



## DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,  
Regeneration  
On **INSERT DATE**

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,  
Regeneration  
On 12 December 2006

**REASON FOR BRINGING TO COMMITTEE: Major application.**

**Application Number:** 06/1816/FL/W7

**Case Officer:** Andrew Thompson

**Application Type:** Full application

**Telephone Number:** 01922 652403

**Applicant:** Walsall Housing Group and Bovis Homes Ltd

**Agent:** Bovis Homes Ltd.

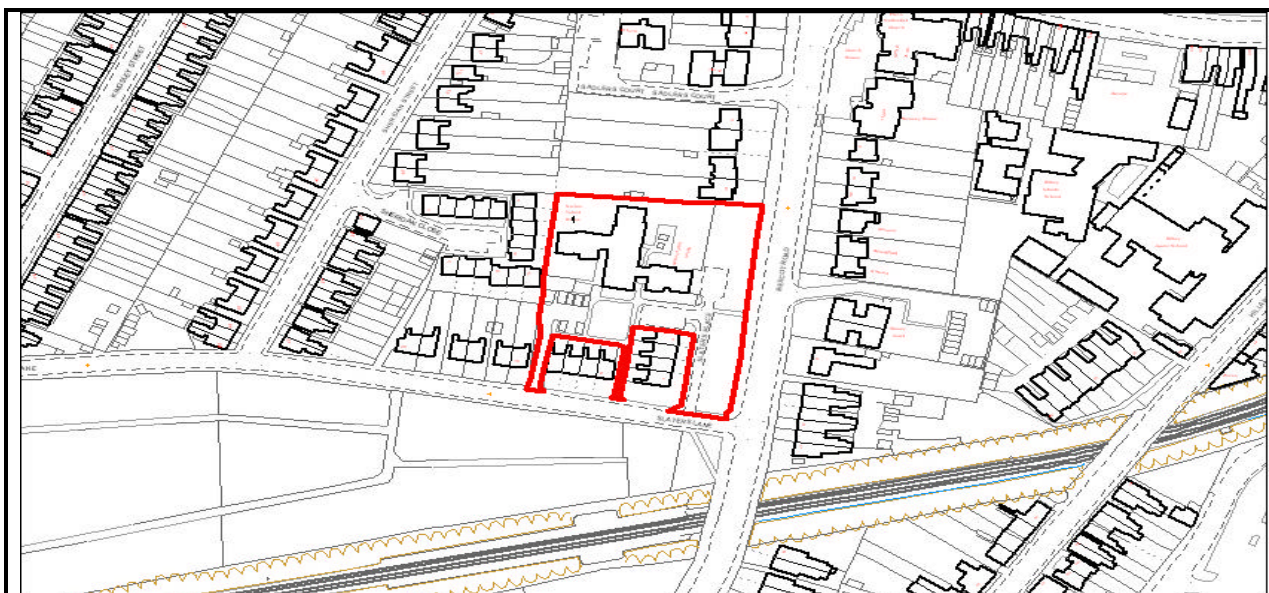
**Proposal:** Residential redevelopment for 39 apartments and associated access, car parking and infrastructure

**Location:** (SITE OF FORMER MARION TALBOT HOUSE), LAND AT BESCOT ROAD/SLATERS PLACE, PLECK, WALSALL, WEST MIDLANDS

**Ward:** Pleck

**Expired:** 15 January 2007

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

There is a related application (same applicant, same end user, and an intention to decant residents from that site to this) elsewhere on the agenda, for the redevelopment of the old Pleck Tower Blocks under reference 06/1818/FL/W7.

This site comprised Marion Talbot House (now demolished) and associated land used as landscaping, garages and parking.

The surrounding area is a mix of two and three storey houses and flats along Bescot Road, Slaters Lane and Slaters Place with retirement bungalows on Sheridan Close to the rear of the application site. To the front of the site is a landscaped area with a bus stop directly outside the application site.

The application proposes an L-shape, two and three storey building comprising 39 apartments with 33 car parking spaces (85%). Four car spaces would be constructed to meet disabled parking standards. The proposals will provide pedestrian access to the site from Bescot Road. Vehicular access to the proposals would be from Slaters Place past existing houses. The proposed density of the development would be 75 dwellings per hectare (dph). The proposals would be a mix of two and three storey buildings.

The units will be first occupied by residents of Scrimshaw House with the condition that the units are to be occupied by people over 55 years of age. The proposals include a communal room and conservatory overlooking the private amenity space. The entire building would be run by Walsall Housing Group (WHG).

The proposals include a brick built bin store to the rear of 8 Slaters Lane and a cycle store and drying area on the boundary with Sheridan Close. The proposals also include 3no. replacement garages to the rear of 14 Slaters Lane.

The application is supported by a Design and Access Statement and Ground Investigation Report in addition to a detailed landscape strategy.

## **Relevant Planning History**

### Application site

06/0246/PD/W7 - Demolition of 3 to 33 Marion Talbot House. Prior Approval not required - decision issued on 01/03/2006.

### Old Pleck Road Site

06/0969/PD/W6 - Prior Notification of Demolition: Six redundant tower blocks. Prior Approval Granted on 05/07/2006

06/1818/FL/W7 - Residential redevelopment for 184 units comprising dwellings and apartments with formation of new vehicular access onto Old Pleck Road and associated infrastructure.

**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 relevant planning policies include the General Principles for Development (Chapter 2 of the UDP) which encourage sustainable regeneration of the Walsall Regeneration Company's Area and seek to maximise the development of previously developed land in sustainable locations and promotes high quality development. High quality design is at the core of the Principles for Development.

Policy Env14 specifically encourages the development of previously developed land. Policy Env32 sets out design criteria and Policy Env33 seeks good landscape design.

Policy H1 seeks renewal of existing residential areas, with Policy H3 promotes redevelopment of windfall sites on previously developed land. 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.

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) and Residential Design Standards SPD (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.

The Regional Plan is currently in the initial stages of review with Phase 1, the Black Country Study, due to be considered at Public Examination from 9<sup>th</sup> to 23<sup>rd</sup> January 2007. The Study seeks to provide a regional strategy and background for the delivery of an urban renaissance to achieve growth and competitiveness of the Black Country.

**National Policy Guidance**

The principal national planning policy guidance that is relevant in this instance is contained within PPS1, PPS3, and PPG13. The guidance seeks to encourage high quality development that maximises the potential of previously developed land, particularly in locations close to public transport and local facilities. PPS1, supported by CABI, encourages high quality sustainable designs and layouts that promote local identity and distinctiveness and seek to eliminate social exclusion and promote a sense of community.

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

## **Consultations**

**Transportation** - No objections provided the development is for over 55s and affordable housing.

**Pollution Control** - Recommend noise, air quality and ground conditions.

**Natural Environment** - The landscape planting proposals shown on Drawing No.Plec-03-100 are acceptable and would meet a 'standard' landscape condition.

**Housing** - Satisfied with the affordable housing contribution as this should be taken in conjunction with the application on Old Pleck Road application site (planning application reference: 06/1818/FL/W7), giving a combined affordable housing contribution of 30%. Housing Officers fully support the development which will help regenerate Pleck and is attracting estimated £3 million funding from Housing Corporation.

**Education Walsall** - On the basis the development will be occupied solely by people at least over 50, no education contribution will be required.

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

**Police Architectural Liaison Officer** - Applicant has applied for Secured by Design

## **Representations**

4 letters of objection from local residents detailing the following issues:

1. Loss of car parking spaces and garages without compensation.
2. Loss of light
3. Overlooking from new properties and loss of privacy.
4. Object to three storeys at the rear of the site- three storey development should be restricted to Bescot Road frontage.
5. Bin store should be placed away from existing residents.
6. Need to replace existing security gates.
7. Clarification on who will occupy new flats.
8. Increased noise and disturbance from cars.
9. Building is too large for the plot.
10. Marion Talbot was 2 storeys and with a flat roof - the proposed building will be a significant increase in height and mass.
11. There has been no regard to residents of Slaters Lane and Slaters Place.
12. Loss of the children's play area

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

## **Determining Issues**

- regeneration benefits
- comparison against the former Marion Talbot House,
- impact on neighbouring residents,
- Traffic and highway issues,
- Section 106 items.

## **Observations**

### **Regeneration Benefits**

The proposals would form part of the overall redevelopment of Pleck and, while it is a self contained application, it is significant in conjunction with the larger development to the north under application reference 06/1818/FL/W7. The applications are proposed by the same applicant and both will use the Walsall Housing Group (WHG) as their registered social landlord/development partner.

As part of the proposals £3.1million pounds has been secured in a grant from the Housing Corporation to secure the viability of the proposals.

Development density, at 75dph, is high in comparison to policy H9 of the UDP which seeks a development density of between 30-50dph. However, new Government Guidance (PPS3) is proposing a more flexible approach to higher densities. The former Marion Talbot House housed 28 units at a density of 56dph. It is noted that the former building did not utilise the street frontage of Bescot Road and therefore a majority of the increased density can be accounted for on the proposed street frontage.

In addition to the consideration of the former Marion Talbot House, the application site is within walking distance of Pleck Local Centre and has a good bus service to Walsall Town Centre from the bus stops outside the application site. In this instance therefore, given the sustainability credentials of the location, a higher density is justified and reasonable.

The proposed redevelopment will allow for residential accommodation for the elderly and would significantly contribute towards affordable housing in the Pleck area. The proposed 39 units would be for use of the over 50s.

The redevelopment would allow for residents in Scrimshaw House (something that those residents wish to happen so they can maintain their existing community) to be relocated to the site and for the regeneration of the Old Pleck Road site to be carried out.

It is noted that the proposal would be constructed to meet the Eco Homes 'very good' standard and in this respect would improve the sustainability of the proposed development.

### **Comparison against the former Marion Talbot House**

The former Marion Talbot House was a two-storey flat roofed structure that was utilitarian in appearance. There will be an increase in the bulk and mass of the proposed building and it is noted that the increased height is of particular concern for neighbouring residents.

The former building was located some 3metres from the boundary with Sheridan Close. The proposed building would be 7metres from the same boundary. Although the building steps up to 3 storeys further away from Sheridan Close, the height of the proposed building at the nearest point to Sheridan Close would be two storeys, at 5.25metres. Due to the slight reduction in the height of the eaves, the proposals would be approximately the same height as the former Marion Talbot House at this point although the building would be further from properties of Sheridan Close.

The former Marion Talbot House was primarily located centrally on the site with a poor street frontage presenting a blank wall elevation to Bescot Road. The active frontage to the former building was therefore away from the street and therefore did not provide a positive relationship to the surroundings. The proposals would produce an active frontage, including pedestrian access, which would positively promote the street scene.

The proposed height of the proposals along Bescot Road is considered to be acceptable. There is a diverse range of properties along Bescot Road and in the vicinity including 3 storey properties. Whilst the corner treatment to the proposals could be stronger and have a more significant design emphasis, I consider that the bulk and mass of the proposals to the Bescot Road frontage are appropriate in their context.

With regard to the use of 3 storeys behind the street frontage it is noted that the 3 storey element is the principal concern of local residents. This element is 18 metres from the boundary with 4 Slaters Place which is perpendicular to the proposed development and 24 metres from the boundary with 8 Slaters Lane. Whilst the increase in height from the former Marion Talbot House is noted, it is considered that there is sufficient separation distance between the existing residential properties and the proposals.

