be required to make a financial contribution to enable the provision of new or improved urban open spaces.

Policy 8.8 and 8.9 indicates that residential developments will only be permitted where adequate school capacity and health care provision exists or can be provided. The Council will require developers to make a contribution to the costs of providing these facilities.

#### T7 – Car Parking

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

#### T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit
Flats with communal parking	1.5 spaces per unit

### **Residential Development Standards, (April 2005)**

Provides guidance to standards for residential dwellings. The main objective is to ensure the provision of space around dwellings provides adequate amenity space and an adequate level of privacy and daylight and as such the overall design and layout of a development, orientation, impact on the character of the area and amenities of surrounding occupiers will be considered.

### **Urban Open Space (SPD) (April 2006)**

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

### **Education (SPD) (February 2007)**

Requires a contribution towards local education facilities on residential developments of 10 units or above.

### **Healthcare (SPD) (January 2007)**

Requires a contribution towards new or enhanced community healthcare facilities in developments of 1 hectare or 30 dwellings.

### **Affordable Housing (SPD) (July 2005)**

Requires provision of affordable housing in developments of at least 1 hectare or 25 dwellings.

### **Regional Policy**

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

### **National Policy**

PPS1: Delivering Sustainable Development, emphasis is given to the need to reject poor design and the need for sustainable development.

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 objection subject to the conditions relating to protection of a highway tree, parking, adoption, traffic regulation order, and movement of site traffic.

**Arboriculturalist** – no objections subject to replacement trees to mitigate against the loss of two protected trees and tree protection measures. These can be secured by condition.

**Pollution Control Scientific Team** – no objections subject to a recommended construction working hours condition.

**Pollution Control Contaminated Land** – no objections subject to recommended conditions.

**Housing** – supports this application which delivers housing choice to this area.

**Police Architectural Liaison Officer** – no objections. The proposal has been amended in accordance with earlier advice on the previous application.

**Environment Agency** – no objections.

**Severn Trent Water** – no objection subject to recommended condition.

**Education Walsall** – The level of surplus places in local primary and secondary schools is below 10%, therefore a contribution towards both phases is required.

**National Grid** – no objections.

**Fire Service** – satisfactory access for fire appliances.

### **Public Participation Responses**

The consultation period is due to expire on 4<sup>th</sup> March 2008. At the time of writing the report no letters had been received. Any additional comments will be reported in the supplementary papers.

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

### **Determining Issues**

- The principle of residential development
- The design and layout of the proposals
- Impact on surrounding occupiers
- Access and parking arrangements
- Impact on trees
- S106 Contributions

### **Observations**

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

The application site comprises 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 PPS 3 –

Housing, encourages development of brownfield sites for residential purposes.

The site is in a predominantly residential area, close to local services, shops and bus routes and as such is considered a sustainable location. Residential development on the site is therefore appropriate, as it reflects the general character of the area.

The proposal would provide a density of 44 dwellings per hectare which is in line with Policy H9.

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

The proposal creates a through road, joining Barracks Place and Well Place. Either side of the L shaped road would be dwellings fronting the street with private gardens to the rear creating a clear definition of public and private space. An existing bungalow (No 1 Barracks Close) would be integrated into the scheme.

The junction of Well Lane and Well Place is addressed by two storey apartments, providing corner features that provide an entrance feature to the application site while using hipped roof and a ridge height to retain the character of Well Lane.

The properties would be of a traditional design of brickwork and gable roofs, picking up on key characteristics of the surrounding properties.

The 4 three storey dwellings in the centre of site provide an attractive end stop to Well Place and introduce local legibility. They would not be wholly out of character with the area as there are recently built three storey apartments along Walker Road and three storey apartments approved in principle at the site on the corner of Walker Road and Barracks Lane (another scheme part of the WHG/Bovis partnership). The proposed three storey houses would be 28m at the nearest point to the two storey houses along Guild Avenue, the three storey dwellings are sufficiently distant not to have an over dominant impact upon adjacent residents by loss of light or privacy.

The proposal provides a better relationship with the properties along Walker Place, Walker Road and Guild Avenue compared to the previous dwellings as most of the proposed have an increase separation distance.

The proposals offer some shared private amenity space for the apartments with access from the buildings and each house would have its own private rear garden.

Whilst approximately one third of the houses would have garden areas below the RDS requirement of 68sqm, this reflects the surrounding pattern of development where a mix of garden sizes exists. Residents would also benefit from a large area of public open space off Shakespeare Crescent,

approximately 250m to the east of the site. In this case the garden sizes are considered appropriate and it is also important to consider the overall aims of redevelopment and regeneration of the area.

It is understood that there is to be a contract between the two applicants (Bovis Homes and WHG) for Bovis to provide the redevelopment of the site including 8 affordable housing units. The layout indicates four 2 bed flats for affordable rent and four 2 bed houses and two 4 bed houses for affordable rent, which would provide the 23% affordable housing. This is slightly below the 25% requirement to comply with Policy H4 and SPD for Affordable Housing; however the application proposes a mix of housing types and tenure which is positive for the regeneration of the wider area. The rented flats would be situated on the corner of Well Lane and Well Place and the houses would front the existing part of Well Place. The units follow the same design principles and requirements as the remainder of the development and would therefore be integrated into the overall scheme. The delivery of the affordable housing will be achieved via the Bovis/WHG contract. A safeguarding condition is attached to support this position.

### **Impact on surrounding occupiers**

The proposed dwellings respect the separation distances to existing properties surrounding the site. There is 14m-21m between facing elevations of the proposed dwellings and the bungalows along Walker Road. While this is shorter than the RDS guidance it is an improvement on the separation distances of the previous development on site. There is an existing 1.9m close boarded fence which provides an adequate boundary to prevent direct overlooking between Walker Place and the proposed. There is 26m-31m between facing windows of Guild Avenue and the proposal, this is inline with the RDS.

It is considered that while there is a part shortfall in separation distances as recommended in the RDS, the redevelopment opportunity and the improvement in separation than the previous bungalows on the site is an improvement to residential amenity of existing occupiers.

### **Access and parking arrangements**

The site is well connected to the existing road and bus networks. The site benefits from its proximity to local services, such as Blakenall local centre, two schools, a youth centre and playing fields all within a 5-10 minute walk. There are also a number of footpath routes nearby, such as the canal towpath and greenway.

Transportation raise no objection to the application subject to conditions to protect the highway tree, parking, adoption, traffic regulation order and movement of site traffic.

The proposals show 76 car parking spaces, with frontage parking, tandem driveways, and driveways with internal, attached and detached garaged. The

F type apartments have 200% parking, with apartments type G having 150%. Overall the parking provision meets the requirement of the UDP policies. An integral covered secure cycle store to apartments 7-10 has also been provided.

The application proposes that the through road should be a shared surface. This means that no separate pavement is provided alongside most of the road. A one way route is proposed to ensure satisfactory provision for refuse and emergency vehicles. This is recommended to be secured by condition, with appropriate signage. A Traffic Regulation Order will be required to legally adopt a one way route.

### **Impact on trees**

There are ten trees on site, six of which are subject to a Tree Preservation Order. Five trees are proposed to be removed, including two subject to the order. The removal of the trees are required to ensure the through road can be provided and that the amenity space to the rear of plots 17 and 20 would be usable. The four street trees have a significant amenity value and are therefore required to be retained and protected during construction. It is considered that the removal of 5 trees is reasonable to deliver regeneration on this key site. The Arboricultural Officer has no objection to the loss of the trees subject to a condition to ensure replacement trees to mitigate for the loss of the two protected trees.

### **S106 Contributions**

#### Education

The level of surplus places in local secondary schools is below 10% therefore a contribution of £137,880.40 is required towards secondary school provision within the local area, in line with Policy 8.8 of the UDP.

#### Urban Open Space

An Urban Open Space contribution of £70,555.00 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP.

#### Healthcare

A Healthcare contribution of £39,582.90 is required to comply with Policy 8.9 of the UDP and Healthcare SPD.

### **Recommendation: Grant Permission Subject to Conditions, a Planning Obligation and no Further Representations**

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 a Traffic Regulation Order has been advertised and considered capable of being sealed. This shall be implemented to ensure traffic can travel in 'One way' direction with entry from Well Lane and exit onto Barracks Lane. The access road shall thereafter be retained for one-way traffic with entry from Well Lane and exit onto Barracks Lane unless otherwise agreed by the submission of a separate planning application for the variation or removal of this condition.

*Reason:* In the interests of highway safety.

3. Subject to the implementation of the Traffic Regulation Order illuminated directional signage shall be incorporated within the site. The development shall not be occupied until details of the design, siting installation and specification of illuminated 'no entrance', 'no exit' and 'one way' signage for the new through road has been submitted to and approved in writing by the Local Planning Authority and shall be carried out by Walsall Council's Street Lighting partner Amey, the signs shall thereafter be retained.