In addition the nearest 3 storey element is 15 metres from the properties on Sheridan Close. This however is a pitched roofed element that slopes away from Sheridan Close and is 22 metres away from the boundary with Sheridan Close properties before reaching full height.

The visual relationship of the proposals to the residential property of 14 Bescot Road is a significant improvement from the centrally located Marion Talbot House. The proposal would allow for a formal street scene to be formed and a defined street frontage. The design of the proposals reflects the design of 14 Bescot Road.

Turning to the rear element of the proposals, this would be some 21.5metres from the boundary with 14 Bescot Road.

In considering the 3storey element, the Council's Residential Design Standards are considered. Habitable room separation distances are recommended at 24 metres. The above assessment has been to the boundary of the application site. It is noted that the relationship of the proposed development to some of the existing properties would not meet the separation distances but in considering the previous relationship of the neighbouring properties to Marion Talbot House and the overall improvement it is considered that adequate separation is proposed between existing residential properties and the proposed development.

#### Impact on neighbouring residents

As highlighted above, the impact of the proposed development should be considered against the impact of the former Marion Talbot House.

The impact of the bulk and mass of the proposals on Sheridan Close has been discussed above. It should be noted that windows are proposed on the side elevation. However on the first floor, from which overlooking could occur; the windows are proposed to be obscure glazed eliminating this possibility. These windows serve kitchens and secondary windows to the lounge/dining rooms to Plots 21 and 22 on the first floor. Therefore obscure glazing these windows would not compromise the amenities of future residents of the proposed building and an outlook from the lounge would remain at the rear of the proposed units.



It is noted that residents of Slaters Lane and Slaters Place were concerned at the loss of a car parking and garaging area to the rear of the properties. Whilst the area cannot be increased in size, the amended plans now propose to include garages for residents. It is understood that there are no proposals to remove existing security arrangements from the site.

The position of the bin store in relation to residential properties on Slaters Lane and Slaters Place has also been raised as an issue by local residents. The bin store will be a high quality brick built design. The solid structure would help reduce any adverse environmental impact and it is considered that there is no other viable location for the bin store that would be accessible to allow refuse collection. It is supported, as proposed.

The position of the cycle store and drying area on the boundary with Sheridan Close is considered to be acceptable.

It is considered that the improved amenity space to the rear of the proposed buildings will define a private space that would create an improved residential environment.

#### Traffic and highways issues

There are 33 car parking spaces proposed as part of the redevelopment of Marion Talbot, equating to a provision of 85%. It is noted that the residents will be solely WHG residents and over 55s, therefore it is likely that car ownership would be reduced. In addition the proximity of the development to Pleck Local Centre, nearby Morrisons supermarket and bus stops outside the application site contribute to the sustainability of the proposals. For this reason it is considered that the level of car parking is appropriate in this instance.

Transportation Officers consider that the level of parking is acceptable subject to the age restriction on residents and the buildings being managed by a registered social landlord.

In addition it is considered that the movement of traffic in the site would be sufficiently screened from properties and would not impact on the amenities of neighbouring residential occupiers.

#### Section 106 items

The scheme would be provided in conjunction with the larger Pleck regeneration scheme, and it is noted that the scheme is entirely affordable and for the over 55s. In this regard therefore the scheme provides 100% affordable housing (or 30% when considered in conjunction with the Pleck regeneration to the north).

With regard to the need for other 106 contributions, it is noted that the scheme is underwritten by a £3.1million grant from the Housing Corporation and that the future residents would be over 55. It is considered therefore that an education contribution is not required in this instance.

It is noted that Public Open Space is being provided within the redevelopment of the larger Pleck site. Considering the contribution being made on the site to the north and the external funding of the scheme, it is considered that no further contribution to Public Open Space would be necessary in this instance.

## **Conclusion**

Overall the proposals would benefit the wider regeneration of the surrounding area and in the view of officers would not materially impact on the amenities of neighbouring residents. The application proposals, when considered against the former Marion Talbot House would create an improved street scene.

## **Recommendation: Grant Permission subject to conditions**

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

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

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

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

3. The development hereby approved, shall be occupied solely by persons of 55 years of age and over with the exception of residents relocated from Scrimshaw House, Old Pleck Road which is to be demolished as part of the wider regeneration proposals.

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

4. The boundary treatment shown on the approved plan YPLE-02-201 Rev C 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.

5. The first floor windows shown as obscure glazed on drawing number YPLE-02-203 shall be retained as such.

*Reason:* To safeguard the amenities of neighbouring occupiers.

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

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

7. The landscaping scheme shown on the approved plans Besc-03-100 Rev A and Besc-03-101 Rev A shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

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

8. Unless otherwise agreed with the Local Planning Authority the materials to be used in the development shall be:

Main brick: Himley Worcester Mixture

Feature brick: Minster Cream Blend

Roof tile: Redland Saxon Slate Blue colour 57

Block paving: Priora, Charcoal.

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

9. Prior to the first occupation of the building the cycle store and bin store shall be completed in accordance with the approved plans.

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

10. The development hereby permitted shall be constructed to Eco Homes 'Very Good' Standard.

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

11. The visibility splays at the junction of Slaters Lane and Slaters Place shall be maintained as shown on the deposited plans.

*Reason:* In the interests of highway safety

12. Prior to the occupation of the building, the location of a communal satellite dish to serve the residential 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.

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

(a) within the bedrooms a Continuous equivalent Noise Level,  $L_{Aeq}$  (5 minutes) of 35 dB together with a maximum instantaneous level of 45 dB  $L_{AFmax}$  between the hours of 23.00 to 07.00;

(b) within the living rooms a Continuous equivalent Noise Level,  $L_{Aeq}$  (1 hour) of 45 dB between the hours of 07.00 to 19.00; and

(b) within the living rooms a Continuous equivalent Noise Level,  $L_{Aeq}$  (1 hour) of 40 dB between the hours of 19.00 to 23.00;

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

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

*Reason:* To safeguard the amenities of neighbouring occupiers.

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,  
Regeneration  
On 12 December 2006

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

**Application Number:** 06/1818/FL/W7

**Case Officer:** Andrew Thompson

**Application Type:** Full application

**Telephone Number:** 01922 652403

**Applicant:** Walsall Housing Group and Bovis Homes Ltd

**Agent:** Bovis Homes Ltd

**Proposal:** Residential redevelopment for 184 units comprising dwellings and apartments with formation of new vehicular access onto Old Pleck Road and associated infrastructure

**Location:** LAND AT OLD PLECK ROAD INCORPORATING, OXFORD STREET, ST QUENTIN STREET & CALEDON STREET, WALSALL, WEST MIDLANDS, WS2

**Ward:** Pleck

**Expired:** 15 January 2007

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The proposals are for the replacement of 6 existing tower blocks (comprising 406 flats) and a terrace of three houses (23, 25 and 27 Oxford Street). The demolition of the tower blocks was secured under planning permission 06/0969/PD/W6. At the time of writing this report it is understood that, with the exception of Scrimshaw House and the three dwellings on Oxford Street all the properties on the application site have been vacated and boarded up ready for demolition.

The existing buildings on the application site and on Oxford Street are largely late 1960s buildings. Prince Street is an attractive, late Victorian terrace, with Caledon Place comprising post war bungalows. The nearby Pleck Health Centre on Oxford Street is a recent development.

Oxford Street currently splits in two sections at the application site, one half continuing linking to Prince Street to the North and the other serving Wesley House, Rochford Close and Darby House to the west. The later element of Oxford Street is included in the application site.

Properties on Old Pleck Road and Wednesbury Road are a mixture of styles, ranging from late Victorian to recent developments.

Pleck Local Centre is adjacent to the application site to the south on the opposite side of Wednesbury Road. The site is also located close to Walsall Enterprise Park and the Manor Quays employment allocation.

The application proposes a total of 184 dwellings at a density of 69.7 dwellings per hectare in two, three and four storey development. The application site totals 2.68 hectares in area and is bordered by Old Pleck Road to the west, Prince Street to the north, Wednesbury Road to the south, and Oxford Street and Rochford Close to the east.

The accommodation schedule is as follows:

- Plots 1-53: 2 bedroom apartments
- Plots 54-56: 3 bedroom houses
- Plots 57-68: 2 bedroom houses (back to back)
- Plots 69-79: 4 bedroom houses
- Plots 80, 88 and 97: 2 bedroom apartments
- Plots 81-87 and 89-96: 3 bedroom houses
- Plots 98-184: 2 bedroom apartments

Therefore there would be a total of 18 3-bedroom houses, 11 4-bedroom houses, 12 2-bedroom houses and 143 2-bedroom apartments. There would also be a total of 254 car parking spaces or a provision of 138% over the whole application site.

The proposals include the provision of 29 units for affordable housing (plots 36-53 which are 2 bedroom apartments) and plots 69-79 (the 4-bedroom houses fronting Oxford Street) which represents 15.7% of the total number of units on the application site. The scheme also proposes a replacement public open space which includes a play area and equipment.

The existing accesses from Oxford Street and Wednesbury Road are maintained and a new principal access is created from Old Pleck Road onto St Quentin Street. New bollards are proposed on St Quentin Street in front of number 13 to prevent the site being used as a rat-run. The bollards would be capable of being retracted in case of an emergency.

The proposals largely utilise the existing highway network however a new road is proposed from north to south to the west of 23 St Quentin Street.

The site is within the Walsall Regeneration Company area. It is related to the redevelopment of the former Marion Talbot House (application reference 06/1816/FL/W7 elsewhere on this agenda) as both developments are being carried out by the same developers, and occupiers of Scrimshaw House would be relocated to the proposed development on Marion Talbot House.

### **Relevant Planning History**

#### Application site

06/0969/PD/W6 - Prior Notification of Demolition: Six redundant tower blocks. Prior Approval Granted on 05/07/2006

#### Marion Talbot House, Bescot Road

06/1816/FL/W7 - Residential redevelopment for 39 apartments and associated access, car parking and infrastructure on this agenda.

06/0246/PD/W6 - Demolition of 3 to 33 Marion Talbot House. Prior Approval not required - decision issued on 01/03/2006.

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

#### **Unitary Development Plan**

The relevant planning policies include the General Principles for Development (Chapter 2 of the UDP) which encourage sustainable regeneration of the Walsall Regeneration Company's Area and seek to maximise the development of previously developed land in sustainable locations and promotes high quality development. High quality design is at the core of the Principles for Development.

Policy Env14 specifically encourages the development of previously developed land. Policy Env32 sets out design criteria and Policy Env33 seeks good landscape design.

Policy H1 seeks renewal of existing residential areas, with Policy H3 promotes redevelopment of windfall sites on previously developed land. 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.

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) and Residential Design Standards SPD (April 2005) are all relevant.

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

The current adopted RSS11 (June 2004) 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.

The Regional Plan is currently in the initial stages of review with Phase 1, the Black Country Study, due to be considered at Public Examination from 9<sup>th</sup> to 23<sup>rd</sup> January 2007. The Study seeks to provide a regional strategy and background for the delivery of an urban renaissance to achieve growth and competitiveness of the Black Country.

### **National Policy Guidance**

The principal national planning policy guidance that is relevant in this instance is contained within PPS1, PPS3, and PPG13. The guidance seeks to encourage high quality development that maximises the potential of previously developed land, particularly in locations close to public transport and local facilities. PPS1, supported by CABE, encourage high quality sustainable designs and layouts that promote local identity and distinctiveness and seek to eliminate social exclusion and promote a sense of community.