4. If it is the developers intention for Walsall MBC to adopt the proposed roadworks between Well Place and Barracks Close, excluding private drives, then no development shall be carried out until a detailed plan identifying the extent of the adoptable highway, layout, alignment, widths and levels with all the necessary drainage arrangements and run off calculations has been submitted to and approved in writing by the Local Planning Authority. No development shall commence until these details have been approved and an agreement under Section 38 of the Highways Act, 1980, has been entered into.

*Reason:* To ensure the satisfactory development of the application site and define the permission.

5. No development shall be carried out until samples of all facing, roofing and surfacing 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.

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

development shall be carried out and retained in accordance with these approved details.

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

7. Prior to development commencing details of impervious hardwearing materials to be used for surfacing, including paths, roadway and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. Prior to the first occupation of plots 1-6 and 32-35 the parking spaces for these plots shall have been clearly marked out, numbered and assigned to particular dwellings or as visitor spaces.

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

8. This development shall not be carried out until full details for the location and appearance of the railings, vehicle gates and boundary walls have been submitted to and approved in writing by the Local Planning Authority.

*Reason:* In the interests of visual amenity and community safety.

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

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

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

*Reason:* To mitigate for the loss of two trees protected by Tree Preservation Order 55/2007.

11. No development shall be carried out until a plan indicating the design and location of protective guards or fencing to protect all trees to be retained has been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented before any site preparation, or construction work is undertaken and shall be retained until the development is finished and all other equipment and installations have been removed from the site, the protection area shall be kept clear of all contractors' materials and machinery at all times. Details of measures to be used to protect the street trees shall also be submitted for approval and thereafter retained in accordance with the agreed details.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no dwelling hereby permitted shall be altered or enlarged so as to deprive it of an existing garage or its drive or parking area as approved and first constructed, except with the express permission of the Local Planning Authority.

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

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

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

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations to the dwellings hereby permitted or the erection of buildings within the curtilage of the site, as defined in Schedule 2, Part 1, Classes A to E of the Order, shall be constructed without the prior submission and approval of a planning application.

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

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

***Note for applicant.***

*The desk study and site reconnaissance shall have regard to the previous commercial activities undertaken at the adjacent premises, materials used and processes carried on. Further details on the matters to be addressed*

*is available in "PPS 23 : Planning and Pollution Control", Annex 2, Development on Land Affected by Contamination", paragraphs 2.42 to 2.44. and "Model Procedures for the Management of Contamination" (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.*

16. In the event that the desk study and site reconnaissance indicates the presence of contamination and/or ground gases on site a ground contamination survey and site investigation approved in writing by the local Planning Authority shall be undertaken.

Note for applicant

*This survey should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Waste Management Paper No. 27 "Landfill Gas"; or any relevant antecedents of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.*

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

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.*

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

Note for applicant

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

19. No development shall be carried out until a detailed layout plan and method statement has been submitted to and approved in writing by the Local Planning Authority showing parking, manoeuvring and access for site operatives, machinery and visitors within the application site. The method statement shall include details for construction traffic vehicle movements during the construction period. The approved details shall be retained and kept available during construction of the development.

*Reason:* In the interests of highway safety.

20. The development shall be constructed in accordance with the Code of Sustainable Homes '3 stars' or Eco Homes 'good' standard relating to energy efficiency / CO<sub>2</sub>, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

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

21. No development shall be carried out until full details of a landscaping scheme has been submitted to and approved in writing 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 landscape scheme will include provisions clearly showing the distinction between private amenity space and parking areas for plots 32-35. 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.

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

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

23. The delivery of Affordable Housing for the site shall be provided in accordance with Drawing No GOSC200 Rev D received by the Local Planning Authority on 22<sup>nd</sup> February 2008.

*Reason:* In order to define the permission and comply with Policy H4 of the UDP and Supplementary Planning Document: Affordable Housing.

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

***Note for Applicant***

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

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

**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, GP1, GP2, GP3, GP7, 3.114, 3.115, ENV14, ENV18, ENV32, ENV33, ENV39, H3, H4, H9, H10, LC1(d), 8.8, 8.9 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](http://www.walsall.gov.uk)

Note for applicant

Severn Trent advise that there is a public sewer which crosses the site and no buildings shall be erected or trees planted within 2.5 (7xLowRisk FWS) and 2.5 (2x150 CWS) metres either side of these sewers. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991.

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2616/FL/W5

**Application Type:** Full application

**Applicant:** W & J Smith Ltd

**Proposal:** Change of use to private  
garden

**Ward:** Darlaston South

**Recommendation Summary:** Grant Subject to conditions

**Case Officer:** Karon Hulse

**Telephone Number:** 01922 652492

**Agent:**

**Location:** LAND BETWEEN 38 &  
39 ROUGH HAY  
ROAD, DARLASTON, WS10 8NQ

**Expired:** 28/02/2008



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

### **Application and Site Details**

The application is for the incorporation of a triangular shaped grassed area between no 38 and 39 Rough Hay Road, Darlaston into the private garden of no. 40 Rough Hay Road, Darlaston.

No. 40 has a long rear garden which meets the boundary with the land in question behind no 39 which is a small stand alone hot food take away. No. 40 is a hairdressing salon at ground floor with residential above.

The proposal is simply for a change of use to garden land it does not include any boundary treatments. The land has direct frontage access which is approximately 14 metres wide onto Rough Hay Road.

### **Relevant Planning History**

None relevant

### **Relevant Planning Policy Summary**

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

### **Unitary Development Plan**

GP1 - relates to sustainable development.

GP2 - not permit development which would have an unacceptable adverse impact on the environment

3.6 Development and redevelopment schemes should, as far as possible, help to improve the environment.

3.16 consider 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.

Policy ENV32 states poorly designed development which fails to take into account the context or surroundings will not be permitted.

### **National Policy**

Planning Policy Statement 1: Creating Sustainable Communities

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

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

Policy QE1 - Environment

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

### **Consultations**

**Transportation** – no objections

**Fire Service** – no objections

**Pollution Control Division** – no objections

**Environmental Regeneration (trees)** – no objections

### **Public Participation Responses**

None

### **Determining issues**

The impact of the proposal on the character and amenity of the area

### **Observations**

#### **The impact of the proposal on the character and amenity of the area**

This triangle shaped parcel of land sits in between 38 and 39 Rough Hay Road, Darlaston, this area is currently open and presents circumstances which could potentially lead to nuisance from youths congregating causing noise and unsociable behaviour . It is considered therefore that the enclosure of the area within a private garden would reduce this possibility.

The area, although currently tidy, is of little value and serves no specific purpose to residents or the character of the area.

The proposed change of use should be restricted to garden land only in conjunction with the uses of no 40 Rough Hay Road and there should be a requirement for the area to be secured by way of appropriate boundary treatments.

### **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 use of this land as a garden shall not be commenced until full details of the proposed boundary treatment of the site 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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, 3.6, 3.16 and ENV32 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 08/0031/FL  
**Application Type:** Full application  
**Applicant:** Mr S Hussain  
**Proposal:** Retrospective: Change of  
Use from Vacant Petrol Filling Station  
to Hand Car Wash  
**Ward:** Darlaston South  
**Recommendation Summary:** Grant Subject to conditions

**Case Officer:** Marilyn Kowalski  
**Telephone Number:** 01922 652492  
**Agent:** A.R.F Design Associates  
**Location:** Former Filling Service  
Station, 1A High  
Street, Moxley, Walsall, WS10 8RX  
**Expired:** 09/04/2008



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## **REASON FOR BRINGING TO COMMITTEE: Significant Community Interest**

### **Application and Site Details**

The applicaiotn is retrospective.

The site is a vacant petrol filling station with associated services. The existing redundant pump islands are to be utilized to create parking bays for cars being valeted. The site is located at the western end of the High Street close to the junction with Great Bridge Road.

The rear gardens of houses on Castle View Close directly back onto the site to the east, a works unit lies directly to the west of the site, houses on Great Bridge Road back onto the site from the south but are separated from the site by a piece of open landscaped land. On the opposite side of the road lies an industrial unit and a terrace of four houses.

There are separate access and egress points to the site, the “in” being closest to the houses on Castle View Close. This is an existing access arrangement.

The design and access statement explains that the proposal is a change of use from petrol service station to hand car wash and valeting centre with associated services (shop/roll over car wash etc.).

### **Relevant Planning History**

BC27673P New Petrol Filling Station, Shop, Car Wash & Canopy Refused. Allowed on appeal, including restricting opening hours to 0700 to 2200 hours Monday to Saturday and 0800 to 2100 hours on Sundays and Bank Holidays.

BC40007P Jet Wash Installation Grant Subject to Conditions 1993

**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**

Policy 2.2 Creating, sustaining and enhancing a high quality natural and built environment.

GP2 development should make a positive contribution towards the quality of the environment and not permit development which would have an unacceptable adverse impact on the environment.