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

### **Consultations**

Transportation - No objections to this proposal, subject to the following conditions being attached to any grant of approval:

'Development shall not commence unless and until full details of the proposed emergency access and bollard arrangement between plots 66 & 69 have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Development shall not commence unless and until the applicant is able to produce suitable details at 1:200 scale, demonstrating the turning head suitability for a pantechicon type refuse vehicle at the T junction adjacent to plots 98-102 and the courtyard turning head fronting block 17-24. In the event that the Council's refuse vehicle cannot adequately access the bin storage area's as shown on drawing number PLEC-02-201 RevB, a hard standing area should be provided adjacent the highway for the storage of bins on collection days.'

Pollution Control - No objections subject to conditions in relation to noise insulation of the proposed buildings. Air quality and ground conditions surveys as submitted are acceptable.

Landscape - No objections. The landscape planting proposals shown on Drawing No.Plec-03-100 are in officers opinion acceptable and would meet a 'standard' landscape condition



Housing - Support the scheme. The affordable housing contribution (although below 25%) as this should be taken in conjunction with the application on former site of Marion Talbot House, giving a combined affordable housing contribution of 30%. Fully support the development which will help regenerate Pleck and is attracting estimated £3 million funding from Housing Corporation.

Education Walsall - seek a contribution of £217,100.14 towards secondary school provision.

Fire Officer - No objection subject to the bollards being capable of being removed in emergency.

WM Police Architectural Liaison Officer - The applicant has applied for 'secured by design' accreditation.

### **Representations**

1 letter received objecting that the proposals involved the demolition of their property and that they have not had an offer on their property - It is understood an offer has now been made on the objector's property.

1 letter querying the site layout and the new access arrangements for the proposed development - Officers have responded to the query and no further response has been forthcoming.

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

### **Determining Issues**

- Existing development on site
- Planning Obligations and Affordable Housing Contribution
- Development Density
- Transportation comments
- Design and Layout of the development
- Regeneration benefits

### **Observations**

#### **Existing development on site**

The site comprises six tower blocks ranging from 12 storeys in height to 15/16 storeys. The application site is surrounded by 1970s dwellings and the existing buildings have deteriorated due to the poor quality design and relationship to neighbouring residential development. The existing buildings comprise 406 units over the site and the proposals would reduce the development to 184 units would allow for improved street frontage to Old Pleck Road and Wednesbury Road, in addition creating a 'home zone' context throughout the site.

It is noted that occupancy rates on the site have fallen over the last decade. However, over the last five years in particular the occupancy rates have been:

- 1 year ago: 98 units occupied
- 2 years ago: 163 units occupied
- 3 years ago: 187 units occupied

4 years ago: 206 units occupied  
5 years ago: 222 units occupied

The replacement of the existing buildings is therefore considered to be a major catalyst to the redevelopment of the wider area.

#### Planning Obligations and Affordable Housing Contribution

It is noted that 29 of the 184 units on the redevelopment would be managed by the Walsall Housing Group (WHG) upon completion of the development. This would represent a percentage of 15.7% of the total number of units proposed on the site. However, when considered alongside the redevelopment of Marion Talbot House, 68 of 223 units (30.5%) would be affordable. This is above Council policy standards of 25%.

Public Open Space is being provided on site and therefore no contribution is being required for an off-site contribution.

In terms of an education contributions Education Walsall has requested £217,100.14 be sought under a Section 106 contribution for secondary school education provision.

In accordance with Circular 05/2005 and the recent decision by Walsall's Cabinet on 18<sup>th</sup> October 2006 to facilitate the regeneration of Pleck, the Council can take into account abnormal costs and other funding issues on schemes where the viability of the proposals would be affected by a requirement for contributions.

It is noted that occupancy rates 3 years ago matched the level of units proposed, in addition to the application proposing a significant decrease in the number of existing units on the site.

The applicant has detailed that there are several abnormal costs compared to developing a 'clean, unconstrained site' that are being incurred as part of the development:

1. Demolition of the tower blocks/existing buildings - £2.1million;
2. Abnormal foundations (due to the depth of the existing foundations of the tower blocks to be demolished) - £150,000;
3. Acquisition of the 3 right to-buy-properties (without recourse to Compulsory Purchase Orders, which would delay and jeopardise the Housing Corp funding for the whole scheme due to delivery targets) - £450,000;
4. Acquisition of council owned land to secure the comprehensive delivery of both sites - £300,000;
5. Construction of the new entrance and associated infrastructure - £260,000;
6. Enhanced materials specification - £447,000;
7. Importation of top soil - £25,000;
8. Developing the proposals to an Eco Homes 'Very Good' standard - £223,000; and
9. Additional site security - £145,000

The above would total £4.1million and is argued to be over and above 'normal' costs. The redevelopment is being underwritten by external funding from the Housing Corporation to the sum of £3.1million and has therefore been assessed financially by the Housing Corporation on the viability of delivering the redevelopment of the site. In providing the information to obtain such a grant the applicant has demonstrated that the scheme would not be financially viable without the contribution from the Housing Corporation.

It is for this Committee to judge whether a case has been made for reducing or setting aside a contribution.

The delivery of homes to an Eco Homes 'Very Good' standard is not considered to be an abnormal cost and in encouraging prudent use of natural resources the use of Eco Homes standards are becoming commonplace in new development and are considered to be good practice.

When developing previously developed land some demolition costs are to be expected. This is a somewhat unusual case, given the size of demolition and associated foundations, and officers conclude that normal demolition costs are unlikely to be as significant as experienced in this instance. It is therefore recognised that additional abnormal costs are being incurred.

Considering the above and the over provision of affordable housing, on site provision of public open space and the partnership working with WHG, it is considered that a section 106 contribution for education in this instance would not be justified or reasonable. Therefore it is recommended that no education contribution would be sought in this instance as an exception to Council policy.

The applicant is proposing several offsite highways works, including the relocation of the existing bus shelter. This would be dealt with under a Section 278 agreement, subject to the planning application being granted.

#### Development Density

It is noted that the development density is high at 69.7 dwellings per hectare; however this is a decrease from the existing 151.5dph. It is noted that the site is located next to Pleck Local Centre and Pleck Health Centre and is well served by public transport with bus stops on Old Pleck Road to the west (to be relocated as part of the proposals) and Wednesbury Road to the south.

It is noted that UDP policy follows density parameters within the now superseded PPG3 (i.e. 30-50dph). PPS3, published 29<sup>th</sup> November 2006, proposes a more flexible approach to density, establishing only a minimum density of 30 dwellings per hectare and seeking a higher density where development was close to local facilities and public transport. It is noted that the level of public transport and proximity of Pleck Local Centre, which would benefit from the regeneration of the application site and additional trade, enhance the site's sustainability. Bus services are frequent and therefore the proposals would be inexorably linked to the town centre.

It is therefore considered on the basis of the existing density and proximity to local services and public transport that the proposals would be an appropriate density and the site would be capable of accommodating the higher density proposed.

#### Transportation comments

Transportation Officers raise no objections to the proposals however they have highlighted that vehicular parking for 44 houses and 140 apartments equates to 298 spaces, in accordance with the UDP. The proposal is to provide 254 spaces, which represents a shortfall of 44 spaces. The UDP standards are expressed as a maximum standard and therefore officers consider that other circumstances should be considered in assessing the requirement for car parking.

The site is located adjacent to Pleck Local Centre and has access to a good level of public transport. Bus services adjacent to the application site include service numbers 9, 300, 311, 312, 313, 313a, 333, 334 and 339. The combination of bus services is such that on average the site is linked to Walsall Town Centre by a frequent service every 10-15 minutes. This is a better service than that advanced in Policy T2 of the UDP. In addition, as previously expressed in this report the site is located adjacent to Pleck Local Centre which would cater for everyday needs of the surrounding area.

Paragraph 17 of PPG13 and PPG3 require parking policies to 'be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and its location'. Parking standards should be expressed as maximum standards. Local authorities 'should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments in locations, such as town centres, where services are readily accessible by walking, cycling or public transport'.

Officers consider that the parking provision is an expression of the site's location close to local services and good bus service.

There are concerns about the location of some of the car parking spaces and their relationship to the properties they serve. However, as expressed previously in this report, the spaces would be allocated and overlooked by units. This approach is also endorsed by English Partnerships publication 'Car Parking: what works where.' Therefore, it is considered that the car parking spaces would be used by residents and therefore officers consider that the issue of parking spaces and their relationship to the units which they serve is acceptable.

#### Design and Layout of the Development

The proposals would be a mix of contemporary and traditional designs over a mix of three and four storeys. The four storey building would be limited to the northern section of the site, on the Old Pleck Road frontage and surrounding the new access point to the development. The four storey element, together with the contemporary and curved design of the proposals would allow for the entrance to the development to be framed and for a landmark feature to be created at the entrance defining the access to the new residential properties. In this regard the four storey element would not present an overly dominant feature to the surrounding area and would present an appropriate feature to the street scene.

To the north of St Quentin Street the proposals follow the road, curving around the entrance and continuing in a contemporary design. Further along St Quentin Street and behind the corner treatment, the proposals are for a three storey courtyard development with parking to the rear through an arched covered walkway and access point to the rear parking area. Plots 54-56, immediately adjacent and opposite existing properties on St Quentin Street are proposed as three-storey townhouses with their own garages.

St Quentin Street would be blocked by retractable bollards opposite 13 St Quentin Street. In addition, the bollards would prevent vehicular access from the application site onto the main portion of Oxford Street to the south of the application site. The bollards could be removed in an emergency however they contribute to the 'home zone' concept and with differing road surfaces would reduce the speed of vehicles moving through the development

To the south of St Quentin Street and north of Oxford Street, the proposals would form a contained courtyard development (Plots 135-184) linked by a new road that would link Oxford Street and St Quentin Street. The Old Pleck Road frontage would have pedestrian accesses from the proposed flats and the proposed public open space would be located to the rear.

The proposed public open space would be surrounded on three sides by parking bays. Whilst this relationship is not beneficial in terms of ownership and creating a sense of place, the relationship would allow for separation of the public open space from the public highway. In addition, the proposed fencing to the public open space would be of low level and therefore will present an open and accessible area to the surrounding community and therefore the play area will not appear detached.

Plots 57 to 68 are back to back 2-bedroom houses and are two storeys in height. They present an active frontage to Caledon Place and Oxford Street. The units are small, aimed at entry level home owners. They would not have private amenity space (part of the marketing and lifestyle judgement for the target market. They are adjacent to the public open space and overall, officers conclude this would not compromise the amenity of new residents.

Plots 97-134 would provide the main frontage to the south of the site on the Old Pleck Road frontage and to the south of the public open space. The scheme would allow for a courtyard development with internal car parking and internal amenity space. The eastern side of the courtyard would be flanked by Plots 93-96 which are 3 bedroom houses. The internal courtyard would add variety and a mix of units with private amenity space. The public realm of these units will develop a interaction between the buildings and the street and will aid the development of the home zone concept.

Plots 89 to 96 will be accessed from a new access point that will also serve 15 to 21 Caledon Street. There is a small courtyard which puts some plots adjacent to the rear gardens of others. There are no amenity issues from this, but it does not meet the highest standards of urban design. The courtyard is also small, and refuse collections will be constrained. However, the shape of the site at this point makes other arrangements impractical. Officers conclude that while, in a perfect world, the design could be improved, it is within acceptable limits.

'The Crescent' (a curved row of dwellings) would be 4 bedroom dwellings, are three storeys and would be delivered for the WHG as affordable housing. This element of the proposals would provide the link between the development and existing properties on Oxford Street. This element would provide a high quality feature and living environment for future residents.