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

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

Policy 3.113 states that new development provides opportunities for high quality architectural to contribute to the environmental and economic well being of the Borough for the benefit of residents.

Policy 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, particularly in Conservation Areas.

Policy 3.116 states that good design should be a feature of all development.

### **Consultations**

**Transportation** - No objections subject to conditions.

**Environmental Health** - There is a potential for noise nuisance to affect residential property situated next to the site and arising from the use of plant and equipment such as powered cleaning equipment and from customers queuing, car entertainment devices, engine noise. There may also be an issue with overspray from jet washing operations affecting nearby properties. The existing boundary wall to the rear of the residential premises bordering the site may be insufficient to mitigate the above concerns. Furthermore, it may be detrimental to the occupants of such premises for this boundary wall to be augmented as a form of control. If approved a condition should be imposed requiring a noise survey to be undertaken. In addition, details of any measures to counteract overspray must be submitted in writing to the local planning authority. Noise from customers, their radios and engine noise, may be difficult to satisfactorily control due its very intermittent nature and likely lack of supervision and action by site management. These issues may not be satisfactorily remedied by the above conditions.

**Pollution Control** - No objections from contaminated land.

**Pollution Control** - scientific team confirm agreement with Environmental Health. There is potential for problems with overspray and noise from operations and vehicles/customers waiting. However, these matters can be mitigated and the potential for disturbance from noise is not significantly greater than when the premises were a service station. Noise from plant and equipment can create disturbance but siting, screening, layout/design, responsible management by operators and restricting days/times of use can all play a part in bringing this down to an acceptable level. Even if significant complaints have been received regarding the service station activities, this application could provide a means of control through the planning process that enables the premises to be used in an acceptable manner.

**Fire Service** - No access issues.

**Environment Agency** – No objections. Observations made regarding pollution prevention issues.

### **Representations**

Two individual letters and a petition containing 9 signatures have been received from residents objecting to the proposal on the following grounds:

- a) There are enough car washes around the area;
- b) It makes the area look “shabby”;
- c) Will cause congestion in the road;
- d) Was told that the site could not be used as a car wash;
- e) Large vans have been using the site and spray from these travelling onto surrounding gardens;
- f) Nuisance from adverts being placed on pavements and advert clutter on the site;
- g) Fly tipping;
- h) Fears of loud music;
- i) Boundary fences should be kept in good order to prevent vandalism and fly tipping;
- j) Run off from the car wash needs to be dealt with to avoid damage;
- k) Residents should be consulted on any changes in operation times;
- l) The site should be monitored at regular intervals.

### **Determining Issues**

- amenity of neighbouring occupiers;
- highway implications;
- other issues.

### **Observations**

#### **Amenity of neighbouring occupiers**

The use of the site as a filling station was granted at appeal in 1989. Planning permission was granted in 1993 for a jet wash in the south westerly corner of the site (furthest away from the closest residential property on Castle View Close). The proposal was considered to be acceptable as it was 17m away from the rear boundary of the nearest property on Great Bridge Road and in view of the use of the site as a petrol filling station. The jet wash, in that case, was screened by a 2m high close boarded fence and a line of substantial trees. The environmental health officer considered, at that time, that providing that the hours of operation were limited to the rest of the service station (0700 to 2200 hours Monday to Saturday and 0800 to 2100 hours on Sundays and Bank Holidays) there would be no unacceptable nuisance to residents

With reference to this application, the whole of the site would be used as a car wash and valeting facility, with an ancillary shop. Environmental Health have expressed concerns for the properties adjoining the development on Castle View Close due to the potential for noise and overspray from jet washing operations. However, Pollution Control feel that noise can be mitigated and the potential for disturbance from noise is not significantly greater than when the premises were a service station. It is accepted that noise from plant and equipment can create disturbance but siting, screening, layout/design, responsible management by operators and restricting days/times of use can all play a part in bringing this down to an acceptable level. Conditions requiring: measures to counteract overspray; a noise survey and mitigation measures and one restricting the use to car wash facility only, unless details are approved of the siting of jet wash facilities.

In a similar case, elsewhere in the Borough, at the Barr Beacon Service Station an enforcement appeal was lodged against a breach in planning control amounting to the making of a material change of use of the land from a petrol filling station to a vehicle wash and valeting centre, decision dated 16<sup>th</sup> November 2007. In that case, there were houses to each side of the appeal site. The main issue was considered to be the impact upon the amenity of neighbouring residents in terms of overspray from the pressure washers and noise and disturbance. The appeal was dismissed with the Inspector concluding that noise would be intrusive and despite there being a boundary wall, would seriously reduce residential amenity. He stated that "the use would have a harmful impact upon the amenity of neighbouring residents in their rear gardens and the area generally in terms of overspray from the pressure washers and noise and disturbance from the washing and valeting process."

The current case is considered to be different to the appeal in that it was clear that jet wash facilities were to be used in the appeal case whereas in this case it is simply a car wash and valeting that is being applied for. It is considered that providing the site is used for hand car washing only, and any jet wash facility controlled by separate details to be submitted for consideration under the terms of a condition that the use would not be detrimental to the amenities of neighbours.

## **Transportation**

Transportation do not object to the application but recognise many omissions in the current proposal. These relate to the location of car washing bays; the number of permanent and part time staff to be employed; staff parking; customer parking; valeting bays; customer vehicle waiting area; pedestrian access; type of work to be carried out i.e. passing trade, open to the public, work for motor trade customers etc. Details of 'On Site' movement and operation, and procedure for access and egress onto the public highway would also be required. These can be controlled by conditions. The transportation officer has also required the restriction of cleaning, jet washing or valeting

commercial or light commercial vehicles, and asked for a revised plan showing drainage arrangements to prevent water associated with the site discharging onto the adopted highway should the application be approved.

### **Other issues**

Neighbours have raised concerns regarding the potential for nuisance from adverts being placed on pavements and advert clutter on the site, also fly tipping on the site. These are matters which need enforcement attention, should they arise.

### **Recommendation: Grant Subject to conditions**

1. This permission is for a hand car wash and valeting facility for cars and similar light vehicles only and does not grant permission for the use of jet washing equipment without the prior submission of details and subsequent agreement in writing by the Local Planning Authority.

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

2. Within 1 month of the date of this permission details of a noise survey and mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented within one month of approval and thereafter retained.

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

3. Within 1 month of the date of this permission details of the following shall be submitted to and approved in writing by the Local Planning Authority:-

- a) location of car washing bays;
- b) the number of permanent and part time staff to be employed;
- c) staff parking;
- d) customer parking;
- e) valeting bays;
- f) customer vehicle waiting area;
- g) pedestrian access;
- h) details of 'on site' movement and operation, and procedure for access and egress onto the public highway.

Unless otherwise agreed in writing, the approved details submitted under parts (a) (c) (d) (e) (f) (g) and (h) shall be implemented within 1 month of approval, and thereafter retained.

*Reason:* In the interests of highway safety.

4. Within 1 month of the date of this permission, details of a revised plan showing drainage arrangements to prevent water associated with the site discharging onto the adopted highway shall be submitted to and approved in writing by the Local Planning Authority.

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

5. Within 1 month of the date of this permission, 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 within 1 month of the date of the approval of the details and shall be thereafter retained.

*Reason:* To safeguard the amenities of the occupiers of adjoining premises, and to ensure the satisfactory appearance of the development.

6. Within 1 month of the date of this permission a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season (1<sup>st</sup> October - 1<sup>st</sup> April) or in accordance with any agreed phasing.

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

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

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

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

8. The premises shall not be open for business outside the hours of 0700 to 2200 hours Monday to Saturday and 0800 to 2100 hours on Sundays and Bank Holidays.

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

9. Unless otherwise agreed in writing by the Local Planning Authority, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through a silt trap and an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained

*Reason:* To prevent pollution of the water environment.

10. 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 to avoid interference with car parking spaces and vehicle manoeuvring on the site.

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

11. The shop shall only sell items ancillary to the car wash use.

*Reason* To control the provision of retail uses.

**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 2.2, GP2, 3.6, 3.7, 3.113, ENV32 and 3.116 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 08/0211/FL  
**Application Type:** Full application

**Case Officer:** Karon Hulse  
**Telephone Number:** 01922  
652492

**Applicant:** Mr John Gough  
**Proposal:** Proposed 3 Bed Dwelling at  
Land Adjacent to 172 Clothier Street  
including Rear Access to 172 and 173  
Clothier Street

**Agent:** Mr. S. Wells  
**Location:** LAND ADJACENT TO  
172 CLOTHIER STREET,  
WILLENHALL, WALSALL,  
WV131BB

**Ward:** Willenhall South

**Expired:** 07/04/2008

**Recommendation Summary:** Grant Subject to conditions



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## **REASON FOR BRINGING TO COMMITTEE: Sale of Council Owned Land**

### **Application and Site Details**

This application follows a recent refusal for the erection of a single two storey dwelling house on land adjacent to no. 172 Clothier Street, Willenhall. The previous reason for refusal was the loss of a mature tree and that the house would create a poor relationship with the adjoining house.

The site which is on the corner of Clothier Street and Clothier Gardens is currently an open grass verge area (council owned) measuring approximately 8.5 metres wide by 33 metres.

Following the previous refusal the design of the proposed dwelling has been amended in order to achieve a better relationship with the adjacent property. The dwelling would occupy part of that corner site, set back from Clothier Street and the main building line of no. 172 and 173. Its design, style and appearance on Clothier Street would typify that of the adjacent properties and it would have a rear and side private garden enclosed by a 2 metres high close boarded fence. It would have a small frontage garden created by the setting back of the dwelling, and this would provide for forward visibility around the corner.

A secure gated car park for six vehicles, which is accessed from Clothier Gardens, would provide off street parking for the proposed dwelling as well as the existing two properties (172 and 173) which currently have no other off street parking.

The proposed dwelling and the existing dwellings would have their own separate rear access. The new dwelling would have a rear garden area between 10 metres in length and 9 metres in width and a total of 100 square metres.

The area is a mixture of styles and designs of dwellings such as Victorian terraces, 1960's semi detached, blocks of flats with flat roofs however they are predominantly two storeys in height.

The application also includes two replacement trees following the removal of an existing one.

### **Relevant Planning History**

07/2245/FL/W5 – Erection of dwelling. Refused 30<sup>th</sup> November, 2007

### **Relevant Planning Policy Summary**

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

## **Unitary Development Plan**

The Unitary Development Plan policies identify an increased emphasis on the quality of design as an important environmental issue and the following are specifically relevant.

GP1...principles of sustainable development

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

GP7 designing out crime

Env 32 does not permit poorly designed proposals

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

## **H10 Layout, Design and Dwelling Mix**

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

## **T7 and T13 Car Parking standards**

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

**Residential Development Standards** - Residential Development Standards control matters of garden size, space around dwellings etc.

## **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.

**Regional Spatial Strategy** - it is part of the Development Plan and seeks to promote sustainability and reduce the need to travel.

## **National Government Policy**

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport, PPG24 - Planning and Noise, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places - The Planning System & Crime Prevention.

## **Consultations**

**Transportation** – no objections

**Pollution Control Division** – no objections

**Police Architectural Liaison Officer** – concerns regarding the gated access and area below new tree planting

## **Public Participation Responses**

None received

## **Determining Issues**

- Principle of the development
- Private Amenity and design
- Car Parking
- Loss of Tree
- Police concerns

## **Observations**

### **Principle of the development**

The principle of reusing brownfield sites, such as this, for housing is generally supported by the Government's current policies provided a satisfactory residential environment for future occupiers can be secured whilst protecting those of existing nearby occupiers. In this instance the dwelling will provide a property of a type and size which is to be welcomed in the area whilst respecting the nearby occupiers. It will also provide ample parking for the development and the adjacent two dwellings.

### **Private amenity and design**

Whilst the garden for the proposed dwelling is smaller than Residential Design Standards in terms of length it does exceed the total required area of 68 square metres and will be more in keeping with and of an appropriate size for the character of the area and existing dwellings.

The design of the proposed dwelling now relates well to the adjacent dwelling, the building has been stepped back from the rear elevation of the adjacent property therefore any impact on the existing occupiers amenity has been greatly reduced to an acceptable level. The design of its frontage is similar to the neighbouring properties with windows, sills and roof lines being replicated from the adjacent dwellings, overall it will sit well into the existing streetscene. It will be of a sufficiently high quality and good design to enhance and create an attractive place and space within this locality. Its scale is also appropriate

and will be well integrated into the existing pattern of settlement and surrounding land uses.

### **Car Parking provision**

The provision of a rear car parking area will allow off street parking for the proposed dwelling and the existing two adjacent dwellings, this will be an improvement on the existing situation which currently sees those dwellings having to park on street, therefore it is to be welcomed.

The rear car parking area will be enclosed with controlled access gates for use by these residents only. Notwithstanding this the area does offer good natural surveillance with many properties around the area overlooking the car park.

### **Loss of tree**

The new rear access from Clothier Gardens will have an impact on an existing mature tree to the rear and side of the development site to the extent that it will more than likely result in its loss. The use of no dig techniques has been explored however due to the levels difference this would not be an appropriate means to mitigate the issues. The tree does add value to the area and street in this location, however following the concerns on the previous application the applicants have explored options regarding the replacements for this tree. The application now proposes to replace the existing silver birch with a birch and an oak with an equivalent overall canopy between them. This is considered to be an appropriate replacement.

### **Police Concerns**

The Police Architectural Liaison Officer is concerned regarding the open area beneath the replacement tree planting, it has been suggested that the land could be adopted by local youths as gathering place, however, the area is clearly overlooked by the proposed development as well as existing dwellings in both Clothier Street and Clothier Gardens and the potential redevelopment of the former Spring Bank House will also provide opportunities to create additional natural surveillance. Full details of the gates to the rear car park should be secured by condition and need to require an automatic system with self closing gates.

### **Recommendation: Grant Subject to conditions**

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

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

2. The new dwelling shall not be occupied until details of access gates to the rear car park have been approved in writing by the Local Planning Authority. The gates shall have an auto access system on the entry/exit gates with self closing facility. The plans shall also clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme shall be implemented before the dwelling is first occupied and the parking spaces shall have been clearly marked out. The areas shall thereafter be retained and used for no other purpose.

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

3. The new dwelling shall not be occupied 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 and ensure the visual amenity of the area.

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

*Reason:* To safeguard the amenities of the occupiers of adjoining premises and to ensure the satisfactory appearance of the development.

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

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

6. No development shall be carried out until details of replacement trees to be planted, (including species, size and location) have been approved in writing by the Local Planning Authority. The trees shall be planted prior to the use of the rear car park and prior to first occupation of the new dwelling.

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

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

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

8. Before this development is brought into use, the accessway, 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, satisfactory appearance and functioning of the development and in the interests of highway safety.

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2684/FL/H5  
**Application Type:** Full application

**Case Officer:** Owain Williams  
**Telephone Number:** 01922  
652486

**Applicant:**

**Agent:**

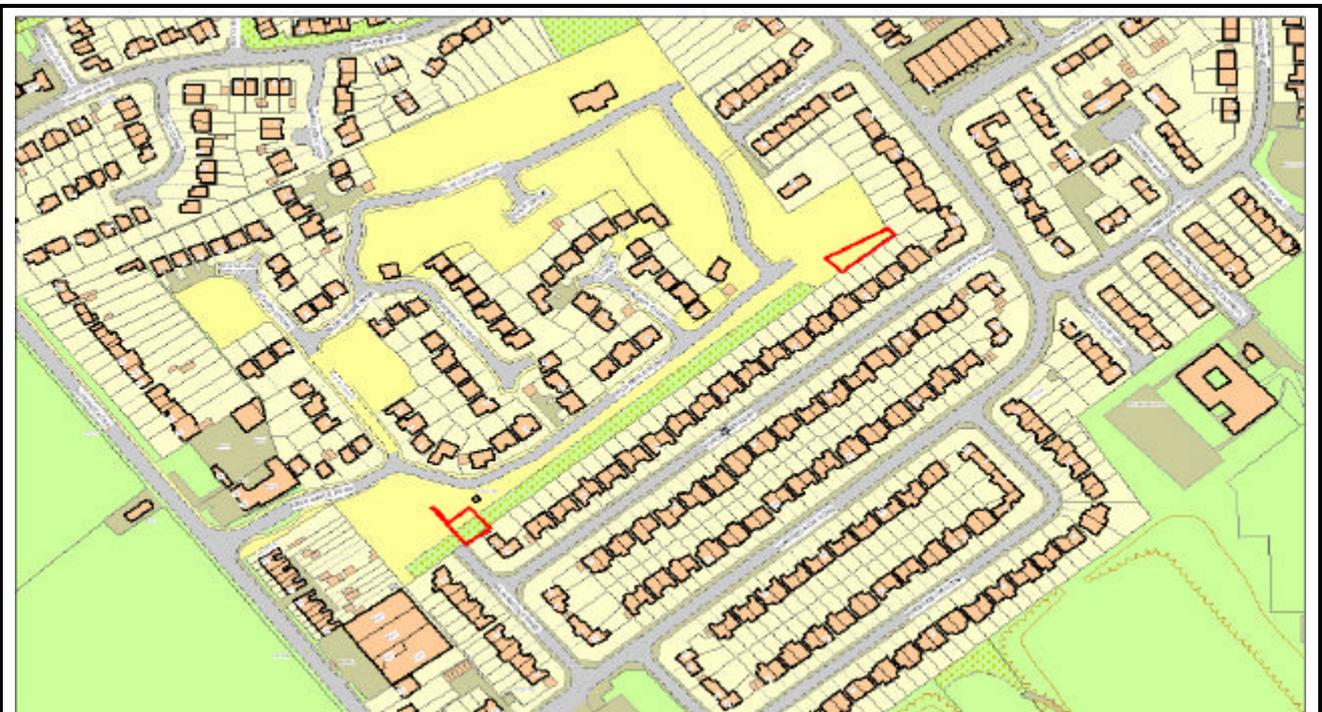
**Proposal:** Change of Use from  
Managed Landscape Area to Private  
Garden Land to be included in Plot  
Numbers 94 and 171 (6 and 37 Field  
Maple Road), and Associated Boundary  
Fencing