To the eastern boundary of 'the Crescent' would be the access to Rochford Close and Plot 80. This would retain the existing access to the existing properties and provide an internal courtyard that would be overlooked. Plot 80 would provide the end vista to the entrance to Rochford Close.

Plots 81 to 87 would provide an active frontage to Wednesbury Road. Three storey and contemporary in design the proposals would be a positive element to the street scene and encourage the regeneration of the local centre. The active frontage would present a positive relationship and encourage use of the bus stop which is immediately adjacent to the application site. The detailing of the proposed front elevation would add interest and would improve the street frontage.

It is noted that there is no private amenity space being provided for a significant amount of the flatted development and some of the parking spaces around the public open space are remote from the properties they are to serve. However the overall design and improvements to the public open space and public realm outweigh these concerns.

### Regeneration Benefits

The recently revised Walsall Regeneration Company prospectus identifies the proposals and states that 'the scheme emphasises design quality, sustainability, training and employment opportunities for local residents.'

The proposals relate to the delivery of the Single Regeneration Fund (SRF). The SRF is a 10-15 year view of development in Walsall, addressing the long term vision and complementing the Local Development Framework, by focussing on projects and delivery and by helping to deliver sustainable social, economic and environmental regeneration. The SRF is not prescriptive but through the establishment of a number of clear principles for development, will be a robust reference framework for 10-15 years.

The partnership of the WRC and the Council has been established to drive forward the delivery of the SRF. The partners are committed to transforming the image of the Borough and to making Walsall's district centres, and the neighbourhoods which connect them, more attractive places to live.

A number of transformational projects are identified within the SRF, which are expected to become exemplars for regeneration and also to deliver early and visible impacts. The Partnership will oversee the delivery of these 'flagship' projects and will work together to maximise the regeneration benefit to the Borough. The comprehensive redevelopment of the area incorporating the Old Pleck Road multi-storey flats to meet the new community needs and create a new gateway to Walsall Town Centre and contributing to the regeneration of the A461 corridor is identified as a key project.

### Conclusion

Overall this proposal is a key redevelopment site in the long term regeneration of the Pleck. The partnership between Bovis and WHG is welcomed and the delivery of 184 units on the application site and 39 units on the former Marion Talbot House site (application reference 06/1816/FL/W7) will deliver a significant amount of regeneration and affordable housing. It is noted that public open space and affordable housing are being provided on site.

With regard to the education contribution, the scheme is being funded in a unique manner with a considerable amount from The Housing Corporation, who have subjected the scheme to independent financial assessment, and abnormal construction costs being incurred. Therefore in this instance officers consider that the need for the section 106 contribution can be waived.

The proposals provide a comprehensive design that will build a central home zone and provide a modern design in response to the surrounding area. As such, whilst there are some limited design and layout concerns, the proposals would represent a significant improvement to the run-down tower blocks that currently occupy the site.

Therefore, the overall delivery of the scheme will represent a significant regeneration project and aid the regeneration of the Pleck, the Pleck Local Centre and deliver significant levels of affordable and private level housing in the Borough.

**Recommendation: Grant Permission subject to conditions**

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

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

2. Units 36-53 and 69-79 as shown on drawing number PLEC-02-201 Rev B, hereby approved shall only be used for the purposes of providing housing accommodation to be occupied by households in need of affordable housing in the local area and to meet the objectives of a registered social landlord, provided that this condition shall not apply to a mortgagee in possession.

*Reason:* To define the permission.

3. Prior to the occupation of the first dwelling the off-site highway works including the construction of the site access junction onto Old Pleck Road and the relocation of the bus lay by and shelter shall be completed, unless may unless may otherwise be agreed in writing with the Local Planning Authority.

*Reason:* In the interests of highway safety.

4. The boundary treatment shown on the approved plans so far as they relate to the plots they serve shall be carried out before the development is brought into use and shall be thereafter retained. All other boundary treatments to areas of open space and communal areas shall be erected concurrently with those areas being laid out and being brought into use and shall be thereafter retained.

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

5. The windows shown as obscure glazed on the approved plans shall be retained as such to the satisfaction of the Local Planning Authority.

*Reason:* To safeguard the amenities of existing and future residential occupiers.

6. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans so far as they relate to the plots they serve shall be hardsurfaced in the agreed materials. The areas shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

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

7. The landscaping scheme shown on the approved plans shall be implemented within 12 months of the completion of the final dwelling, or such other period as may be agreed in writing by the Local Planning Authority.

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

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

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

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

9. The materials to be used in the development shall be as agreed on drawing number PLEC-02-202 comprising the following:

Main bricks: Ibstock Mercia Weathered, Ibstock Mercia Orange, Ibstock Bythe Red Multi.

Feature brick: Ibstock Minster Cream Blend

Roof tiles: Redland Saxon - Slate Blue - colour 57, Redland Saxon - Highland Black, Eternit birkdale - colour blue black.

Block paving: Priora Paving - colours used: charcoal and brindle

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

10. Prior to the first occupation of the building the associated cycle store and bin store for that building shall be completed in accordance with the approved plans.

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

11. The development hereby permitted shall be constructed to Eco Homes 'Very Good' Standard.

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

12. The visibility splays of 4.5m by 60m by 600mm at the junction of Old Pleck Road and St Quentin Street shall be maintained.

*Reason:* In the interests of highway safety

13. Prior to the occupation of the proposed apartments, the location of a communal satellite dishes for each block of flats to serve the residential 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.

14. Details of the proposed ruffle strips shall be submitted to and approved by the Local Planning Authority.



*Reason:* To ensure the satisfactory appearance of the development and in the interests of pedestrian and highway safety.

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

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

16. A 1.5 metre high chestnut paling fence shall be erected to the full extent of the canopy of each tree, group of trees or hedge to be retained, or to such other distance as the Local Planning Authority agree in writing, before commencement of any part of the development. The fence shall be retained until the development is entirely complete and the land so enclosed shall be kept clear of all contractor's materials and machinery at all times.

*Reason:* To safeguard the trees to be retained as part of the development of the site.

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

(a) within the bedrooms a Continuous equivalent Noise Level,  $L_{Aeq}$  (5 minutes) of 35 dB together with a maximum instantaneous level of 45 dB  $L_{AFmax}$  between the hours of 23.00 to 07.00;

(b) within the living rooms a Continuous equivalent Noise Level,  $L_{Aeq}$  (1 hour) of 45 dB between the hours of 07.00 to 19.00; and

(b) within the living rooms a Continuous equivalent Noise Level,  $L_{Aeq}$  (1 hour) of 40 dB between the hours of 19.00 to 23.00;

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

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

*Reason:* To safeguard the amenities of neighbouring occupiers.

19. Development shall not commence unless and until the applicant is able to produce suitable details at 1:200 scale, demonstrating the turning head suitability for a pantech icon type refuse vehicle at the T junction adjacent to plots 98-102 and the courtyard turning head fronting block 17-24. In the event that the Council's refuse vehicle cannot adequately access the bin storage area's as shown on drawing number PLEC-02-201 Rev B, a hard standing area should be provided adjacent the highway for the storage of bins on collection days.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,  
Regeneration  
On 12 December 2006

**REASON FOR BRINGING TO COMMITTEE: Major application.**

**Application Number:** 06/1617/FL/W3

**Case Officer:** Mrs J Scrivens

**Application Type:** Full application

**Telephone Number:** 01922 652436

**Applicant:** H & H Holman Properties Ltd/

**Agent:** K3 Consulting Ltd

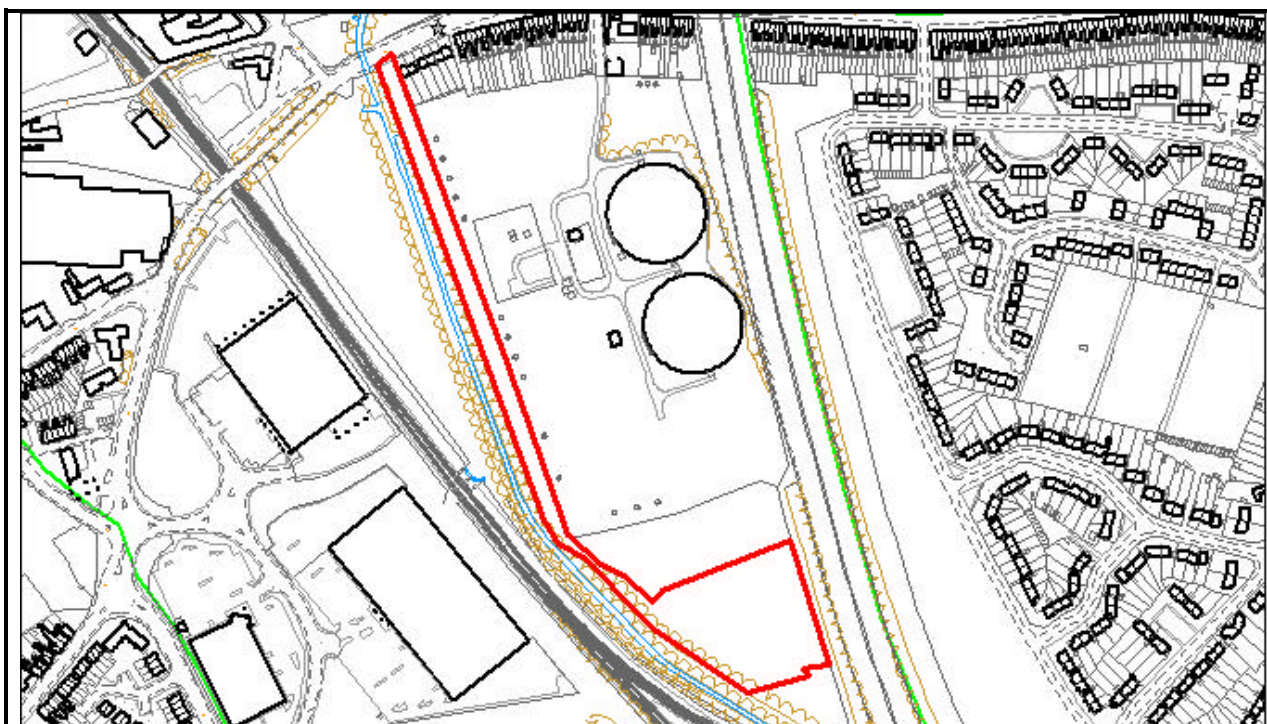
**Proposal:** Change of use to storage of  
construction industry containers

**Location:** LAND OFF, DARLASTON  
ROAD, (SOUTH OF GAS HOLDERS  
WEST OF M6), WALSALL, WEST  
MIDLANDS

**Ward:** Pleck

**Expired:** 21 December 2006

**Recommendation Summary:** Grant Permission subject to conditions



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## **Application and Site Details**

The site is part of the land south of the gasometers adjacent and to the west of the elevated section of the M6. To the west and south of the site, at a lower level, are the River Tame and a railway line which meet the M6 to the south of the site.

Access is from Darlaston Road, opposite the Globe Tavern and adjacent to the end of a row of houses. It is proposed to widen this access as part of the proposal. The existing access track to the site would be partly widened to create an access into a fenced compound which would be used for the storage of construction industry containers. The track would continue adjacent to the south west and southern boundaries of the site to provide a revised access to a telecommunications mast which adjoins the southern site boundary.