**Location:** LAND ADJACENT TO  
PLOTS 94 AND 171 ,POETS  
WOOD ESTATE,ALDRIDGE  
ROAD,WALSALL,

**Ward:** Streetly

**Expired:** 07/02/2008

**Recommendation Summary:** Grant Subject to conditions



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## **REASON FOR BRINGING TO COMMITTEE: Significant Community Interest**

### **Application and Site Details**

This application relates to part of the landscape buffer that lies along the southern edge of a recently built housing estate. The buffer comprises a line of mature trees and landscaping that separate the estate from the rear gardens of older houses in Fordwater Road and Silverstone Drive.

The application seeks to incorporate areas at either end of the buffer into the gardens of the adjoining houses by enclosing the areas with 1.8 metre close boarded fences. The protected trees within the areas are to be retained and additional shrubs are to be planted.

The proposal has been submitted to improve security for the occupiers of the two plots by enclosing areas that would have been exposed to potential vandalism and anti-social behaviour.

### **Relevant Planning History**

The original planning permission for the estate 02/0069/FL/H5 removes permitted development rights for extensions, detached buildings and means of enclosure.

There is an ongoing issue with regards to the additional fencing within the garden of plot 94 however this does not form part of the application as it is not within the red line. This additional fencing will require planning permission to which the owner of the land will have to apply for permission retrospectively.

### **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.

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

GP7: Community Safety

Development proposals will be expected to have regard for the objective of "designing out crime" through the incorporation of measures such as the following:-

- II. Maximising the surveillance of public areas from the living areas of homes and from the buildings
- III. Maximising the amount of defensible space which is controlled, or perceived to be controlled by occupiers.

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

The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Development will not be permitted if it would damage destroy trees or woodlands protected by Tree Preservation Order

#### ENV32: Design and Development Proposals.

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

#### ENV33: Landscape Design

Good landscape design will be required on development sites, including sites containing natural features the Council requires to be retained or enhanced.

#### H10: Layout, Design and Dwelling Mix.

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

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

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

### **Residential Development Standards**

These include guidelines concerning design and boundary treatments

Proposals for new boundary fencing to secure land adjacent to existing houses will be considered taking into account the function of the land and its contribution to the overall character and appearance of the street scene. Fences should be designed so as to be durable and located outside of visibility splays (vehicular and pedestrian) at road junctions and adjacent to individual driveways and footpaths.

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**

**Transportation** – No objections

**Fire Officer** – No objections

**Tree Officer** – No objections

**Police Architectural Liaison Officer** – No objections

**Landscape Officer** – A planting scheme is required to provide more suitable planting for the proposal including plant sizes

### **Public Participation Response**

There has been 5 letters of objection received from the neighbouring residents on Fordwater Road. The objections are as follows:-

- Do not agree with any intrusions whatsoever into the tree preservation area
- Why is the land needed by the occupiers? Will buildings be built in the back gardens?

### **Determining Issues**

- Loss of Public Amenity Space
- whether the change of use will have an impact on the character of the wider area;
- the impact on the amenities of nearby residents and
- designing out crime

### **Observations**

#### **Loss of Public Amenity Space**

The approval of the estate was granted with the understanding that the tree buffer between the rear gardens of Fordwater Road and what is now Field Maple Road provided the separation between the old and new and gives amenity space and greenery to the estate. The tree buffer at present (although amenity space) is cordoned off by hooped top railings. There is currently no easy access to this area by the public so it is purely visual amenity that is being provided. The addition of the 1.8 metre fences to enclose two small sections of the tree buffer will screen to a certain extent the vegetation and trees behind. However the upper parts of the trees and the foliage will still be clearly seen above the fencing and therefore will not alter

the overall appearance from within the estate or from neighbouring dwellings (Fordwater Road).

### **Whether the change of use will have an impact on the character of the wider area**

The proposed change of use of the managed landscape land to private garden area will result in certain areas of the tree buffer being enclosed behind 1.8 metre fences. The trees within this buffer are all protected by a blanket tree protection order. Within the application it is stated the trees will not be removed so with them being retained they will still be visible above the fencing and the fences therefore have minimal impact on the overall appearance of the area.

The fencing to plot number 171 will have an impact in terms of visual impact, as this new fence will run parallel with the access way which runs into Silverstone Drive from the estate. The scheme proposes to plant some vegetation in front of the fence which will soften its appearance reducing the overbearing nature of the fence on the access way. The 1.8 metre high fence will remove some of the openness however with the planting along the boundary, the overhang of the trees and the open aspect still to one side of the access way it would still give an inviting appearance to users and the area.

The changes to plot 94 have already been undertaken with the fence projecting down the slope to the boundary with the rear gardens of Fordwater Road. The fence is screened to an extent by the pumping station and the surrounding palisade fencing from the road so along with the drop in levels the fence is hardly visible and has minimal impact on the character of the area.

### **The impact on the amenities of nearby residents**

Plots 94 and 171 with the increased garden area now back onto the rear gardens of the dwellings on Fordwater Road however the plots will not benefit significantly from the increased size of the gardens in terms of usable space as the trees within the buffer are all protected so therefore can not be removed. To erect a building in the rear gardens the houses on the estate would need planning permission. If the trees within the gardens would have to be removed to do this, it is something which is not likely to be supported as the trees are vital to the character of the area and also the privacy between the neighbouring dwellings.

### **Designing Out Crime**

The reason given for the application is to increase security for the occupiers of the dwellings on plots 94 and 171 and also the neighbouring houses on Fordwater Road. The fences erected will provide more of an obstacle than the hooped railings so would deter people from these areas. The vegetation planted to the front of the fence to plot 171 is of a species of vegetation which would also deter people from going through as they have thorns. The other

area in question plot 94 is located well within the boundaries of the housing estate, physical security surrounding the immediate area and (as stated by the Police Architectural Liaison Officer in his comments) is sufficient.

The increase in the length of garden will increase the natural surveillance of the area as the original fence line will be removed opening up the land behind to the occupiers of the dwelling.

**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 further development shall be carried out until amended landscaping details have been submitted and approved in writing by the Local Planning Authority. The approved planting shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to comply with policy GP2 of Walsall's Unitary Development Plan.

3. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within 5 years of planting shall be replaced within 12 months with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted. This condition shall also apply to any replacement plant.

Reason: To ensure the satisfactory appearance of the development and to comply with policy GP2 of Walsall's Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 1995, or succeeding/amending Orders, no development within Class A, D and E of Part 1 to Schedule 2 of the Order shall be carried out to any of the dwellings hereby approved without the prior submission and approval of a planning application.

Reason: To give the Local Planning Authority control over the future development of the site.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 1995, 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.

Reason: To ensure the satisfactory appearance of the area.

**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, GP7, ENV18, ENV32, ENV33 and H10, and the Residential Development Standards, and on balance, having taken into account all material planning considerations, the proposal is acceptable.