The application proposes planting between the site and the M6 and the retention of existing water courses and ditches. This would adjoin the existing wildlife corridor which runs alongside the M6. A 5m wide planting strip is also proposed between the storage area and track and the River Tame. The planting would be at the same level as the track and the enclosed storage area. The Tame is at a lower level.

The site is the middle portion (approximately 2/3) of a site which is designated as a Site of Local Importance for Nature Conservation.

The application includes two ecological surveys of the site, which were carried out in February and June of this year. The surveys conclude:

- i) there is no evidence of any protected species on the site
- ii) the site has conservation interest but this is limited in comparison with other semi-improved grassland sites
- iii) the conservation interest of the site could be re-created elsewhere within a reasonable time frame, however the status of the site may be elevated because of its position within the urban environment
- iv) the quality of the site could be restored but will continue to degrade without a suitable management programme
- v) the site may provide a link between two linear routes that have potential for wildlife connectivity and this should be retained within any proposed development.

## **Relevant Planning History**

05/1045/FL/W3 Storage of construction industry containers. Withdrawn 23.9.05

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

The site is part of Darlaston Strategic Development Area where it is intended to create new 21<sup>st</sup> century industries including high quality logistics operations and distribution centres.

## **Unitary Development Plan.**

GP2 and 3.7 support environmental protection

ENV21 relates to sites of local importance for nature conservation. Development will not be permitted which would damage or destroy them unless it can be demonstrated that there are

reasons for the proposal which outweigh the level of nature conservation value of the site. If development is permitted on a SLINC compensatory provision of equivalent value will be required for any areas destroyed or damaged.

ENV 23 relates to nature conservation and new development. New development is expected to enhance the natural environment and, adjacent to a SLINC or wildlife corridor, to create and enhance habitats to encourage the conservation of wildlife.

JP5 relates to core employment areas. The site immediately to the west of the application site (on the opposite side of the River Tame) is identified as a core employment site.

### **Regional Policy.**

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

### **National Policy**

Supports both the protection of wildlife and urban regeneration.

### **Consultations**

**Transportation:** No objection.

**Pollution Control:** No objection. Recommend a condition restricting hours of collection/despatch of containers.

**Environmental Health:** No objection.

**Fire Service:** No objection.

**Drainage:** No objection. Severn Trent sewers cross the site. The Environment Agency will require access to the River Tame for maintenance.

**Environment Agency:** No objections. Recommend conditions relating to surface water run-off and site investigation and remediation if appropriate.

**Walsall Regeneration Company:** No objections.

**Natural Environment, Regeneration:** Object. Express concerns about the quality of the survey. No justification has been provided in ecological terms for the site layout. The proposal will largely destroy a Site of Local Importance for Nature Conservation which is immediately adjacent to a wildlife corridor. Policy ENV21 requires the protection of SLINCS or mitigation of equal value to the land lost. There is no evidence that this has been considered in any detail. The site has become degraded through lack of management but this is no reason to accept development uncritically in an area with few conservation sites.

**National Grid:** No objection.

## **Representations**

None.

## **Determining Issues**

- visual impact
- access/parking
- impact on the amenity of neighbours
- relationship to Darlaston SDA
- loss of Site of Local Importance for Nature Conservation

## **Observations**

### **Visual Impact.**

The site is below the M6 and cannot be seen from that direction.

Views from the north are dominated by the gasometers and the effect on the visual quality of the area is negligible in this respect.

The site is elevated in relation to the River Tame, the railway and the industrial units to the west. The containers would be visible from that direction but this would be mitigated by the distance of the storage area from the top of the bank (about 8 metres) and the proposed planting.

### **Access/parking.**

The use would not generate large volumes of movements. The access track and entrance, as proposed, are satisfactory to Transportation.

There is ample land for parking. The parking area can be defined by condition.

### **Impact on the amenity of neighbours.**

The proposed use is well separated from the nearest houses, by the gasometer area. The access is however close to the end of the row of houses fronting Darlaston Road. A restriction on the hours of operation would minimise the impact on these dwellings.

### **Relationship to Darlaston SDA.**

The Council is committed to achieving the SDA regeneration, which would see this site developed for industrial and/or distribution purposes. The use of this site for the storage of containers would only be acceptable within this area if it was to be on a temporary basis, to avoid conflict with the aims of the SDA. Progress on the SDA is likely to be advanced within the next 10 years and a temporary permission of no more than 5 years would enable the use to be reassessed in the light of progress.

## **Loss of Site of Local Importance for Nature Conservation.**

The application site is approximately the middle two thirds of a site which is designated as a SLINC. The remainder of the SLINC is within the same ownership.

Policy ENV21 of the development plan states that development which would destroy a SLINC will not be allowed unless it is demonstrated that there are reasons for the proposal which outweigh its importance for nature conservation.

No reasons have been advanced for this development, although the applicant would clearly wish to bring the land into productive use. The inclusion of the site within the Darlaston SDA and the proposals for its redevelopment are based upon the potential to regenerate the area and create between 2,500 and 4,500 jobs. There is no indication that the application site and the SLINC would be omitted from these proposals and it is likely that at some point the application site will be redeveloped.

The quality of the SLINC has not been demonstrated to the satisfaction of officers, although it is accepted that its value principally lies in the scarcity of nature conservation sites in the area. In itself the quality of the site would not be sufficient justification for its loss.

There are no proposals put forward for a replacement area for nature conservation, although the scheme does propose planting on two boundaries of the site this may not be of an appropriate type or size to mitigate the loss of the area to be used for container storage.

The application site and the surrounding land is privately owned and there is no way in which the owner can be compelled to maintain or manage the SLINC.

## **Conclusion**

The site is likely to be redeveloped in the foreseeable future with the loss of the SLINC. The applicant would like to bring the site into use now, albeit with a use which would have to be on a temporary basis to ensure that the ultimate quality of the area is not prejudiced. The applicant cannot be required to maintain the SLINC. On balance it would be preferable to secure the maintenance of whatever nature conservation value can be retained in this location, preferably in a manner which can be incorporated within the redeveloped site in the future. The areas immediately to the north and south should be required to be maintained by condition.

## **Recommendation: Grant Permission subject to conditions**

1. A) The site owner shall notify the Local Planning Authority in writing of the date of the first occupation of the site within one month of this occurring.
- B) First occupation of the site shall be within 6 months of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority
- C) The use hereby permitted shall cease no later than 5 years from the date of the first occupation of the site by this use and the site shall be left in a neat and tidy condition, unless a further planning application for the continued use or the removal of this condition has been approved by the Local Planning Authority.

*Reason:* An unlimited permission may prejudice development in accordance with the Council's aspirations for Darlaston Strategic Development Area.

2. No development shall be carried out until details of the proposed gates on the Darlaston Road frontage of the site have been submitted to and approved in writing by the Local Planning Authority.

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

3. No development shall be carried out until details of an employee car park (including surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the storage of containers begins, and thereafter retained, and at all times the car park shall be kept free of storage and available for use by employees.

*Reason:* to ensure the provision of appropriate parking facilities.

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

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

5. No development shall be carried out until the application site has been the subject of a detailed scheme for the investigation and contamination and a report has been submitted to and approved in writing by the Local Planning Authority.

*(Note for applicant. It is recommended that the site report includes the following:*

*(i) a desk study to identify historical land use with relation to potential ground contamination*

*(ii) a limited soils investigation to identify the level of soil contamination on the site and the potential to cause pollution to the aquatic environment. The requirements of this investigation to be based upon previous land use information.*

*Reason:* To prevent pollution of the water environment.

6. If the site investigation report identifies contaminated material, the applicant shall submit a remediation scheme for the written approval of the Local Planning Authority. The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

8. No development shall be carried out until a scheme for the retention, landscaping or other enhancement of the following areas and a programme for their maintenance for the duration of this permission have been submitted to and approved in writing by the Local Planning Authority:

a) the proposed planting strips/wildlife corridors within the site and on the edge of the River Tame embankment and adjacent to the motorway

b) the land within the blue line and immediately to the north west and south east of the application site but excluding the application site

The approved scheme and its maintenance shall be implemented in accordance with an agreed schedule and shall be retained at the expiration of this permission unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To maintain the conservation interest of the area.

9. No development shall be carried out until details of precautionary measures to protect birds nests have been submitted to and approved in writing by the Local Planning Authority. An advance inspection of the site to identify the presence of any active birds nests on the site shall be carried out immediately prior to the commencement of any development. In the event that any active nests are found then the approved methods of protection shall be implemented and retained in accordance with the approved details.

*Reason:* To ensure the protection of any active birds nests.

10. There shall be no deliveries or collections to the site, nor any other manoeuvring of vehicles or containers on the site :-

a) at any time on any Bank or Public Holiday

b) outside the hours of 0800 to 17.30 Monday to Friday

*Reason:* To protect the amenity of residents of Darlaston Road adjacent to the site.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding legislation, the site shall not be used for any purpose other than that which is the subject of this permission.

*Reason:* To enable the Local Planning Authority to retain effective control over the site and to protect the amenities of the area.

12. The alterations to the site access as shown on the approved plan shall be carried out before the storage of containers begins.

*Reason:* To ensure the satisfactory functioning of the site and in the interests of highway safety.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, 3.6, ENV21, ENV23 and ENV32 of Walsall's Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.





To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,  
Regeneration  
On 12 December 2006

**REASON FOR BRINGING TO COMMITTEE: Significant community interest**

**Application Number:** 06/1989/PT/E9

**Case Officer:** Barbara Toy

**Application Type:** Prior approval of siting & Appearance of Telecommunications Apparatus

**Telephone Number:** 01922 652429

**Applicant:** T-mobile

**Agent:** LCC UK

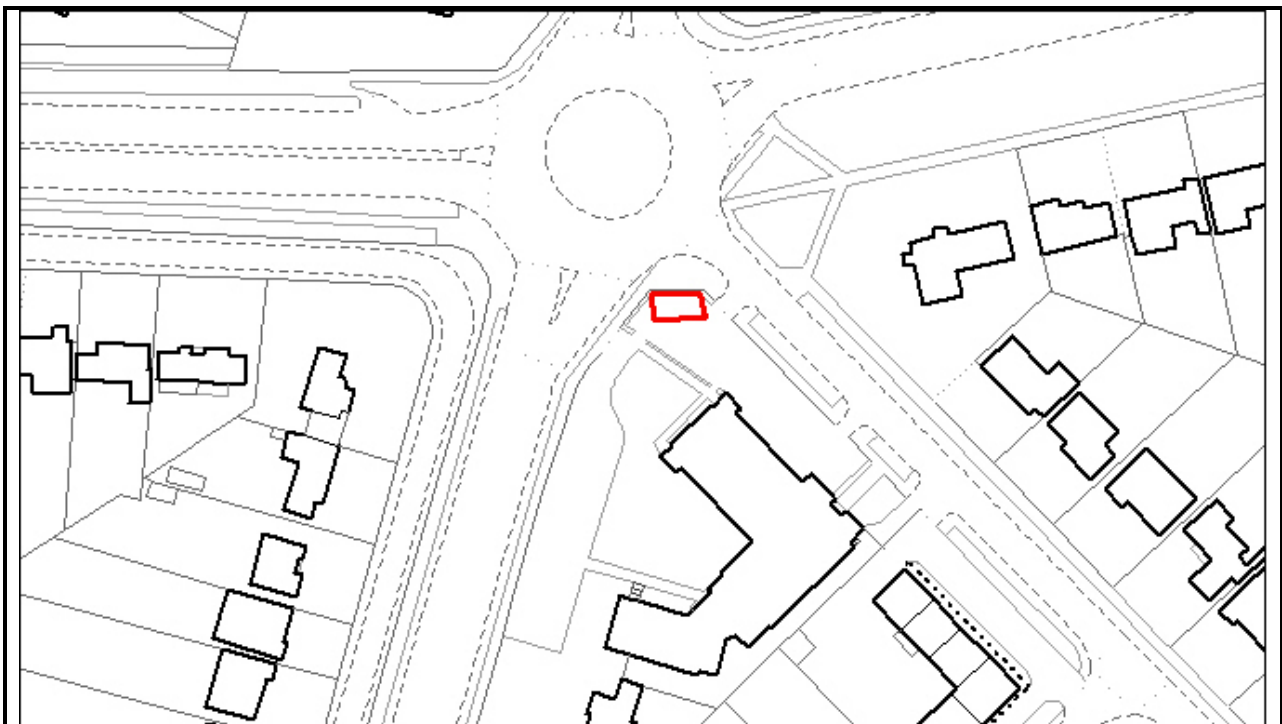
**Proposal:** Prior notification: Erection of 12.7m high slimline monopole, supporting 3 No. antenna within shroud, together with ground based equipment cabinets and ancillary development

**Location:** LAND ON CORNER, GILLITY AVENUE & BROADWAY NORTH, WALSALL, WEST MIDLANDS, WS5 3PH

**Ward:** Paddock

**Expired:** 08 January 2007

**Recommendation Summary:** Details Approved



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## **Application and site details**

The application site is situated on the south east corner of Broadway North (A4148) and Gillity Avenue, facing onto the main traffic island, where Sutton Road (B4151) crosses Broadway North.

Broadway North forms part of the Strategic Highway Network (SHN) and the Ring Road around Walsall Town Centre. Sutton Road forms part of the District Distributor route within the Borough, both identified within the UDP.

The application seeks prior approval for a 12.7m high slimline monopole telecommunications mast, supporting 3 x 3G antennas within a shroud and the siting of 2 associated equipment cabinets, both painted grey to match existing street furniture. The cabinets would measure 900 x 800 x 1240mm high and 1300 x 710 x 1642mm high respectively.

The mast and equipment would be situated on land at the back of the footpath on the corner of Broadway North and Gillity Avenue, set back against existing 1.2m high railings that bound the footpath and a car park associated with the United Reformed Church set to the south of the site. Hedging a similar height to the railings is set on the inside of the car park, together with trees. Existing 1.2m high safety railings are set at the edge of the kerb to provide pedestrian safety.

An existing 12m high street lamp is situated on the footpath just to the west of the site, together with a mature street tree. The traffic island to the north of the site has numerous trees and landscaping.

To the east beyond the church premises within Gillity Avenue is a group of local shops with residential above and residential properties are located to the south, west and north of the site in Broadway North, Sutton Road and Gillity Avenue.

The equipment is required for the applicants (T-Mobile UK) to receive Third Generation phone communications in this area. Coverage plots have been submitted to illustrate how the network coverage would be increased by the proposed development.

The technical information submitted includes a Declaration of Conformity with International Communications on Non Ionising Radiation Protection (ICNIRP) Public Exposure guidelines.

The applicants have provided details of 8 alternative sites in the area that have been considered, but discounted as unsuitable or unavailable.

T-Mobile UK has a legal obligation under their 3G licence requirements to construct a network covering 80% of the population by 2007. The search area for this particular cell is centred to the east, in the Daisy Bank area. The proposal lies to the west of the primary search area, but reflects the inability to find a site within the search area.

## **Relevant Planning History**

Nil

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

**Unitary Development Plan 2005**

GP2 - development should be sustainable and contribute to environmental improvement;

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

ENV38: Telecommunications:

- a) Equipment including cabinets can have significant visual impact and are unlikely to be acceptable in visually sensitive locations that include Conservation Areas and low rise residential areas.
- b) Mast and site sharing and use of high buildings recommended
- c) Measures to reduce the impact of the equipment, such as screening and mast camouflage, will be required where necessary
- d) All proposals should comply with ICNIRP requirements.

**National Policy**

PPG 8- Telecommunications: Government policy is to facilitate the growth of telecommunications systems. It sets out guidance for the siting and design of equipment and how local planning authorities should deal with matters relating to health. In particular paragraphs 19 to 23 refer to mast and site sharing and paragraphs 24 to 28 refer to design.

**Consultations**

**Transportation** - no transportation objections, following initial construction and erection of the mast, it is presumed that any maintenance vehicles that visit the site will park in the church car park to the rear of the site. Any operatives undertaking maintenance duties would have sufficient space to carry out their duties without blocking the public footpath.

**Pollution Control** - no objections, subject to:

- a) post-installation tests should be carried out to confirm that the equipment complies with ICNIRP limits
- b) should future upgrades of the equipment occur then tests should be conducted to confirm that the equipment continues to comply with the ICNIRP guidance

**Fire Service** - no access issues

**Representations**

Site Notice posted, occupiers within 100m and Head Teachers of 2 schools within the vicinity notified, in line with guidance contained within PPG 8.

15 objections received, objections include:

- Inappropriate development in a residential area

- The position of the mast would be within a black spot for driver turning left out of Gillity Avenue, the mast will cause more distraction.
- There are 2 schools nearby and the church is used by young children and health risks involved should be considered
- Visual appearance not in keeping with the local environment, the mast would be an eyesore.
- The church should have a moral obligation to residents for their safety.
- Devaluation of properties
- Already significant street furniture within the area.
- Already have adverse environmental impacts from the heavy road traffic.
- Health Implications - not enough known about the future implications of such equipment.
- May interfere with loop system for the hard of hearing installed within the church.
- Set a precedent
- An alternative location should be sought

### **Determining issues**

Impact on the visual amenity of the area  
 Alternative sites and policy considerations  
 Health risks and perception of health risks

### **Observations**

#### **Impact on the visual amenity of the area.**

The application site is situated on the main town centre Ring Road (A4148), part of the SHN identified within the UDP. This is a very busy section of road, with heavy traffic flows particularly in the rush hours. The site is surrounded predominantly by low rise one and two storey development, however the church building immediately to the rear of the site is considerably higher than the surrounding properties and would provide an appropriate back drop to the proposals.

The mast and associated equipment cabinets would be visible to pedestrians using the adjacent footway and to passing motorists. However, it is considered that the proposed structure would be of a similar height and form to the adjacent street lamp and would not therefore be out of place. The adjacent and surrounding street trees would obscure any full views of the mast. The traffic island to the north has numerous trees and landscaping which would obscure views of the mast from the opposite side of Broadway North.

In addition the mast would be seen with a back drop of the United Reformed Church building, which is taller than the surrounding domestic scale properties. The mast would therefore not be viewed as an alien feature against the skyline, but against a high building.

In the wider context it is considered that the mast would not be an alien structure within the street but would appear ancillary to the use of the road and the street scene as a whole. The mast in this location would be provided with natural screening from the existing mature trees and would have a similar height, style and colour to the existing street furniture.

The mast and equipment would not be directly visible from any residential properties within the vicinity.

The proposed equipment cabinets would be similar in character, size and style to cabinets commonly seen adjacent to the highway for use to control traffic light signals and terrestrial telephone systems.

Transportation have confirmed that following the installation there would be an adequate footpath width remaining to allow for maintenance of the equipment without blocking the public footpath.

### **Alternative Sites and Policy Considerations**

PPG 8 and UDP policy ENV38 require a full investigation by the operator of alternative sites within the appropriate search area. To comply with this requirement the applicants have provided details of 8 alternative sites investigated within the search area.

1. Cottage Farm, Skip Lane.

Previous planning refusal for a 15m high mast and appeal dismissed on siting and appearance as located within a Conservation Area.

2. Sutton Road street works.

Site provider withdrew from negotiations.

3. Quality Hotel, Birmingham Road.

Site discounted as too close to existing T-Mobile installation and would not provide significant additional coverage.

4. Gillity Bridge, POS, Walsall MBC

Walsall MBC have a moratorium on telecommunications development on their property or buildings.

5. Shopping Centre, Treyamon Road, Park Hall.

Building 7 - 8m high, but roof structure is insufficient to accommodate any equipment.

6. The Long Horn PH, Sutton Road

Site discounted as M&B do not accept macro cells, and a micro cell would not provide the required coverage.

7. Co-op store, Sutton Road.

Co-op Group do not deal with telecommunications.

8. A34 Birmingham Road, street works.

Site discounted as outside of search area and high trees form excessive clutter.

The applicants submit that they have fully investigated alternative sites and possible mast sharing and consider that there are no other existing sites or structures in the vicinity that are suitable to locate the antenna and associated equipment.

The Government's commitment to modern telecommunications is set out in PPG 8. The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping environmental impact to a minimum. A choice of provider with a range of services should be available to the public. PPG 8 encourages Local Planning Authorities (LPA) to respond positively to telecommunications development and its significance of part of the national network, and that in addition to amenity issues have regard to any technical constraints on the local and proposed development.

### **Health risks and perception of health risks**

Whilst health concerns are a material consideration, they must be considered in the context of current government advice. Planning Policy Guidance Note 8 comments that if a proposed mobile phone base station meets International Commission for Non-Ionising Radiation

Protection (ICNIRP) guidelines for exposure, it should not be necessary to consider further the health aspects and concerns about them. In this case, emission levels are very low and well within the ICNIRP requirements.

In summary, the proposals would comply with Policy ENV38 of the UDP and National guidance contained within PPG8. The site is situated on a busy main road that forms part of the SHN, and is not considered to be in a sensitive location. Investigations into alternative sites and mast sharing have been undertaken and discounted. The mast and equipment would be painted grey to match existing other street furniture in the vicinity and a Certificate of Conformity with the ICNIRP requirements has been submitted.

**Recommendation: Details Approved**

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 development hereby approved shall not be carried out until details of the colours of the external surfaces of the mast and cabinets have been submitted to and approved in writing by the local planning authority. The agreed colours shall be applied within one month of the cabinets and mast being erected and shall not thereafter be changed without the written agreement of the local planning authority.

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

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

*Reason:* In the interests of amenity

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

*Reason:* In the interests of amenity

5. No upgrading, modification or addition to the installation shall be carried out in any way that causes current recommendations or limits for environmental exposure to electromagnetic radiation as specified by ICNIRP to be exceeded.

*Reason:* In the interests of amenity

6. Where any upgrading, modification or addition to the installation is carried out, it shall be verified to the local planning authority that the installation is still compliant with current recommendations or limits for environmental exposure to electromagnetic radiation as specified by ICNIRP.

*Reason:* In the interests of amenity.