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

**Note for Applicant**

The trees which will be incorporated into the rear gardens of the dwellings are protected and shall not be removed or trimmed without prior written approval from the Local Planning Authority

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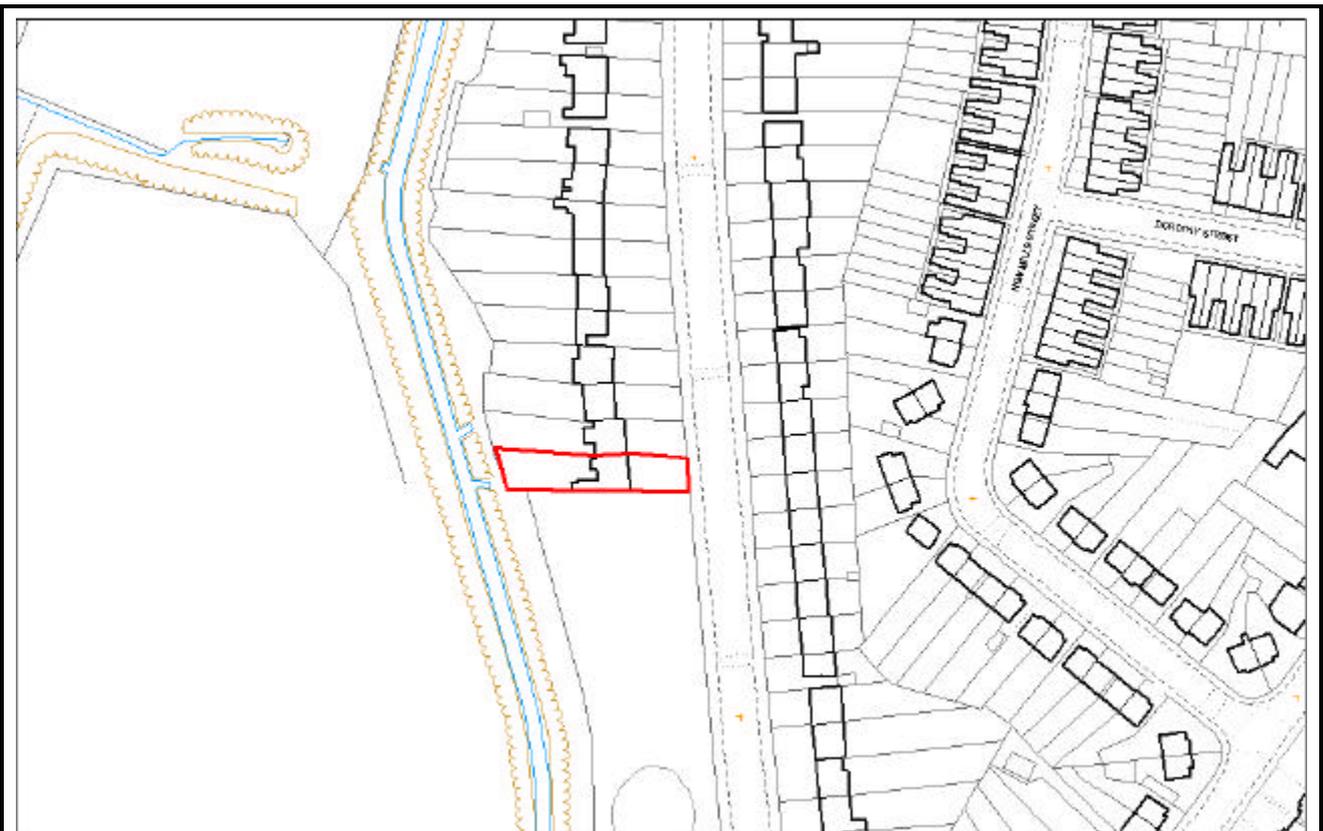
To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2549/FL/H5  
**Application Type:** Full application  
**Applicant:** Mr. Azam  
**Proposal:** Two-storey side, and  
single-storey front and rear extension  
**Ward:** Palfrey  
**Recommendation Summary:** Refuse

**Case Officer:** Owain Williams  
**Telephone Number:** 01922 652486  
**Agent:**  
**Location:** 76 BESCOT  
CRESCENT, WALSALL, WS1 4DH  
**Expired:** 15/01/2008



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## **REASON FOR BRINGING TO COMMITTEE: Call in by Councillor Nazir**

### **Background**

This application has been called in by Councillor Nazir who has commented that the application has been amended to address the reasons of a previous refusal and feels that it would be best for all parties concerned if the application were to be considered in an open and transparent manner by the Committee.

### **Application and Site Details**

This application is for an extension to a semi-detached house to provide a dining room and enlarge kitchen to the rear and a living room to the side on the ground floor, with two additional bedrooms on the first floor. The total number of bedrooms is to increase from three to five. The side part of the extension is to replace a garage, whilst the rear part is to replace a small lounge projection and wooden outbuildings.

The side extension on the ground floor is to project 1.3 metres in front and 3.5 metres beyond the rear of the existing two-storey part of the house. The first floor is to be in line with the front and rear of the existing house. The two-storey part of the extension is to have a hipped roof that will form a continuation of the existing roof of the house. The ground floor front and rear parts are to have mono-pitch roofs.

The house lies at the end of a row. There is an area of public open space to the side that contains mature trees close to the application property, and a brook to the rear. The adjoining house, number 74, has a two-storey extension on the opposite side and a conservatory to the rear next to the boundary.

### **Relevant Planning History**

07/1857/FL/H5. Two-storey side, and single-storey front and rear extension. Refused October 2007 on the grounds that the change in roof shape from a hip to a gable would be out of keeping with the design of the existing house and would unbalance the pair, whilst the extension would seriously affect the adjoining trees.

The proposal was identical to the current application except that the roof of the two-storey part was to be a gable

### **Relevant Planning Policy Summary**

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



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**

**Pollution Control:** No specific contaminated land requirements.

**Tree Officer:** The offer of using existing footings for the side extension is adequate and if this is sub-standard the use of piling for the side extension is acceptable. However, the alteration to a hip will only delay the inevitable conflict between the dwelling and the protected trees.

The single-storey rear extension at the moment has no footings and is close to established trees on the adjacent land. Any development in this area would be unacceptable due to canopy loss and root damage. If a correct root protection zone is incorporated, no building work can be carried out

### **Public Participation Response**

Councillor Nazir has written in support of the application.

### **Determining Issues**

- Design and Character
- Impact on Amenities of Nearby Residents
- Impact on Trees
- Parking

### **Observations**

#### **Design and Character**

The hipped roof of the two-storey part of the extension would match that of the existing house, and has therefore addressed the first reason for refusal of the previous application. With the existing first floor side extension to number 74, the extension would balance the pair. The single-storey front projection would also match that at number 74.

### **Amenities of Nearby Residents**

The single-storey rear extension would lie alongside the conservatory to number 74 and would have little impact on this house. The two-storey extension would lie on the opposite side of the application house away from the neighbouring property.

### **Impact on Trees**

The protected trees are located within 2 metres of the dwelling and the branches overhang. Although the use of a hipped roof would reduce the need to cut back these branches compared with the gable proposed previously, the proposal would still result in the first floor of the house being brought closer to the trees. In addition, the tree officer has advised that construction work on the rear extension would lie too close to them.

### **Parking**

The extension would involve the loss of the existing garage whilst increasing the parking requirement from two to three spaces. However, the application property has a long front garden with plenty of room to provide these spaces were the application being recommended for approval.

### **Recommendation: Refuse**

1. The proposed extension would be detrimental to the health and amenity of the trees on the adjoining open space because of the close proximity of the two-storey side part, which is likely to lead to requests to cut back branches in the future, the need to excavate foundations for the single-storey rear part and the requirements for access during construction. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policy ENV18.
-