**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 Policy ENV 38 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. If the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at [www.walsall.gov.uk](http://www.walsall.gov.uk)

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,  
Regeneration  
On 12 December 2006

**REASON FOR BRINGING TO COMMITTEE: Requires Delicate Judgement**

**Application Number:** 03/2062/FL/E5

**Case Officer:** Barbara Toy

**Application Type:** Full application

**Telephone Number:** 01922 652429

**Applicant:** Persimmon Homes (West Midlands) Ltd

**Agent:** Persimmon Homes (West Midlands) Ltd

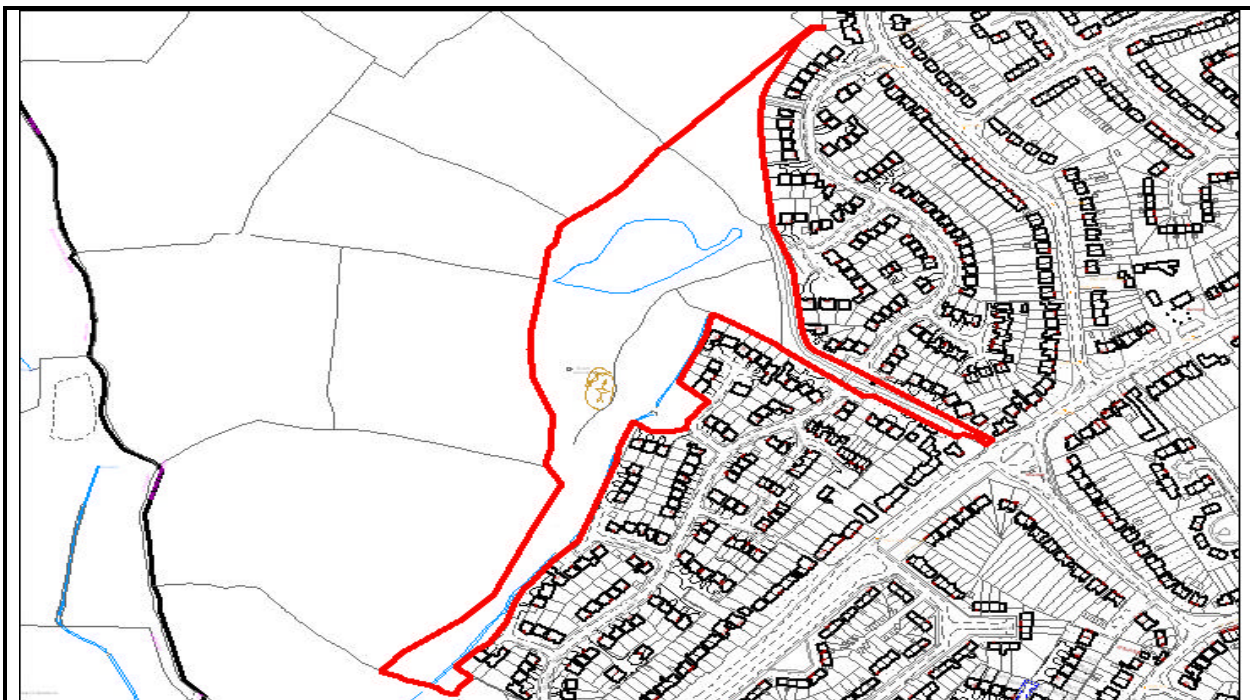
**Proposal:** Revised landscaping scheme including the omission of on-site childrens play area.

**Location:** OPEN SPACE, LEYLANDS FARM, WOOD LANE, PELSALL, WALSALL, WEST MIDLANDS

**Ward:** Pelsall

**Expired:** 06 May 2004

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



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## **Application and Site Details**

The application site is situated to the west of a residential development known as Leylands Farm, off Wood Lane, Pelsall, (planning permission BC49655P approved 08-12-97), and comprises of an area of open space currently still in the ownership of the applicants, but designated for transfer to Public Open Space under the terms of the original outline planning approval BC 21955P (approved 16-10-91).

The proposals are an update of the landscaping scheme for the site including the omission of the provision of on site children's play equipment, approved and conditioned under the original residential development planning permission.

In response to a local community request the developers now propose to make a financial contribution in lieu of the provision of children's play equipment within the site towards an off site provision within the locality.

The residential development comprising of 242 terraced, semi detached and detached houses, is now completed and occupied. The landscaping scheme within the estate fully implemented. The residential development is split into 2 separate estates with no through route for vehicles between, but both bound the area of open space. The southern half of the estate is accessed off Millers Walk a new estate road and the northern half off Wood Lane.

The open space is situated within the Green Belt, to the west of the residential development and comprises of approx 4.9 hectares of open land which includes meadows, reclaimed mine shaft, a swale, new planting and fishing pond, existing trees and hedgerows, with 4 newly created pedestrian access points from the housing estate and shale pathways through the site. The site has numerous mature trees protected by 2 separate tree preservation orders (5 of 1961 and 3 of 1997), and is an important area of natural habitats and wildlife.

Following determination of this application and agreement of terms, this open space land will be transferred into the ownership of Walsall MBC, as Public Open Space. The terms and conditions of the land transfer are not the subject of this application.

## **Relevant Planning History**

BC21955P outline application for land for residential development and public open space, approved 16-10-91, conditioned that no through route for vehicles through the estate.

BC49655P, residential development of 242 houses, associated access roads, parking and public open space, approved 08-12-97.

Included Condition 20 regarding provision of children's play equipment within the open space.

## **Relevant Planning Policy Summary**

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

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

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

#### GP2: Environmental Protection and Policy 3.6

Requires all 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 financial or other contributions to enable the provision of new, or improved existing open space facilities.

#### ENV2: Control of Development in the Green Belt

Outdoor sport or recreation facilities are considered acceptable forms of development within the Green Belt.

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

To ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

#### ENV23: Nature Conservation and New Development

All new development should take full account of existing features of value for wildlife or geology and habitat creation and enhancement to encourage conservation of wildlife.

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

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

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

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

### **Regional Policy**

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

### **National Policy**

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

PPG3: Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments.

Consideration of design and layout must be formed by the wider context. Landscaping is an integral part of new development and opportunities for new planting should be taken.

PPG17: Planning for Open Space, Sport and Recreation, indicates that account should be taken of the community's need for recreational space, having regard to current levels of provision and deficiencies.

### **Consultations**

**Transportation** - No transportation objections.

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

**Natural Environment** - No adverse comments on the proposals. Following a site visit it appears that the works completed on site are acceptable. Any works to the TPO trees would be subject to a Tree Preservation Order application.

**Arboricultural Officer** - The 5 poplar trees the subject of TPO 5 of 1961 were inspected on 24<sup>th</sup> August 2006 and the tree officer supports the recommendations of the Tree Inspection Report submitted, that the trees should be considered for removal and replacement planting provided. A tree preservation Order application would be required to be submitted before any works are undertaken.

**Leisure, Culture and Lifelong Learning**- There is no budgetary allocation/funding for the future maintenance of this open space and key to the terms and conditions relating to its future transfer must be the level of satisfactory commuted sum. The terms and conditions of the land transfer are not however the subject of this application. The financial contribution from the developers in lieu of the omission of on-site play equipment would be utilised towards the provision of a new play area elsewhere in the Pelsall Area.

**Environmental Services** - no comments.

**Wildlife Trust**: supports the omission of the on site children's play equipment, and pleased to see incorporation of natural habitat (native trees, shrubs and wildflowers), in keeping with the local character. Additional planting should ensure that all wildlife is able to flow freely throughout the site.

**Cannock Chase Council**: No objections in principle, subject to mitigation for loss of on site play equipment provision is within the locality.

**Black Country Archaeologist**: no archaeological implications.

**Drainage**: no objections subject to completion of works to clear all ditches on the site, this would be a matter associated with the terms and conditions of the land transfer.

### **Representations**

16 letters of representation received to original consultation procedure carried out in 2004. The objections included:

- Security issues within the open space from large mounds that obscure views
- Overgrown areas within the open space
- Lack of maintenance in some landscaped areas within the residential development itself
- Soil mounds required on open grassed areas to prevent ball games and 'no ball game' signs required
- Problem with children playing football within the emergency access strip between the 2 estates, and elsewhere within the estate
- Objections to any additional tree planting within the open space which may block light to houses in the future.
- Objections to on-site play area
- Concern at the loss of the children's play area within the site, where else will the children play safely?

A large number of these issues have been resolved in the intervening period by the developers.

Amended scheme submitted 10-11-06, re-consultation with all those previously consulted. Two responses received, one asking why the 5 poplar trees identified for removal have not been removed, and one raising objections to the omission of the children's play equipment.

The objections include:

- Failure to construct the children's play area has left local children with nowhere to play except in the streets of the housing estate, which causes problems of noise and disturbance to residents adjacent to turning heads and open areas of land within the estate.
- 5 poplar trees adjacent to Larks Mill appear in a dangerous condition and should be removed, why hasn't this happened?

### **Determining Issues**

- Landscaping proposals/works
- Children's play equipment provision.

### **Observations**

#### **Landscaping proposals/works.**

The revised landscaping details submitted on 10<sup>th</sup> November 2006 include works already completed and works scheduled to be undertaken. Works already undertaken by the developers are numerous and the completed works will provide a well landscaped area of open space including substantive infill planting and new fencing (wooden and metal hooped top), as well as new pedestrian access gates from the housing estate into the open space, including access for the disabled, to provide access for all to the open space. Other works on site include general maintenance of the existing landscaping, pathways and ditches and tree work.

In addition to these works to the open space substantial landscaping has taken place within the housing estate, including grassed areas and shrub bed has been completed and well maintained.

Numerous mature trees exist within the site, including a number protected by two Tree Preservation Orders. A group of 5 Poplar trees protected under TPO 5 of 1961 have been identified within the Tree Inspection report as mature/late mature specimens located in a medium/high risk area adjacent to a public walkway into the open space and houses in Larks Mill. These trees are reaching the end of their safe useful life expectancy and the inspection report strongly recommends that consideration be given to their removal. Following an inspection of the trees, this recommendation is considered appropriate and the applicants have been advised to submit an application under the TPO regulations for removal of the trees, which would be subject to further public consultation.

The open space is now well landscaped and an attractive and popular recreational area which is a valued asset to the local community.

#### **Children's play equipment provision**

The original residential approval (BC49655P) included the provision of children's play equipment within the open space, adjacent to the pedestrian access off Larks Mill.

The residents within the estate have however raised objections to the installation. Several public meetings were held with ward members to explore the issue. In response the developers are now applying to omit the play area from the scheme and provide a financial contribution of £45,000 towards provision of children's play equipment off site, but within the local area. This would comply with guidance contained within the Policies now in force GP3

and LC1 of the UDP, in providing a financial contribution towards the provision of improved recreational facilities.

One objection has been raised following public consultation, to the omission of the play area within the development, which has allegedly resulted in children playing in the streets and turning heads of cul-de-sacs within the estate. Notwithstanding the absence of play equipment, informal play can take place within the open space, which is available and fully accessible to all residents within the estate.

Walsall MBC Greenspaces Services in partnership with the Friends of Pelsall Commons have succeeded in securing £40,000 landfill tax funding from Cory Environmental Trust towards the provision of a new Under 12's play area and access improvements, as part of Pelsall Nest Common, off Highfield Road North. The play equipment on the Common was very outdated and has recently been entirely removed due to health and safety issues. Local residents have been consulted on the new provision, with the design now finalised and tenders ready to be sent out once the £45,000 contribution from this planning application has been secured.

The £45,000 contribution together with the £40,000 already secured would ensure the provision of a new play area within the locality.

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

1. This permission shall be read in conjunction with the parent planning permission BC49655P, the conditions of which remain valid except as amended under the terms of this approval.

*Reason:* In order to define the permission.

2. This permission relates to Amended Drawing No.AAJ4740/LS-1, Tree Inspection Report and Addendum and Schedule of Works submitted on 10<sup>th</sup> November 2006.

*Reason:* In order to define the permission.

3. All works shall be completed in accordance with the Schedule of Outstanding Works 10<sup>th</sup> July 2006 submitted on 10<sup>th</sup> November 2006, or in any event within 12 months of the date of this permission unless otherwise agreed in writing with the Local Planning Authority.

*Reason:* In order to define the permission, and secure the satisfactory development of the site.

4. The land the subject of this application shall be maintained in good condition for a period of 12 months following the grant of this permission, in accordance with the schedule of works submitted on 10<sup>th</sup> November 2006.

*Reason:* In order to define the permission and to safeguard the amenities of the area.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.16, GP2, GP3, ENV2, ENV18, ENV23, ENV32 and LC1 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,  
Regeneration  
On 12 December 2006

**REASON FOR BRINGING TO COMMITTEE:** Deferred from 30 August 2006 committee for wider public consultation.

**Application Number:** 02/1707/FL/E2

**Case Officer:** Devinder Matharu

**Application Type:** Full application

**Telephone Number:** 01922 652429

**Applicant:** Carol Meeson

**Agent:** M.J. Meeson

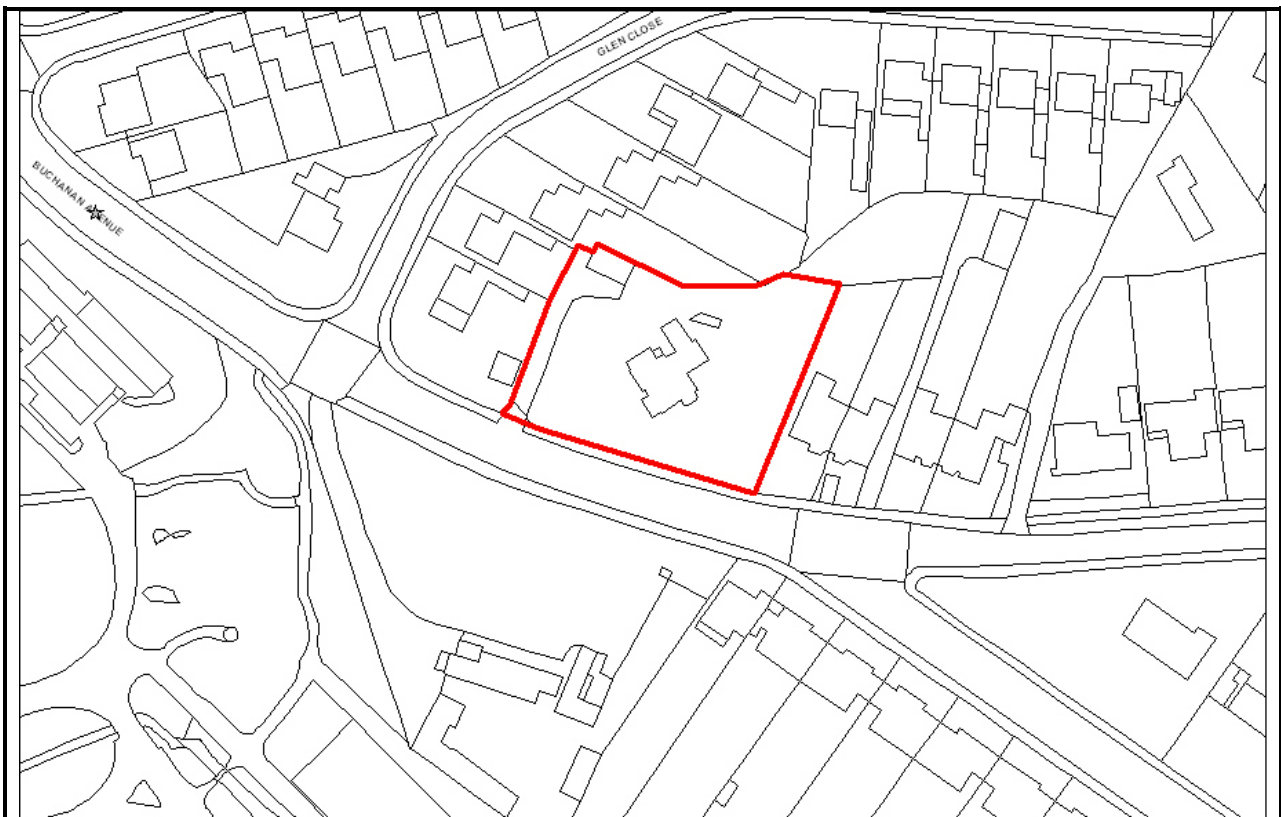
**Proposal:** Change of use from residential care home to 5 apartments

**Location:** 33, BUCHANAN AVENUE,  
WALSALL, WS4 2ER

**Ward:** Rushall-Shelfield

**Expired:** 25 November 2002

**Recommendation Summary:** Grant Permission Subject to Conditions



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### **Current Status**

This is a long standing application which was reported to the former Aldridge District Committee on 13<sup>th</sup> November 2002. The resolution of the committee was to delegate the application for approval subject to the applicant entering into a planning agreement under Policy 8.4 of the Walsall Unitary Development Plan 1995. The Policy enabled a financial contribution to be made in respect of residential development of 4 or more units in lieu of public open space provision. The application has remained current because the developer did not progress the agreement. The policy in the adopted Unitary Development Plan March 2005 no longer requires the applicant to enter into a planning agreement for such small developments. The application was reported to the Development Control Committee on 30 August 2006 when it was deferred for wider public consultation and consultation with ward members. The consultation period of 21 days has expired and no written representations have been received, therefore the report remains the same.

### **Application and Site Details**

The site lies within a residential area, where the properties along Buchanan Avenue are set back so that large front gardens are provided. The residential properties are set at a higher level than the public highway. Surrounding the site lie residential properties and to the south Moss Close Farm. Vehicular access to the site is available via the drive to the rear of 2 and 4 Glen Close.

This application seeks consent to convert this existing property from a residential care home to 5 no. flats. The care home has now closed and the property is currently empty.

The proposed conversion works are all internal. No extensions are proposed. The only proposed external works to the building are the insertion of a new access door in place of an existing window. Also, part of the hardsurfaced existing parking area to the rear of the premises would be extended slightly, by approximately 2m, to allow for additional parking spaces to be provided.

Two no. two bed flats and two no. one bed flats are proposed. The fifth flat would be a small bedsit.

The site lies within the Arboretum Conservation Area.

### **Relevant Planning History**

BC17145P/C - Change of Use to Home for the Elderly. Granted Subject to Conditions 13/10/86.

BC23258P/C - Extension to Home and Conversion of First Floor to Flat. Refused 3/8/88. Ministry Appeal Allowed 16/1/89.

BC33325P/C - Change of Use and Alterations to Increase Capacity to 13 Beds. Granted Subject to Conditions 28/8/91.

BC40712P/C - Change of Use and Alterations Creating Entrance Lobby and 2 Storey Lift Shaft. Granted Subject to Conditions after Local Appeal 17/2/94.



## **Relevant Planning Policy Summary**

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

Walsall Unitary Development Plan March 2005

Policies 2.2, 3.6, 3.7 and GP2 seek high quality design and access whilst protecting people from unacceptable noise, pollution and other environmental problems.

Policies ENV32, 3.16, 3.116 and H10 - seek the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites.

Policies ENV29 and 3.104 seeks to preserve or enhance the character and appearance of Conservation Areas.

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

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

Policy 7.36 PPG13 states that Local Authorities should use parking policies to promote sustainable transport choices and reduce the reliance on the car.

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

Policy T13 car parking standards

Residential Development Standards, April 2005 provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings. Garden dimensions should be 12 metres in length for the area of the garden outside the main windows of the rear of the house and a minimum of 68 square metres of garden space. A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height.

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## **National Policy**

Planning Policy Statement 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPG3: Housing, promotes sustainable development and the efficient use of previously developed land. It promotes the need for well designed new housing developments.

Consideration of design and layout must be formed by the wider context. Landscaping is an integral part of new development and opportunities for new planting should be taken.

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

### **Consultations**

**Transportation** - No objections

**Environmental Health & Consumer Services** - No observations.

**Environment Agency** - No objections.

**Drainage Division** - No objections.

**Chief Fire Officer** - Access requirements are acceptable following receipt of additional information on plan number 1744-3A.

**Regeneration, Conservation Officer** - No objections

### **Representations**

One letter of objection to this application from the occupiers of no.2 Glen Close, who immediately adjoin the application site and own the access drive right of way to the rear of the premises. They object to the provision of 3 extra parking spaces, which they consider would be an over-intensive use of the site and which would lead to an increased number of vehicles using the access drive. They also question whether the flats would be for sale or rent.

Letter from occupier of No 14 Buchanan Road expressing concern about what she considers to be an over intensive use of the site, the inadequate space for manoeuvring of cars at the rear of the site and the meagre floor dimensions for some of the bedrooms, which she considers out of keeping with a property of this age and style. She suggests a maximum of 3 apartments, with the existing extension to the side of the property being converted to one unit only, thus reducing the amount of cars.

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

### **Determining Issues**

The determining issues relate to:

- whether the proposed conversion to flats would have any undue impact on the amenities of neighbouring residents or the character and appearance of the Conservation Area.
- Whether the proposal complies with residential standards, including provision of an appropriate level of car parking and satisfactory fire access.

### **Observations**

**Impact on amenities of neighbouring properties and on the character and appearance of the Conservation Area.**

The proposed conversion works are all internal. No extensions to the premises are proposed. There would be a new door inserted in place of a window within the existing single storey modern extension to the original house. This would have no material impact on the appearance or character of the premises nor the Conservation Area.

No additional windows are proposed within the property. The orientation of existing windows avoids direct overlooking of neighbouring properties and complies with Council standards for distances between habitable room windows to adjoining dwellings. Furthermore, the rear and side of the building, (which has been extended) is single storey and given that the rear garden is set at a higher level, the proposal does not result in direct overlooking or loss of privacy. The way the building is positioned on the site, the windows do not directly overlook the habitable room windows of the residential properties surrounding the site.

I do not consider that the conversion of the property to 5 flats would so alter the character of the property from its previous use to an extent where neighbouring residents are likely to experience additional noise/disturbance. The essential nature of the use would remain residential. Indeed, such a private residential use for a relatively low number of flats may result in less comings and goings from visitors and service vehicles than the previous occupation by up to 13 residents plus staff.

### **Car parking and fire access**

The existing hardsurfaced parking area to the rear of the premises would be extended by a couple of metres to allow for additional parking spaces to be provided. The proposed extension of this area would be relatively minor and, although some existing shrub planting would be taken up, no trees would be affected. Because of this and as the car park is to the rear of the premises, again there would be no material impact on the character or appearance of the premises or the Conservation Area. Garden areas would remain to the front and rear of the premises for use of future occupiers of the new flats.

The extension of the car park would enable 9 parking spaces to be provided, which would be compliant with Unitary Development Plan standards for communal flat parking.

With regards to access for fire appliances, the details provided on the amended drawing are satisfactory for fire access.

The Council has now adopted a new Unitary Development Plan in March 2005, and under Policy LC1 there is a requirement for residential developments of 10 dwellings or more to provide public open space contribution. As this proposal falls under the threshold to enter into a planning obligation for contributions for public open space, the Council should no longer pursue the requirement to enter into a planning agreement for public open space contributions.

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

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

3) The development hereby approved shall only be carried out in accordance with drawing numbers 1744-2 and 1744-3A.

Reason: To ensure only the approved works are carried out.

4) No development shall commence on site until details of the bin store and location of the bin store on site have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used for the construction of this bin store and shall be maintained in perpetuity.

Reason: To ensure the satisfactory appearance of the development.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV32, ENV29, H3 and T13 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

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