To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

**Application Number:** 07/2175/FL/E9

**Application Type:** Full application

**Applicant:** Mr W Crook

**Proposal:** Erection of 2 no. 3 bed  
houses

**Ward:** Aldridge North and Walsall  
Wood

**Recommendation Summary:** Grant Subject to conditions

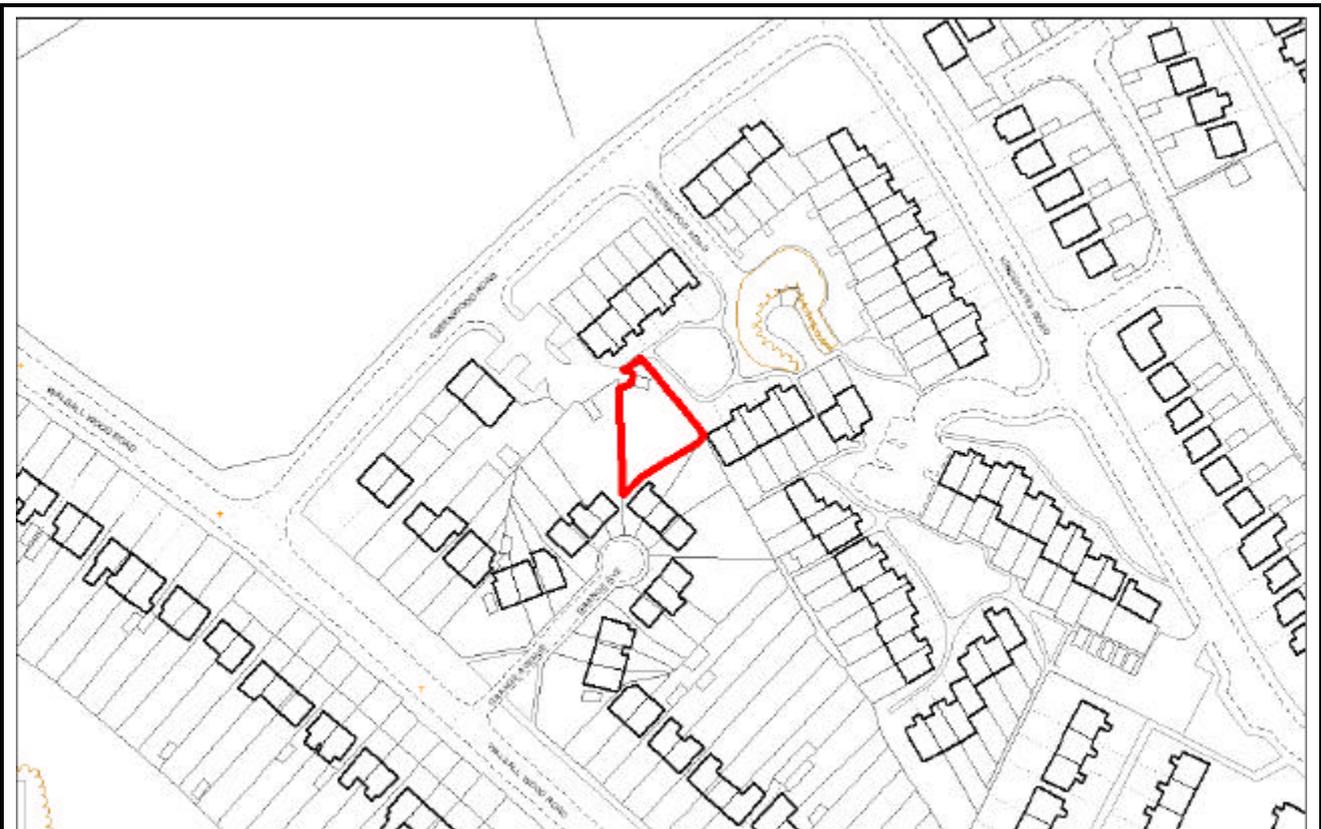
**Case Officer:** Barbara Toy

**Telephone Number:** 01922 652429

**Agent:** Spooner Architects

**Location:** ADJ. 12 GRANGE  
AVENUE, WALSALL, WS9 8HJ

**Expired:** 07/01/2008



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## **REASON FOR BRINGING TO COMMITTEE: Called in by Councillor Sears**

### **Background**

This application has been called in by Councillor Sears because it is considered that the proposed development could generate significant vehicle movements over and above a level that the existing road network could cope with and cause demonstrable harm to the amenities currently enjoyed by the occupiers of neighbouring properties over and above a level they would reasonably expect to enjoy.

### **Application and Site Details**

The site comprises part of the large rear garden of 12 Grange Avenue, an end terraced house at the head of a cul de sac. The land previously had a garage accessed from Greenwood Road to the north west with public open space (including a children's play area and trees) situated to the east. Terraced properties fronting onto the open space are situated to the north and south east of the site, with pedestrian access leading from Greenwood Road. This is a predominantly residential area, formerly Walsall Housing Group but now majority are privately owned.

This application comprises a resubmission following refusal of a previous application, and proposes the erection of a pair of semi detached, 2 storey 3 bed houses facing onto the open space, with 4 parking spaces and manoeuvring space to be provided within the northern corner of the site, utilising the existing vehicle access off Greenwood Road. A rear private garden area would be retained for the existing house at No 12 Grange Avenue.

There have been a series of amendments since the original receipt of the application.

### **Relevant Planning History**

BD3167, erection of 15 x 2 bed and 48 x 3 bed houses, approved 26-11-75.

06/2161/FL/H2, kitchen extension with bathroom and bedroom extension above, approved 08-02-07.

07/1087/FL/E9, Erection of 2 x 3 bed houses, refused 12-07-07.

Reasons:

The proposed development fails to provide satisfactory on site parking provision and vehicle manoeuvring space to ensure that vehicle can enter and leave the site in a forward gear, and would therefore have an adverse impact on both pedestrian and highway safety. The development would be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV32, T7 and T13.

The proposals fail to provide a satisfactory level of private amenity space for one of the units and as such would be contrary to Walsall's Unitary Development Plan (2005), in particular policies GP2, ENV32, H10 and the Residential Development Standards.

### **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 (2005)**

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

GP2: Environmental Protection and Policy 3.6

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

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

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.

H10: Layout, Design and Dwelling Mix

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

ENV18: Existing Woodlands, Trees and Hedgerows.

The Council will ensure the protection, positive management and enhancement of existing trees.

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.

ENV40: Conservation, Protection and Use of Water Resources

Developments should incorporate measures for the conservation of water resources, on site recycling of water and use of rainwater and minimise the watering needed to sustain landscaping.

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

#### **Residential Development Standards (RDS) (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 68 sqm.

### **National Policy**

PPS1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS3: Housing (released December 2006 and recently superseded PPG 3.

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

### **Consultations**

**Transportation** – no objections subject to a safeguarding condition to ensure satisfactory pedestrian visibility at the access of the site.

**Fire Officer** – No objections in terms of fire service access.

**Arboricultural Officer** – The trees previously situated on the northern boundary of the site have recently been removed, replacement tree planting and landscaping scheme required.

There is a semi mature sycamore and 2 thorn trees situated just outside of the site boundary to the north (within the open space) and tree protection measures to BS5837:2005 standards would be required during construction to ensure their retention.

### **Public Participation Responses**

Four letters of objection received to original submission on this application, a further four letter of objection received following further consultation on the first set of amendments and a further two letters received following further consultation on the second set of amendments.

Objections:

- Little difference from previous application and previous objections apply.
- Loss of light and views
- Intrusion of privacy
- Parking and manoeuvring areas unsatisfactory
- Exacerbate existing parking problems in the immediate vicinity, which is already at saturation point.
- Pedestrian safety, with the access so close to the footpath access to houses and play area.
- Disruption during construction
- Potential loss of more trees and hedging

- Set a precedent
- Inadequate access for emergency services.
- Potential impact on drainage in the area.

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

### **Determining Issues**

Whether the proposals overcome the previous reasons for refusal in terms of:

- Principle of the Development
- Parking and access
- Amenity Space

### **Observations**

#### **Principle of the Development**

No objections were raised previously to the principle of residential on the site. The site is situated in a residential area characterised by two storey residential properties fronting onto open space with pedestrian access through the open space.

#### **Parking and access**

The proposals now include 4 off street parking spaces within the site, with sufficient additional space within the curtilage of the site to accommodate manoeuvring to allow vehicles to enter and leave the site in forward gear. The proposals would now comply with policy T13 in terms of parking provision for the development.

The existing vehicle access (to the previous garage, now removed) from Greenwood Road, would be utilised.

The site boundary now includes the landscaping bed situated between the northern boundary of the site and the pedestrian footpath from Greenwood Road that runs across the frontage of 119 – 129 Greenwood Road. This would allow for an appropriate condition to be attached to any approval to require the boundary treatment and landscaping to be maintained at 600mm in height to allow adequate vehicle to pedestrian visibility between the users of the access and pedestrians on the footpath.

Pedestrian access for the future occupiers would be provided from the parking area to the front doors of both properties.

Transportation have raised no objections subject to safeguarding condition regarding the pedestrian visibility at the access.

## **Amenity Space**

The proposals now provide slightly smaller buildings and slightly increased site area. This allows for rear amenity areas for each house.

Due to the shape of the site both houses would have angled rear gardens. The plot closest to No 12 would have a rear amenity area of 85 sqm and a maximum length of 12.4m, exceeding the RDS requirements. The second plot would provide an area of 68sqm and maximum length of 10m, whilst the length is slightly below the minimum 12m required by the RDS, the area of 68sqm would comply with guidance. The amenity space of this plot is however considered appropriate in this case as the separation distance to the rear of the house of 13m would be more than met as the rear garden backs onto the side of the rear garden of No 10 Grange Avenue and small rear gardens are a characteristic of the immediate vicinity, which average at 11m in length and approx 60sqm.

The proposals would result in an amenity space exceeding 70sqm being retained for the existing house at No 12.

## **Conclusion**

It is considered that the revised proposals fully overcome the previous reasons for refusal. The amended scheme now provides parking provision that complies with policy T13, appropriate vehicle manoeuvring space and pedestrian visibility and overcomes the previous highway objections raised by Transportation. The proposals provide adequate private amenity space for the proposed and existing property. In addition the two houses have been angled within the site to reduce any impact on the existing house at No12 Grange Avenue or 117 Green wood Road adjacent to the east.

## **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 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. Only the approved materials shall then be used.

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

3. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in

writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

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

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

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

5. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0800 to 1800 weekdays and 0900 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

6. No development shall commence on site until details of tree protection measures to BS5837:2005 standards for the semi-mature sycamore and two thorn trees situated just outside of the site to the eas have been submitted to and approved by the Local Planning Authority. Once approved the measures shall be fully implemented prior to commencement of any work on site and retained until completion of all works on site.

*Reason:* In order to safeguard and protect existing trees on the boundary of the site.

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

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

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

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

9. Prior to first occupation of the premises hereby approved the area of the site to the northern side of the proposed access shall be cleared of any wall, fencing or landscaping above 600mm in height and for a distance of 2m back along the eastern boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and therefore after maintained.

*Reason:* In order to ensure adequate pedestrian visibility between the users of the access and pedestrians on the adjacent footpath.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, D or E shall be carried out to the two houses hereby approved, without the prior approval of a planning application.

*Reason:* In order to safeguard the amenity of the surrounding residential occupiers.

11. The works hereby approved shall only be carried out in accordance with details contained within the amended general arrangement plan 0620/1 Rev B submitted on 22nd February 2008 and Design and Access Statement submitted on 1<sup>st</sup> October 2007.

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

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.16, GP2, ENV18, ENV32, ENV39, ENV40, H3 and H10 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](http://www.walsall.gov.uk)

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To: DEVELOPMENT CONTROL  
COMMITTEE

Report of Head of Planning  
and Building Control,  
Regeneration  
On 11 Mar 2008

**REASON FOR BRINGING TO COMMITTEE:**

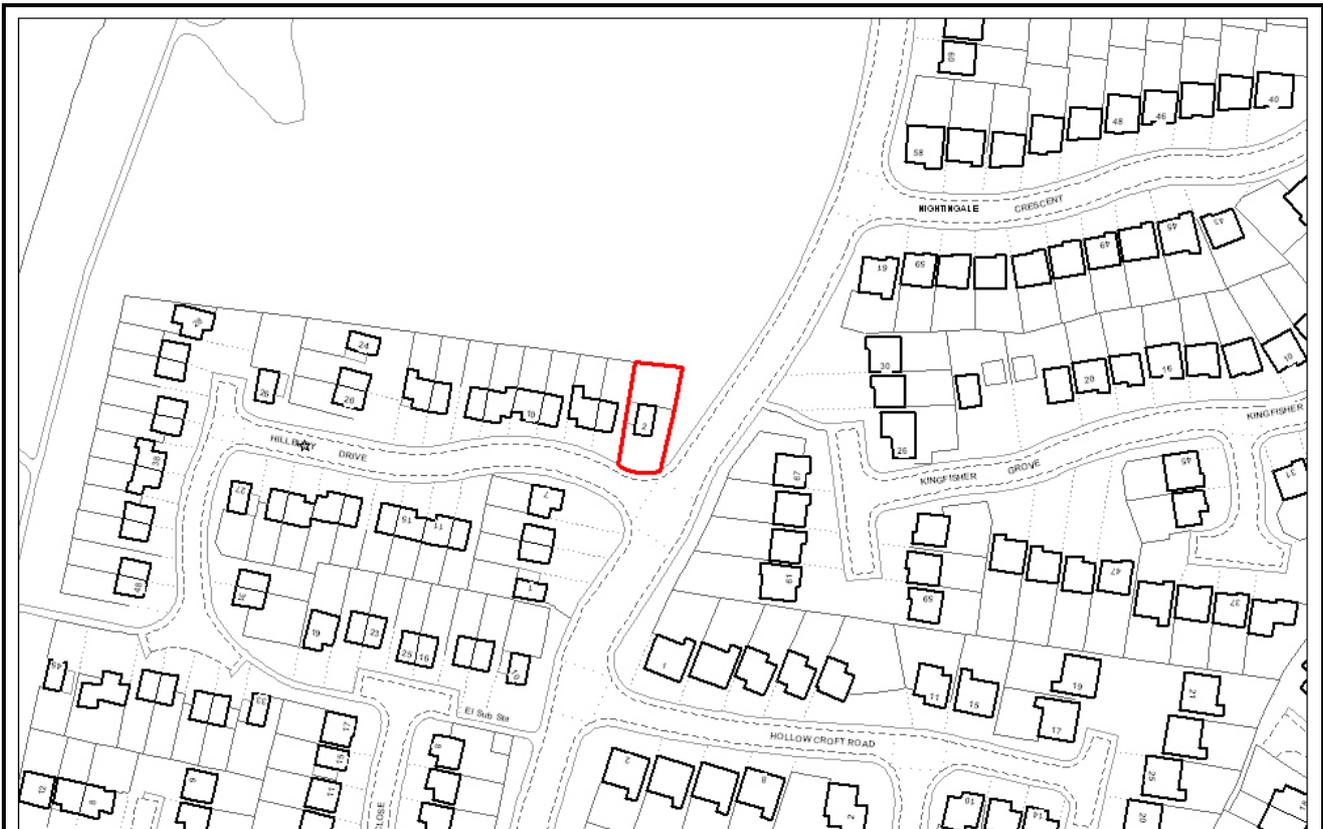
**Application Number:** 07/2705/FL/H3  
**Application Type:** Full application

**Case Officer:** Helen Smith  
**Telephone Number:** 01922  
652486

**Applicant:** Mr. M. Singh  
**Proposal:** Part Two-Storey, Part  
Single-Storey Side and Rear Extension  
**Ward:** Willenhall North

**Agent:** Mr. Gurps Benning  
**Location:** 2 HILLBURY DRIVE,  
WILLENHALL, WV12 5UT  
**Expired:** 07/03/2008

**Recommendation Summary:** Grant Subject to conditions



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## **REASON FOR BRINGING TO COMMITTEE: Called in by Councillor I Shires**

### **Current Status**

This application has been called in by Councillor I Shires on the grounds of its impact on the amenity of the neighbouring property.

### **Application and Site Details**

This application is for the addition of a single and two storey side and rear extension to a modern detached house to provide a garage, utility and w.c. at ground floor with a third bedroom and bathroom above. The extension is to replace an existing car port and is to lie between the side of the house and the boundary with the adjoining house number 4. Number 4 has a kitchen to the side next to the boundary that appears to have been converted from the original garage to the property. This kitchen is set back from the front of the two-storey part of both number 4 and the application house.

The front of the ground floor of the proposed extension to number 2 is to be in line with the existing front of the application house but would project 2.9 metres in front of the kitchen to number 4. The front of the first floor of the extension is to be set back 1.7 metres from the existing front of the application house but would project 1.2 metres in front of the kitchen to number 4.

The rear of both the ground and first floor of the extension would project 1.7 metres beyond the existing rear of the application house, but would not project as far back as the rear of the kitchen to number 4.

Apart from the kitchen window to the front, number 4 also has its main entrance door and a landing window on the side elevation.

The application house lies on the corner of Coppice Farm Way. There is an area of open space to the rear.

### **Relevant Planning History**

An application for a two-storey side extension was withdrawn in December 2007.

### **Relevant Planning Policy Summary**

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

### **Unitary Development Plan 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 and T13 - Car Parking

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

### **Residential Development Standards**

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

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.

National Policies

## PLANNING POLICY STATEMENT 1

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

### **Consultations**

None

### **Public Participation Responses**

The occupiers of 4 Hillbury Drive have objected on the grounds that :-

- they consider the ground floor extension should be set back in line with the proposed first floor extension;
- the ground floor garage proposal will block their much needed daylight into their kitchen; and
- the existing narrowness of their drive and the proposed position of the garage wall will restrict access to their front door when their car is parked to the side of their house as they usually have to park over to allow the driver to get out.

### **Determining Issues**

- Design and Character;
- Impact on the Amenities of Nearby Residents;
- Parking.

### **Observations**

#### **Design and Character**

The gable roof of the extension would match the existing house. The extension would infill the gap to the boundary with number 4, but the set back of the front of the proposed first floor means that the rhythm of the street would be retained if a similar extension was built at number 4.

Number 2 is the only detached house on this side of the road. The other houses on this side comprise four pairs of semi-detached houses. Three of the pairs are staggered in relation to each other. There have been several similar extensions to houses elsewhere in the street.

#### **Impact on the Amenities of Nearby Residents**

The first floor part of the extension would only project 1.2 metres in front of the kitchen window to number 4 so would have little impact on the adjoining house.

Although the ground floor part would project 2.9 metres in front of this window, this is the same as the front of the existing two-storey part of the application

house. The fronts of the houses face south so the kitchen window would continue to enjoy adequate daylight, and the length of this projection relative to number 4 would comply with policy.

The applicants have been requested to consider amending the plans to further reduce any impact on number 4 but have declined to do so.

The rear part of the extension would be screened from number 4 by the rear of the neighbours' kitchen.

### **Parking**

The application includes the addition of a garage in place of the existing car-port but its dimensions would be insufficient to provide a parking space of the standard size of 2.4 by 4.8 metres. However, the frontage of the application house would have adequate room to provide at least three parking space to comply with the Council's parking standards.

The potential difficulty with opening and accessing doors that may result for the neighbours would be a private legal matter between the respective landowners. There is not (usually) any entitlement to such an arrangement.

### **Recommendation: Grant Permission subject to conditions**

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

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

2. This development shall not be brought into use until the remaining driveway has been enlarged to provide a total of at least 3 parking spaces, each hard surfaced 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: 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.

4: 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 approved by the Development Control Committee, the report can be view on the Council's web site at [www.walsall.gov.uk](http://www.walsall.gov.uk)

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